

Tab 1	CS/SB 366 by MS, Burgess (CO-INTRODUCERS) Perry, Gruters ; (Similar to CS/H 00635) Dental Services for Indigent Veterans					
Tab 2	CS/SB 430 by GO, Powell ; (Similar to CS/CS/CS/H 00049) Abandoned and Historic Cemeteries					
Tab 3	SB 676 by Grall ; (Similar to CS/H 00249) Background Screenings					
699756	D	S	RCS	AP, Grall	Delete everything after	04/25 02:56 PM
Tab 4	SB 734 by Polsky (CO-INTRODUCERS) Pizzo ; (Identical to H 01079) Saltwater Intrusion Vulnerability Assessments					
Tab 5	CS/SB 838 by TR, Collins ; (Compare to CS/CS/CS/CS/H 00709) Proceeds Funding Motorcycle Safety Education					
504510	A	S	L RCS	AP, Collins	Delete L.46 - 120:	04/25 02:48 PM
Tab 6	CS/SB 1070 by TR, Hooper ; License Taxes					
Tab 7	CS/SB 1094 by GO, Martin ; (Identical to CS/H 00621) Death Benefits for Active Duty Servicemembers					
Tab 8	CS/SB 1130 by ACJ, Hutson (CO-INTRODUCERS) Thompson ; (Identical to CS/H 00977) Clerks of Court					
Tab 9	CS/SB 1156 by GO, Burton ; (Similar to CS/CS/H 01121) Florida Retirement System					
Tab 10	SB 1272 by Simon (CO-INTRODUCERS) Powell, Gruters, Garcia, Perry ; (Compare to CS/H 01019) Educational Grants					
590406	D	S	L RCS	AP, Simon	Delete everything after	04/25 02:49 PM
Tab 11	CS/CS/HB 1285 by APC, SAC, Giallombardo (CO-INTRODUCERS) Andrade, Basabe, Fabricio, Roth ; (Compare to 1ST ENG/S 02500) Florida State Guard					
Tab 12	HB 5101 by PKA, Tomkow ; (Compare to CS/CS/S 00202) Education					
154606	D	S	RS	AP, Perry	Delete everything after	04/25 03:12 PM
825760	SD	S	FAV	AP, Perry	Delete everything after	04/25 03:12 PM
Tab 13	HB 5303 by HCA, Garrison ; (Compare to CS/CS/CS/S 01664) Biomedical Research					
Tab 14	SB 7046 by RI ; (Identical to H 01091) Licensing Fee Relief					
Tab 15	SB 7058 by FT ; (Compare to H 07063) Internal Revenue Code					
Tab 16	SB 7062 by FT ; (Compare to H 00029) Taxation					
928628	A	S	RS	AP, Ingoglia	Delete L.1221 - 1321:	04/25 03:15 PM
978906	SA	S	RCS	AP, Ingoglia	Delete L.240 - 1321:	04/25 03:15 PM
186514	A	S	RCS	AP, Martin	btw L.2542 - 2543:	04/25 03:15 PM
846758	A	S	L WD	AP, Baxley	Delete L.2163 - 2165:	04/24 04:43 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Broxson, Chair
Senator Rouson, Vice Chair

MEETING DATE: Tuesday, April 25, 2023
TIME: 10:00 a.m.—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Broxson, Chair; Senator Rouson, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Davis, Grall, Gruters, Harrell, Hooper, Ingoglia, Martin, Perry, Pizzo, Polsky, and Powell

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 366 Military and Veterans Affairs, Space, and Domestic Security / Burgess (Similar CS/H 635)	Dental Services for Indigent Veterans; Establishing the Veterans Dental Care Grant Program within the Department of Veterans' Affairs; requiring the department to contract with a direct-support organization to administer the program; requiring the department to use a specified standard for determining indigency, etc. MS 03/29/2023 Fav/CS AHS 04/18/2023 Favorable AP 04/25/2023 Favorable	Favorable Yeas 18 Nays 0
2	CS/SB 430 Governmental Oversight and Accountability / Powell (Similar CS/CS/CS/H 49)	Abandoned and Historic Cemeteries; Creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program's director and requiring him or her to hire employees, subject to legislative appropriation; creating the Historic Cemeteries Program Advisory Council within the division; revising the definition of the term "conservation easement" to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries, etc. GO 03/15/2023 Fav/CS ATD 04/18/2023 Favorable AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0
3	SB 676 Grall (Similar CS/H 249)	Background Screenings; Revising level 2 screening requirements; requiring the Care Provider Background Screening Clearinghouse to allow the results of certain screenings after a date certain to be shared among specified agencies and qualified entities; revising requirements relating to background screenings for independent sanctioning authorities; revising requirements for the Criminal Justice Information Program relating to fingerprint searches; revising screening standard requirements for educator certification or employment in positions that require direct contact with certain students, etc. CJ 03/13/2023 Favorable ACJ 04/12/2023 Favorable AP 04/25/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 25, 2023, 10:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 734 Polsky (Identical H 1079)	Saltwater Intrusion Vulnerability Assessments; Authorizing the Department of Environmental Protection to provide grants to coastal counties for saltwater intrusion vulnerability assessments; requiring the department to update the comprehensive statewide flood vulnerability and sea level rise data set and make certain information received from the saltwater intrusion vulnerability assessments available on its website; requiring the department to provide cost-share funding up to a specified amount for awarded grants, etc. EN 03/14/2023 Favorable AEG 04/18/2023 Favorable AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0
5	CS/SB 838 Transportation / Collins (Compare CS/CS/CS/CS/H 709)	Proceeds Funding Motorcycle Safety Education; Requiring that the motorcycle safety education fee be used for a safety and education program administered by a certain not-for-profit corporation; providing requirements of the administrator of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into a certain contract for a specified purpose; specifying the requirements of the safety awareness and education programs; requiring the department to select an administrator and enter into a contract by a specified date, etc. TR 03/20/2023 Fav/CS ATD 04/18/2023 Favorable AP 04/25/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
6	CS/SB 1070 Transportation / Hooper	License Taxes; Imposing specified additional annual license taxes on electric vehicles; imposing specified additional annual license tax on plug-in hybrid electric vehicles; authorizing persons and entities to biennially renew vehicle registrations for electric vehicles and plug-in hybrid electric vehicles; specifying requirements for the use of the proceeds by local governments; providing for future expiration, etc. TR 03/20/2023 Fav/CS ATD 04/18/2023 Favorable AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 25, 2023, 10:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1094 Governmental Oversight and Accountability / Martin (Identical CS/H 621)	Death Benefits for Active Duty Servicemembers; Revising the amount and conditions of payment of death benefits; requiring that payment be made to the beneficiary through the process set out by the Department of Military Affairs; requiring the department to request the Chief Financial Officer to draw a warrant for payment of benefits from the General Revenue Fund, etc. GO 03/29/2023 Fav/CS ATD 04/18/2023 Favorable AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0
8	CS/SB 1130 Appropriations Committee on Criminal and Civil Justice / Hutson (Identical CS/H 977)	Clerks of Court; Revising the collections requirements of a clerk of court when a party petitions for a dissolution of marriage; revising the collections requirements of a clerk of court in probate matters; revising the collections requirements of a clerk of court in trial and appellate proceedings; revising the collections requirements of a clerk of court as it relates to fines, fees, service charges, and costs remitted to the state, etc. JU 03/29/2023 Favorable ACJ 04/18/2023 Fav/CS AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0
9	CS/SB 1156 Governmental Oversight and Accountability / Burton (Similar CS/CS/H 1121)	Florida Retirement System; Authorizing employers to establish post-employment volunteer programs to allow retirees to provide certain services during a specified timeframe; requiring such programs to meet specified criteria, etc. GO 03/22/2023 Fav/CS AP 04/25/2023 Favorable	Favorable Yeas 19 Nays 0
10	SB 1272 Simon (Compare CS/H 1019)	Educational Grants; Providing education grants under the William L. Boyd, IV, Effective Access to Student Education Grant Program to certain students who were eligible as of a specified date to receive grants under the former Access to Better Learning and Education Grant Program; providing education grants to students at for-profit colleges or universities under certain conditions; providing that participation in the grant program does not subject institutions to certain licensure requirements or the jurisdiction of a specified organization, etc. HE 03/15/2023 Favorable AED 04/18/2023 Favorable AP 04/25/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 25, 2023, 10:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/CS/HB 1285 Appropriations Committee / State Affairs Committee / Giallombardo (Compare H 5001, S 2500)	Florida State Guard; Revises provisions relating to FSG creation & authorization; provides number of volunteer personnel; establishes Division of State Guard within DMA; provides head of division is director appointed by Governor; removes provisions establishing authority of department & Adjutant General with respect to FSG; provides additional duties of division & director; revises qualifications for FSG applicants; requires specialized unit within FSG; revises criteria for FSG activation; repeals provisions relating to Florida State Defense Force. AP 04/25/2023 Favorable	Favorable Yeas 13 Nays 6
12	HB 5101 PreK-12 Appropriations Subcommittee / Tomkow (Compare CS/CS/CS/CS/H 1, H 5001, CS/CS/S 202, S 244, CS/S 1430, S 2500)	Education; Revises provisions relating to Just Read, Florida! Office, K-12 funding & FEFP, developmental research schools, FLVS, charter schools, & Family Empowerment Scholarship Program; & creates heroes in classroom sign-on bonus. AP 04/25/2023 Fav/1 Amendment	Fav/1 Amendment (Yeas 19 Nays 0
13	HB 5303 Health Care Appropriations Subcommittee / Garrison (Compare H 5001, S 2500)	Biomedical Research; Expands uses of Biomedical Research Trust Fund; authorizes specified amount from total appropriated funds for the Casey DeSantis Cancer Research Program to be distributed to participating cancer centers; requires report for specified statewide cancer statistics to include breast cancer; removes award of endowment for specified program. AP 04/25/2023 Favorable	Favorable Yeas 17 Nays 0
14	SB 7046 Regulated Industries (Identical H 1091)	Licensing Fee Relief; Requiring the Department of Business and Professional Regulation to waive a portion of the initial license application fee and the renewal fee for certain licenses; providing a maximum waiver; providing for expiration; providing an appropriation; providing for the disposition of any unexpended balance etc. AP 04/25/2023 Favorable	Favorable Yeas 17 Nays 0
15	SB 7058 Finance and Tax (Compare H 7063)	Internal Revenue Code; Revising the date of adoption of the Internal Revenue Code and other federal income tax statutes for purposes of the state corporate income tax; providing retroactive operation, etc. AP 04/25/2023 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Tuesday, April 25, 2023, 10:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 7062 Finance and Tax (Compare H 29, H 101, CS/H 475, H 499, H 529, CS/H 731, H 867, H 1153, CS/CS/CS/H 1343, H 7063, H 7071, S 114, S 184, CS/S 288, S 322, CS/S 358, CS/S 672, CS/CS/S 698, S 844, S 1052, CS/CS/S 1184, CS/S 1432, S 1706)	Taxation; Requiring that a referendum to reenact an expiring tourist development tax or tourist impact tax, respectively, be held at a general election; specifying that certain permanently and totally disabled veterans or their surviving spouses are entitled to, rather than may receive, a prorated refund of ad valorem taxes paid under certain circumstances; revising requirements for applying for property tax refunds due to catastrophic events; providing a sales tax exemption for the purchase of certain machinery and equipment relating to renewable natural gas; exempting from sales and use tax the retail sale of certain clothing, wallets, bags, school supplies, learning aids and jigsaw puzzles, and personal computers and personal computer-related accessories during specified timeframes; defining terms; exempting from sales and use tax specified disaster preparedness supplies during a specified timeframe, etc.	Fav/CS Yeas 17 Nays 0
		AP 04/25/2023 Fav/CS	

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 Appropriations

BILL: CS/SB 366

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess and others

SUBJECT: Dental Services for Indigent Veterans

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Gerbrandt</u>	<u>Money</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Gerbrandt</u>	<u>Sadberry</u>	<u>AP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 366 establishes the Veterans Dental Care Grant Program (Program) within the Department of Veterans' Affairs (department). The purpose of the Program is to provide dental care to indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the department to contract with a statewide direct-support organization (DSO) to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The department must use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

Funding for the Program is subject to legislative appropriation. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Federal Health Care Benefits for Veterans

Federal health care benefits are generally available to a veteran who served for 24 continuous months in the active military, naval, or air service, or as a current or former member of the Reserves or the National Guard if called to and completed active duty.¹ To qualify, a person must not have been discharged dishonorably. However, an upgraded discharge is recognized.²

Benefits include:

- Inpatient and outpatient care at U.S. Department of Veteran Affairs (VA) medical facilities;
- Prescription drugs from VA providers;
- Long-term care depending on needs, income, and space availability;
- Care from community health care providers when the VA cannot provide care;
- Mental health care; and
- Women's specialty health care.³

Unlike other health care benefits that are generally provided across the board, VA dental benefits are offered in limited circumstances if a veteran:

- Has a service-connected dental disability or condition (10% or greater rating) for which the veteran receives monthly compensation payments;
- Has a service-connected dental non-compensable dental condition or a disability (0% rating) resulting from combat or service trauma;
- Has service-connected disabilities rated 100% (total rating) disabling, or are unemployable and paid at the 100% rate due to service-connected conditions;
- Are a former prisoner of war;
- Has requested dental care within 180 days after discharge or release (under conditions other than dishonorable) from a period of active duty of 90 days or more (one time dental care);
- Has a dental condition clinically determined by the VA to be associated with and aggravating a service-connected medical condition;
- Is actively engaged in a Title 38, USC Chapter 31 Vocational Rehabilitation and Employment Program (limited dental care);
- Is receiving VA care or is scheduled for inpatient care and requires dental care for a condition complicating a medical condition currently under treatment; or
- Is enrolled in a qualifying VA sponsored homeless residential rehabilitation program for at least 60 days (one time dental care).⁴

¹ U.S. Dep't of Veterans Affairs, *Eligibility for VA Health Care*, available at <https://www.va.gov/health-care/eligibility/> (last visited Feb. 14, 2023).

² *Id.*

³ U.S. Gov't Online, *Health Benefits and Issues for Veterans*, available at <https://www.usa.gov/veteran-health#item-35807> (last visited Feb. 14, 2023).

⁴ U.S. Dep't. of Veterans Affairs, *Health Benefits*, available at https://www.va.gov/healthbenefits/resources/publications/IB10-442_dental_benefits_for_veterans.pdf (last visited Mar. 23, 2023).

Direct-Support Organization of the Department

The Florida Legislature authorized the department to establish a direct-support organization (DSO) in 2008.⁵ The DSO for the department is a not-for-profit corporation organized and operated exclusively to obtain funds, such as grants, gifts, and bequests of money.⁶ The DSO provides assistance and support to the department, veterans, and congressionally chartered veteran service organizations with subdivisions in the state.⁷ The DSO operates under a written contract with the department, is governed by a Board of Directors, and is subject to audit.⁸

The DSO for the department is the Florida Veterans Foundation. The foundation partners with state and local governments, veteran service organizations, and educational institutions to improve veterans' physical, financial, mental, emotional, and social well-being.⁹ The foundation is supported by individual and corporate donations, grants, fundraisers, and direct public support.

The foundation partners with the Florida Dental Association and the Florida Mission of Mercy Dental Clinic to provide no-cost dental services to veterans in need.¹⁰

Dental Service Programs

No-cost dental care is provided to veterans in need at two annual Florida events.

Stars, Stripes, & Smiles, a collaborative effort between a Florida congressman's office and a local county dental association, provides no-cost dental services to veterans.¹¹ Services provided through the annual event in West Pasco County are intended to afford veterans relief from dental pain and infection.¹² Services are funded through private donation and professional dentistry and other volunteers.

A second effort in the state to provide no-cost dental services to veterans is the Florida Mission of Mercy Dental Clinic.¹³ Part of an annual 2-day dental clinic, dentistry volunteers provide dental services to persons who are underserved and uninsured. The first day of the event is for veterans only.¹⁴ Services provided through the annual event afford recipients, including veterans, dental exams, cleanings, fillings, extractions, root canals, and limited dentures and partials.¹⁵

⁵ Section 292.055, F.S.; ch. 2008-4, Laws of Fla.

⁶ Section 292.055(2)(b)2., F.S.

⁷ *Id.*

⁸ Section 292.055(3), (4), and (8), F.S.

⁹ Florida Veterans Foundation, *About Florida Veterans Foundation*, available at <https://helpflvets.org/about/> (last visited Mar. 28, 2023).

¹⁰ Florida Veterans Foundation, *Special Veterans Projects*, available at <https://helpflvets.org/special-veteran-projects/> (last visited Mar. 28, 2023).

¹¹ Stars, Stripes, & Smiles, *Home*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023). The local association involved is the West Pasco Dental Association and the last event was held Nov. 4, 2022.

¹² Stars, Stripes, & Smiles, *About Us*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023).

¹³ By way of example, the 2022 event was held in Tallahassee, FL. Florida Veterans Foundation, *2022 Florida Mission of Mercy*, available at <https://www.floridadental.org/foundation/programs/mission-of-mercy> (last visited Mar. 24, 2023)

¹⁴ *Id.*

¹⁵ *Id.*

United States Federal Poverty Income Guidelines

Federal poverty income guidelines are annually updated.¹⁶ Current guidelines for 2023 provide the following for the 48 contiguous states¹⁷ and the District of Columbia:

Persons in Family/Household	Poverty Guideline
1	\$14,580
2	\$19,720
3	\$24,860
4	\$30,000
5	\$35,140
6	\$40,280 ¹⁸

Various federal programs use the guidelines, or percentage multiples of the guidelines, such as 125 percent or 185 percent of the guidelines, in determining eligibility for certain benefits. These include Head Start, the Supplemental Nutrition Assistance Program, the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children's Health Insurance Program.¹⁹

III. Effect of Proposed Changes:

The bill establishes the Veterans Dental Care Grant Program (Program) within the department. The purpose of the Program is to provide dental care to indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the Department of Veterans' Affairs (department) to contract with a statewide direct-support organization (DSO) to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The department shall use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

The bill requires the department to adopt rules to administer the Program and to specifically define in rule the terms "indigent veteran" and "underserved and critical need area."

Funding for the Program is subject to legislative appropriation.

¹⁶ U.S. Dep't of Health and Human Services, Office of the Asst. Secretary for Planning and Evaluation, *Poverty Guidelines, HHS Poverty Guidelines for 2023*, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Mar. 28, 2023).

¹⁷ *Id.* Poverty guidelines for Alaska and Hawaii are each separately calculated.

¹⁸ *Id.*

¹⁹ *Id.*

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Free dental care may financially benefit an eligible veteran who currently does not qualify through the U.S. Department of Veteran Affairs , and does not currently take advantage of the two annual no-cost dental care events provided to veterans in need.

In addition, private sector nonprofit dental care providers contracted by the direct-support organization to provide services would benefit from participating in the Veterans Dental Care Grant Program.

C. Government Sector Impact:

The bill has a significant negative fiscal impact on state expenditures due to the bill's provisions that require the Department of Veteran's Affairs to contract with a state-wide direct-support organization to administer the Veterans Dental Care Grant Program. However, the bill is subject to legislative appropriation. According to the department the bill will have an indeterminate negative fiscal impact, which can be absorbed within existing resources, from administrative tasks that may be required to implement the bill.

Tasks involve software development, licensing, IT support, and data storage. Additionally, the bill may have a federal impact resulting from access needs of federal databases.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not address whether an eligible veteran who receives federal dental benefits is precluded from participation in the Veterans Dental Care Grant Program.

VIII. Statutes Affected:

This bill creates section 295.157 of the Florida Statutes.

IX. Additional Information:

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute:

- Provides that dental services through the Veterans Dental Care Grant Program are for indigent veterans in underserved and critical need areas;
- Provides that the department must use the standard for determining indigency provided in the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services; and
- Requires the Department to define by rule “indigent veteran” and an “underserved and critical need area.”

- B. Amendments:

None.

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

²⁰ Florida Dep’t of Veterans’ Affairs, *2023 Agency Legislative Bill Analysis on SB 366* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senators Burgess, Perry, and Gruters

583-03299-23

2023366c1

A bill to be entitled

An act relating to dental services for indigent veterans; creating s. 295.157, F.S.; providing legislative findings and intent; defining terms; establishing the Veterans Dental Care Grant Program within the Department of Veterans' Affairs; specifying the purpose of the program; requiring the department to contract with a direct-support organization to administer the program; requiring the department to use a specified standard for determining indigency; requiring the department to adopt rules; providing that program funding is subject to legislative appropriation; providing an effective date.

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

Section 1. Section 295.157, Florida Statutes, is created to read:

295.157 Veterans Dental Care Grant Program.—

(1) The Legislature finds that veterans are not afforded dental care after serving in the United States Armed Forces unless they are totally and permanently disabled or have a direct service-connected injury impacting their oral health. The Legislature further finds that this has left many veterans without access to routine dental care for many years and has resulted in severe dental conditions that worsen due to a lack of access to proper dental treatment. It is the intent of the Legislature to create the Veterans Dental Care Grant Program to provide indigent veterans in underserved and critical need areas

Page 1 of 3

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

583-03299-23

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the opportunity to access routine dental care after they conclude their service protecting this country's freedom.

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

(a) "Department" means the Department of Veterans' Affairs.

(b) "Veteran" has the same meaning as in s. 1.01(14). The term includes all members of the Florida National Guard and United States Reserve Forces who were discharged or released under honorable conditions only, or who later received an upgraded discharge under honorable conditions.

(3) The Veterans Dental Care Grant Program is established within the Department of Veterans' Affairs. The purpose of the program is to provide oral health care to indigent veterans who reside in underserved and critical need areas of this state.

(4) (a) The department shall contract with a statewide direct-support organization to administer the Veterans Dental Care Grant Program. The statewide direct-support organization must have proven experience developing and implementing veteran-relevant programs, including dental service programs. The organization is responsible for distributing grants to eligible nonprofits that have experience in providing dental care to veterans.

(b) The department shall use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services.

(5) The department shall define by rule the terms "indigent veteran" and "underserved and critical need area" and shall adopt rules to administer the program.

(6) Funding for the program is subject to appropriation by

Page 2 of 3

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

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2023366c1

59 the Legislature.

60 Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 19, 2023

I respectfully request that **Senate Bill #366**, relating to Dental Care for Indigent Veterans, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written above a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

4/25/23

Meeting Date

Appropriations

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 366

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Alexandra Abboud (Ah-booed)**

Phone **850.224.1089**

Address **118 E Jefferson Street**

Email **aabboud@floridadental.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:

Florida Dental Association

☐ 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](#) ([flisenate.gov](#))

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

5-001 (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 Appropriations

BILL: CS/SB 430

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Powell

SUBJECT: Abandoned and Historic Cemeteries

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2. <u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	Favorable
3. <u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 430 creates the Historic Cemeteries Program (Program) within the Division of Historical Resources (Division). The bill establishes the responsibilities of the Program and specifies the entities to which the Program can provide grants. The bill provides that the State Historic Preservation Officer (Officer) shall serve as the director of the Program and employ three full-time employees to operate the Program, subject to appropriation of funds.

The bill establishes the Historic Cemeteries Program Advisory Council (Council) within the Division. The bill provides that the Secretary of State will appoint members to the Council to staggered terms, who must be regionally distributed and representative of communities throughout the state. The bill establishes the duties and responsibilities of the Council and provides that the members serve without compensation, but may receive per diem and reimbursement for travel expenses.

The bill amends the definition of “legally authorized person” to include members of representative community organizations. The bill also amends the definition of “conservation easement” to include abandoned and neglected cemeteries that are 50 or more years old.

The Department of State will incur insignificant costs associated with the Historic Cemeteries Program Advisory Council. Otherwise, the bill, without an appropriation by the Legislature, is not expected to impact state and local government expenditures.

The bill takes effect July 1, 2023.

II. Present Situation:

Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹ The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.²

Division of Historical Resources

The DOS's Division of Historical Resources (Division) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The Division Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.³

Advisory Councils

Advisory councils are an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.⁴ The Division receives assistance, guidance, and support from the following advisory councils:

- Florida Historical Commission;
- Florida National Register Review Board;
- State Historical Marker Council; and
- Great Floridian Ad Hoc Selection Committee.⁵

¹ Section 20.10(1), F.S.

² Section 15.01(1), F.S.

³ Florida Department of State, Florida Division of Historical Resources, *About*, available at <https://dos.myflorida.com/historical/about/> (Last visited Mar. 6, 2023).

⁴ Section 20.03(7), F.S.

⁵ Florida Department of State, Florida Division of Historical Resources, *Advisors*, available at <https://dos.myflorida.com/historical/about/advisors/> (Last visited Mar. 6, 2023).

Reimbursement of Travel Expenses and Per Diem for Public Officers

The rates, procedures, and limitations placed on the use of taxpayer funds for travel by state and local government employees and officers is standardized by general law.⁶ For public officers and employees, all travel must be authorized and approved by the head of the employing agency.⁷ The travel request must be accompanied by a signed statement by the traveler's supervisor stating the purpose of the travel and that such travel is for official business. The agency head may only pay for travel expenses necessary to achieve the public purpose and subject to limitations established by state law.⁸

Public officers and employees may also receive reimbursement for transportation expenses.⁹ Travel is reimbursed according to a usually traveled route, with any costs associated with deviation from that route being borne by the traveler. The agency head or designee must determine the most economical method of travel considering the nature of the business, the most efficient and economical means of travel (including a consideration of time and impact on productivity of the traveler), and the number of persons making the trip.¹⁰ If the traveler pays for the cost of official travel out of pocket, the traveler must provide documentation for reimbursement.¹¹ Use of a personal vehicle for official business is reimbursed to the traveler at the rate of 44.5 cents per mile, or at the common carrier fare for such travel.¹² Mileage is calculated based on the current map of the Department of Transportation, plus vicinity mileage traveled for the conduct of official business.¹³

Historic and Abandoned Cemeteries Regulation

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.¹⁴ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.¹⁵

Section 497.005(13), F.S., defines the term "cemetery" to mean:

⁶ Section 112.061, F.S.

⁷ Section 112.061(3)(a), F.S. (travel must be approved by "head of the agency"). The "head of the agency" is defined as the highest policymaking authority of a public agency. Section 112.061(2)(b), F.S.

⁸ Section 112.061(3)(b), F.S.

⁹ See s. 112.061(7), F.S.

¹⁰ Section 112.061(7)(a), F.S.

¹¹ Section 112.061(7)(c), F.S.

¹² Section 112.061(7)(d)1., F.S.

¹³ Section 112.061(7)(d)3., F.S.

¹⁴ See Section 497.001, F.S.

¹⁵ Sections 497.101, F.S., and 497.103, F.S.

[A] place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.

The Act allows graves to be moved – disinterment and reinterment.¹⁶ Disinterment and reinterment must be made in the physical presence of a licensed funeral director, unless reinterment occurs in the same cemetery.¹⁷ Further, the funeral director must obtain written authorization from a legally authorized person or court of competent jurisdiction prior to any disinterment and reinterment.

Section 497.005(43), F.S., defines the term “legally authorized person” by providing a priority listing which begins with the decedent (when written inter vivos authorizations and directions are provided by the decedent) and includes relatives of the decedent.¹⁸ Additionally, the definition provides for other persons who may qualify— such as a public health officer, medical examiner or county commission – should a family member not exist or be available.¹⁹ Thus, if a legally authorized person is not available, a court of competent jurisdiction may provide the written authorization prior to the disinterment and reinterment of a dead human body.²⁰

Section 497.284, F.S., governs abandoned cemeteries, and authorizes counties and municipalities, upon notice to the Department of Financial Services, to maintain and secure an abandoned cemetery or one that has not been maintained for more than six months. The solicitation of private funds and the expenditure of public funds are authorized for such maintenance and security.²¹ These efforts of maintenance and security are statutorily exempt from civil liabilities or penalties for damages to property at the cemetery.²² Additionally, the county or municipality is permitted to maintain an action against the cemetery owner to recover costs for maintenance or security.²³

Willfully and knowingly disturbing the contents of a grave or tomb is a second-degree felony.²⁴ The foregoing offenses do not apply to:

- Any person acting under the direction or authority of the Division within DOS;²⁵
- Cemeteries operating under ch. 497, F.S.;
- Any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster; or

¹⁶ See Section 497.384, F.S.

¹⁷ Section 487.384(1), F.S.

¹⁸ Section 497.005(43), F.S.

¹⁹ *Id.*

²⁰ Section 497.384(3), F.S.

²¹ *Id.*

²² Section 497.284(2), F.S.

²³ Section 497.284(3), F.S.

²⁴ Section 872.02(1), F.S. A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁵ Section 872.02(2), F.S. A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

- Any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents.²⁶

Abandoned Cemeteries

Zion Cemetery

Zion Cemetery was founded in 1901.²⁷ It is believed to be Tampa's first cemetery for African-Americans with room for approximately 800 graves.²⁸ Sometime after 1925, Zion Cemetery disappeared from city maps.²⁹ In 1951, the Tampa Housing Authority (THA) started construction on the Robles Park Apartments on land that includes part of the Zion Cemetery site. The construction crews found several unmarked graves and three caskets.³⁰

Upon learning that the Zion Cemetery might still lie beneath at least a portion of its Robles Park Village Apartments, the THA organized a consultation committee and hired archaeologists to survey its property. In August 2019, archeologists used ground-penetrating radar and discovered what they believe to be 126 caskets beneath the THA land.³¹ The THA spent between \$70,000 and \$80,000 to relocate about 29 families who occupied five buildings within the housing complex.³² The goal, according to the THA, is to “demolish the five buildings that sit on top of the cemetery and create a memorial park that honors those resting underground. The rest of Robles Park Village will eventually be demolished and redeveloped as a mixed-income community.”³³

Ridgewood Cemetery

In October 2019, the Hillsborough County School District (HCSD) learned that the old Ridgewood Cemetery might have been located at the southeast corner of the King High School campus, which is now occupied by a small building and open land used for the agricultural

²⁶ The powers and duties of the Division are set forth in s. 267.031, F.S. Subject to some limitations, a state archaeologist, as employed by the Division, may assume jurisdiction over an unmarked human burial site in order to initiate efforts for the proper protection of the burial and the human skeletal remains and associated burial artifacts. See ss. 872.05(4)-(6), F.S.

²⁷ Mark Schreiner, *Zion Cemetery: What's Happened So Far And What's Next*, WUSF Public Media (Oct. 16, 2019), available at <https://wusfnews.wusf.usf.edu/university-beat/2019-10-16/zion-cemetery-whats-happened-so-far-and-whats-next> (last visited Mar. 9, 2023).

²⁸ Paul Guzzo, *A community, not Just Zion Cemetery, Disappeared to Build Homes for Whites*, Tampa Bay Times, (Jan. 8, 2020), available at <https://www.tampabay.com/news/hillsborough/2019/11/04/a-community-not-just-zion-cemetery-disappeared-to-build-homes-for-whites/#talk-wrapper> (last visited Mar. 9, 2023).

²⁹ Schreiner, *supra* note 35.

³⁰ Paul Guzzo, *Key Dates in the History of Tampa's Forgotten Zion Cemetery*, Tampa Bay Times, Jun. 19, 2019 (updated Jan. 13, 2020), available at <https://www.tampabay.com/florida/2019/06/23/key-dates-in-the-history-of-tampas-forgotten-zion-cemetery> (last visited Feb. 14, 2023).

³¹ Paul Guzzo, *Richard Gonzmart Believes no Coffins will be Found on his Zion Cemetery Land*, Tampa Bay Times (Sep. 24, 2019), available at <https://www.tampabay.com/news/hillsborough/2019/09/24/richard-gonzmart-believes-no-coffins-will-be-found-on-his-zion-cemetery-land/> (last visited Mar. 9, 2023).

³² Emerald Morrow, *Lost African American Grave Discoveries Highlight the Need for Affordable Housing*, 10News WTSP (Feb. 24, 2020), available at <https://www.wtsp.com/article/news/special-reports/erased/lost-graves-from-zion-highlights-affordable-housingcrunch/67-25fe2f5e-5476-4152-823f-59280cd7fb0f> (last visited Mar. 9, 2023); see also Divya Kumar, *Tenant Leaders Seek Quicker Relocation for People Living Near Zion Cemetery*, Tampa Bay Times (Oct. 10, 2019), available at <https://www.tampabay.com/news/tampa/2019/10/10/tenant-leaders-seek-quicker-relocation-for-people-living-near-zion-cemetery> (last visited Mar. 9, 2023).

³³ Morrow, *supra* note 40.

program.³⁴ Ridgewood was designated as a pauper's cemetery and at least 280 people (mostly African Americans) were buried there between 1942 and 1954.³⁵

The HCSD hired a geotechnical firm to conduct a survey using a ground penetrating radar to look for any signs of the lost Ridgewood Cemetery on the campus. On November 20, 2019, the HCSD released the results of the survey. The survey of the southern edge of the King High School campus showed evidence of burials of approximately 145 graves; however, there was no evidence of burials or graves on the northeast corner of the campus.³⁶

On November 21, 2019, the HCSD notified the county Medical Examiner in Hillsborough County and the Division of the unmarked human burials³⁷ found on the King High Campus. When an unmarked human burial is discovered (other than during an authorized archaeological excavation)³⁸ all disturbing activity of the burial must cease, and the district medical examiner must be notified.³⁹ Activity may not resume until authorized by the district medical examiner or the state archaeologist.⁴⁰

On February 15, 2021, the HCSD unveiled design plans for a monument intended to pay tribute to the deceased buried in the cemetery.⁴¹ If approved by the community, the monument will be erected on a 1-acre site on the campus of King High School.⁴²

Memorial Park Cemetery

During segregation, the Tampa area had several burial sites for African American residents. Most were abandoned and built over; however, Memorial Park Cemetery was purchased by John Robinson in 1929 who operated the cemetery until his recent death in 2019. The City of Tampa then began maintaining the 20-acre cemetery with at least 13,000 unmarked graves and 6,000

³⁴ Paul Guzzo, Records Show King High Gym may have been Built atop Paupers Cemetery, Tampa Bay Times (Oct. 23, 2019), available at <https://www.tampabay.com/news/education/2019/10/22/map-shows-king-high-gym-may-have-been-built-atop-paupers-cemetery> (last visited Mar. 9, 2023).

³⁵ Lori Rozsa, *Lost Lives, Fresh Heartache as a Black Cemetery is Found Buried under a High School*, Washington Post (November 24, 2019), available at https://www.washingtonpost.com/national/lost-lives-fresh-heartache-as-a-black-cemetery-is-found-buried-under-a-high-school/2019/11/24/5e755e4a-0ed4-11ea-bf62-eadd5d11f559_story.html (last visited Mar. 9, 2023). Hillsborough County School District, Press Release, School District Releases Findings from Scans on King High School Property, Nov. 20, 2019, available at <https://www.sdhc.k12.fl.us/newsdesk/article/1578/school-district-releases-findings-from-scans-on-king-highschool-property> (last visited Mar. 9, 2023).

³⁶ Emerald Morrow, *145 coffins found at King High School, part of an erased African American cemetery in Tampa*, 10 Tampa Bay Times (Dec. 3, 2019) available at <https://www.wtsp.com/article/news/local/hillsboroughcounty/king-high-school-african-american-cemetery-graves-found/67-9620c608-857e-4ba4-820b-2cf53667a099> (last visited Mar. 9, 2023).

³⁷ Section 872.05(2)(f), F.S., defines the term "unmarked human burial" as any human skeletal remains or associated burial artifacts or any location, including any burial mound or earthen or shell monument, where human skeletal remains or associated burial artifacts are discovered or believed to exist on the basis of archaeological or historical evidence, excluding any burial marked or previously marked by a tomb, monument, gravestone, or other structure or thing placed or designed as a memorial of the dead.

³⁸ Section 872.05(5), F.S., provides for a similar process if an unmarked human burial is discovered during an authorized archeological excavation.

³⁹ Section 872.05(4), F.S.

⁴⁰ *Id.*

⁴¹ D'Ann Lawrence White, *District Unveils Memorial to Lost Black Cemetery at High School*, Patch.com (Feb. 16, 2021), available at <http://www.thafl.com/docs/uploads/2021-02-16%20District%20Unveils%20Memorial.pdf> (last visited Mar. 9, 2023).

⁴² *Id.*

headstones. The city hoped to take official ownership by placing a lien, foreclosing, and purchasing the property at county auction. However, the city was outbid by a company that specializes in buying and reselling foreclosed property. The company expressed its intent to maintain and ultimately sell the property.⁴³

Conservation Easements

A conservation easement is a right or interest in real property which is appropriate to retain land or water areas predominantly in their natural, scenic, open, agricultural or wooded condition. Conservation easements are meant to retain areas as suitable habitat for fish, plants or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance. The purpose of a conservation easement is accomplished by restricting development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in their natural condition. A conservation easement must prohibit or limit any or all of the following:

- Construction or placement of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removing loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearances of sites or properties of historical, architectural, archaeological, or cultural significance.⁴⁴

Section 704.06(3), F.S., dictates that conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance.

Section 704.06(11), F.S., dictates that no law may prohibit or limit the owner of land or the owner of a conservation easement from voluntarily negotiating the sale or use of such land or easement for the construction and operation of linear facilities, to include; electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related

⁴³ Paul Guzzo, *Tampa loses control of historic Black cemetery. A property flipper now owns it*, Tampa Bay Times (Jan. 31, 2023), available at <https://www.tampabay.com/life-culture/history/2023/01/30/tampa-loses-control-historic-black-cemetery-property-flipper-now-owns-it/> (last visited Mar. 9, 2023).

⁴⁴ Section 704.06(1), F.S.

appurtenances. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement and linear facilities in determining which lands may be taken and the compensation paid.⁴⁵

III. Effect of Proposed Changes:

Section 1 creates s. 267.21, F.S., to establish the Historic Cemeteries Program within the Division. The bill designates the State Historic Preservation Officer (Officer) as the director of the Program. Subject to legislative appropriation, the section requires the Officer to employ three full-time employees to operate the program.

Section 1 provides that the program will have the following duties and responsibilities:

- Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries established at least 50 years ago.
- Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.
- Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.
- Coordinate with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.
- Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.
- When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.
- Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.
- In coordination with the Department of Education, develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.
- Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

Section 1 also provides that the Program shall provide grants, subject to legislative appropriation to the following entities:

- Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.
- Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

Section 1 grants the Division rulemaking authority to implement the Program.

⁴⁵ Section 704.06(11)(a), F.S.

Section 2 creates s. 267.22, F.S., to establish the Historic Cemeteries Program Advisory Council (Council) within the Division. The Council must be composed of members who are regionally distributed and representative of communities throughout Florida. The members shall be appointed by the Secretary of the State to serve staggered terms. Half of the members will serve 2-year terms, and the other half 4-year terms, but all subsequent appointments will be for 4-year terms. The section requires the Council to meet as soon as practicable after July 1, 2023 to elect a chair from its membership. The section requires that the Council provide guidance and recommendations to the Division regarding the duties and responsibilities of the Historic Cemeteries Program. The members will serve without compensation but may receive per diem and reimbursement for travel expenses.

Section 3 amends s. 497.005, F.S., to expand the definition of “legally authorized person” to include a member of a representative community organization. Thus allowing a member of a representative community organization to provide written authorization to a funeral director prior to the disinterment and reinternment of a dead human body.

Section 4 amends s. 704.06, F.S., to expand the definition of “conservation easement” to include abandoned and neglected cemeteries that are at least 50 years old, and prohibits acts or uses that are detrimental to the preservation of the structural integrity or physical appearance of abandoned and neglected cemeteries that are at least 50 years old. The section also authorizes any governmental body or agency or a charitable corporation or trust whose purposes include preserving sites or properties of historical, architectural, archeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old to acquire a conservation easement.

Section 5 provides the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 1 creates the Historic Cemeteries Program and authorizes the State Historic Preservation Officer to employ three full-time employees to operate the program, subject to legislative appropriation. The Department of State (DOS) has stated that the total costs of the three positions to be approximately \$247,301.⁴⁶

Section 1 also requires the Historic Cemeteries Program to develop a curriculum relating to abandoned and historic cemeteries, in coordination with the Department of Education (DOE). As such, the DOS and DOE may incur costs associated with developing the curriculum.

Section 1 requires, subject to legislative appropriation, the Historic Cemeteries Program to provide grants for certain entities to conduct research, repair, restore, or maintain abandoned African American cemeteries. It is unknown how many entities could be provided grants and for what amount, but there will likely be an indeterminate significant negative fiscal impact to the extent an appropriation is provided.

Section 2 creates the Historic Cemeteries Program Advisory Council (Council). The members will not be provided compensation but are authorized to receive per diem and reimbursement for travel expenses as provided in law. It is anticipated that these costs will be absorbed within the DOS's current resources.

VI. Technical Deficiencies:

The bill does not specify the amount of members to serve on the Council. Consideration should be given to specify how many members will serve on the Council.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 497.005 and 704.06.

⁴⁶ Department of State, *2022 Agency Legislative Bill Analysis* (Mar. 6, 2023) (on file with the Senate Committee on Governmental Oversight and Accountability).

This bill creates the following sections of the Florida Statutes: 267.21 and 267.22.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on March 15, 2023:

The committee substitute:

- Clarifies how to stagger the terms for the members of the Historic Cemeteries Program Advisory Council. Half of the initial members will serve 2-year terms, and the other half 4 year terms, but all subsequent appointments will be for 4-year terms.
- Deletes the provision providing the state an easement for ingress and egress.
- Removes the requirement that the Legislature appropriate funds to include abandoned African American cemeteries in the University of South Florida's Black Cemetery Network.

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Powell

585-02614-23

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A bill to be entitled

An act relating to abandoned and historic cemeteries; creating s. 267.21, F.S.; creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program's director and requiring him or her to hire employees, subject to legislative appropriation; providing the duties and responsibilities of the program; requiring the program to provide grants, subject to legislative appropriation, to certain entities for certain purposes; authorizing the division to adopt rules; creating s. 267.22, F.S.; creating the Historic Cemeteries Program Advisory Council within the division; providing for membership, terms, and duties of the council; providing that members shall serve without compensation but may be reimbursed for per diem and travel expenses; amending s. 497.005, F.S.; revising the definition of the term "legally authorized person" to include a member of a representative community organization; amending s. 704.06, F.S.; revising the definition of the term "conservation easement" to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries; authorizing certain entities to acquire conservation easements to preserve certain cemeteries; providing an effective date.

Page 1 of 7

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

Section 1. Section 267.21, Florida Statutes, is created to read:

267.21 Historic Cemeteries Program.—

(1) The Historic Cemeteries Program is created within the division. The State Historic Preservation Officer shall serve as the director of the program and shall, subject to legislative appropriation, employ three full-time employees to operate the program. The program shall have the following duties and responsibilities:

(a) Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries in this state established at least 50 years ago.

(b) Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.

(c) Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.

(d) Coordinate with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.

(e) Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.

(f) When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with

Page 2 of 7

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efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.

(g) Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.

(h) In coordination with the Department of Education, develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.

(i) Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

(2) The Historic Cemeteries Program shall, subject to legislative appropriation, provide grants to the following entities:

(a) Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

(b) Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(3) The division may adopt rules to implement this section.

Section 2. Section 267.22, Florida Statutes, is created to read:

267.22 Historic Cemeteries Program Advisory Council.—

(1) The Historic Cemeteries Program Advisory Council, an

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advisory council as defined in s. 20.03(7), is created within the division and shall be composed of members appointed by the Secretary of State after considering the recommendations of the director of the division. The council shall be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state. Members shall serve 4-year terms; however for the purpose of providing staggered terms, half of the appointees shall initially be appointed to 2-year terms, while the other half shall initially be appointed to 4-year terms. All subsequent appointments shall be for 4-year terms. As soon as practicable after July 1, 2023, the council shall meet to elect a chair from its membership. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations to the division regarding the duties and responsibilities of the Historic Cemeteries Program created under s. 267.21.

(3) Members of the council shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

Section 3. Subsection (43) of section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter, the term:

(43) "Legally authorized person" means, in the priority listed:

(a) The decedent, when written inter vivos authorizations and directions are provided by the decedent;

(b) The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as

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117 listed on the decedent's United States Department of Defense
 118 Record of Emergency Data, DD Form 93, or its successor form, if
 119 the decedent died while in military service as described in 10
 120 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
 121 Armed Forces, United States Reserve Forces, or National Guard;
 122 (c) The surviving spouse, unless the spouse has been
 123 arrested for committing against the deceased an act of domestic
 124 violence as defined in s. 741.28 that resulted in or contributed
 125 to the death of the deceased;
 126 (d) A son or daughter who is 18 years of age or older;
 127 (e) A parent;
 128 (f) A brother or sister who is 18 years of age or older;
 129 (g) A grandchild who is 18 years of age or older;
 130 (h) A grandparent; or
 131 (i) Any person in the next degree of kinship.

132
 133 In addition, the term may include, if no family member exists or
 134 is available, the guardian of the dead person at the time of
 135 death; the personal representative of the deceased; the attorney
 136 in fact of the dead person at the time of death; the health
 137 surrogate of the dead person at the time of death; a public
 138 health officer; the medical examiner, county commission, or
 139 administrator acting under part II of chapter 406 or other
 140 public administrator; a representative of a nursing home or
 141 other health care institution in charge of final disposition; or
 142 a friend or other person, including a member of a representative
 143 community organization, not listed in this subsection who is
 144 willing to assume the responsibility as the legally authorized
 145 person. Where there is a person in any priority class listed in

585-02614-23

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146 this subsection, the funeral establishment shall rely upon the
 147 authorization of any one legally authorized person of that class
 148 if that person represents that she or he is not aware of any
 149 objection to the cremation of the deceased's human remains by
 150 others in the same class of the person making the representation
 151 or of any person in a higher priority class.

152 Section 4. Subsections (1) and (3) of section 704.06,
 153 Florida Statutes, are amended to read:

154 704.06 Conservation easements; creation; acquisition;
 155 enforcement.—

156 (1) As used in this section, "conservation easement" means
 157 a right or interest in real property which is appropriate to
 158 retaining land or water areas predominantly in their natural,
 159 scenic, open, agricultural, or wooded condition; retaining such
 160 areas as suitable habitat for fish, plants, or wildlife;
 161 retaining the structural integrity or physical appearance of
 162 sites or properties of historical, architectural,
 163 archaeological, or cultural significance, including abandoned
 164 and neglected cemeteries that are at least 50 years old; or
 165 maintaining existing land uses and which prohibits or limits any
 166 or all of the following:

167 (a) Construction or placing of buildings, roads, signs,
 168 billboards or other advertising, utilities, or other structures
 169 on or above the ground.

170 (b) Dumping or placing of soil or other substance or
 171 material as landfill or dumping or placing of trash, waste, or
 172 unsightly or offensive materials.

173 (c) Removal or destruction of trees, shrubs, or other
 174 vegetation.

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(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old.

(3) Conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance, including abandoned and neglected cemeteries that are at least 50 years old.

Section 5. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Appropriations

Subject: Committee Agenda Request

Date: April 19, 2023

I respectfully request that **Senate Bill #430**, relating to Abandoned & Historic Cemeteries, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 24

April 25, 2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

CS/SB 430 ✓

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Roberto Fernandez III

Phone

Address 12735 NW 15th St

Street

Email HistoryBroward@gmail.com

Sunrise FL 33323

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)

4/25/2023

Meeting Date

Appropriations

Committee

Name **Lonnie Mann**

Address **1120 E. Windwood Way**

Street

Tallahassee

City

FL

State

32311

Zip

The Florida Senate
APPEARANCE RECORD

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430

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **(850) 766-1472**

Email **bscotch@embarqmail.com**

X

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

S-001 (08/10/2021)

4/25/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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430

Bill Number or Topic

Committee

Name

Melissa Wyllie

Phone

~~850~~ 850-224-8128

Address

906 E Park

Email

mwylle@FloridaTrust.org

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:

Florida Trust
for Historic Preservation

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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4/25/23
Meeting Date
Sen. Appropriations
Committee

SB 430/Cemeteries
Bill Number or Topic

Name Paul Owens Phone 407-222-2301

Address 308 N. Monroe St.
Street
Tallahassee, FL 32301
City State Zip

Email powense@1000fof.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:

1000 Friends of FL

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

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

S-001 (08/10/2021)

April 25, 2023

The Florida Senate
APPEARANCE RECORD

430

Meeting Date

Appropriations

Bill Number or Topic

Committee

Pamela Burch Fort

Amendment Barcode (if applicable)

850-425-1344

Name

Phone

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

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:

NAACP Florida State Conference

☐

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. 511.045 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 Appropriations

BILL: CS/SB 676

INTRODUCER: Appropriations Committee and Senator Grall

SUBJECT: Background Screenings

DATE: April 27, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Stokes	CJ	Favorable
2. Kolich	Harkness	ACJ	Favorable
3. Kolich	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 676 modifies current background screening standards and requirements for individuals who work with children and other vulnerable persons. The bill:

- Requires a Level 2 security background investigation of current or prospective employees to include a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resides during the immediate preceding 5 years.
- Authorizes qualified entities to conduct background screenings using the Care Provider Background Screening Clearinghouse (Clearinghouse).
- Requires a qualified entity that chooses to use the Clearinghouse to comply with all Clearinghouse requirements and processes for background screening required by law.
- Requires the Agency for Health Care Administration (AHCA) to review and determine eligibility for all criminal history checks submitted to the Clearinghouse for the Department of Education (DOE) beginning January 1, 2025, or a later date determined by the AHCA, and qualified entities beginning January 1, 2026, or a later date established by the AHCA.
- Updates the rescreening schedule for the DOE because the Clearinghouse will not be ready for the DOE until 2025.
- Requires the Florida Department of Law Enforcement (FDLE) to develop a method for identifying or verifying an individual through automated biometrics for federal approval.
- Requires Level 2 screenings for youth athletic coaches (currently, Level 1 screenings) and removes the 20 hour minimum work requirement.
- Revises the background screening standards for individuals who have direct contact with a student in a district school system, a charter school, or a private school that participates in a

state scholarship program by replacing the list of disqualifying offenses with the level 2 screening standard in s. 435.04(2), F.S.

- Requires the AHCA to review and determine the eligibility of the following individuals beginning January 1, 2025, or a later date determined by the AHCA:
 - Employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under ch. 1002, F.S.; and
 - Noninstructional contractors who are permitted access to school grounds when students are present.

The bill also provides that, for the 2023-2024 fiscal year, the sums of \$400,000 in recurring funds from the Health Care Trust Fund and \$4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the AHCA.

Section 11 of the bill, which contains the appropriations, takes effect July 1, 2023. Changes made to s. 435.12, F.S., in Section 3 of the bill must be implemented by January 1, 2025, or a later date as determined by the AHCA. Except as otherwise expressly provided in the bill and except for Section 13, the effective date section of the bill, which takes effect upon the bill becoming law, the bill takes effect July 1, 2024.

II. Present Situation:

Individuals who work with children and other vulnerable persons are required to undergo criminal background screening. Depending on the role of the individual or the agency responsible, the individual may be screened by the FDLE through the Volunteer Employee Criminal History System (VECHS), the Florida Shared School Results (FSSR) system, or the AHCA's Clearinghouse. However, screening results are only shared among employers through the FSSR system or the AHCA's Clearinghouse.

Employee Background Screenings

Florida law provides standard procedures for screening a prospective employee where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.¹

Current law establishes standard procedures for criminal history background screening of prospective employees; ch. 435, F.S., outlines the screening requirements. There are two levels of background screening: level 1 and level 2. Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the FDLE and a check of the Dru Sjodin National Sex Offender Public Website,² and may include criminal

¹ Chapter 435, F.S.

² The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. The website is available at <https://www.nsopw.gov/> (last visited on March 8, 2023).

records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through the FDLE's website, which provides immediate results.³

A level 2 background screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.⁴

Every person required by law to be screened pursuant to ch. 435, F.S., must submit a complete set of information necessary to conduct a screening to his or her employer.⁵ Information for a level 2 screening includes fingerprints, which are taken by a vendor that submits them electronically to the FDLE.⁶

For both level 1 and 2 screenings, the employer must submit the information necessary for screening to the FDLE within five working days after receiving it.⁷ Additionally, for both levels of screening, the FDLE must perform a criminal history record check of its records.⁸ For a level 1 screening, this is the only information searched, and once complete, the FDLE responds to the employer or agency, who must then inform the employee whether screening has revealed any disqualifying information.⁹ For level 2 screenings, the FDLE also requests the FBI to conduct a national criminal history record check of its records for each employee for whom the request is made.¹⁰ As with a level 1 screening, the FDLE responds to the employer or agency, and the employer or agency must inform the employee whether screening has revealed disqualifying information. If the employer or agency finds that an individual has a history containing one of these offenses, it must disqualify that individual from employment.

The person whose background is being checked must supply any missing criminal or other necessary information upon request to the requesting employer or agency within 30 days after receiving the request for the information.¹¹

Disqualifying Offenses

Regardless of whether the screening is level 1 or level 2, the screening employer or agency must make sure that the applicant has good moral character by ensuring that the employee has not been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following 52 offenses prohibited under Florida law, or similar law of another jurisdiction:¹²

³ Florida Department of Law Enforcement, State of Florida Criminal History Records Check, available at <https://www.fdle.state.fl.us/Criminal-History-Records/Record-Check> (last visited on March 8, 2023).

⁴ Section 435.04, F.S.

⁵ Section 435.05(1)(a), F.S.

⁶ Sections 435.03(1) and 435.04(1)(a), F.S.

⁷ Section 435.05(1)(b)-(c), F.S.

⁸ *Id.*

⁹ Section 435.05(1)(b), F.S.

¹⁰ Section 435.05(1)(c), F.S.

¹¹ Section 435.05(1)(d), F.S.

¹² Section 435.04(2), F.S.

- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to voyeurism, if the offense is a felony.
- Section 810.145, F.S., relating to video voyeurism, if the offense is a felony.
- Chapter 812, F.S., relating to theft, robbery, and related crimes, if the offense is a felony.
- Section 817.563, F.S., relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

Exemption from Disqualification

If an individual is disqualified due to a pending arrest, conviction, plea of nolo contendere, or adjudication of delinquency to one or more of the disqualifying offenses, s. 435.07, F.S., allows the Secretary of the appropriate agency to exempt applicants from that disqualification under certain circumstances:¹³

- Three years have elapsed since the individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

¹³ Section 435.07(1), F.S.

Receiving an exemption allows that individual to work despite the disqualifying crime in that person's past. However, an individual who is considered a sexual predator,¹⁴ career offender,¹⁵ or sexual offender (unless not required to register)¹⁶ cannot ever be exempted from disqualification.¹⁷

Current law does not prohibit a person from becoming certified as a teacher if ineligible for an exemption from a disqualifying offense under s. 435.07, F.S.

Volunteer Employee Criminal History System (VECHS)

The VECHS was enacted in 1999 to implement the National Child Protection Act (NCPA).¹⁸ The VECHS provides state and national criminal history record information on applicants, employees, and volunteers to qualified entities. A "qualified entity" is a business or organization that provides care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.¹⁹ Qualified entities that register with the FDLE may screen personnel and employees through the submission of fingerprints. Each request must be voluntary and conform to the requirements of the National Child Protection Act of 1993, as amended.²⁰ Organizations that are statutorily required to obtain criminal history record checks on their employees or volunteers may not use VECHS.²¹

Care Provider Background Screening Clearinghouse (Clearinghouse)

Many different agencies, programs, employers, and professionals serve vulnerable populations in Florida. Personnel working with those entities who serve vulnerable persons are subject to background screening. However, due to restrictions placed on the sharing of criminal history information, persons who work for more than one agency or employer or change jobs, or wish to volunteer for such an entity, often must undergo a new and duplicative background screening and fingerprinting.

Policies imposed by the FBI prevent the sharing of criminal history information except within a given "program." Since each regulatory area is covered by a different controlling statute and screenings are done for separate purposes, the screenings have been viewed as separate "program" areas and sharing of results has not been allowed.²² In addition, screenings are only as good as the date they are run. Arrests or convictions occurring after the screening are not known until the person is rescreened or self-reports.

¹⁴ Section 775.21, F.S.

¹⁵ Section 775.261, F.S.

¹⁶ Section 943.0435, F.S.

¹⁷ Section 435.07(4)(b), F.S.

¹⁸ Pub. L. 103-209 (Dec. 20, 1993). See Florida Department of Law Enforcement, *Volunteer and Employee Criminal History System*, available at <https://www.fdle.state.fl.us/Background-Checks> (last visited on March 8, 2023).

¹⁹ Section 943.0542(1), F.S.

²⁰ Section 943.0542(2), F.S.

²¹ Florida Department of Law Enforcement, *About VECHS*, available at <https://www.fdle.state.fl.us/Background-Checks/About-Us> (last visited on March 8, 2023).

²² See Pub. L. No. 92-544 (Oct. 25, 1972); 28 C.F.R. Part 20; 28 C.F.R. s. 50.12.

In 2012, the Legislature created the Clearinghouse to create a single “program” of screening individuals and allow for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies.²³ Designated agencies include:

- AHCA;
- Department of Health;
- Department of Children and Families;
- Department of Elder Affairs;
- Agency for Persons with Disabilities;
- Department of Education;
- Each district unit under s. 1001.30, F.S.;
- Special district units under s. 1011.24, F.S.;
- Florida School for the Deaf and the Blind under s. 1002.36, F.S.;
- Florida Virtual School under s. 1002.37, F.S.;
- Virtual instruction programs under s. 1002.45, F.S.;
- Charter schools under s. 1002.33, F.S.;
- Hope operators under s. 1002.333, F.S.;
- Private schools participating in an educational scholarship program established pursuant to ch. 1002, F.S.;
- Alternative schools under s. 1008.341, F.S.;
- Regional workforce boards providing services as defined in s. 445.002(3), F.S.; and
- Local licensing agencies approved pursuant to s. 402.307, F.S., when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.²⁴

Once a person’s screening record is in the Clearinghouse, that person will avoid the need for any future state screens and related fees.²⁵ Final implementation of the Clearinghouse by the designated state agencies was required by October 1, 2013. The Clearinghouse was initially implemented by the AHCA on January 1, 2013.

School districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, early learning coalitions, and private schools participating in an educational scholarship program (education entities, collectively) currently using VECHS to conduct background screenings are required to use the Clearinghouse beginning in January 1, 2023. Education entities must be fully implemented into the Clearinghouse by January 1, 2024, or by a date determined by the AHCA.

Qualified entities are not currently required to conduct background screenings through the Clearinghouse.

²³ Chapter 2012-73, L.O.F.

²⁴ Section 435.02(5), F.S. (definition of “specified agency”).

²⁵ Agency for Health Care Administration, *Clearinghouse Renewals*, available at https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml (last visited on March 8, 2023).

Background Screening of Individuals at Schools

Individuals who work in or provide services to school districts, charter schools, alternative schools, and private schools participating in state school choice scholarship programs²⁶ must undergo a fingerprint based background screening before being permitted access to school grounds.²⁷ The individuals who must undergo background screening fall under three personnel classifications: instructional and noninstructional personnel;²⁸ noninstructional school district employees and contracted personnel;²⁹ and noninstructional contractors.³⁰ Candidates for educator certification must also undergo background screening.³¹

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.³² Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must be screened against a distinct list of 52 disqualifying offenses applicable to employment with public schools and school districts.³³ Athletic coaches employed by public schools must be certified by the DOE and are subject to the same background screening standards as other individuals seeking certification.³⁴ In contrast, noninstructional contractors, individuals who are not school district employees and have no direct contact with students, are screened against a statutory list of 12 disqualifying offenses.³⁵ These background screenings are conducted through the Clearinghouse.

Screening results for contractors, both those who have direct contact with students and those who simply have access to school property when students are present, are entered into the FSSR system,³⁶ which allows the results to be shared with other school districts through a secure internet website or other secure electronic means. However, the screening results for instructional personnel hired or contracted by an approved virtual instruction provider are not included in the FSSR system. As a result, these individuals must often undergo background screening by multiple school districts using the provider's services.³⁷

²⁶ The background screenings conducted by such private schools are conducted through the VECHS.

²⁷ Sections 1002.421, 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

²⁸ Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S.

²⁹ Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

³⁰ Noninstructional contractors are vendors or contractors who are not school district employees, are permitted access to school grounds when students are present, and have little or no direct contact with students. Section 1012.467(1)(a), F.S.

³¹ Sections 1012.315, 1012.32(2)(a), and 1012.56(10)(a), F.S.

³² See ss. 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

³³ Sections 1012.315, 1012.32, and 1012.465, F.S.

³⁴ Section 1012.55(2), F.S. See also 1012.56, F.S.; Rule 6A-4.004(4), F.S.

³⁵ See s. 1012.467(2)(b), F.S. The law references eight specific offenses plus crimes involving lewd and lascivious behavior in ch. 800, F.S., which includes four such offenses. Id.

³⁶ Florida Department of Law Enforcement, *Jessica Lunsford Act Information*, available at <http://www.fdle.state.fl.us/JLA/Jessica-Lunsford-ActInformation.aspx> (last visited on March 8, 2023).

³⁷ Section 1012.467(7)(a), F.S.

In addition to fingerprint-based background screening, before employing instructional personnel or school administrators in any position that requires direct contact with students, school districts, charter schools, and private schools participating in a state school choice scholarship program must:³⁸

- Conduct an employment history check of the individual's previous employer. If unable to contact a previous employer, efforts to contact the employer must be documented;
- Screen the individual through use of the DOE Professional Practices' Database of Disciplinary Actions Against Educators, Teacher Certification Database, and the disqualification list;³⁹ and
- Document the findings.

The disqualification list is maintained by the DOE and includes:⁴⁰

- The identity of any person who has been permanently denied an educator certificate or whose certificate was permanently revoked and has been placed on the list as directed by the Education Practices Commission.⁴¹
- The identity of any person who has been permanently disqualified by the Commissioner as an owner or operator of a private school participating in a state scholarship program.
- The identity of any person who has been terminated, or has resigned in lieu of termination, from employment as a result of sexual misconduct with a student.
- The identity of any person who is ineligible for educator certification or employment under s. 1012.315, F.S.

An individual on the disqualification list is prohibited from serving or applying to serve as an employee or contracted personnel at any public school, charter school, or private school participating in a state scholarship program. Any individual who knowingly violates this prohibition commits a third degree felony.⁴²

Additionally, the DOE is required to investigate complaints or allegations made against certified educators and initiate proceedings to suspend or revoke the educator's certificate if grounds exist to do so. The law specifically references certified educators employed by traditional public schools, charter schools, and private schools participating in a state school choice scholarship program, while omitting approved virtual instruction providers.⁴³

The law also requires law enforcement agencies to notify the appropriate district school superintendent, charter school governing board, private school owner or administrator, president of the Florida School for the Deaf and the Blind, or university lab school director or principal, as

³⁸ Section 1002.33(12)(g)4., F.S. (charter schools), s. 1002.421(1)(o), F.S. (private schools), and s. 1012.27(6), F.S. (school districts).

³⁹ See s. 1001.10(4)(b), F.S.; see also Florida Department of Education, *Employment Screening Tools*, available at <https://www.fldoe.org/teaching/professional-practices/employment-screening-tools.stml> (last visited on March 8, 2023) (includes links to the Professional Practices' Database of Disciplinary Actions Against Educators and the Teacher Certification Database).

⁴⁰ Section 1001.10(4)(b), F.S.

⁴¹ Section 1012.795, F.S.

⁴² Sections 775.082 and 775.083, F.S.

⁴³ Section 1012.796(1), F.S.

applicable, within 48 hours if its employee is charged with any felony or misdemeanor involving the abuse of children or sale or possession of controlled substances.⁴⁴

Upon notification by law enforcement, the principal must, within 24 hours, notify parents of enrolled students who had direct contact with the perpetrator of the arrest and include, at a minimum, the employee's name and the specific charges against him or her.⁴⁵

Employee Misconduct Reporting Policies

Each school district, charter school, and private school participating in a state scholarship program must post, at each school and on their website, if they maintain a website, their policies and procedures related to reporting alleged misconduct by instructional personnel, educational support personnel, or school administrators which affects the health, safety, or welfare of a student.⁴⁶ Additionally, the published policies and procedures must include the contact person to whom the report is made and the penalties that will be imposed for failure to report misconduct.⁴⁷

Youth Athletic Team Coaches

An independent sanctioning authority is a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in Florida which include one or more minors and are not affiliated with a private school.⁴⁸ An independent sanctioning authority must conduct a Level 1 background screening of each current and prospective athletic coach. The required background screening must also include a search of the applicant or coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders.⁴⁹ An individual may not serve as a youth athletic coach⁵⁰ unless a Level 1 screening has been conducted and the screening does not result in his or her disqualification.

In 2014, the Legislature expanded background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities and allowed a background screening conducted by a commercial consumer reporting agency in compliance with federal standards to satisfy the state level requirement so long as such screening includes a Level 1 background screening and a search against the state and federal registries of sexual predators and sexual offenders to meet the requirements under s. 943.0438, F.S.⁵¹

An independent sanctioning authority must disqualify an applicant from acting as an athletic coach in Florida if he or she is disqualified by the Level 1 background screening or if his or her

⁴⁴ Section 1012.797, F.S.

⁴⁵ *Id.*

⁴⁶ Section 1006.061(2), F.S.

⁴⁷ *Id.*

⁴⁸ Sections 1002.01 and 943.0438(1)(b), F.S.

⁴⁹ Section 943.0438(2)(a)1., F.S.

⁵⁰ "Athletic coach" means a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic based team in this state; and has direct contact with one or more minors on the youth athletic team. Section 943.0438(1)(a), F.S.

⁵¹ Chapter 2014-9, L.O.F.

name appears in either registry.⁵² Within seven days of the screening, the independent sanctioning authority must provide written notification to a disqualified person advising him or her of the results.⁵³ In specified circumstances, an independent sanctioning authority may grant an exception to an applicant in accordance with s. 435.07(1)(a), F.S.⁵⁴ Examples of possible exceptions include, but are not limited to, an applicant whose criminal record includes a:⁵⁵

- Felony that occurred three or more years ago and he or she has lawfully completed or been released from confinement or supervision for the disqualifying felony;
- Misdemeanor and he or she has completed or been lawfully released from confinement or supervision for the disqualifying misdemeanor offense; or
- Felony when committed, but is now classified as a misdemeanor, and he or she has completed or been lawfully released from confinement or supervision for all requirements imposed.

The sanctioning authority must maintain documentation of the results of each person screened and the written notice provided to any disqualified person for a minimum of five years.⁵⁶

III. Effect of Proposed Changes:

Employee Background Screenings

The bill amends s. 435.04, F.S., to require Level 2 security background investigations of current or prospective employees to include a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years. The list of disqualifying offenses in this section is revised to include:

- Section 784.021, F.S., relating to aggravated assault;
- Section 784.045, F.S., relating to aggravated battery;
- Section 784.075, F.S., relating to battery on staff of a detention or commitment facility or on a juvenile probation officer;
- Section 794.08, F.S., relating to female genital mutilation; and
- Under ch. 800, F.S., offenses against students by authority figures.

For purposes of background screening, the bill amends s. 435.02, F.S., to provide definitions for “affiliation” and “qualified entity.”

Care Provider Background Screening Clearinghouse

The bill amends ss. 435.12, 943.05, and 943.0542, F.S., to:

- Authorize qualified entities to conduct background screenings using the Clearinghouse beginning January 1, 2026, or a date determined by the AHCA, if such entities choose to do so. If a qualified entity chooses to use the Clearinghouse, it must comply with all Clearinghouse requirements and processes for background screening required by law. For example, a qualified entity will need to maintain in the clearinghouse the current employment

⁵² Section 943.0438(2)(b), F.S.

⁵³ Section 943.0438(2)(c), F.S.

⁵⁴ Section 943.0438(2)(b), F.S.

⁵⁵ Section 435.07(1), F.S.

⁵⁶ Section 943.0438(2)(d), F.S.

or affiliation status of their employees, volunteers, or other individuals whom the qualified entities have screened.

- Require the AHCA to review and determine eligibility for all criminal history checks submitted to the Clearinghouse for the DOE beginning January 1, 2025, or a later date established by the AHCA. The Clearinghouse must share eligibility determinations with the DOE and the qualified entities.
- Update the rescreening schedule for the DOE because the Clearinghouse will not be ready for the DOE until 2025. The bill requires rescreening of employees of each school district unit under s. 1001.30, F.S., special district units under s. 1011.24, F.S., the Florida School for the Deaf and the Blind under s. 1002.36, F.S., the Florida Virtual School under s. 1002.37, F.S., virtual instruction programs under s. 1002.45, F.S., charter schools under s. 1002.33, F.S., hope operators under s. 1002.333, F.S., private schools participating in an educational scholarship program established pursuant to ch. 1002, F.S., and alternative schools under s. 1008.341, F.S., in compliance with the following schedule:
 - Employees for whom the last screening was conducted on or before June 30, 2021, must be rescreened by June 30, 2025.
 - Employees for whom the last screening was conducted between July 1, 2021, and June 30, 2022, must be rescreened by June 30, 2026.
 - Employees for whom the last screening was conducted between July 1, 2022, and December 31, 2023, must be rescreened by June 30, 2027.
- Require the FDLE to develop a method for identifying or verifying an individual through automated biometrics for federal approval.

Including qualified entities in the Clearinghouse will allow such entities to share background screening results and reduce the amount of screenings individuals must undergo in order to volunteer or work for such entities.

Youth Athletic Team Coaches

Current law requires youth athletic coaches, assistant coaches, and referees to undergo a Level 1 background screening if the coach works for more than 20 hours per year. The bill amends s. 943.0438, F.S., to revise background screening requirements to require these individuals, including managers, to undergo Level 2 screenings and removes the 20 hour minimum work requirement. This means that all youth athletic coaches, assistant coaches, managers and referees must undergo a Level 2 background screening, regardless of hours worked.

Before January 1, 2026, or a later date as determined by the AHCA for the participation of qualified entities in the Clearinghouse under s. 435.12, F.S., an independent sanctioning authority must disqualify any person from acting as an athletic coach as provided in s. 435.04, F.S. (level 2 standards).⁵⁷ On or after January 1, 2026, or a later date as determined by the AHCA, an independent sanction authority cannot allow any person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04, F.S.⁵⁸

⁵⁷ The authority may allow a person disqualified as provided to act as an athletic coach if it determines that the person meets the requirements for an exemption from disqualification under s. 435.07, F.S. See “Present Situation” section of this analysis for a discussion of s. 435.07, F.S.

⁵⁸ The authority may allow a person disqualified as provided to act as an athletic coach if the person has successfully completed the exemption from the disqualification process under s. 435.07, F.S.

Background Screening of Individuals at Schools

The bill amends ss. 1012.315, 1012.467, and 102.56, F.S., to revise the background screening standards for individuals who have direct contact with a student in a district school system, a charter school, or a private school that participates in a state scholarship program by replacing the list of disqualifying offenses with the level 2 screening standard under s. 435.04(2), F.S.

Beginning January 1, 2025, or a later date determined by the AHCA, the AHCA will determine the eligibility of:

- Employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under ch. 1002, F.S.; and
- Noninstructional contractors who are permitted access to school grounds when students are present.

These same dates also apply to referral of applicant records and submission of background screening results to the AHCA under s. 1012.56, F.S. (educator certification requirements).

Reenactments

The bill reenacts ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, F.S., for the purpose of incorporating the amendments to s. 1012.315, F.S. The bill also reenacts s. 1012.468, F.S., for the purpose of incorporating the amendments made to s. 1012.467, F.S., in a reference to that statute.

Appropriations

The bill provides that, for the 2023-2024 fiscal year, the sums of \$400,000 in recurring funds from the Health Care Trust Fund and \$4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the AHCA.

Section 11 of the bill, which contains these appropriations, takes effect July 1, 2023.

Effective Dates

The changes made to s. 435.12, F.S., in Section 3 of the bill must be implemented by January 1, 2025, or a later date as determined by the AHCA.

Except as otherwise expressly provided in the bill and except for Section 13, the effective date section of the bill, which takes effect upon the bill becoming law, the bill takes effect July 1, 2024.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For State Fiscal Year 2023-2024, the bill appropriates \$400,000 in recurring funds and \$4 million in nonrecurring funds from the Health Care Trust Fund to the AHCA for the purpose of implementing this act. According to estimates from the AHCA, implementation of the Clearinghouse is an estimated 18-month process from the time in which the new entity is created. Therefore, the AHCA has also identified the need for future nonrecurring funding in Fiscal Year 2024-2025 and 2025-2026, as system updates required in the bill cannot begin until the Clearinghouse completes modernization, which is due to be completed in April 2024.⁵⁹

⁵⁹ 2023 ACHA Legislative Bill Analysis (SB 676), Florida Agency for Health Care Administration (on file with Senate Appropriations Committee on Criminal and Civil Justice).

The FDLE advised that although there is no programming required, if it is decided that VECHS entities will retain their applicants in the Clearinghouse, this bill combined with other background screening bills adds to the workload on FDLE's Biometric Identification System. FDLE is currently in the process of migrating the current system to the new generation of Biometric Identification Systems. With the state and capacity limitations of the current system, this could cause undue strain.

Additionally, the bill will have an indeterminate impact on revenues remitted to the FDLE's Operating Trust Fund, as the estimated number of individuals falling within the following four areas is undetermined and at the discretion of the qualified entity:

VECHS Employees screened through the Clearinghouse

The total fiscal revenue for the state portion of a state and national criminal history record check with five (5) years of fingerprint retention within the Clearinghouse is \$48 for employees who provide services to children, the elderly, or individuals with disabilities. The cost for the Florida (state) portion of a state and national criminal history record check is \$24 for employees who provide services to children, the elderly, or individuals with disabilities. Since persons screened pursuant to this bill are eligible to be entered in the Clearinghouse, as applicable, \$24 for five (5) years of state fingerprint retention will be paid up front and will go into FDLE's Operating Trust Fund. Once enrolled in the federal retention program, there will be no fees required by the Federal Bureau of Investigation (FBI) for federal fingerprint retention.

VECHS Volunteers screened through the Clearinghouse

The total fiscal revenue for the state portion of a state and national criminal history record check with five (5) years of fingerprint retention within the Clearinghouse is \$42 for volunteers who provide services to children, the elderly, or individuals with disabilities. The cost for the Florida (state) portion of a state and national criminal history record check is \$18 for volunteers who provide services to children, the elderly, or individuals with disabilities. Since persons screened pursuant to this bill are eligible to be entered in the Clearinghouse, as applicable, \$24 for five (5) years of state fingerprint retention will be paid up front and will go into FDLE's Operating Trust Fund. Once enrolled in the federal retention program, there will be no fees required by the FBI for federal fingerprint retention.

Current and prospective athletic coaches screened through the Clearinghouse

The total fiscal revenue for the state portion of a state and national criminal history record check with five (5) years of fingerprint retention within the Clearinghouse retention is \$48. These fees will go into the FDLE's Operating Trust Fund. The cost for Florida (state-level) criminal history record checks is \$24. Since persons screened pursuant to this bill are eligible to be entered in the Clearinghouse, as applicable, \$24 for five (5) years of state fingerprint retention will be paid up front and will go into FDLE's Operating Trust Fund. Once enrolled in the federal retention program, there will be no fees required by the FBI for federal fingerprint retention.

Current and prospective athletic coaches not screened through the Clearinghouse (no fingerprint retention)

The total fiscal revenue for the Florida (state) portion of a state and national criminal history record check is \$24, which goes into FDLE's Operating Trust Fund.⁶⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 435.02, 435.04, 435.12, 943.0438, 943.05, 943.0542, 1012.315, 1012.467, and 1012.56.

The bill reenacts the following sections of the Florida Statutes: 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, 1012.796, and 1012.468.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Appropriations on April 25, 2023:

The committee substitute:

- Removes the requirement in the original bill for Level 2 screenings to include employment history checks and a search of child abuse and neglect registries.
- Revises timeframes for bringing additional entities into the Clearinghouse and for the AHCA to determine eligibility.
- Requires agencies and qualified entities using the Clearinghouse to report changes in employment or affiliation within 5 business days.
- Requires the AHCA to make eligibility determinations for those required to be screened by the DOE, other education-related entities, and qualified entities.
- Updates the rescreening schedule for the DOE.
- Aligns requirements for screening of athletic coaches with new process for qualified entities.
- Reverts screening standards for noninstructional contractors to existing law.
- Increases the appropriation for the AHCA to implement the bill, and provides an effective date for the bill section containing this appropriation.
- Revises effective dates.

⁶⁰ 2023 FDLE Legislative Bill Analysis (SB 676) (Feb. 14, 2023), Florida Department of Law Enforcement (on file with Senate Committee on Criminal Justice).

B. Amendments:

None.

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



699756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (1) through (4), (5), and
(6) of section 435.02, Florida Statutes, are redesignated as
subsections (2) through (5), (7), and (8), respectively, and new
subsections (1) and (6) are added to that section, to read:

435.02 Definitions.—For the purposes of this chapter, the
term:



699756

(1) "Affiliation" means the status of a person employed or serving as a volunteer or contractor with a qualified entity in a position for which screening is not required by law but is authorized under the National Child Protection Act.

(6) "Qualified entity" has the same meaning as in s. 943.0542(1).

Section 2. Paragraphs (a), (b), and (d) of subsection (1) and subsection (2) of section 435.04, Florida Statutes, are amended to read:

435.04 Level 2 screening standards.—

(1)(a) All employees required by law to be screened under ~~pursuant to~~ this section must undergo security background investigations as a condition of employment and continued employment which includes, but is not ~~need not be~~ limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, ~~and~~ national criminal history records checks through the Federal Bureau of Investigation, and ~~may include~~ local criminal records checks through local law enforcement agencies. A security background investigation under this section also includes a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years.

(b) Fingerprints submitted pursuant to this section ~~on or after July 1, 2012,~~ must be submitted electronically to the Department of Law Enforcement.

~~(d) An agency may require by rule that fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement on a date~~



699756

~~earlier than July 1, 2012.~~

(2) The security background investigations under this section must ensure that ~~no~~ persons subject to ~~the provisions of~~ this section have not been arrested for and are awaiting final disposition of, have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.

(e) Section 782.04, relating to murder.

(f) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(g) Section 782.071, relating to vehicular homicide.

(h) Section 782.09, relating to killing of an unborn child by injury to the mother.

(i) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.



699756

(j) Section 784.011, relating to assault, if the victim of the offense was a minor.

(k) Section 784.021, relating to aggravated assault.

(l)~~(k)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(m) Section 784.045, relating to aggravated battery.

(n) Section 784.075, relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.

(o)~~(l)~~ Section 787.01, relating to kidnapping.

(p)~~(m)~~ Section 787.02, relating to false imprisonment.

(q)~~(n)~~ Section 787.025, relating to luring or enticing a child.

(r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

(s)~~(p)~~ Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.

(t)~~(q)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(u)~~(r)~~ Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(v)~~(s)~~ Section 794.011, relating to sexual battery.

(w)~~(t)~~ Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(x)~~(u)~~ Section 794.05, relating to unlawful sexual activity



699756

with certain minors.

(y) Section 794.08, relating to female genital mutilation.

(z)~~(v)~~ Chapter 796, relating to prostitution.

(aa)~~(w)~~ Section 798.02, relating to lewd and lascivious behavior.

(bb)~~(x)~~ Chapter 800, relating to lewdness and indecent exposure and offenses against students by authority figures.

(cc)~~(y)~~ Section 806.01, relating to arson.

(dd)~~(z)~~ Section 810.02, relating to burglary.

(ee)~~(aa)~~ Section 810.14, relating to voyeurism, if the offense is a felony.

(ff)~~(bb)~~ Section 810.145, relating to video voyeurism, if the offense is a felony.

(gg)~~(cc)~~ Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

(hh)~~(dd)~~ Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(ii)~~(ee)~~ Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(jj)~~(ff)~~ Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(kk)~~(gg)~~ Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(ll)~~(hh)~~ Section 826.04, relating to incest.

(mm)~~(ii)~~ Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(nn)~~(jj)~~ Section 827.04, relating to contributing to the delinquency or dependency of a child.



699756

(oo)~~(kk)~~ Former s. 827.05, relating to negligent treatment of children.

(pp)~~(ll)~~ Section 827.071, relating to sexual performance by a child.

(qq)~~(mm)~~ Section 843.01, relating to resisting arrest with violence.

(rr)~~(nn)~~ Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

(ss)~~(oo)~~ Section 843.12, relating to aiding in an escape.

(tt)~~(pp)~~ Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

(uu)~~(qq)~~ Chapter 847, relating to obscene literature.

(vv)~~(rr)~~ Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

(ww)~~(ss)~~ Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

(xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(yy)~~(uu)~~ Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

(zz)~~(vv)~~ Section 944.40, relating to escape.

(aaa)~~(ww)~~ Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

(bbb)~~(xx)~~ Section 944.47, relating to introduction of contraband into a correctional facility.

(ccc)~~(yy)~~ Section 985.701, relating to sexual misconduct in



699756

juvenile justice programs.

(ddd)~~(zz)~~ Section 985.711, relating to contraband introduced into detention facilities.

Section 3. Effective upon this act becoming a law, subsections (1) and (2) and paragraph (a) of subsection (3) of section 435.12, Florida Statutes, are amended to read:

435.12 Care Provider Background Screening Clearinghouse.—

(1) The Agency for Health Care Administration in consultation with the Department of Law Enforcement shall create a secure web-based system, which shall be known as the "Care Provider Background Screening Clearinghouse" or "clearinghouse.r" ~~and which shall be implemented to the full extent practicable no later than September 30, 2013, subject to the specified agencies being funded and equipped to participate in such program.~~ The clearinghouse must ~~shall~~ allow the results of criminal history checks provided to the specified agencies and, beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, to qualified entities participating in the clearinghouse for screening of persons qualified as care providers under s. 943.0542 to be shared among the specified agencies and qualified entities when a person has applied to volunteer, be employed, be licensed, ~~or~~ enter into a contract, or has an affiliation that allows or ~~that~~ requires a state and national fingerprint-based criminal history check. Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall review and determine eligibility for all criminal history checks submitted to the clearinghouse for the Department of Education. The clearinghouse shall share



699756

185 eligibility determinations with the Department of Education and
186 the qualified entities. The Agency for Health Care
187 Administration and the Department of Law Enforcement may adopt
188 rules to create forms or implement procedures needed to carry
189 out this section.

190 (2) (a) To ensure that the information in the clearinghouse
191 is current, the fingerprints of a person ~~an employee required to~~
192 ~~be screened by a specified agency and~~ included in the
193 clearinghouse must be:

194 1. Retained by the Department of Law Enforcement pursuant
195 to s. 943.05(2) (g) and (h) and (3), and the Department of Law
196 Enforcement must report the results of searching those
197 fingerprints against state incoming arrest fingerprint
198 submissions to the Agency for Health Care Administration for
199 inclusion in the clearinghouse.

200 2. Retained by the Federal Bureau of Investigation in the
201 national retained print arrest notification program as soon as
202 the Department of Law Enforcement begins participation in such
203 program. Arrest prints will be searched against retained prints
204 at the Federal Bureau of Investigation and notification of
205 arrests will be forwarded to the Florida Department of Law
206 Enforcement and reported to the Agency for Health Care
207 Administration for inclusion in the clearinghouse.

208 3. Resubmitted for a Federal Bureau of Investigation
209 national criminal history check every 5 years until such time as
210 the fingerprints are retained by the Federal Bureau of
211 Investigation.

212 4. Subject to retention on a 5-year renewal basis with fees
213 collected at the time of initial submission or resubmission of



699756

fingerprints.

5. Submitted with a photograph of the person taken at the time the fingerprints are submitted.

(b) Until such time as the fingerprints are enrolled in the national retained print arrest notification program at the Federal Bureau of Investigation, a person ~~an employee~~ with a break in service of more than 90 days from a position that requires screening by a specified agency or qualified entity must submit to a national screening if the person returns to a position that requires screening by a specified agency or qualified entity.

(c) An employer of persons subject to screening or a qualified entity participating in the clearinghouse ~~by a specified agency~~ must register with the clearinghouse and maintain the employment or affiliation status of all persons included in ~~employees within~~ the clearinghouse. Initial employment or affiliation status and any changes in status must be reported within 5 ~~10~~ business days after a person receives his or her initial status or after a change in his or her status has been made.

(d) An employer or a qualified entity participating in the clearinghouse must register with and initiate all criminal history checks through the clearinghouse before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity for electronic fingerprint submission to the Department of Law Enforcement. The registration must include the person's ~~employee's~~ full first name, middle initial, and last name; social security number; date of birth; mailing address; sex; and race. Individuals,



699756

persons, applicants, and controlling interests that cannot legally obtain a social security number must provide an individual taxpayer identification number.

(3)(a) Employees of each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, and alternative schools under s. 1008.341 must be rescreened in compliance with the following schedule:

1. Employees for whom the last screening was conducted on or before June 30, 2021 ~~2019~~, must be rescreened by June 30, 2025 ~~2024~~.

2. Employees for whom the last screening was conducted between July 1, 2021 ~~2019~~, and June 30, 2022 ~~2021~~, must be rescreened by June 30, 2026 ~~2025~~.

3. Employees for whom the last screening was conducted between July 1, 2022 ~~2021~~, and December 31, 2023 ~~2022~~, must be rescreened by June 30, 2027 ~~2026~~.

Section 4. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (4) of section 943.0438, Florida Statutes, are amended to read:

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to



699756

work as a coach, assistant coach, manager, or referee ~~for 20 or more hours within a calendar year~~, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(2) An independent sanctioning authority shall:

(a) ~~1.~~ Conduct a level 2 ~~±~~ background screening under s. 435.04 ~~pursuant to s. 435.03~~ of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 ~~±~~ background screening is conducted and does not result in disqualification under paragraph (b). ~~Level 1 background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall include a search of the athletic coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:~~

~~a. The Department of Law Enforcement under s. 943.043; and~~

~~b. The Attorney General of the United States under 42 U.S.C. s. 16920.~~

~~2. For purposes of this section, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1. that includes a level 1 background screening and a search of that information against the sexual predator and sexual offender~~



699756

~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed to satisfy the requirements of this paragraph.~~

(b)1. Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration for the participation of qualified entities in the Care Provider Background Screening Clearinghouse under s. 435.12, disqualify any person from acting as an athletic coach as provided in s. 435.04 ~~s. 435.03 or if he or she is identified on a registry described in paragraph (a).~~ The authority may allow a person disqualified under this subparagraph ~~paragraph~~ to act as an athletic coach if it determines that the person meets the requirements for an exemption from disqualification under s. 435.07.

2. On or after January 1, 2026, or a later date as determined by the Agency for Health Care Administration, not allow any person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04. The authority may allow a person disqualified under this subparagraph to act as an athletic coach if the person has successfully completed the exemption from the disqualification process under s. 435.07.

~~(4) The Legislature encourages~~ Independent sanctioning authorities for youth athletic teams must ~~to~~ participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542.

Section 5. Paragraph (h) of subsection (2) of section 943.05, Florida Statutes, is amended, and paragraph (i) is added to that subsection, to read:

943.05 Criminal Justice Information Program; duties; crime



699756

reports.—

(2) The program shall:

(h) For each specified agency, as defined in s. 435.02,
each qualified entity participating in the Care Provider
Background Screening Clearinghouse under s. 435.12, or any other
agency or qualified entity that officially requests retention of
fingerprints or for which retention is otherwise required by
law, search all arrest fingerprint submissions received under s.
943.051 against the fingerprints retained in the statewide
automated biometric identification system under paragraph (g).

1. Any arrest record that is identified with the retained
fingerprints of a person subject to background screening as
provided in paragraph (g) must ~~shall~~ be reported to the
appropriate agency or qualified entity.

2. To participate in this search process, agencies or
qualified entities must notify each person fingerprinted that
his or her fingerprints will be retained, pay an annual fee to
the department unless otherwise provided by law, and inform the
department of any change in the affiliation, employment, or
contractual status of each person whose fingerprints are
retained under paragraph (g) if such change removes or
eliminates the agency or qualified entity's basis or need for
receiving reports of any arrest of that person, so that the
agency or qualified entity is not obligated to pay the upcoming
annual fee for the retention and searching of that person's
fingerprints to the department. The department shall adopt a
rule setting the amount of the annual fee to be imposed upon
each participating agency or qualified entity for performing
these searches and establishing the procedures for the retention



699756

of fingerprints and the dissemination of search results. The fee may be borne by the agency, qualified entity, or person subject to fingerprint retention or as otherwise provided by law. Consistent with the recognition of criminal justice agencies expressed in s. 943.053(3), these services must ~~shall~~ be provided to criminal justice agencies for criminal justice purposes free of charge. Qualified entities that elect to participate in the fingerprint retention and search process are required to timely remit the fee to the department by a payment mechanism approved by the department. If requested by the qualified entity, and with the approval of the department, such fees may be timely remitted to the department by a qualified entity upon receipt of an invoice for such fees from the department. Failure of a qualified entity to pay the amount due on a timely basis or as invoiced by the department may result in the refusal by the department to permit the qualified entity to continue to participate in the fingerprint retention and search process until all fees due and owing are paid.

3. Agencies that participate in the fingerprint retention and search process may adopt rules pursuant to ss. 120.536(1) and 120.54 to require employers to keep the agency informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency's basis or need for receiving reports of any arrest of that person, so that the agency is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department.

(i) Develop, for federal approval, a method for identifying



699756

or verifying a person through automated biometrics.

Section 6. Subsections (2) through (6) of section 943.0542, Florida Statutes, are amended to read:

943.0542 Access to criminal history information provided by the department to qualified entities.—

(2) ~~(a)~~ Beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, a qualified entity must initiate all background criminal history checks through the department or through the Care Provider Background Screening Clearinghouse under s. 435.12.

(a)1. If a qualified entity initiates a background criminal history check through the department, the qualified entity must:

a. Register with the department before submitting a request for screening under this section. Each such request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended. As a part of the registration, the qualified entity must agree to comply with state and federal law and must so indicate by signing an agreement approved by the department. The department shall may periodically audit qualified entities to ensure compliance with federal law and this section.

b. ~~(b)~~ A qualified entity shall Submit to the department a request for screening an employee or volunteer or person applying to be an employee or volunteer by submitting fingerprints, or the request may be submitted electronically. The qualified entity must maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity.

2. ~~(c)~~ Each such request for screening must be accompanied



699756

by payment of a fee for a statewide criminal history check by the department established by s. 943.053, plus the amount currently prescribed by the Federal Bureau of Investigation for the national criminal history check in compliance with the National Child Protection Act of 1993, as amended. Payments must be made in the manner prescribed by the department by rule.

3.~~(d)~~ Any current or prospective employee or volunteer who is subject to a request for screening must indicate to the qualified entity submitting the request the name and address of each qualified entity that has submitted a previous request for screening regarding that employee or volunteer.

(b) Once a qualified entity initiates a background criminal history check through the Care Provider Background Screening Clearinghouse, the qualified entity must comply with s. 435.12. All fingerprints received pursuant to this section must be entered into the clearinghouse as provided in s. 435.12.

(3) The department or the Care Provider Background Screening Clearinghouse shall provide directly to the qualified entity the state criminal history records that are not exempt from disclosure under chapter 119 or otherwise confidential under law. A person who is the subject of a state criminal history record may challenge the record only as provided in s. 943.056.

(4) The national criminal history data is available to qualified entities to use only for the purpose of screening employees and volunteers or persons applying to be an employee or volunteer with a qualified entity. The department or Care Provider Background Screening Clearinghouse shall provide this national criminal history record information directly to the



699756

qualified entity as authorized by the written waiver required for submission of a request to the department.

(5) The determination whether the criminal history record shows that the employee or volunteer has not been arrested for and is awaiting final disposition of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense listed under s. 435.02(2) convicted of or is under pending indictment for any crime that bears upon the fitness of the employee or volunteer to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall solely be made by the qualified entity. Beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of the employee or volunteer of a qualified entity. This section does not require the department to make such a determination on behalf of any qualified entity.

(6) The qualified entity must notify in writing the person of his or her right to obtain a copy of any background screening report, including the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such



699756

screening criteria to the state and national criminal history record information received from the department or Care Provider Background Screening Clearinghouse for those persons subject to the required screening.

Section 7. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Screening standards.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002 if the person:

(1) Is on the disqualification list maintained by the department under ~~pursuant to~~ s. 1001.10(4)(b); ~~or~~

(2) Is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C); ~~or~~

(3) Is ineligible based on a security background investigation under s. 435.04(2). Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002;

(4) Would be ineligible for an exemption under s. 435.07(4)(c); ~~or, or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:~~

~~(1) Any felony offense prohibited under any of the following statutes:~~



699756

~~(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.~~

~~(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.~~

~~(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.~~

~~(d) Section 782.04, relating to murder.~~

~~(e) Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.~~

~~(f) Section 784.021, relating to aggravated assault.~~

~~(g) Section 784.045, relating to aggravated battery.~~

~~(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.~~

~~(i) Section 787.01, relating to kidnapping.~~

~~(j) Section 787.02, relating to false imprisonment.~~

~~(k) Section 787.025, relating to luring or enticing a child.~~

~~(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.~~

~~(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or~~



699756

~~concealing the location of a minor, with criminal intent pending
dependency proceedings or proceedings concerning alleged abuse
or neglect of a minor.~~

~~(n) Section 790.115(1), relating to exhibiting firearms or
weapons at a school-sponsored event, on school property, or
within 1,000 feet of a school.~~

~~(o) Section 790.115(2)(b), relating to possessing an
electric weapon or device, destructive device, or other weapon
at a school-sponsored event or on school property.~~

~~(p) Section 794.011, relating to sexual battery.~~

~~(q) Former s. 794.041, relating to sexual activity with or
solicitation of a child by a person in familial or custodial
authority.~~

~~(r) Section 794.05, relating to unlawful sexual activity
with certain minors.~~

~~(s) Section 794.08, relating to female genital mutilation.~~

~~(t) Chapter 796, relating to prostitution.~~

~~(u) Chapter 800, relating to lewdness and indecent
exposure.~~

~~(v) Section 800.101, relating to offenses against students
by authority figures.~~

~~(w) Section 806.01, relating to arson.~~

~~(x) Section 810.14, relating to voyeurism.~~

~~(y) Section 810.145, relating to video voyeurism.~~

~~(z) Section 812.014(6), relating to coordinating the
commission of theft in excess of \$3,000.~~

~~(aa) Section 812.0145, relating to theft from persons 65
years of age or older.~~

~~(bb) Section 812.019, relating to dealing in stolen~~



699756

~~property.~~

~~(cc) Section 812.13, relating to robbery.~~

~~(dd) Section 812.131, relating to robbery by sudden
snatching.~~

~~(ee) Section 812.133, relating to carjacking.~~

~~(ff) Section 812.135, relating to home-invasion robbery.~~

~~(gg) Section 817.563, relating to fraudulent sale of
controlled substances.~~

~~(hh) Section 825.102, relating to abuse, aggravated abuse,
or neglect of an elderly person or disabled adult.~~

~~(ii) Section 825.103, relating to exploitation of an
elderly person or disabled adult.~~

~~(jj) Section 825.1025, relating to lewd or lascivious
offenses committed upon or in the presence of an elderly person
or disabled person.~~

~~(kk) Section 826.04, relating to incest.~~

~~(ll) Section 827.03, relating to child abuse, aggravated
child abuse, or neglect of a child.~~

~~(mm) Section 827.04, relating to contributing to the
delinquency or dependency of a child.~~

~~(nn) Section 827.071, relating to sexual performance by a
child.~~

~~(oo) Section 843.01, relating to resisting arrest with
violence.~~

~~(pp) Chapter 847, relating to obscenity.~~

~~(qq) Section 874.05, relating to causing, encouraging,
soliciting, or recruiting another to join a criminal street
gang.~~

~~(rr) Chapter 893, relating to drug abuse prevention and~~



699756

~~control, if the offense was a felony of the second degree or greater severity.~~

~~(ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.~~

~~(tt) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.~~

~~(uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.~~

~~(vv) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.~~

~~(2) Any misdemeanor offense prohibited under any of the following statutes:~~

~~(a) Section 784.03, relating to battery, if the victim of the offense was a minor.~~

~~(b) Section 787.025, relating to luring or enticing a child.~~

~~(5)(3) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:~~

~~(a) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes a disqualifying an offense prohibited under any statute listed in s. 435.04(2) subsection (1) or subsection (2).~~

~~(b)(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender~~



699756

List under s. 943.0435(1)(h)1.d.

Section 8. Paragraph (a) of subsection (2) of section 1012.467, Florida Statutes, is amended to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)(a) A fingerprint-based criminal history check must ~~shall~~ be performed on each noninstructional contractor who is permitted access to school grounds when students are present, whose performance of the contract with the school or school board is not anticipated to result in direct contact with students, and for whom any unanticipated contact would be infrequent and incidental using the process described in s. 1012.32(3). The results of each criminal history check must ~~shall~~ be reported to the school district in which the individual is seeking access and entered into the shared system described in subsection (7). The school district shall screen the results using the disqualifying offenses in paragraph (b). Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of a noninstructional contractor. The cost of the criminal history check may be borne by the district school board, the school, or the contractor.

Section 9. Paragraph (d) of subsection (2) and paragraph (a) of subsection (10) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(2) ELIGIBILITY CRITERIA.—To be eligible to seek



699756

certification, a person must:

(d) Submit to background screening in accordance with subsection (10). If the background screening indicates a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the investigative section in the Department of Education for review and determination of eligibility for certification. Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the applicant's records must be referred to the Agency for Health Care Administration. If the applicant fails to provide the necessary documentation requested by the department within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(10) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(a) Each person who seeks certification under this chapter must be fingerprinted and screened in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, is not required to repeat the screening under this paragraph. Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the background screening results must be submitted to the Care Provider Background Screening Clearinghouse.



699756

Section 10. (1) Sections 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, Florida Statutes, are reenacted for the purpose of incorporating the amendments made by this act to s. 1012.315, Florida Statutes, in references thereto.

(2) Section 1012.468, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to s. 1012.467, Florida Statutes, in a reference thereto.

Section 11. (1) For the 2023-2024 fiscal year, the sums of \$400,000 in recurring funds from the Health Care Trust Fund and \$4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration.

(2) This section shall take effect July 1, 2023.

Section 12. The changes made to s. 435.12, Florida Statutes, by this act must be implemented by January 1, 2025, or a later date as determined by the Agency for Health Care Administration.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2024.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to level 2 background screenings;
amending s. 435.02, F.S.; providing definitions;



699756

amending s. 435.04, F.S.; expanding authorized records that may be checked during a level 2 background screening; adding additional disqualifying offenses to level 2 background screening requirements; removing obsolete language; amending s. 435.12, F.S.; authorizing certain qualified entities to participate in the Care Provider Background Screening Clearinghouse beginning on a specified date; requiring the Agency for Health Care Administration to perform certain actions beginning on a specified date; requiring the clearinghouse to share eligibility determinations with certain entities; revising the timeframe for certain reporting requirements; revising deadlines for rescreening certain employees; removing obsolete language; conforming provisions to changes made by the act; amending s. 943.0438, F.S.; revising the definition of the term "athletic coach"; requiring level 2, instead of level 1, background screenings for current and prospective athletic coaches; providing timeframes for independent sanctioning authorities to disqualify certain persons from acting as an athletic coach for certain reasons; requiring independent sanctioning authorities to participate in a specified system; conforming provisions to changes made by the act; amending s. 943.05, F.S.; expanding the agencies and entities which may use the Criminal Justice Information Program; requiring the program to develop, for federal approval, a specified method for identifying or verifying an individual; amending s.



699756

943.0542, F.S.; requiring qualified entities to initiate background criminal history checks through the Department of Law Enforcement or the clearinghouse beginning on a specified date; providing requirements for qualified entities initiating criminal history checks through the clearinghouse; providing requirements for the clearinghouse; revising standards for determinations of whether a criminal history record shows certain information; requiring the agency to make certain determinations regarding the eligibility of certain employees or volunteers beginning on a specified date; amending s. 1012.315, F.S.; revising screening requirements for specified individuals; requiring the agency to make certain determinations regarding the eligibility of certain employees beginning on a specified date; conforming provisions to changes made by the act; amending s. 1012.467, F.S.; requiring the agency to make certain determinations regarding the eligibility of certain noninstructional contractors beginning on a specified date; amending s. 1012.56, F.S.; requiring the records of a person applying for educator certification to be referred to the agency beginning on a specified date; requiring background screening results to be submitted to the clearinghouse by a specified date; reenacting ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to incorporate the amendments made by this act to s. 1012.315, F.S., in references thereto;



699756

765 reenacting s. 1012.468, F.S., to incorporate the
766 amendments made by this act to s. 1012.467, F.S., in a
767 reference thereto; providing an appropriation;
768 requiring that certain provisions be implemented by
769 the later of a specified date or a date determined by
770 the agency; providing effective dates.

By Senator Grall

29-00666A-23

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1 A bill to be entitled
 2 An act relating to background screenings; amending s.
 3 435.02, F.S.; defining the terms "affiliation" and
 4 "qualified entity"; amending s. 435.04, F.S.; revising
 5 level 2 screening requirements; amending s. 435.12,
 6 F.S.; deleting obsolete language; requiring the Care
 7 Provider Background Screening Clearinghouse to allow
 8 the results of certain screenings after a date certain
 9 to be shared among specified agencies and qualified
 10 entities; requiring qualified entities participating
 11 in the clearinghouse to meet certain requirements;
 12 conforming provisions to changes made by the act;
 13 amending s. 943.0438, F.S.; revising the definition of
 14 the term "athletic coach"; revising requirements
 15 relating to background screenings for independent
 16 sanctioning authorities; requiring independent
 17 sanctioning authorities to participate in the
 18 Volunteer and Employee Criminal History System;
 19 amending s. 943.05, F.S.; revising requirements for
 20 the Criminal Justice Information Program relating to
 21 fingerprint searches; requiring the program to develop
 22 a method for identifying or verifying an individual
 23 through automated biometrics; amending s. 943.0542,
 24 F.S.; requiring qualified entities to initiate all
 25 background criminal history checks through the
 26 clearinghouse after a date certain; requiring, rather
 27 than authorizing, the Department of Law Enforcement to
 28 periodically audit qualified entities; requiring
 29 qualified entities initiating background criminal

Page 1 of 79

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

29-00666A-23

2023676__

30 history checks through the clearinghouse to comply
 31 with specified provisions; requiring that certain
 32 fingerprints be entered into the clearinghouse;
 33 providing requirements to the clearinghouse relating
 34 to such checks; amending s. 1012.315, F.S.; revising
 35 screening standard requirements for educator
 36 certification or employment in positions that require
 37 direct contact with certain students; amending s.
 38 1012.467, F.S.; revising criminal history check
 39 requirements for certain noninstructional contractors;
 40 reenacting ss. 39.821(1), 381.0059(1), 381.986(9),
 41 393.0655(5), 397.487(6), 397.4871(5) and (6)(b),
 42 402.62(3)(a), 408.809(2)(a), (3) and (4), 409.913(13),
 43 413.011(7), 413.208(2)(d) and (e), 430.0402(6),
 44 435.03(2), 435.07(4)(a), 456.0135(5), 464.018(1)(e),
 45 468.3101(1)(m), 744.309(3), 744.474(12), 985.04(6)(a),
 46 985.644(3)(a), 1002.36(7)(b), 1002.395(6)(b),
 47 1002.421(1)(e), (m), and (p), 1002.55(3)(d),
 48 1002.61(5), 1002.63(5), 1006.20(2)(e), 1012.321, and
 49 1012.468(2)(b), F.S., relating to qualifications of
 50 guardians ad litem, background screening requirements
 51 for school health services personnel, medical use of
 52 marijuana, screening of direct service providers,
 53 voluntary certification of recovery residences,
 54 recovery residence administrator certification, the
 55 Strong Families Tax Credit, background screening,
 56 oversight of the integrity of the Medicaid program,
 57 the Division of Blind Services and the Rehabilitation
 58 Council for the Blind, service providers, screening of

Page 2 of 79

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29-00666A-23

2023676__

59 direct service providers, level 1 screening standards,
 60 exemptions from disqualification, general background
 61 screening provisions, disciplinary actions,
 62 disciplinary grounds and actions, who may be appointed
 63 guardian of a resident ward, reasons for removal of
 64 guardian, records, personnel standards and
 65 investigation, the Florida School for the Deaf and the
 66 Blind, the Florida Tax Credit Scholarship Program,
 67 state school choice scholarship program accountability
 68 and oversight, school-year prekindergarten program
 69 delivered by private prekindergarten providers, summer
 70 prekindergarten program delivered by public schools
 71 and private prekindergarten providers, school-year
 72 prekindergarten program delivered by public schools,
 73 athletics in public K-12 schools, exceptions for
 74 certain instructional personnel from background
 75 screening requirements, and exceptions to certain
 76 fingerprinting and criminal history checks,
 77 respectively, to incorporate the amendment made to s.
 78 435.04, F.S., in references thereto; reenacting ss.
 79 1001.10(4)(b), 1001.42(6), 1001.51(12)(b),
 80 1002.33(12)(g), 1002.333(6)(d), 1002.421(1)(r),
 81 1012.32(1), 1012.56(10)(a) and (d), 1012.795(1), and
 82 1012.796(7)(i), F.S., relating to the Commissioner of
 83 Education, powers and duties of district school board,
 84 duties and responsibilities of district school
 85 superintendent, charter schools, persistently low-
 86 performing schools, state school choice scholarship
 87 program accountability and oversight, qualifications

Page 3 of 79

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29-00666A-23

2023676__

88 of personnel, educator certification requirements, the
 89 Education Practices Commission, and complaints against
 90 teachers and administrators, respectively, to
 91 incorporate the amendment made to s. 1012.315, F.S.,
 92 in references thereto; reenacting s. 1012.468(2) and
 93 (3)(a), F.S., relating to exceptions to certain
 94 fingerprinting and criminal history checks, to
 95 incorporate the amendment made to s. 1012.467, F.S.,
 96 in references thereto; providing an appropriation;
 97 providing an effective date.
 98
 99 Be It Enacted by the Legislature of the State of Florida:
 100
 101 Section 1. Present subsections (1) through (4), (5), and
 102 (6) of section 435.02, Florida Statutes, are redesignated as
 103 subsections (2) through (5), (7), and (8), respectively, and new
 104 subsections (1) and (6) are added to that section, to read:
 105 435.02 Definitions.—For the purposes of this chapter, the
 106 term:
 107 (1) "Affiliation" means employment by or serving as a
 108 volunteer or contractor with a qualified entity in a position
 109 for which screening is not required by law but which is allowed
 110 under the National Child Protection Act.
 111 (6) "Qualified entity" has the same meaning as provided in
 112 s. 943.0542(1)(b).
 113 Section 2. Present paragraphs (bb) through (zz) of
 114 subsection (2) of section 435.04, Florida Statutes, are
 115 redesignated as paragraphs (gg) through (eee), new paragraphs
 116 (k), (m), (n), (y), and (cc) are added to that subsection, and

Page 4 of 79

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29-00666A-23

2023676__

paragraphs (a), (b), and (d) of subsection (1) and present paragraphs (k) through (aa) of subsection (2) of that section are amended, to read:

435.04 Level 2 screening standards.-

(1) (a) All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation and a search of criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registries of any state in which the current or prospective employee resided during the preceding 5 years. Such background investigations, and may include local criminal records checks through local law enforcement agencies.

(b) Fingerprints submitted pursuant to this section ~~on or after July 1, 2012,~~ must be submitted electronically to the Department of Law Enforcement.

~~(d) An agency may require by rule that fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement on a date earlier than July 1, 2012.~~

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to,

Page 5 of 79

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29-00666A-23

2023676__

or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(k) Section 784.021, relating to aggravated assault.

(l) ~~(k)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(m) Section 784.045, relating to aggravated battery.

(n) Section 784.075, relating to battery on a detention or commitment facility staff member or juvenile probation officer.

(o) ~~(l)~~ Section 787.01, relating to kidnapping.

(p) ~~(m)~~ Section 787.02, relating to false imprisonment.

(q) ~~(n)~~ Section 787.025, relating to luring or enticing a child.

(r) ~~(e)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

(s) ~~(p)~~ Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.

(t) ~~(q)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(u) ~~(r)~~ Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(v) ~~(s)~~ Section 794.011, relating to sexual battery.

(w) ~~(t)~~ Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

Page 6 of 79

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29-00666A-23

2023676__

175 ~~(x)(u)~~ Section 794.05, relating to unlawful sexual activity
 176 with certain minors.
 177 (y) Section 794.08, relating to female genital mutilation.
 178 ~~(z)(v)~~ Chapter 796, relating to prostitution.
 179 ~~(aa)(w)~~ Section 798.02, relating to lewd and lascivious
 180 behavior.
 181 ~~(bb)(x)~~ Chapter 800, relating to lewdness and indecent
 182 exposure.
 183 (cc) Section 800.101, relating to offenses against students
 184 by authority figures.
 185 ~~(dd)(y)~~ Section 806.01, relating to arson.
 186 ~~(ee)(z)~~ Section 810.02, relating to burglary.
 187 ~~(ff)(aa)~~ Section 810.14, relating to voyeurism, ~~if the~~
 188 ~~offense is a felony.~~
 189 Section 3. Subsections (1) and (2) of section 435.12,
 190 Florida Statutes, are amended to read:
 191 435.12 Care Provider Background Screening Clearinghouse.—
 192 (1) The Agency for Health Care Administration in
 193 consultation with the Department of Law Enforcement shall create
 194 a secure web-based system, which shall be known as the "Care
 195 Provider Background Screening Clearinghouse" or
 196 "clearinghouse," ~~and which shall be implemented to the full~~
 197 ~~extent practicable no later than September 30, 2013, subject to~~
 198 ~~the specified agencies being funded and equipped to participate~~
 199 ~~in such program.~~ The clearinghouse shall allow the results of
 200 criminal history checks provided to the specified agencies and,
 201 beginning January 1, 2025, or a later date established by the
 202 Agency for Health Care Administration, to qualified entities
 203 participating in the clearinghouse, for screening of persons

Page 7 of 79

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29-00666A-23

2023676__

204 qualified as care providers under s. 943.0542 to be shared among
 205 the specified agencies and such qualified entities when a person
 206 has applied to volunteer, be employed, be licensed, or enter
 207 into a contract that requires, or has an affiliation that allows
 208 for, a state and national fingerprint-based criminal history
 209 check. The Agency for Health Care Administration and the
 210 Department of Law Enforcement may adopt rules to create forms or
 211 implement procedures needed to carry out this section.
 212 (2)(a) To ensure that the information in the clearinghouse
 213 is current, the fingerprints of a person an employee required to
 214 ~~be screened by a specified agency and~~ included in the
 215 clearinghouse must be:
 216 1. Retained by the Department of Law Enforcement pursuant
 217 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
 218 Enforcement must report the results of searching those
 219 fingerprints against state incoming arrest fingerprint
 220 submissions to the Agency for Health Care Administration for
 221 inclusion in the clearinghouse.
 222 2. Retained by the Federal Bureau of Investigation in the
 223 national retained print arrest notification program as soon as
 224 the Department of Law Enforcement begins participation in such
 225 program. Arrest prints will be searched against retained prints
 226 at the Federal Bureau of Investigation and notification of
 227 arrests will be forwarded to the Florida Department of Law
 228 Enforcement and reported to the Agency for Health Care
 229 Administration for inclusion in the clearinghouse.
 230 3. Resubmitted for a Federal Bureau of Investigation
 231 national criminal history check every 5 years until such time as
 232 the fingerprints are retained by the Federal Bureau of

Page 8 of 79

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29-00666A-23

2023676__

Investigation.

4. Subject to retention on a 5-year renewal basis with fees collected at the time of initial submission or resubmission of fingerprints.

5. Submitted with a photograph of the person taken at the time the fingerprints are submitted.

(b) Until such time as the fingerprints are enrolled in the national retained print arrest notification program at the Federal Bureau of Investigation, an employee with a break in service of more than 90 days from a position that requires screening ~~by a specified agency~~ must submit to a national screening if the person returns to a position that requires screening ~~by a specified agency~~.

(c) An employer of persons subject to screening or a qualified entity participating in the clearinghouse ~~by a specified agency~~ must register with the clearinghouse and maintain the employment or affiliation status of all persons included in employees within the clearinghouse. Initial employment or affiliation status and any changes in status must be reported within 10 business days.

(d) An employer or a qualified entity participating in the clearinghouse must register with and initiate all criminal history checks through the clearinghouse before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity participating in the clearinghouse for electronic fingerprint submission to the Department of Law Enforcement. The registration must include the employee's full first name, middle initial, and last name; social security number; date of birth; mailing address; sex; and

29-00666A-23

2023676__

race. Individuals, persons, applicants, and controlling interests that cannot legally obtain a social security number must provide an individual taxpayer identification number.

Section 4. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (4) of section 943.0438, Florida Statutes, are amended to read:

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to work as a manager, coach, assistant coach, or referee ~~for 20 or more hours within a calendar year~~, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(2) An independent sanctioning authority shall:

(a) ~~1-~~ Conduct a level 2 ~~±~~ background screening pursuant to s. 435.04 ~~s. 435.03~~ of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 ~~±~~ background screening has been ~~is~~ conducted and has ~~does~~ not resulted ~~result~~ in disqualification under paragraph (b). ~~Level 1 background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall include a search of the athletic coach's name or other identifying information against state and federal registries of~~

29-00666A-23

2023676__

291 ~~sexual predators and sexual offenders, which are available to~~
 292 ~~the public on Internet sites provided by:~~

293 ~~a. The Department of Law Enforcement under s. 943.043; and~~
 294 ~~b. The Attorney General of the United States under 42~~
 295 ~~U.S.C. s. 16920.~~

296 ~~2. For purposes of this section, a background screening~~
 297 ~~conducted by a commercial consumer reporting agency in~~
 298 ~~compliance with the federal Fair Credit Reporting Act using the~~
 299 ~~identifying information referenced in subparagraph 1. that~~
 300 ~~includes a level 1 background screening and a search of that~~
 301 ~~information against the sexual predator and sexual offender~~
 302 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
 303 ~~deemed to satisfy the requirements of this paragraph.~~

304 (b) Disqualify any person from acting as an athletic coach
 305 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified
 306 ~~on a registry described in paragraph (a).~~ The authority may
 307 allow a person disqualified under this paragraph to act as an
 308 athletic coach if it determines that the person meets the
 309 requirements for an exemption from disqualification under s.
 310 435.07.

311 (4) ~~The Legislature encourages~~ Independent sanctioning
 312 authorities for youth athletic teams ~~shall~~ ~~to~~ participate in the
 313 Volunteer and Employee Criminal History System, as authorized by
 314 the National Child Protection Act of 1993 and s. 943.0542.

315 Section 5. Paragraph (h) of subsection (2) of section
 316 943.05, Florida Statutes, is amended, and paragraph (i) is added
 317 to that subsection, to read:

318 943.05 Criminal Justice Information Program; duties; crime
 319 reports.—

29-00666A-23

2023676__

320 (2) The program shall:

321 (h) For each specified agency under s. 435.02, each
 322 qualified entity under s. 943.0542 participating in the Care
 323 Provider Background Screening Clearinghouse under s. 435.12, or
 324 any other agency or qualified entity that officially requests
 325 retention of fingerprints or for which retention is otherwise
 326 required by law, search all arrest fingerprint submissions
 327 received under s. 943.051 against the fingerprints retained in
 328 the statewide automated biometric identification system under
 329 paragraph (g).

330 1. Any arrest record that is identified with the retained
 331 fingerprints of a person subject to background screening as
 332 provided in paragraph (g) shall be reported to the appropriate
 333 agency or qualified entity.

334 2. To participate in this search process, agencies or
 335 qualified entities must notify each person fingerprinted that
 336 his or her fingerprints will be retained, pay an annual fee to
 337 the department unless otherwise provided by law, and inform the
 338 department of any change in the affiliation, employment, or
 339 contractual status of each person whose fingerprints are
 340 retained under paragraph (g) if such change removes or
 341 eliminates the agency or qualified entity's basis or need for
 342 receiving reports of any arrest of that person, so that the
 343 agency or qualified entity is not obligated to pay the upcoming
 344 annual fee for the retention and searching of that person's
 345 fingerprints to the department. The department shall adopt a
 346 rule setting the amount of the annual fee to be imposed upon
 347 each participating agency or qualified entity for performing
 348 these searches and establishing the procedures for the retention

29-00666A-23

2023676__

of fingerprints and the dissemination of search results. The fee may be borne by the agency, qualified entity, or person subject to fingerprint retention or as otherwise provided by law. Consistent with the recognition of criminal justice agencies expressed in s. 943.053(3), these services shall be provided to criminal justice agencies for criminal justice purposes free of charge. Qualified entities that elect to participate in the fingerprint retention and search process are required to timely remit the fee to the department by a payment mechanism approved by the department. If requested by the qualified entity, and with the approval of the department, such fees may be timely remitted to the department by a qualified entity upon receipt of an invoice for such fees from the department. Failure of a qualified entity to pay the amount due on a timely basis or as invoiced by the department may result in the refusal by the department to permit the qualified entity to continue to participate in the fingerprint retention and search process until all fees due and owing are paid.

3. Agencies that participate in the fingerprint retention and search process may adopt rules pursuant to ss. 120.536(1) and 120.54 to require employers to keep the agency informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency's basis or need for receiving reports of any arrest of that person, so that the agency is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department.

(i) Develop, for federal approval, a method for identifying

Page 13 of 79

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29-00666A-23

2023676__

or verifying an individual through automated biometrics.

Section 6. Section 943.0542, Florida Statutes, is amended to read:

943.0542 Access to criminal history information provided by the department or the Care Provider Background Screening Clearinghouse to qualified entities.—

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

(a) "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

(b) "Qualified entity" means a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, which provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services.

(2)~~(a)~~ A qualified entity must initiate all background criminal history checks through the department. Beginning January 1, 2025, or a later date established by the Agency for Health Care Administration, a qualified entity must initiate all background criminal history checks through the Care Provider Background Screening Clearinghouse under s. 435.12.

(a) If a qualified entity initiates a background criminal history check through the department, the qualified entity must:

1. Register with the department before submitting a request for screening under this section. Each such request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended. As a part of the registration, the qualified entity must agree to comply with state and federal law and must so indicate by signing an

Page 14 of 79

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29-00666A-23

2023676__

agreement approved by the department. The department shall ~~may~~ periodically audit qualified entities to ensure compliance with federal law and this section.

~~2.(b) A qualified entity shall~~ Submit to the department a request for screening an employee or volunteer or person applying to be an employee or volunteer by submitting fingerprints, or the request may be submitted electronically. The qualified entity must maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity.

~~3.(e)~~ Each such request must be accompanied by payment of a fee for a statewide criminal history check by the department established by s. 943.053, plus the amount currently prescribed by the Federal Bureau of Investigation for the national criminal history check in compliance with the National Child Protection Act of 1993, as amended. Payments must be made in the manner prescribed by the department by rule.

~~4.(d)~~ Any current or prospective employee or volunteer who is subject to a request for screening must indicate to the qualified entity submitting the request the name and address of each qualified entity that has submitted a previous request for screening regarding that employee or volunteer.

(b) If a qualified entity initiates a background criminal history check through the clearinghouse, the qualified entity must comply with s. 435.12. All fingerprints received under this section must be entered into the clearinghouse as provided in s. 435.12.

(3) The clearinghouse or the department shall provide directly to the qualified entity the state criminal history

29-00666A-23

2023676__

records that are not exempt from disclosure under chapter 119 or otherwise confidential under law. A person who is the subject of a state criminal history record may challenge the record only as provided in s. 943.056.

(4) The national criminal history data is available to qualified entities to use only for the purpose of screening employees and volunteers or persons applying to be an employee or volunteer with a qualified entity. The clearinghouse or the department shall provide this national criminal history record information directly to the qualified entity as authorized by the written waiver required for submission of a request to the department.

(5) The determination whether the criminal history record shows that the employee or volunteer has been convicted of or is under pending indictment for any crime that bears upon the fitness of the employee or volunteer to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall solely be made by the qualified entity. This section does not require the department to make such a determination on behalf of any qualified entity.

(6) The qualified entity must notify in writing the person of his or her right to obtain a copy of any background screening report, including the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law

29-00666A-23

2023676

to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the department for those persons subject to the required screening.

(7) The department may establish a database of registered qualified entities and make this data available free of charge to all registered qualified entities. The database must include, at a minimum, the name, address, and phone number of each qualified entity.

(8) A qualified entity is not liable for damages solely for failing to obtain the information authorized under this section with respect to an employee or volunteer. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision is not liable for damages for providing the information requested under this section.

(9) The department has authority to adopt rules to implement this section.

Section 7. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Screening standards.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002 if the person is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible

29-00666A-23

2023676

for an exemption under s. 435.07(4)(c), or is ineligible based on the security background investigation under s. 435.04(2) has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:

(1) ~~Any felony offense prohibited under any of the following statutes:~~

(a) ~~Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.~~

(b) ~~Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.~~

(c) ~~Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.~~

(d) ~~Section 782.04, relating to murder.~~

(e) ~~Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.~~

(f) ~~Section 784.021, relating to aggravated assault.~~

(g) ~~Section 784.045, relating to aggravated battery.~~

(h) ~~Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.~~

(i) ~~Section 787.01, relating to kidnapping.~~

(j) ~~Section 787.02, relating to false imprisonment.~~

(k) ~~Section 787.025, relating to luring or enticing a child.~~

29-00666A-23

2023676__

523 ~~(l) Section 787.04(2), relating to leading, taking,~~
 524 ~~enticing, or removing a minor beyond the state limits, or~~
 525 ~~concealing the location of a minor, with criminal intent pending~~
 526 ~~custody proceedings.~~
 527 ~~(m) Section 787.04(3), relating to leading, taking,~~
 528 ~~enticing, or removing a minor beyond the state limits, or~~
 529 ~~concealing the location of a minor, with criminal intent pending~~
 530 ~~dependency proceedings or proceedings concerning alleged abuse~~
 531 ~~or neglect of a minor.~~
 532 ~~(n) Section 790.115(1), relating to exhibiting firearms or~~
 533 ~~weapons at a school-sponsored event, on school property, or~~
 534 ~~within 1,000 feet of a school.~~
 535 ~~(o) Section 790.115(2)(b), relating to possessing an~~
 536 ~~electric weapon or device, destructive device, or other weapon~~
 537 ~~at a school-sponsored event or on school property.~~
 538 ~~(p) Section 794.011, relating to sexual battery.~~
 539 ~~(q) Former s. 794.041, relating to sexual activity with or~~
 540 ~~solicitation of a child by a person in familial or custodial~~
 541 ~~authority.~~
 542 ~~(r) Section 794.05, relating to unlawful sexual activity~~
 543 ~~with certain minors.~~
 544 ~~(s) Section 794.08, relating to female genital mutilation.~~
 545 ~~(t) Chapter 796, relating to prostitution.~~
 546 ~~(u) Chapter 800, relating to lewdness and indecent~~
 547 ~~exposure.~~
 548 ~~(v) Section 800.101, relating to offenses against students~~
 549 ~~by authority figures.~~
 550 ~~(w) Section 806.01, relating to arson.~~
 551 ~~(x) Section 810.14, relating to voyeurism.~~

29-00666A-23

2023676__

552 ~~(y) Section 810.145, relating to video voyeurism.~~
 553 ~~(z) Section 812.014(6), relating to coordinating the~~
 554 ~~commission of theft in excess of \$3,000.~~
 555 ~~(aa) Section 812.0145, relating to theft from persons 65~~
 556 ~~years of age or older.~~
 557 ~~(bb) Section 812.019, relating to dealing in stolen~~
 558 ~~property.~~
 559 ~~(cc) Section 812.13, relating to robbery.~~
 560 ~~(dd) Section 812.131, relating to robbery by sudden~~
 561 ~~snatching.~~
 562 ~~(ee) Section 812.133, relating to carjacking.~~
 563 ~~(ff) Section 812.135, relating to home invasion robbery.~~
 564 ~~(gg) Section 817.563, relating to fraudulent sale of~~
 565 ~~controlled substances.~~
 566 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
 567 ~~or neglect of an elderly person or disabled adult.~~
 568 ~~(ii) Section 825.103, relating to exploitation of an~~
 569 ~~elderly person or disabled adult.~~
 570 ~~(jj) Section 825.1025, relating to lewd or lascivious~~
 571 ~~offenses committed upon or in the presence of an elderly person~~
 572 ~~or disabled person.~~
 573 ~~(kk) Section 826.04, relating to incest.~~
 574 ~~(ll) Section 827.03, relating to child abuse, aggravated~~
 575 ~~child abuse, or neglect of a child.~~
 576 ~~(mm) Section 827.04, relating to contributing to the~~
 577 ~~delinquency or dependency of a child.~~
 578 ~~(nn) Section 827.071, relating to sexual performance by a~~
 579 ~~child.~~
 580 ~~(oo) Section 843.01, relating to resisting arrest with~~

29-00666A-23

2023676__

581 ~~violence.~~

582 ~~(pp) Chapter 847, relating to obscenity.~~

583 ~~(qq) Section 874.05, relating to causing, encouraging,~~
 584 ~~soliciting, or recruiting another to join a criminal street~~
 585 ~~gang.~~

586 ~~(rr) Chapter 893, relating to drug abuse prevention and~~
 587 ~~control, if the offense was a felony of the second degree or~~
 588 ~~greater severity.~~

589 ~~(ss) Section 916.1075, relating to sexual misconduct with~~
 590 ~~certain forensic clients and reporting of such sexual~~
 591 ~~misconduct.~~

592 ~~(tt) Section 944.47, relating to introduction, removal, or~~
 593 ~~possession of contraband at a correctional facility.~~

594 ~~(uu) Section 985.701, relating to sexual misconduct in~~
 595 ~~juvenile justice programs.~~

596 ~~(vv) Section 985.711, relating to introduction, removal, or~~
 597 ~~possession of contraband at a juvenile detention facility or~~
 598 ~~commitment program.~~

599 ~~(2) Any misdemeanor offense prohibited under any of the~~
 600 ~~following statutes:~~

601 ~~(a) Section 784.03, relating to battery, if the victim of~~
 602 ~~the offense was a minor.~~

603 ~~(b) Section 787.025, relating to luring or enticing a~~
 604 ~~child.~~

605 ~~(3) Any criminal act committed in another state or under~~
 606 ~~federal law which, if committed in this state, constitutes an~~
 607 ~~offense prohibited under any statute listed in subsection (1) or~~
 608 ~~subsection (2).~~

609 ~~(4) Any delinquent act committed in this state or any~~

29-00666A-23

2023676__

610 ~~delinquent or criminal act committed in another state or under~~
 611 ~~federal law which, if committed in this state, qualifies an~~
 612 ~~individual for inclusion on the Registered Juvenile Sex Offender~~
 613 ~~List under s. 943.0435(1)(h)1.d.~~

614 Section 8. Subsection (2) of section 1012.467, Florida
 615 Statutes, is amended to read:

616 1012.467 Noninstructional contractors who are permitted
 617 access to school grounds when students are present; background
 618 screening requirements.—

619 (2)(a) A fingerprint-based criminal history check shall be
 620 performed on each noninstructional contractor who is permitted
 621 access to school grounds when students are present, whose
 622 performance of the contract with the school or school board is
 623 not anticipated to result in direct contact with students, and
 624 for whom any unanticipated contact would be infrequent and
 625 incidental using the process described in s. 1012.32(3). The
 626 results of each criminal history check shall be reported to the
 627 school district in which the individual is seeking access and
 628 entered into the shared system described in subsection (7). The
 629 school district shall screen the results using the disqualifying
 630 offenses in s. 435.04(2) paragraph (b). The cost of the criminal
 631 history check may be borne by the district school board, the
 632 school, or the contractor.

633 (b) A noninstructional contractor for whom a criminal
 634 history check is required under this section may not have been
 635 convicted of any of the ~~following~~ offenses in s. 435.04(2)
 636 ~~designated in the Florida Statutes, any similar offense in~~
 637 ~~another jurisdiction, or any similar offense committed in this~~
 638 ~~state which has been redesignated from a former provision of the~~

29-00666A-23

2023676__

Florida Statutes to one of the following offenses:

1. ~~Any offense listed in s. 943.0435(1)(h)1., relating to the registration of an individual as a sexual offender.~~

2. ~~Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.~~

3. ~~Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.~~

4. ~~Section 775.30, relating to terrorism.~~

5. ~~Section 782.04, relating to murder.~~

6. ~~Section 787.01, relating to kidnapping.~~

7. ~~Any offense under chapter 800, relating to lewdness and indecent exposure.~~

8. ~~Section 826.04, relating to incest.~~

9. ~~Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.~~

Section 9. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (1) of section 39.821, Florida Statutes, is reenacted to read:

39.821 Qualifications of guardians ad litem.—

(1) Because of the special trust or responsibility placed in a guardian ad litem, the Guardian Ad Litem Program may use any private funds collected by the program, or any state funds so designated, to conduct a security background investigation before certifying a volunteer to serve. A security background investigation must include, but need not be limited to, employment history checks, checks of references, local criminal

29-00666A-23

2023676__

history records checks through local law enforcement agencies, and statewide criminal history records checks through the Department of Law Enforcement. Upon request, an employer shall furnish a copy of the personnel record for the employee or former employee who is the subject of a security background investigation conducted under this section. The information contained in the personnel record may include, but need not be limited to, disciplinary matters and the reason why the employee was terminated from employment. An employer who releases a personnel record for purposes of a security background investigation is presumed to have acted in good faith and is not liable for information contained in the record without a showing that the employer maliciously falsified the record. A security background investigation conducted under this section must ensure that a person is not certified as a guardian ad litem if the person has an arrest awaiting final disposition for, been convicted of, regardless of adjudication, entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the provisions listed in s. 435.04. All applicants must undergo a level 2 background screening pursuant to chapter 435 before being certified to serve as a guardian ad litem. In analyzing and evaluating the information obtained in the security background investigation, the program must give particular emphasis to past activities involving children, including, but not limited to, child-related criminal offenses or child abuse. The program has sole discretion in determining whether to certify a person based on his or her security background investigation. The information collected pursuant to

29-00666A-23 2023676__

697 the security background investigation is confidential and exempt
698 from s. 119.07(1).

699 Section 10. For the purpose of incorporating the amendment
700 made by this act to section 435.04, Florida Statutes, in a
701 reference thereto, subsection (1) of section 381.0059, Florida
702 Statutes, is reenacted to read:

703 381.0059 Background screening requirements for school
704 health services personnel.—

705 (1) Pursuant to the provisions of chapter 435, any person
706 who provides services under a school health services plan
707 pursuant to s. 381.0056 must meet level 2 screening requirements
708 as described in s. 435.04. A person may satisfy the requirements
709 of this subsection by submitting proof of compliance with the
710 requirements of level 2 screening conducted within 12 months
711 before the date that person initially provides services under a
712 school health services plan.

713 Section 11. For the purpose of incorporating the amendment
714 made by this act to section 435.04, Florida Statutes, in a
715 reference thereto, subsection (9) of section 381.986, Florida
716 Statutes, is reenacted to read:

717 381.986 Medical use of marijuana.—

718 (9) BACKGROUND SCREENING.—An individual required to undergo
719 a background screening pursuant to this section must pass a
720 level 2 background screening as provided under chapter 435,
721 which, in addition to the disqualifying offenses provided in s.
722 435.04, shall exclude an individual who has an arrest awaiting
723 final disposition for, has been found guilty of, regardless of
724 adjudication, or has entered a plea of nolo contendere or guilty
725 to an offense under chapter 837, chapter 895, or chapter 896 or

29-00666A-23 2023676__

726 similar law of another jurisdiction.

727 (a) Such individual must submit a full set of fingerprints
728 to the department or to a vendor, entity, or agency authorized
729 by s. 943.053(13). The department, vendor, entity, or agency
730 shall forward the fingerprints to the Department of Law
731 Enforcement for state processing, and the Department of Law
732 Enforcement shall forward the fingerprints to the Federal Bureau
733 of Investigation for national processing.

734 (b) Fees for state and federal fingerprint processing and
735 retention shall be borne by the individual. The state cost for
736 fingerprint processing shall be as provided in s. 943.053(3)(e)
737 for records provided to persons or entities other than those
738 specified as exceptions therein.

739 (c) Fingerprints submitted to the Department of Law
740 Enforcement pursuant to this subsection shall be retained by the
741 Department of Law Enforcement as provided in s. 943.05(2)(g) and
742 (h) and, when the Department of Law Enforcement begins
743 participation in the program, enrolled in the Federal Bureau of
744 Investigation's national retained print arrest notification
745 program. Any arrest record identified shall be reported to the
746 department.

747 Section 12. For the purpose of incorporating the amendment
748 made by this act to section 435.04, Florida Statutes, in a
749 reference thereto, subsection (5) of section 393.0655, Florida
750 Statutes, is reenacted to read:

751 393.0655 Screening of direct service providers.—

752 (5) DISQUALIFYING OFFENSES.—The background screening
753 conducted under this section must ensure that, in addition to
754 the disqualifying offenses listed in s. 435.04, no person

29-00666A-23

2023676__

subject to the provisions of this section has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

- (a) Any authorizing statutes, if the offense was a felony.
- (b) This chapter, if the offense was a felony.
- (c) Section 409.920, relating to Medicaid provider fraud.
- (d) Section 409.9201, relating to Medicaid fraud.
- (e) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- (f) Section 817.234, relating to false and fraudulent insurance claims.
- (g) Section 817.505, relating to patient brokering.
- (h) Section 817.568, relating to criminal use of personal identification information.
- (i) Section 817.60, relating to obtaining a credit card through fraudulent means.
- (j) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.
- (k) Section 831.01, relating to forgery.
- (l) Section 831.02, relating to uttering forged instruments.
- (m) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
- (n) Section 831.09, relating to uttering forged bank bills,

29-00666A-23

2023676__

checks, drafts, or promissory notes.

Section 13. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (6) of section 397.487, Florida Statutes, is reenacted to read:

397.487 Voluntary certification of recovery residences.—

(6) All owners, directors, and chief financial officers of an applicant recovery residence are subject to level 2 background screening as provided under s. 408.809 and chapter 435. A recovery residence is ineligible for certification, and a credentialing entity shall deny a recovery residence's application, if any owner, director, or chief financial officer has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809(4) or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of an owner's, director's, or chief financial officer's eligibility based on the results of his or her background screening.

Section 14. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, Subsection (5) and paragraph (b) of subsection (6) of section 397.4871, Florida Statutes, are reenacted to read:

397.4871 Recovery residence administrator certification.—

(5) All applicants are subject to level 2 background

29-00666A-23

2023676__

813 screening as provided under chapter 435. An applicant is
 814 ineligible, and a credentialing entity shall deny the
 815 application, if the applicant has been found guilty of, or has
 816 entered a plea of guilty or nolo contendere to, regardless of
 817 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
 818 unless the department has issued an exemption under s. 435.07.
 819 Exemptions from disqualification applicable to service provider
 820 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to
 821 this subsection. In accordance with s. 435.04, the department
 822 shall notify the credentialing agency of the applicant's
 823 eligibility based on the results of his or her background
 824 screening.

825 (6) The credentialing entity shall issue a certificate of
 826 compliance upon approval of a person's application. The
 827 certification shall automatically terminate 1 year after
 828 issuance if not renewed.

829 (b) If a certified recovery residence administrator of a
 830 recovery residence is arrested for or found guilty of, or enters
 831 a plea of guilty or nolo contendere to, regardless of
 832 adjudication, any offense listed in s. 435.04(2) while acting in
 833 that capacity, the recovery residence shall immediately remove
 834 the person from that position and shall notify the credentialing
 835 entity within 3 business days after such removal. The recovery
 836 residence shall have 30 days to retain a certified recovery
 837 residence administrator. The credentialing entity shall revoke
 838 the certificate of compliance of any recovery residence that
 839 fails to meet these requirements.

840 Section 15. For the purpose of incorporating the amendment
 841 made by this act to section 435.04, Florida Statutes, in a

29-00666A-23

2023676__

842 reference thereto, paragraph (a) of subsection (3) of section
 843 402.62, Florida Statutes, is reenacted to read:
 844 402.62 Strong Families Tax Credit.—
 845 (3) RESPONSIBILITIES OF ELIGIBLE CHARITABLE ORGANIZATIONS.—
 846 An eligible charitable organization that receives a contribution
 847 under this section must do all of the following:
 848 (a) Apply for admittance into the Department of Law
 849 Enforcement's Volunteer and Employee Criminal History System
 850 and, if accepted, conduct background screening on all volunteers
 851 and staff working directly with children in any program funded
 852 under this section pursuant to s. 943.0542. Background screening
 853 shall use level 2 screening standards pursuant to s. 435.04 and
 854 additionally include, but need not be limited to, a check of the
 855 Dru Sjodin National Sex Offender Public Website.

856 Section 16. For the purpose of incorporating the amendment
 857 made by this act to section 435.04, Florida Statutes, in a
 858 reference thereto, paragraph (a) of subsection (2) and
 859 subsections (3) and (4) of section 408.809, Florida Statutes,
 860 are reenacted to read:
 861 408.809 Background screening; prohibited offenses.—
 862 (2) Every 5 years following his or her licensure,
 863 employment, or entry into a contract in a capacity that under
 864 subsection (1) would require level 2 background screening under
 865 chapter 435, each such person must submit to level 2 background
 866 rescreening as a condition of retaining such license or
 867 continuing in such employment or contractual status. For any
 868 such rescreening, the agency shall request the Department of Law
 869 Enforcement to forward the person's fingerprints to the Federal
 870 Bureau of Investigation for a national criminal history record

29-00666A-23

2023676__

871 check unless the person's fingerprints are enrolled in the
 872 Federal Bureau of Investigation's national retained print arrest
 873 notification program. If the fingerprints of such a person are
 874 not retained by the Department of Law Enforcement under s.
 875 943.05(2)(g) and (h), the person must submit fingerprints
 876 electronically to the Department of Law Enforcement for state
 877 processing, and the Department of Law Enforcement shall forward
 878 the fingerprints to the Federal Bureau of Investigation for a
 879 national criminal history record check. The fingerprints shall
 880 be retained by the Department of Law Enforcement under s.
 881 943.05(2)(g) and (h) and enrolled in the national retained print
 882 arrest notification program when the Department of Law
 883 Enforcement begins participation in the program. The cost of the
 884 state and national criminal history records checks required by
 885 level 2 screening may be borne by the licensee or the person
 886 fingerprinted. The agency may accept as satisfying the
 887 requirements of this section proof of compliance with level 2
 888 screening standards submitted within the previous 5 years to
 889 meet any provider or professional licensure requirements of the
 890 Department of Financial Services for an applicant for a
 891 certificate of authority or provisional certificate of authority
 892 to operate a continuing care retirement community under chapter
 893 651, provided that:

894 (a) The screening standards and disqualifying offenses for
 895 the prior screening are equivalent to those specified in s.
 896 435.04 and this section;

897 (3) All fingerprints must be provided in electronic format.
 898 Screening results shall be reviewed by the agency with respect
 899 to the offenses specified in s. 435.04 and this section, and the

29-00666A-23

2023676__

900 qualifying or disqualifying status of the person named in the
 901 request shall be maintained in a database. The qualifying or
 902 disqualifying status of the person named in the request shall be
 903 posted on a secure website for retrieval by the licensee or
 904 designated agent on the licensee's behalf.

905 (4) In addition to the offenses listed in s. 435.04, all
 906 persons required to undergo background screening pursuant to
 907 this part or authorizing statutes must not have an arrest
 908 awaiting final disposition for, must not have been found guilty
 909 of, regardless of adjudication, or entered a plea of nolo
 910 contendere or guilty to, and must not have been adjudicated
 911 delinquent and the record not have been sealed or expunged for
 912 any of the following offenses or any similar offense of another
 913 jurisdiction:

914 (a) Any authorizing statutes, if the offense was a felony.

915 (b) This chapter, if the offense was a felony.

916 (c) Section 409.920, relating to Medicaid provider fraud.

917 (d) Section 409.9201, relating to Medicaid fraud.

918 (e) Section 741.28, relating to domestic violence.

919 (f) Section 777.04, relating to attempts, solicitation, and
 920 conspiracy to commit an offense listed in this subsection.

921 (g) Section 784.03, relating to battery, if the victim is a
 922 vulnerable adult as defined in s. 415.102 or a patient or
 923 resident of a facility licensed under chapter 395, chapter 400,
 924 or chapter 429.

925 (h) Section 817.034, relating to fraudulent acts through
 926 mail, wire, radio, electromagnetic, photoelectronic, or
 927 photooptical systems.

928 (i) Section 817.234, relating to false and fraudulent

29-00666A-23

2023676__

insurance claims.

(j) Section 817.481, relating to obtaining goods by using a false or expired credit card or other credit device, if the offense was a felony.

(k) Section 817.50, relating to fraudulently obtaining goods or services from a health care provider.

(l) Section 817.505, relating to patient brokering.

(m) Section 817.568, relating to criminal use of personal identification information.

(n) Section 817.60, relating to obtaining a credit card through fraudulent means.

(o) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(p) Section 831.01, relating to forgery.

(q) Section 831.02, relating to uttering forged instruments.

(r) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(s) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

(t) Section 831.30, relating to fraud in obtaining medicinal drugs.

(u) Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

(v) Section 895.03, relating to racketeering and collection of unlawful debts.

(w) Section 896.101, relating to the Florida Money

29-00666A-23

2023676__

Laundrying Act.

If, upon rescreening, a person who is currently employed or contracted with a licensee and was screened and qualified under s. 435.04 has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency no later than 30 days after receipt of the rescreening results by the person.

Section 17. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (13) of section 409.913, Florida Statutes, is reenacted to read:

409.913 Oversight of the integrity of the Medicaid program.—The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Each January 15, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year.

29-00666A-23

2023676__

987 The report must describe the number of cases opened and
 988 investigated each year; the sources of the cases opened; the
 989 disposition of the cases closed each year; the amount of
 990 overpayments alleged in preliminary and final audit letters; the
 991 number and amount of fines or penalties imposed; any reductions
 992 in overpayment amounts negotiated in settlement agreements or by
 993 other means; the amount of final agency determinations of
 994 overpayments; the amount deducted from federal claiming as a
 995 result of overpayments; the amount of overpayments recovered
 996 each year; the amount of cost of investigation recovered each
 997 year; the average length of time to collect from the time the
 998 case was opened until the overpayment is paid in full; the
 999 amount determined as uncollectible and the portion of the
 1000 uncollectible amount subsequently reclaimed from the Federal
 1001 Government; the number of providers, by type, that are
 1002 terminated from participation in the Medicaid program as a
 1003 result of fraud and abuse; and all costs associated with
 1004 discovering and prosecuting cases of Medicaid overpayments and
 1005 making recoveries in such cases. The report must also document
 1006 actions taken to prevent overpayments and the number of
 1007 providers prevented from enrolling in or reenrolling in the
 1008 Medicaid program as a result of documented Medicaid fraud and
 1009 abuse and must include policy recommendations necessary to
 1010 prevent or recover overpayments and changes necessary to prevent
 1011 and detect Medicaid fraud. All policy recommendations in the
 1012 report must include a detailed fiscal analysis, including, but
 1013 not limited to, implementation costs, estimated savings to the
 1014 Medicaid program, and the return on investment. The agency must
 1015 submit the policy recommendations and fiscal analyses in the

Page 35 of 79

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29-00666A-23

2023676__

1016 report to the appropriate estimating conference, pursuant to s.
 1017 216.137, by February 15 of each year. The agency and the
 1018 Medicaid Fraud Control Unit of the Department of Legal Affairs
 1019 each must include detailed unit-specific performance standards,
 1020 benchmarks, and metrics in the report, including projected cost
 1021 savings to the state Medicaid program during the following
 1022 fiscal year.

1023 (13) The agency shall terminate participation of a Medicaid
 1024 provider in the Medicaid program and may seek civil remedies or
 1025 impose other administrative sanctions against a Medicaid
 1026 provider, if the provider or any principal, officer, director,
 1027 agent, managing employee, or affiliated person of the provider,
 1028 or any partner or shareholder having an ownership interest in
 1029 the provider equal to 5 percent or greater, has been convicted
 1030 of a criminal offense under federal law or the law of any state
 1031 relating to the practice of the provider's profession, or a
 1032 criminal offense listed under s. 408.809(4), s. 409.907(10), or
 1033 s. 435.04(2). If the agency determines that the provider did not
 1034 participate or acquiesce in the offense, termination will not be
 1035 imposed. If the agency effects a termination under this
 1036 subsection, the agency shall take final agency action.

1037 Section 18. For the purpose of incorporating the amendment
 1038 made by this act to section 435.04, Florida Statutes, in a
 1039 reference thereto, subsection (7) of section 413.011, Florida
 1040 Statutes, is reenacted to read:

1041 413.011 Division of Blind Services, legislative policy,
 1042 intent; internal organizational structure and powers;
 1043 Rehabilitation Council for the Blind.—

1044 (7) EMPLOYMENT SCREENING.—The division shall require all

Page 36 of 79

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29-00666A-23

2023676__

employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, as a condition of employment and continued employment. All division employees and applicants for employment must meet level 2 screening standards as provided in s. 435.04 prior to employment and as a condition of continued employment.

Section 19. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraphs (d) and (e) of subsection (2) of section 413.208, Florida Statutes, are reenacted to read:

413.208 Service providers; quality assurance; fitness for responsibilities; background screening.—

(2)

(d)1. Every 5 years following the initial screening, each person subject to background screening under this section must submit to level 2 background rescreening as a condition of the service provider retaining such registration.

2. Until the person's background screening results are retained in the clearinghouse created under s. 435.12, the division may accept as satisfying the requirements of this section proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the Agency for Health Care Administration, the Department of Health, the Department of Elderly Affairs, the Agency for Persons with Disabilities, or the Department of Children and Families, provided:

a. The screening standards and disqualifying offenses for the prior screening are equivalent to those specified in s.

29-00666A-23

2023676__

435.04 and this section;

b. The person subject to screening has not had a break in service from a position that requires level 2 screening for more than 90 days; and

c. Such proof is accompanied, under penalty of perjury, by an affidavit of compliance with the provisions of chapter 435 and this section.

(e) In addition to the disqualifying offenses listed in s. 435.04, all persons subject to undergo background screening pursuant to this section must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent, and the record has not been expunged for, any offense prohibited under any of the following provisions or similar law of another jurisdiction:

1. Section 409.920, relating to Medicaid provider fraud.

2. Section 409.9201, relating to Medicaid fraud.

3. Section 741.28, relating to domestic violence.

4. Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

5. Section 817.234, relating to false and fraudulent insurance claims.

6. Section 817.505, relating to patient brokering.

7. Section 817.568, relating to criminal use of personal identification information.

8. Section 817.60, relating to obtaining a credit card through fraudulent means.

29-00666A-23

2023676__

1103 9. Section 817.61, relating to fraudulent use of credit
 1104 cards, if the offense was a felony.
 1105 10. Section 831.01, relating to forgery.
 1106 11. Section 831.02, relating to uttering forged
 1107 instruments.
 1108 12. Section 831.07, relating to forging bank bills, checks,
 1109 drafts, or promissory notes.
 1110 13. Section 831.09, relating to uttering forged bank bills,
 1111 checks, drafts, or promissory notes.
 1112 14. Section 831.31, relating to the sale, manufacture,
 1113 delivery, or possession with the intent to sell, manufacture, or
 1114 deliver any counterfeit controlled substance, if the offense was
 1115 a felony.
 1116 Section 20. For the purpose of incorporating the amendment
 1117 made by this act to section 435.04, Florida Statutes, in a
 1118 reference thereto, subsection (6) of section 430.0402, Florida
 1119 Statutes, is reenacted to read:
 1120 430.0402 Screening of direct service providers.—
 1121 (6) The background screening conducted pursuant to this
 1122 section must ensure that, in addition to the disqualifying
 1123 offenses listed in s. 435.04, no person subject to the
 1124 provisions of this section has an arrest awaiting final
 1125 disposition for, has been found guilty of, regardless of
 1126 adjudication, or entered a plea of nolo contendere or guilty to,
 1127 or has been adjudicated delinquent and the record has not been
 1128 sealed or expunged for, any offense prohibited under any of the
 1129 following provisions of state law or similar law of another
 1130 jurisdiction:
 1131 (a) Section 409.920, relating to Medicaid provider fraud.

Page 39 of 79

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29-00666A-23

2023676__

1132 (b) Section 409.9201, relating to Medicaid fraud.
 1133 (c) Section 817.034, relating to fraudulent acts through
 1134 mail, wire, radio, electromagnetic, photoelectronic, or
 1135 photooptical systems.
 1136 (d) Section 817.234, relating to false and fraudulent
 1137 insurance claims.
 1138 (e) Section 817.505, relating to patient brokering.
 1139 (f) Section 817.568, relating to criminal use of personal
 1140 identification information.
 1141 (g) Section 817.60, relating to obtaining a credit card
 1142 through fraudulent means.
 1143 (h) Section 817.61, relating to fraudulent use of credit
 1144 cards, if the offense was a felony.
 1145 (i) Section 831.01, relating to forgery.
 1146 (j) Section 831.02, relating to uttering forged
 1147 instruments.
 1148 (k) Section 831.07, relating to forging bank bills, checks,
 1149 drafts, or promissory notes.
 1150 (l) Section 831.09, relating to uttering forged bank bills,
 1151 checks, drafts, or promissory notes.
 1152 Section 21. For the purpose of incorporating the amendment
 1153 made by this act to section 435.04, Florida Statutes, in a
 1154 reference thereto, subsection (2) of section 435.03, Florida
 1155 Statutes, is reenacted to read:
 1156 435.03 Level 1 screening standards.—
 1157 (2) Any person required by law to be screened pursuant to
 1158 this section must not have an arrest awaiting final disposition,
 1159 must not have been found guilty of, regardless of adjudication,
 1160 or entered a plea of nolo contendere or guilty to, and must not

Page 40 of 79

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29-00666A-23

2023676

1161 have been adjudicated delinquent and the record has not been
 1162 sealed or expunged for, any offense prohibited under s.
 1163 435.04(2) or similar law of another jurisdiction.
 1164 Section 22. For the purpose of incorporating the amendment
 1165 made by this act to section 435.04, Florida Statutes, in a
 1166 reference thereto, paragraph (a) of subsection (4) of section
 1167 435.07, Florida Statutes, is reenacted to read:
 1168 435.07 Exemptions from disqualification.—Unless otherwise
 1169 provided by law, the provisions of this section apply to
 1170 exemptions from disqualification for disqualifying offenses
 1171 revealed pursuant to background screenings required under this
 1172 chapter, regardless of whether those disqualifying offenses are
 1173 listed in this chapter or other laws.
 1174 (4)(a) Disqualification from employment under this chapter
 1175 may not be removed from, nor may an exemption be granted to, any
 1176 personnel who is found guilty of, regardless of adjudication, or
 1177 who has entered a plea of nolo contendere or guilty to, any
 1178 felony covered by s. 435.03 or s. 435.04 solely by reason of any
 1179 pardon, executive clemency, or restoration of civil rights.
 1180 Section 23. For the purpose of incorporating the amendment
 1181 made by this act to section 435.04, Florida Statutes, in a
 1182 reference thereto, subsection (5) of section 456.0135, Florida
 1183 Statutes, is reenacted to read:
 1184 456.0135 General background screening provisions.—
 1185 (5) In addition to the offenses listed in s. 435.04, all
 1186 persons required to undergo background screening under this
 1187 section, other than those licensed under s. 465.022, must not
 1188 have an arrest awaiting final disposition for, must not have
 1189 been found guilty of, regardless of adjudication, or entered a

29-00666A-23

2023676

1190 plea of nolo contendere or guilty to, and must not have been
 1191 adjudicated delinquent and the record not have been sealed or
 1192 expunged for an offense under s. 784.03 or any similar offense
 1193 of another jurisdiction relating to battery, if the victim is a
 1194 vulnerable adult as defined in s. 415.102 or a patient or
 1195 resident of a facility licensed under chapter 395, chapter 400,
 1196 or chapter 429.
 1197 Section 24. For the purpose of incorporating the amendment
 1198 made by this act to section 435.04, Florida Statutes, in a
 1199 reference thereto, paragraph (e) of subsection (1) of section
 1200 464.018, Florida Statutes, is reenacted to read:
 1201 464.018 Disciplinary actions.—
 1202 (1) The following acts constitute grounds for denial of a
 1203 license or disciplinary action, as specified in ss. 456.072(2)
 1204 and 464.0095:
 1205 (e) Having been found guilty of or entered a plea of nolo
 1206 contendere or guilty to, regardless of adjudication, any offense
 1207 prohibited under s. 435.04 or similar statute of another
 1208 jurisdiction; or having committed an act which constitutes
 1209 domestic violence as defined in s. 741.28.
 1210 Section 25. For the purpose of incorporating the amendment
 1211 made by this act to section 435.04, Florida Statutes, in a
 1212 reference thereto, paragraph (m) of subsection (1) of section
 1213 468.3101, Florida Statutes, is reenacted to read:
 1214 468.3101 Disciplinary grounds and actions.—
 1215 (1) The department may make or require to be made any
 1216 investigations, inspections, evaluations, and tests, and require
 1217 the submission of any documents and statements, which it
 1218 considers necessary to determine whether a violation of this

29-00666A-23

2023676__

part has occurred. The following acts shall be grounds for disciplinary action as set forth in this section:

(m) Having been found guilty of, regardless of adjudication, or pleading guilty or nolo contendere to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction.

Section 26. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (3) of section 744.309, Florida Statutes, is reenacted to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (37), or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service

29-00666A-23

2023676__

to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 27. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (12) of section 744.474, Florida Statutes, is reenacted to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(12) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction.

Section 28. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6) (a) Records maintained by the department, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in s. 435.04 may not be destroyed under this section for 25 years after the

29-00666A-23

2023676__

youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or under departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 29. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 985.644, Florida Statutes, is reenacted to read:

985.644 Departmental contracting powers; personnel standards and investigation.—

(3)(a) All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete:

1. A level 2 employment screening pursuant to chapter 435 before employment. The security background investigation conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the

29-00666A-23

2023676__

record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

Section 30. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (b) of subsection (7) of section 1002.36, Florida Statutes, is reenacted to read:

1002.36 Florida School for the Deaf and the Blind.—

(7) PERSONNEL SCREENING.—

(b) As a prerequisite for initial and continuing employment at the Florida School for the Deaf and the Blind:

1. The applicant or employee shall submit to the Florida School for the Deaf and the Blind a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the Florida School for the Deaf and the Blind who is trained to take fingerprints. The Florida School for the Deaf and the Blind shall submit the fingerprints to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing.

2.a. The applicant or employee shall attest to the minimum

29-00666A-23

2023676__

standards for good moral character as contained in chapter 435, using the level 2 standards set forth in that chapter under penalty of perjury.

b. New personnel shall be on a probationary status pending a determination of compliance with such minimum standards for good moral character. This paragraph is in addition to any probationary status provided for by Florida law or Florida School for the Deaf and the Blind rules or collective bargaining contracts.

3. The Florida School for the Deaf and the Blind shall review the record of the applicant or employee with respect to the crimes contained in s. 435.04 and shall notify the applicant or employee of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the applicant or employee, upon request of the Florida School for the Deaf and the Blind, to obtain and supply within 30 days the missing disposition information to the Florida School for the Deaf and the Blind. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification of an applicant and automatic termination of an employee.

4. After an initial personnel screening and security background investigation, written notification shall be given to the affected employee within a reasonable time prior to any subsequent screening and investigation.

Section 31. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 1002.395, Florida Statutes, is reenacted to read:

29-00666A-23

2023676__

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(b) Must comply with the following background check requirements:

1. All owners and operators as defined in subparagraph (2) (i) 1. are, before employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and can be taken by an authorized law enforcement agency or by an employee of the eligible nonprofit scholarship-funding organization or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The results of the state and national criminal history check shall be provided to the Department of Education for screening under chapter 435. The cost of the background screening may be borne by the eligible nonprofit scholarship-funding organization or the owner or operator.

2. Every 5 years following employment or engagement to provide services or association with an eligible nonprofit scholarship-funding organization, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the nonprofit scholarship-funding organization shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not

29-00666A-23

2023676__

retained by the Department of Law Enforcement under subparagraph 3., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the eligible nonprofit scholarship-funding organization shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 3.

3. Fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

4. The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 3. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the Department of Education. The Department of Education shall participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the employment, engagement, or association status of the owners or operators whose fingerprints are retained under subparagraph 3. The Department of Law Enforcement shall adopt a rule setting the

29-00666A-23

2023676__

amount of the annual fee to be imposed upon the Department of Education for performing these services and establishing the procedures for the retention of owner and operator fingerprints and the dissemination of search results. The fee may be borne by the owner or operator of the nonprofit scholarship-funding organization.

5. A nonprofit scholarship-funding organization whose owner or operator fails the level 2 background screening is not eligible to provide scholarships under this section.

6. A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation of which he or she owned more than 20 percent shall not be eligible to provide scholarships under this section.

7. In addition to the offenses listed in s. 435.04, a person required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent, and the record must not have been sealed or expunged for, any of the following offenses or any similar offense of another jurisdiction:

- a. Any authorizing statutes, if the offense was a felony.
- b. This chapter, if the offense was a felony.
- c. Section 409.920, relating to Medicaid provider fraud.
- d. Section 409.9201, relating to Medicaid fraud.
- e. Section 741.28, relating to domestic violence.
- f. Section 817.034, relating to fraudulent acts through

29-00666A-23

2023676__

1451 mail, wire, radio, electromagnetic, photoelectronic, or
 1452 photooptical systems.

1453 g. Section 817.234, relating to false and fraudulent
 1454 insurance claims.

1455 h. Section 817.505, relating to patient brokering.

1456 i. Section 817.568, relating to criminal use of personal
 1457 identification information.

1458 j. Section 817.60, relating to obtaining a credit card
 1459 through fraudulent means.

1460 k. Section 817.61, relating to fraudulent use of credit
 1461 cards, if the offense was a felony.

1462 l. Section 831.01, relating to forgery.

1463 m. Section 831.02, relating to uttering forged instruments.

1464 n. Section 831.07, relating to forging bank bills, checks,
 1465 drafts, or promissory notes.

1466 o. Section 831.09, relating to uttering forged bank bills,
 1467 checks, drafts, or promissory notes.

1468 p. Section 831.30, relating to fraud in obtaining medicinal
 1469 drugs.

1470 q. Section 831.31, relating to the sale, manufacture,
 1471 delivery, or possession with the intent to sell, manufacture, or
 1472 deliver any counterfeit controlled substance, if the offense was
 1473 a felony.

1474

1475 Information and documentation provided to the Department of
 1476 Education and the Auditor General relating to the identity of a
 1477 taxpayer that provides an eligible contribution under this
 1478 section shall remain confidential at all times in accordance
 1479 with s. 213.053.

Page 51 of 79

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29-00666A-23

2023676__

1480 Section 32. For the purpose of incorporating the amendment
 1481 made by this act to section 435.04, Florida Statutes, in a
 1482 reference thereto, paragraphs (e), (m), and (p) of subsection
 1483 (1) of section 1002.421, Florida Statutes, are reenacted to
 1484 read:

1485 1002.421 State school choice scholarship program
 1486 accountability and oversight.—

1487 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 1488 school participating in an educational scholarship program
 1489 established pursuant to this chapter must be a private school as
 1490 defined in s. 1002.01(2) in this state, be registered, and be in
 1491 compliance with all requirements of this section in addition to
 1492 private school requirements outlined in s. 1002.42, specific
 1493 requirements identified within respective scholarship program
 1494 laws, and other provisions of Florida law that apply to private
 1495 schools, and must:

1496 (e) Annually complete and submit to the department a
 1497 notarized scholarship compliance statement certifying that all
 1498 school employees and contracted personnel with direct student
 1499 contact have undergone background screening pursuant to s.
 1500 435.12 and have met the screening standards as provided in s.
 1501 435.04.

1502 (m) Require each employee and contracted personnel with
 1503 direct student contact, upon employment or engagement to provide
 1504 services, to undergo a state and national background screening,
 1505 pursuant to s. 943.0542, by electronically filing with the
 1506 Department of Law Enforcement a complete set of fingerprints
 1507 taken by an authorized law enforcement agency or an employee of
 1508 the private school, a school district, or a private company who

Page 52 of 79

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29-00666A-23

2023676__

is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 is not required to comply with the provisions of this paragraph.

5. All fingerprints submitted to the Department of Law Enforcement as required by this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

6. The Department of Law Enforcement shall search all

Page 53 of 79

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29-00666A-23

2023676__

arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 5. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing school with which the person is affiliated. Each private school participating in a scholarship program is required to participate in this search process by informing the Department of Law Enforcement of any change in the employment or contractual status of its personnel whose fingerprints are retained under subparagraph 5. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each private school for performing these searches and establishing the procedures for the retention of private school employee and contracted personnel fingerprints and the dissemination of search results. The fee may be borne by the private school or the person fingerprinted.

7. Employees and contracted personnel whose fingerprints are not retained by the Department of Law Enforcement under subparagraphs 5. and 6. are required to be refingerprinted and must meet state and national background screening requirements upon reemployment or reengagement to provide services in order to comply with the requirements of this section.

8. Every 5 years following employment or engagement to provide services with a private school, employees or contracted personnel required to be screened under this section must meet screening standards under s. 435.04, at which time the private school shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation

Page 54 of 79

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29-00666A-23

2023676__

for national processing. If the fingerprints of employees or contracted personnel are not retained by the Department of Law Enforcement under subparagraph 5., employees and contracted personnel must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the private school shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 5.

(p) Require each owner or operator of the private school, prior to employment or engagement to provide services, to undergo level 2 background screening as provided under chapter 435. For purposes of this paragraph, the term "owner or operator" means an owner, operator, superintendent, or principal of, or a person with equivalent decisionmaking authority over, a private school participating in a scholarship program established pursuant to this chapter. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and may be taken by an authorized law enforcement agency or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education. The cost of the background screening may be borne by the owner or operator.

1. Every 5 years following employment or engagement to provide services, each owner or operator must meet level 2

Page 55 of 79

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

29-00666A-23

2023676__

screening standards as described in s. 435.04, at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 2., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2.

2. Fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

3. The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 2. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the owner or operator, who must report to the Department of Education. Any costs associated with the search shall be borne by the owner or operator.

Page 56 of 79

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

29-00666A-23

2023676__

- 1625 4. An owner or operator who fails the level 2 background
 1626 screening is not eligible to participate in a scholarship
 1627 program under this chapter.
- 1628 5. In addition to the offenses listed in s. 435.04, a
 1629 person required to undergo background screening pursuant to this
 1630 part or authorizing statutes may not have an arrest awaiting
 1631 final disposition for, must not have been found guilty of, or
 1632 entered a plea of nolo contendere to, regardless of
 1633 adjudication, and must not have been adjudicated delinquent for,
 1634 and the record must not have been sealed or expunged for, any of
 1635 the following offenses or any similar offense of another
 1636 jurisdiction:
- 1637 a. Any authorizing statutes, if the offense was a felony.
 - 1638 b. This chapter, if the offense was a felony.
 - 1639 c. Section 409.920, relating to Medicaid provider fraud.
 - 1640 d. Section 409.9201, relating to Medicaid fraud.
 - 1641 e. Section 741.28, relating to domestic violence.
 - 1642 f. Section 817.034, relating to fraudulent acts through
 - 1643 mail, wire, radio, electromagnetic, photoelectronic, or
 - 1644 photooptical systems.
 - 1645 g. Section 817.234, relating to false and fraudulent
 - 1646 insurance claims.
 - 1647 h. Section 817.505, relating to patient brokering.
 - 1648 i. Section 817.568, relating to criminal use of personal
 - 1649 identification information.
 - 1650 j. Section 817.60, relating to obtaining a credit card
 - 1651 through fraudulent means.
 - 1652 k. Section 817.61, relating to fraudulent use of credit
 - 1653 cards, if the offense was a felony.

Page 57 of 79

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

29-00666A-23

2023676__

- 1654 1. Section 831.01, relating to forgery.
- 1655 m. Section 831.02, relating to uttering forged instruments.
- 1656 n. Section 831.07, relating to forging bank bills, checks,
 1657 drafts, or promissory notes.
- 1658 o. Section 831.09, relating to uttering forged bank bills,
 1659 checks, drafts, or promissory notes.
- 1660 p. Section 831.30, relating to fraud in obtaining medicinal
 1661 drugs.
- 1662 q. Section 831.31, relating to the sale, manufacture,
 1663 delivery, or possession with the intent to sell, manufacture, or
 1664 deliver any counterfeit controlled substance, if the offense was
 1665 a felony.
- 1666 6. At least 30 calendar days before a transfer of ownership
 1667 of a private school, the owner or operator shall notify the
 1668 parent of each scholarship student.
- 1669 7. The owner or operator of a private school that has been
 1670 deemed ineligible to participate in a scholarship program
 1671 pursuant to this chapter may not transfer ownership or
 1672 management authority of the school to a relative in order to
 1673 participate in a scholarship program as the same school or a new
 1674 school. For purposes of this subparagraph, the term "relative"
 1675 means father, mother, son, daughter, grandfather, grandmother,
 1676 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
 1677 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
 1678 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
 1679 stepdaughter, stepbrother, stepsister, half-brother, or half-
 1680 sister.
- 1681
- 1682 The department shall suspend the payment of funds to a private

Page 58 of 79

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29-00666A-23

2023676__

school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 33. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (d) of subsection (3) of section 1002.55, Florida Statutes, is reenacted to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(d) Each prekindergarten instructor employed by the private prekindergarten provider must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked.

Section 34. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (5) of section 1002.61, Florida Statutes, is reenacted to read:

1002.61 Summer prekindergarten program delivered by public

29-00666A-23

2023676__

schools and private prekindergarten providers.—

(5) Each prekindergarten instructor employed by a public school or private prekindergarten provider delivering the summer prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

Section 35. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, subsection (5) of section 1002.63, Florida Statutes, is reenacted to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(5) Each prekindergarten instructor employed by a public school delivering the school-year prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

29-00666A-23

2023676__

1741 Section 36. For the purpose of incorporating the amendment
 1742 made by this act to section 435.04, Florida Statutes, in a
 1743 reference thereto, paragraph (e) of subsection (2) of section
 1744 1006.20, Florida Statutes, is reenacted to read:

1745 1006.20 Athletics in public K-12 schools.—

1746 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

1747 (e) The FHSAA shall adopt bylaws that regulate persons who
 1748 conduct investigations on behalf of the FHSAA. The bylaws shall
 1749 include provisions that require an investigator to:

1750 1. Undergo level 2 background screening under s. 435.04,
 1751 establishing that the investigator has not committed any
 1752 disqualifying offense listed in s. 435.04, unless the
 1753 investigator can provide proof of compliance with level 2
 1754 screening standards submitted within the previous 5 years to
 1755 meet any professional licensure requirements, provided:

1756 a. The investigator has not had a break in service from a
 1757 position that requires level 2 screening for more than 90 days;
 1758 and

1759 b. The investigator submits, under penalty of perjury, an
 1760 affidavit verifying that the investigator has not committed any
 1761 disqualifying offense listed in s. 435.04 and is in full
 1762 compliance with this paragraph.

1763 2. Be appointed as an investigator by the executive
 1764 director.

1765 3. Carry a photo identification card that shows the FHSAA
 1766 name, logo, and the investigator's official title.

1767 4. Adhere to the following guidelines:

1768 a. Investigate only those alleged violations assigned by
 1769 the executive director or the board of directors.

29-00666A-23

2023676__

1770 b. Conduct interviews on Monday through Friday between the
 1771 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
 1772 the interviewee.

1773 c. Allow the parent of any student being interviewed to be
 1774 present during the interview.

1775 d. Search residences or other private areas only with the
 1776 permission of the executive director and the written consent of
 1777 the student's parent and only with a parent or a representative
 1778 of the parent present.

1779 Section 37. For the purpose of incorporating the amendment
 1780 made by this act to section 435.04, Florida Statutes, in a
 1781 reference thereto, section 1012.321, Florida Statutes, is
 1782 reenacted to read:

1783 1012.321 Exceptions for certain instructional personnel
 1784 from background screening requirements.—Instructional personnel
 1785 who are required to undergo level 2 background screening under
 1786 s. 393.0655 or s. 402.305 and who meet the level 2 screening
 1787 standards in s. 435.04 are not required to be rescreened in
 1788 order to satisfy the screening requirements in s. 1012.32 if the
 1789 instructional personnel:

1790 (1) Have completed the criminal history check within 5
 1791 years prior to having direct contact with students;

1792 (2) Are rescreened every 5 years and meet the level 2
 1793 screening standards; and

1794 (3) Have their fingerprints retained by the Department of
 1795 Law Enforcement.

1796 Section 38. For the purpose of incorporating the amendment
 1797 made by this act to section 435.04, Florida Statutes, in a
 1798 reference thereto, paragraph (b) of subsection (2) of section

29-00666A-23

2023676__

1799 1012.468, Florida Statutes, is reenacted to read:

1800 1012.468 Exceptions to certain fingerprinting and criminal
1801 history checks.—

1802 (2) A district school board shall exempt from the screening
1803 requirements set forth in ss. 1012.465 and 1012.467 the
1804 following noninstructional contractors:

1805 (b) Noninstructional contractors who are required by law to
1806 undergo a level 2 background screening pursuant to s. 435.04 for
1807 licensure, certification, employment, or other purposes and who
1808 submit evidence of meeting the following criteria:

1809 1. The contractor meets the screening standards in s.
1810 435.04;

1811 2. The contractor's license or certificate is active and in
1812 good standing, if the contractor is a licensee or
1813 certificateholder; and

1814 3. The contractor completed the criminal history check
1815 within 5 years prior to seeking access to school grounds when
1816 students are present.

1817 Section 39. For the purpose of incorporating the amendment
1818 made by this act to section 1012.315, Florida Statutes, in a
1819 reference thereto, paragraph (b) of subsection (4) of section
1820 1001.10, Florida Statutes, is reenacted to read:

1821 1001.10 Commissioner of Education; general powers and
1822 duties.—

1823 (4) The Department of Education shall:

1824 (b) Maintain a disqualification list that includes all of
1825 the following:

1826 1. The identity of each person who has been permanently
1827 denied an educator certificate or whose educator certificate has

29-00666A-23

2023676__

1828 been permanently revoked and has been placed on the list as
1829 directed by the Education Practices Commission pursuant to s.
1830 1012.795(1) or s. 1012.796(7).

1831 2. The identity of each person who has been permanently
1832 disqualified by the commissioner from owning or operating a
1833 private school that participates in state scholarship programs
1834 under s. 1002.421.

1835 3. The identity of each person who has been terminated, or
1836 has resigned in lieu of termination, from employment as a result
1837 of sexual misconduct with a student.

1838 4. The identity of each person who is ineligible for
1839 educator certification or employment pursuant to s. 1012.315.

1840 Section 40. For the purpose of incorporating the amendment
1841 made by this act to section 1012.315, Florida Statutes, in a
1842 reference thereto, subsection (6) of section 1001.42, Florida
1843 Statutes, is reenacted to read:

1844 1001.42 Powers and duties of district school board.—The
1845 district school board, acting as a board, shall exercise all
1846 powers and perform all duties listed below:

1847 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
1848 establishing standards of ethical conduct for educational
1849 support employees, instructional personnel, administrative
1850 personnel, and school officers. The policies must require all
1851 educational support employees, instructional personnel,
1852 administrative personnel, and school officers, as defined in s.
1853 1012.01, to complete training on the standards; establish the
1854 duty of educational support employees, instructional personnel,
1855 administrative personnel, and school officers to report, and
1856 procedures for reporting, alleged misconduct by other

29-00666A-23

2023676__

1857 educational support employees, instructional or administrative
 1858 personnel, and school officers which affects the health, safety,
 1859 or welfare of a student, including misconduct that involves
 1860 engaging in or soliciting sexual, romantic, or lewd conduct with
 1861 a student; require the district school superintendent to report
 1862 to law enforcement misconduct by educational support employees,
 1863 instructional personnel, or school administrators that would
 1864 result in disqualification from educator certification or
 1865 employment as provided in s. 1012.315; and include an
 1866 explanation of the liability protections provided under ss.
 1867 39.203 and 768.095. A district school board, or any of its
 1868 employees or personnel, may not enter into a confidentiality
 1869 agreement regarding terminated or dismissed educational support
 1870 employees, instructional or administrative personnel, or school
 1871 officers who resign in lieu of termination, based in whole or in
 1872 part on misconduct that affects the health, safety, or welfare
 1873 of a student, and may not provide educational support employees,
 1874 instructional personnel, administrative personnel, or school
 1875 officers with employment references or discuss the employees',
 1876 personnel's, or officers' performance with prospective employers
 1877 in another educational setting, without disclosing the
 1878 employees', personnel's, or officers' misconduct. Any part of an
 1879 agreement or contract that has the purpose or effect of
 1880 concealing misconduct by educational support employees,
 1881 instructional personnel, administrative personnel, or school
 1882 officers which affects the health, safety, or welfare of a
 1883 student is void, is contrary to public policy, and may not be
 1884 enforced.

1885 Section 41. For the purpose of incorporating the amendment

Page 65 of 79

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29-00666A-23

2023676__

1886 made by this act to section 1012.315, Florida Statutes, in a
 1887 reference thereto, paragraph (b) of subsection (12) of section
 1888 1001.51, Florida Statutes, is reenacted to read:

1889 1001.51 Duties and responsibilities of district school
 1890 superintendent.—The district school superintendent shall
 1891 exercise all powers and perform all duties listed below and
 1892 elsewhere in the law, provided that, in so doing, he or she
 1893 shall advise and counsel with the district school board. The
 1894 district school superintendent shall perform all tasks necessary
 1895 to make sound recommendations, nominations, proposals, and
 1896 reports required by law to be acted upon by the district school
 1897 board. All such recommendations, nominations, proposals, and
 1898 reports by the district school superintendent shall be either
 1899 recorded in the minutes or shall be made in writing, noted in
 1900 the minutes, and filed in the public records of the district
 1901 school board. It shall be presumed that, in the absence of the
 1902 record required in this section, the recommendations,
 1903 nominations, and proposals required of the district school
 1904 superintendent were not contrary to the action taken by the
 1905 district school board in such matters.

1906 (12) RECORDS AND REPORTS.—Recommend such records as should
 1907 be kept in addition to those prescribed by rules of the State
 1908 Board of Education; prepare forms for keeping such records as
 1909 are approved by the district school board; ensure that such
 1910 records are properly kept; and make all reports that are needed
 1911 or required, as follows:

1912 (b) *Reports to the department.*—Prepare, for the approval of
 1913 the district school board, all reports required by law or rules
 1914 of the State Board of Education to be made to the department and

Page 66 of 79

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29-00666A-23

2023676__

1915 transmit promptly all such reports, when approved, to the
 1916 department, as required by law. If any reports are not
 1917 transmitted at the time and in the manner prescribed by law or
 1918 by State Board of Education rules, the salary of the district
 1919 school superintendent must be withheld until the report has been
 1920 properly submitted. Unless otherwise provided by rules of the
 1921 State Board of Education, the annual report on attendance and
 1922 personnel is due on or before July 1, and the annual school
 1923 budget and the report on finance are due on the date prescribed
 1924 by the commissioner.

1925
 1926 Any district school superintendent who knowingly signs and
 1927 transmits to any state official a report that the superintendent
 1928 knows to be false or incorrect; who knowingly fails to complete
 1929 the investigation of any allegation of misconduct that affects
 1930 the health, safety, or welfare of a student, that would be a
 1931 violation of s. 800.101, or that would be a disqualifying
 1932 offense under s. 1012.315, or any allegation of sexual
 1933 misconduct with a student; who knowingly fails to report the
 1934 alleged misconduct to the department as required in s. 1012.796;
 1935 or who knowingly fails to report misconduct to the law
 1936 enforcement agencies with jurisdiction over the conduct pursuant
 1937 to district school board policy under s. 1001.42(6), forfeits
 1938 his or her salary for 1 year following the date of such act or
 1939 failure to act.

1940 Section 42. For the purpose of incorporating the amendment
 1941 made by this act to section 1012.315, Florida Statutes, in a
 1942 reference thereto, paragraph (g) of subsection (12) of section
 1943 1002.33, Florida Statutes, is reenacted to read:

Page 67 of 79

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29-00666A-23

2023676__

1944 1002.33 Charter schools.—

1945 (12) EMPLOYEES OF CHARTER SCHOOLS.—

1946 (g)1. A charter school shall employ or contract with
 1947 employees who have undergone background screening as provided in
 1948 s. 1012.32. Members of the governing board of the charter school
 1949 shall also undergo background screening in a manner similar to
 1950 that provided in s. 1012.32. An individual may not be employed
 1951 as an employee or contract personnel of a charter school or
 1952 serve as a member of a charter school governing board if the
 1953 individual is on the disqualification list maintained by the
 1954 department pursuant to s. 1001.10(4)(b).

1955 2. A charter school shall prohibit educational support
 1956 employees, instructional personnel, and school administrators,
 1957 as defined in s. 1012.01, from employment in any position that
 1958 requires direct contact with students if the employees,
 1959 personnel, or administrators are ineligible for such employment
 1960 under s. 1012.315 or have been terminated or have resigned in
 1961 lieu of termination for sexual misconduct with a student. If the
 1962 prohibited conduct occurs while employed, a charter school must
 1963 report the individual and the disqualifying circumstances to the
 1964 department for inclusion on the disqualification list maintained
 1965 pursuant to s. 1001.10(4)(b).

1966 3. The governing board of a charter school shall adopt
 1967 policies establishing standards of ethical conduct for
 1968 educational support employees, instructional personnel, and
 1969 school administrators. The policies must require all educational
 1970 support employees, instructional personnel, and school
 1971 administrators, as defined in s. 1012.01, to complete training
 1972 on the standards; establish the duty of educational support

Page 68 of 79

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29-00666A-23

2023676__

employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct that affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing an individual in any position that requires direct contact with students, a charter school shall conduct employment history checks of each individual through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to

Page 69 of 79

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29-00666A-23

2023676__

comply with this paragraph shall terminate the charter under subsection (8).

Section 43. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 1002.333, Florida Statutes, is reenacted to read:

1002.333 Persistently low-performing schools.—

(6) STATUTORY AUTHORITY.—

(d) A hope operator may employ school administrators and instructional personnel who do not meet the requirements of s. 1012.56 if the school administrators and instructional personnel are not ineligible for such employment under s. 1012.315.

Section 44. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, paragraph (r) of subsection (1) of section 1002.421, Florida Statutes, is reenacted to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(r) Prohibit education support employees, instructional personnel, and school administrators from employment in any

Page 70 of 79

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29-00666A-23

2023676__

position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs subsequent to employment, the private school must report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 45. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, Subsection (1) of section 1012.32, Florida Statutes, is reenacted to read:

1012.32 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person must be of good moral character; must have attained the age of 18 years, if he or she is to be employed in an instructional capacity; must not be ineligible for such employment under s. 1012.315; and must, when

29-00666A-23

2023676__

required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Families, except when employed pursuant to s. 1012.55 or under the emergency provisions of s. 1012.24. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Section 46. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, paragraphs (a) and (d) of subsection (10) of section 1012.56, Florida Statutes, are reenacted to read:

1012.56 Educator certification requirements.—

(10) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(a) Each person who seeks certification under this chapter must be fingerprinted and screened in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, is not required to repeat the screening under this paragraph.

(d) If it is found under s. 1012.796 that a person who is employed in a position requiring certification under this chapter has not been screened in accordance with s. 1012.32, or is ineligible for such certification under s. 1012.315, the

29-00666A-23

2023676__

person's certification shall be immediately revoked or suspended and he or she shall be immediately suspended from the position requiring certification.

Section 47. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, subsection (1) of section 1012.795, Florida Statutes, is reenacted to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (4); may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend a person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; may direct the department to place a certificateholder employed by a public school, charter school,

Page 73 of 79

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29-00666A-23

2023676__

charter school governing board, or private school that participates in a state scholarship program under chapter 1002 on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for misconduct that would render the person ineligible pursuant to s. 1012.315 or sexual misconduct with a student; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.

(e) Has had an educator certificate or other professional license sanctioned by this or any other state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority's acceptance of a relinquishment, stipulation, consent order, or other

Page 74 of 79

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29-00666A-23

2023676__

settlement offered in response to or in anticipation of the filing of charges against the licensee or certificateholder shall be construed as action against the license or certificate. For purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(f) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(g) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district school board.

(h) Has breached a contract, as provided in s. 1012.33(2) or s. 1012.335.

(i) Has been the subject of a court order or notice by the Department of Revenue pursuant to s. 409.2598 directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue.

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l) Has violated any order of the Education Practices Commission.

29-00666A-23

2023676__

(m) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) Has been disqualified from educator certification under s. 1012.315.

(o) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) pursuant to s. 1006.20(2)(b).

(p) Has violated test security as provided in s. 1008.24.

Section 48. For the purpose of incorporating the amendment made by this act to section 1012.315, Florida Statutes, in a reference thereto, paragraph (i) of subsection (7) of section 1012.796, Florida Statutes, is reenacted to read:

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

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

(i) Direct the department to place instructional personnel or school administrators on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for conduct that would render the person ineligible pursuant to s. 1012.315 or sexual misconduct with a student.

29-00666A-23

2023676__

2205 The penalties imposed under this subsection are in addition to,
 2206 and not in lieu of, the penalties required for a third
 2207 recruiting offense pursuant to s. 1006.20(2)(b).

2208 Section 49. For the purpose of incorporating the amendment
 2209 made by this act to section 1012.467, Florida Statutes, in a
 2210 reference thereto, subsection (2) and paragraph (a) of
 2211 subsection (3) of section 1012.468, Florida Statutes, are
 2212 reenacted to read:

2213 1012.468 Exceptions to certain fingerprinting and criminal
 2214 history checks.—

2215 (2) A district school board shall exempt from the screening
 2216 requirements set forth in ss. 1012.465 and 1012.467 the
 2217 following noninstructional contractors:

2218 (a)1. Noninstructional contractors who are under the direct
 2219 supervision of a school district employee or contractor who has
 2220 had a criminal history check and meets the screening
 2221 requirements under s. 1012.32, s. 1012.465, s. 1012.467, or s.
 2222 1012.56. For purposes of this paragraph, the term "direct
 2223 supervision" means that a school district employee or contractor
 2224 is physically present with a noninstructional contractor when
 2225 the contractor has access to a student and the access remains in
 2226 the school district employee's or the contractor's line of
 2227 sight.

2228 2. If a noninstructional contractor who is exempt under
 2229 this subsection is no longer under direct supervision as
 2230 specified in subparagraph 1., the contractor may not be
 2231 permitted on school grounds when students are present until the
 2232 contractor meets the screening requirements in s. 1012.465 or s.
 2233 1012.467.

Page 77 of 79

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29-00666A-23

2023676__

2234 (b) Noninstructional contractors who are required by law to
 2235 undergo a level 2 background screening pursuant to s. 435.04 for
 2236 licensure, certification, employment, or other purposes and who
 2237 submit evidence of meeting the following criteria:

2238 1. The contractor meets the screening standards in s.
 2239 435.04;

2240 2. The contractor's license or certificate is active and in
 2241 good standing, if the contractor is a licensee or
 2242 certificateholder; and

2243 3. The contractor completed the criminal history check
 2244 within 5 years prior to seeking access to school grounds when
 2245 students are present.

2246 (c) A law enforcement officer, as defined in s. 943.10, who
 2247 is assigned or dispatched to school grounds by his or her
 2248 employer.

2249 (d) An employee or medical director of an ambulance
 2250 provider, licensed pursuant to chapter 401, who is providing
 2251 services within the scope of part III of chapter 401 on behalf
 2252 of such ambulance provider.

2253 (e) Noninstructional contractors who remain at a site where
 2254 students are not permitted if the site is separated from the
 2255 remainder of the school grounds by a single chain-link fence of
 2256 6 feet in height.

2257 (f) A noninstructional contractor who provides pickup or
 2258 delivery services and those services involve brief visits on
 2259 school grounds when students are present.

2260 (g) An investigator for the Florida High School Athletic
 2261 Association (FHSAA) who meets the requirements under s.
 2262 1006.20(2)(e).

Page 78 of 79

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29-00666A-23

2023676

2263 (3) (a) A noninstructional contractor who is exempt under
2264 this section from the screening requirements set forth in s.
2265 1012.465 or s. 1012.467 is subject to a search of his or her
2266 name or other identifying information against the registration
2267 information regarding sexual predators and sexual offenders
2268 maintained by the Department of Law Enforcement under s. 943.043
2269 and the National Sex Offender Public Registry maintained by the
2270 United States Department of Justice. The school district shall
2271 conduct the search required under this subsection without charge
2272 or fee to the contractor.

2273 Section 50. For the 2023-2024 fiscal year, the sums of
2274 \$285,367 in recurring funds from the Health Care Trust Fund and
2275 \$581,064 in nonrecurring funds from the Health Care Trust Fund
2276 are appropriated to the Agency for Health Care Administration
2277 and five full-time equivalent positions with associated salary
2278 rate of 173,431 are authorized for the purpose of implementing
2279 this act.

2280 Section 51. This act shall take effect July 1, 2024.

The Florida Senate

4/25/23

APPEARANCE RECORD

676- Background Screenings

Meeting Date

Appropriations

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Michele Watson**

Phone **850-320-2388**

Address **1203 Governor's Square Blvd. Suite 102**

Email **mwatson@facct.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Alliance of Children's
Councils & Trusts**

☐ 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 Appropriations

BILL: SB 734

INTRODUCER: Senator Polsky and others

SUBJECT: Saltwater Intrusion Vulnerability Assessments

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barrier	Rogers	EN	Favorable
2.	Reagan	Betta	AEG	Favorable
3.	Reagan	Sadberry	AP	Favorable

I. Summary:

SB 734 amends the Resilient Florida Grant Program to authorize the Department of Environmental Protection (DEP) to provide grants to coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on their water supplies and the counties' preparedness to respond to such threats, including water utility infrastructure, wellfield protection, and freshwater supply management. Each vulnerability assessment must include:

- The county's primary water utilities;
- Maps of the county's freshwater wellfields and latest saltwater intrusion impact lines;
- Projections of saltwater intrusion over the next decade; and
- An analysis of the costs necessary to relocate freshwater wellfields anticipated to be impacted.

The bill requires the DEP to use the information from counties' saltwater intrusion vulnerability assessments to update the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set. The DEP must also make any appropriate information from the vulnerability assessments available to the public on its website.

The bill requires the DEP to provide 50 percent cost-share funding, up to \$250,000, for each grant awarded. A county with a population of 50,000 or less is not required to contribute to the cost share.

The DEP will incur indeterminate costs related to updating its comprehensive statewide flood vulnerability and sea level rise data set with the information provided by counties in their saltwater intrusion vulnerability assessments. The DEP will also incur indeterminate costs related to making such information available to the public on its website.

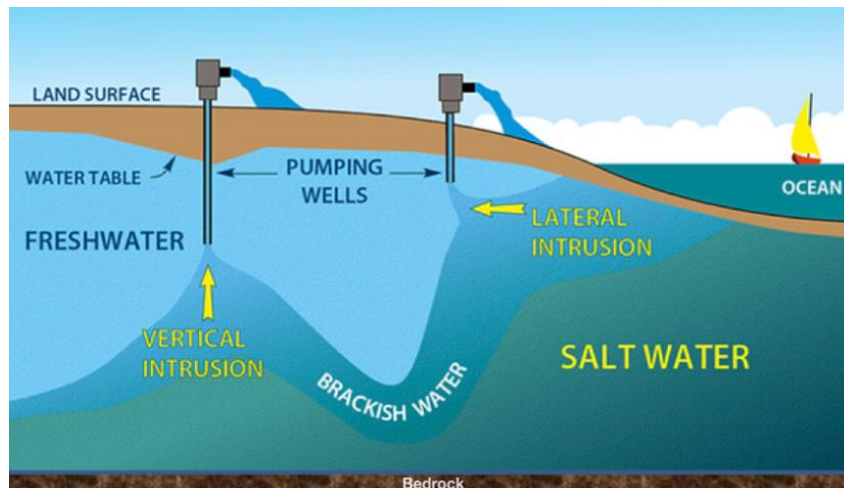
The effective date of the bill is upon becoming a law.

II. Present Situation:

Saltwater Intrusion

Drinking water in Florida comes primarily from water found within underground layers of water-bearing rock or sand called aquifers.¹ Aquifers are composed of different types of sediments and rocks, such as gravel, sandstone, and limestone.² Groundwater enters an aquifer as precipitation seeps through the soil and can move through the aquifer and resurface through springs and wells.³ Fresh and salt water fill the holes in the rock, with freshwater generally filling the uppermost part of aquifers and saltwater found at greater depths.⁴ Where aquifer layers meet the ocean (referred to as the freshwater/saltwater interface),⁵ there is the risk of saltwater moving inland and polluting the freshwater aquifers.⁶

Under natural conditions, the seaward movement of freshwater prevents seawater from encroaching coastal aquifers.⁷ An interface between freshwater and seawater is maintained with denser seawater underlying freshwater. When groundwater is pumped from a coastal aquifer, lowered water levels can cause seawater to be drawn toward the freshwater zones of the aquifer. The intruding seawater decreases the freshwater storage in the aquifers. Without treatment, this groundwater does not conform to drinking water or agricultural water quality standards.⁸



¹ See South Florida Water Management District (SFWMD), *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023); see also St. Johns River Water Management District (SJRWMD), *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Mar. 6, 2023).

² National Geographic, *Aquifers*, <https://education.nationalgeographic.org/resource/aquifers/> (last visited Mar. 6, 2023).

³ *Id.*

⁴ SJRWMD, *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Mar. 6, 2023).

⁵ *Id.*

⁶ SFWMD, *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023).

⁷ U.S. Geological Survey (USGS), *Sustainable Groundwater: Seawater Intrusion*, <https://ca.water.usgs.gov/sustainable-groundwater-management/seawater-intrusion-california.html> (last visited Mar. 6, 2023).

⁸ USGS, *Sustainable Groundwater: Seawater Intrusion*, <https://ca.water.usgs.gov/sustainable-groundwater-management/seawater-intrusion-california.html> (last visited Mar. 6, 2023). Brett A. Buzzanga, Old Dominion University, *Precipitation and Sea Level Rise Impacts on Groundwater Levels in Virginia Beach, Virginia*, 12 (Fall 2017), available at https://www.researchgate.net/publication/328225012_Precipitation_and_Sea_Level_Rise_Impacts_on_Groundwater_Levels_in_Virginia_Beach_Virginia/download.

Saltwater intrusion can occur in various ways, including lateral encroachment from coastal waters and vertical movement of saltwater near discharging wells.⁹ It can be caused by drilling wells too deep, excessive groundwater pumping, sea level rise, severe drought, and other factors.¹⁰ Sources include infiltration from tidal marshes, estuaries, and bays, encroachment from the ocean, leakage from unprotected canals, upward leakage from deeper aquifers, and movement of residual saltwater.¹¹ Rising sea levels also push saltwater upstream in tidal rivers and streams, raise coastal ground water tables, and push saltwater further inland.¹²

Saltwater intrusion is problematic for several reasons. For example, potable water is necessary for drinking, irrigation, and most industrial uses.¹³ When an aquifer is contaminated by saltwater, it must either be treated to remove the salt—a costly process—or another source of freshwater must be found.¹⁴ Public water supply utilities may shut down a well if it becomes too salty.¹⁵ Utilities with wellfields near the freshwater/saltwater interface that do not have an inland wellfield, have not developed alternative water supply sources, and have limited ability during a drought to meet user needs through interconnects with other utilities are considered more vulnerable.¹⁶

Saltwater intrusion can also cause flooding.¹⁷ Because saltwater is denser than freshwater, an aquifer can become stratified with a layer of freshwater on top of a layer of denser saltwater below. When sea level rise acts upon an aquifer like this, it can cause the freshwater layer to rise in response. This can cause flooding as the top of the water, called the water table, gets closer to ground surface.¹⁸

In addition, saltwater intrusion can cause a decline in forest and agricultural productivity. Saltwater degrades coastal wetlands and barrier islands, which buffer inland areas from storm surge, by killing less salt-tolerant species and leaving behind “ghost forests” or wetland areas

⁹ USGS, *Saltwater Intrusion*, <https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion> (last visited Mar. 6, 2023).

¹⁰ University of Pennsylvania, The Water Center, *Salt Intrusion: A Threat to Source Water Quality*, <https://watercenter.sas.upenn.edu/salt-intrusion-a-threat-to-source-water-quality/> (last visited Mar. 6, 2023); USGS, *Saltwater Intrusion*, <https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion> (last visited Mar. 6, 2023); SJRWMD, *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Mar. 6, 2023).

¹¹ SFWMD, *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023).

¹² Dep't of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 107-108 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf.

¹³ *Id.*; see also Scott Jasechko et al., *Groundwater Level Observations in 250,000 Coastal US Wells Reveal Scope of Potential Seawater Intrusion*, 11 NATURE COMMUNICATIONS 3229 (2020), available at <https://www.nature.com/articles/s41467-020-17038-2>.

¹⁴ SFWMD, *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023).

¹⁵ *Id.*; USGS, *Saltwater Intrusion*, <https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion> (last visited Mar. 6, 2023).

¹⁶ SFWMD, *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023).

¹⁷ *Id.*

¹⁸ *Id.*

with only standing dead trees.¹⁹ Over time, saltwater intrusion, along with rising sea levels, convert these diverse wetland ecosystems into grass marshes and eventually into open water. The loss in forest and agricultural productivity due to increased soil salinity results in decreased ecosystem diversity and habitat for birds, fish, and the animals that prey on them.²⁰

Coastal counties with the following characteristics are particularly susceptible to lateral saltwater intrusion:²¹

- Proximity to the ocean, inlets, and lagoons;
- A large number of coastal wellfields;
- Low land surface elevations (less than 10 feet above mean sea level);
- Drainage canals that lower the water table, reducing the water pressure exerted against the saltwater interface;
- Canals without coastal water control structures to inhibit inland movement of seawater;
- Rising sea levels.²²

Several assessments have been prepared regarding the impact of sea level rise on water resources. For example, the South Florida Water Management District has evaluated saltwater intrusion in the surficial aquifer system of the Big Cypress Basin and southwest Florida²³ and mapped the saltwater interface in coastal aquifers within St. Lucie, Martin, Palm Beach, Broward, Collier, and Lee counties.²⁴ The U.S. Geological Survey conducts saltwater interface mapping for Miami-Dade and Monroe counties.²⁵ At least one evaluation of Florida's saltwater intrusion monitoring network has been performed.²⁶ The Northwest Florida Water Management District has commissioned a report evaluating saltwater intrusion in the Floridan Aquifer in Walton, Okaloosa, and Santa Rosa counties.²⁷

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to counties or municipalities for community resilience planning, including vulnerability assessments, plan development, and

¹⁹ U.S. Dep't of Agriculture, Climate Hubs, *Saltwater Intrusion*, <https://www.climatehubs.usda.gov/taxonomy/term/399> (last visited Mar. 6, 2023).

²⁰ *Id.*

²¹ See SFWMD, *Saltwater Intrusion in Coastal Aquifers*, <https://storymaps.arcgis.com/stories/3731671833e34567b783e9b881a8b36e> (last visited Mar. 6, 2023).

²² *Id.*

²³ USGS, *Saltwater Intrusion in the Surficial Aquifer System of the Big Cypress Basin, Southwest Florida, and a Proposed Plan for Improved Salinity Monitoring: U.S. Geological Survey Open-File Report 2013-1088* (2013), available at <http://pubs.usgs.gov/of/2013/1088/> (last visited Mar. 6, 2023).

²⁴ SFWMD, *Saltwater Interface Monitoring and Mapping Program, Technical Publication WS-58*, 1 (2020), available at https://www.sfwmd.gov/sites/default/files/documents/ws-58_swi_mapping_report_final.pdf (last visited Mar. 6, 2023).

²⁵ *Id.*

²⁶ Scott T. Prinos, *Saltwater Intrusion Monitoring in Florida*, 79 FLORIDA SCIENTIST 4, 269 (Fall 2016), available at <https://www.jstor.org/stable/44113190>.

²⁷ HydroGeoLogic, Inc., *Saltwater Intrusion in the Floridan Aquifer in Walton, Okaloosa and Santa Rosa Counties, Florida, Eastern Model Domain, Final Report* (Sept. 2007), available at https://nwfwater.com/content/download/19030/127812/2007_09_HGL_R2_ED_model_final.pdf (Mar. 6, 2023).

projects to adapt critical assets.²⁸ In the programs first two years, 263 implementation projects have been awarded a total of nearly \$954 million.²⁹

- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment.³⁰ By July 1, 2023, the DEP must develop a data set providing statewide sea level rise projections and information necessary to determine the risks of flooding and sea level rise to inland and coastal communities. By July 1, 2024, the DEP must develop a statewide assessment (using the statewide data set) identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets and be updated every five years.³¹
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³² Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.³³ Counties, municipalities, water management districts, regional water supply authorities, and other entities may submit to the DEP an annual list of proposed projects. Each project must have a minimum 50 percent cost share, unless the project assists or is within a financially disadvantaged community.³⁴ The DEP ranks the projects using a four-tier scoring system.³⁵ The DEP has adopted rules to implement s. 380.093, F.S., relating to the Statewide Flooding and Sea Level Rise Resilience Plan and project submittal requirements. These rules can be found in chapter 62S-8 of the Florida Administrative Code.³⁶ In December 2022, the DEP submitted the FY 23-24 Statewide Flooding and Sea Level Rise Resilience Plan totaling nearly \$408 million over the next three years.³⁷
- The Florida Flood Hub for Applied Research and Innovation,³⁸ which was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.³⁹ The Florida Flood Hub is tasked with,

²⁸ Section 380.093(2)(a), F.S. “Critical asset” is defined to include broad lists of assets relating to transportation, critical infrastructure, emergency facilities, natural resources, and historical and cultural resources.

²⁹ This figure includes \$270 million of state funding for the Statewide Flooding and Sea Level Resilience Plan. DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources* (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

³⁰ Section 380.093(4), F.S.

³¹ *Id.* See also DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Mar. 7, 2023).

³² Section 380.093(5), F.S.

³³ DEP, *2022-2023 Statewide Flooding and Sea Level Rise Resilience Plan*, available at https://floridadep.gov/sites/default/files/FY22.23%20Statewide%20Flooding%20and%20Sea%20Level%20Rise%20Resilience%20Plan_0.pdf.

³⁴ Section 380.093(5)(e), F.S. A financially disadvantaged small community is a municipality with a population of 10,000 or fewer, or a county with a population of 50,000 or fewer, where the per capita annual income is less than the state’s per capita annual income. *Id.*

³⁵ Section 380.093(5)(h), F.S.

³⁶ Fla. Admin. Code Chapter 62S-8, available at https://floridadep.gov/sites/default/files/Final%20Rule%20Language_0.pdf.

³⁷ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 9, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf.

³⁸ See University of South Florida College of Marine Science, *Florida Flood Hub for Applied Research and Innovation: Overview*, <https://www.usf.edu/marine-science/research/florida-flood-hub-for-applied-research-and-innovation/> (last visited Mar. 7, 2023).

³⁹ Section 380.0933(1), F.S.

among other things, organizing existing data needs for comprehensive statewide flood vulnerability and sea level rise analyses and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of flood; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.⁴⁰

The DEP may also provide funding for regional resilience entities to assist local governments with planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise.⁴¹ To date, \$4 million has been appropriated to regional resilience entities.⁴²

In 2022, the Statewide Office of Resilience was created within the Executive Office of the Governor for the purpose of reviewing all flood resilience and mitigation activities in the state and coordinating flood resilience and mitigation efforts with federal, state, and local governmental entities and other stakeholders. The office's Chief Resilience Officer and the DEP worked together to provide the Governor and the Legislature with a report on flood resilience and mitigation efforts across Florida. The report includes:

- A list of local governments that are required to comply with the requirements of s. 163.3178(2)(f), F.S.,⁴³ but are not in compliance, as reported by the Department of Economic Opportunity;
- A list of local governments that have completed vulnerability assessments in compliance with the requirements of the Resilient Florida grant program in s. 380.093(3), F.S.;⁴⁴
- An overview of the geographic distribution of entities with funded projects in the Statewide Flooding and Sea Level Rise Resilience Plan;⁴⁵ and
- A statewide inventory of basin-level flooding assessments and other related basin-level planning efforts self-reported by water management districts or special districts authorized to submit projects pursuant to s. 380.093(5), F.S.⁴⁶

⁴⁰ Section 380.0933(2) and (3), F.S.

⁴¹ Section 380.093(6), F.S.

⁴² DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18 (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

⁴³ Section 163.3178(2)(f), F.S., requires local coastal governments to include a redevelopment component within their comprehensive plans' coastal management element, which outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. See DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 2, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf; Letter from Department of Economic Opportunity to DEP, 1-2 (Nov. 9, 2022), available at https://floridadep.gov/DEO_PoF_Letter2022.

⁴⁴ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 3, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf

⁴⁵ *Id.* at 7-9.

⁴⁶ *Id.* at 10-12.

Coastal Counties

Florida has 35 coastal counties.⁴⁷



The following seven coastal counties have populations less than 50,000 as of April 2022:⁴⁸

- Gulf (15,938)
- Franklin (12,729)
- Wakulla (35,169)
- Jefferson (14,923)
- Taylor (21,375)
- Dixie (16,988)
- Levy (44,288)

III. Effect of Proposed Changes:

Section 1 amends the Resilient Florida Grant Program, s. 380.093, F.S., to authorize the DEP, beginning July 1, 2024, to provide grants to coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on their water supplies and preparedness to respond to such threats, including water utility infrastructure, wellfield protection, and freshwater supply management.

⁴⁷ DEP, *Map of Florida's Coastal Counties*, <https://floridadep.gov/rcp/fcmp/documents/map-floridas-coastal-counties> and <https://floridadep.gov/sites/default/files/CPI-coastal-Florida-map.pdf> (last visited Mar. 6, 2023).

⁴⁸ Office of Economic and Demographic Research, *Florida Population Estimates by County and Municipality as of April 1, 2022*, available at http://edr.state.fl.us/Content/population-demographics/data/2022_Pop_Estimates.pdf (last visited Mar. 6, 2023).

Each vulnerability assessment must include all of the following information:

- The county's primary water utilities;
- Current maps of the county's freshwater wellfields and latest saltwater intrusion impact lines;
- Projections of saltwater intrusion over the next decade, including specific wells that may be impacted during that timeframe; and
- An analysis of the costs necessary to relocate freshwater wellfields that are anticipated to be impacted, including current projects that are underway to relocate the freshwater wellfields.

The bill requires the DEP to use the information from the vulnerability assessments to update its Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set. The DEP must also make any appropriate information from the assessment available to the public on its website.

The bill also requires the DEP to provide 50 percent cost-share funding, up to \$250,000, for each grant awarded under this section of the Resilient Florida Grant Program. A county with a population of 50,000 or less is not required to contribute to the cost share.

Section 2 provides that the act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP may incur costs related to updating its comprehensive statewide flood vulnerability and sea level rise data set with the information provided by counties in their saltwater intrusion vulnerability assessments. The DEP may also incur costs related to making such information available to the public on its website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 380.093 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Polsky

30-00018-23

2023734__

A bill to be entitled

An act relating to saltwater intrusion vulnerability assessments; amending s. 380.093, F.S.; authorizing the Department of Environmental Protection to provide grants to coastal counties for saltwater intrusion vulnerability assessments; specifying the purpose of and requirements for the assessments; requiring the department to update the comprehensive statewide flood vulnerability and sea level rise data set and make certain information received from the saltwater intrusion vulnerability assessments available on its website; requiring the department to provide cost-share funding up to a specified amount for awarded grants; specifying that certain counties are not required to contribute to the cost-share funding; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 380.093, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

380.093 Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.—

(3) RESILIENT FLORIDA GRANT PROGRAM.—

(b) Subject to appropriation, the department may provide grants to a county or municipality to fund:

Page 1 of 3

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30-00018-23

2023734__

1. The costs of community resilience planning and necessary data collection for such planning, including comprehensive plan amendments and necessary corresponding analyses that address the requirements of s. 163.3178(2)(f).

2. Vulnerability assessments that identify or address risks of inland or coastal flooding and sea level rise.

3. The development of projects, plans, and policies that allow communities to prepare for threats from flooding and sea level rise.

4. Preconstruction activities for projects to be submitted for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan which ~~that~~ are located in a municipality that has a population of 10,000 or less ~~fewer~~ or a county that has a population of 50,000 or less ~~fewer~~, according to the most recent April 1 population estimates posted on the Office of Economic and Demographic Research's website.

5. For coastal counties, saltwater intrusion vulnerability assessments pursuant to paragraph (e).

(e) Under the Resilient Florida Grant Program, beginning July 1, 2024, the department may provide grants to coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on a county's water supply and the preparedness of the county to respond to such a threat, including water utility infrastructure, wellfield protection, and freshwater supply management.

1. Each saltwater vulnerability assessment must include all of the following information:

a. The county's primary water utilities.

b. Current maps of the county's freshwater wellfields and

Page 2 of 3

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

30-00018-23

2023734__

59 latest saltwater intrusion impact lines.

60 c. Projections of saltwater intrusion over the next decade,
61 including specific wells that may be impacted during that
62 timeframe.

63 d. An analysis of the costs necessary to relocate
64 freshwater wellfields anticipated to be impacted, including
65 current projects that are underway to relocate the freshwater
66 wellfields.

67 2. The department shall use the information contained in
68 the county's vulnerability assessment to update its
69 comprehensive statewide flood vulnerability and sea level rise
70 data set under subsection (4).

71 3. The department shall make available to the public, on
72 the department's website, any appropriate information from the
73 vulnerability assessment it receives from coastal counties
74 pursuant to this paragraph.

75 4. The department shall provide 50 percent cost-share
76 funding, up to \$250,000, for each grant awarded under this
77 paragraph. A county with a population of 50,000 or less is not
78 required to contribute to the cost share.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation, Tourism,
and Economic Development
Criminal Justice
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR TINA SCOTT POLSKY

30th District

April 18, 2023

Chairman Doug Broxson
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Broxson,

I respectfully request that you place SB 734, relating to Saltwater Intrusion Vulnerability Assessments, on the agenda of the Committee on Appropriations, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky
Florida Senate, District 30

cc: Tim Sadberry, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

4/25/23

Meeting Date

AP 110sb

Committee

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Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without compensation or sponsorship.

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☐

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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

734

Bill Number or Topic

Amendment Barcode (if applicable)

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 Appropriations

BILL: CS/CS/SB 838

INTRODUCER: Appropriations Committee; Transportation Committee; and Senator Collins

SUBJECT: Proceeds Funding Motorcycle Safety Education

DATE: April 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.	Wells	Jerrett	ATD	Favorable
3.	Wells	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 838 reallocates the \$2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) for motorcycle safety education to three Florida not-for-profit corporations that meet specified criteria.

The bill requires the DHSMV to select qualified program administrators and enter into five-year contracts by October 1, 2023, for motorcycle safety and education programs. The bill authorizes such programs to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. Additionally, the contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

The program administrator must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts.

Based on the current number of registered motorcycles, the bill may reallocate approximately \$1,626,675 annually from the DHSMV to the selected not-for-profit corporation.

The bill takes effect July 1, 2023.

II. Present Situation:

Florida Rider Training Program

Upon annual registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes,¹ a motorcycle safety education fee of \$2.50 is required. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund, and can be used by the DHSMV for the Florida Motorcycle Safety Education Program established by s. 322.0255, F.S., or the general operations of the department.²

Section 322.0255, F.S., requires the DHSMV to establish a Florida Motorcycle Safety Program, to be funded by the \$2.50 motorcycle safety education fee. This law requires the DHSMV to:

- Establish and administer motorcycle safety courses;
- Prescribe the curricula for such courses, which must include a minimum of 12 hours of instruction in which at least half consists of actual motorcycle operation; and
- Prescribe the qualifications for certification of instructors in the program.

Additionally, the DHSMV may approve organizations to conduct motorcycle safety courses determined to be comparable, fulfilling the DHSMV's training requirements.

Based on these requirements, the DHSMV created the Florida Rider Training Program (FRTTP) to provide motorcycle safety training, course curriculum, and the certification of instructors.³ The FRTTP consists of nine statewide members that train, audit, and perform quality assurance on the 67 training facilities, which provide educational opportunities for motorcyclists including training required for licensure and continuing education.⁴

According to DHSMV, the DHSMV focuses efforts on motorcycle safety through education, outreach, and enforcement activities and provides motorcycle safety education by:⁵

- Participating on the Florida Motorcycle Safety Coalition⁶ as the subject matter experts regarding training and licensure of motorcycle riders in Florida.
- Updating the Driver License Handbook to incorporate motorcycle awareness and including several questions on the Driver License knowledge test regarding public interaction with motorcyclists.
- Conducting outreach in high schools throughout Florida providing information on motorcycle safety awareness.

As of February 5, 2023, there were 650,670 registered motorcycles in Florida.⁷ Based on the \$2.50 motorcycle safety education fee, the DHSMV collects approximately \$1,626,675 annually.

¹ The required license tax is \$10 for a motorcycle and \$5 for a moped. Section 320.08(1)(a) and (b), F.S.

² Section 320.08(1)(c), F.S.

³ Rule 15A-12.001, F.A.C.

⁴ DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 2023).

⁵ *Id.*

⁶ The coalition is a group of statewide safety partners that meet quarterly to share the common goal of reducing fatalities of motorcycle riders and passengers, using data driven research to develop, implement and evaluate counter measures. See *Id.*

⁷ *Id.*

III. Effect of Proposed Changes:

The bill reallocates the \$2.50 motorcycle safety education fee received by the DHSMV for the Florida Motorcycle Safety Education Program to three Florida not-for-profit corporations for a safety and education program. The bill requires the DHSMV to select, by October 1, 2023, and enter into five-year contracts with qualified program administrators to use the safety education fee to promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in Florida. The contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

To be selected:

- The program administrators must be charities registered with the Department of Agriculture and Consumer Services.
- One of the program administrators must be:
 - A motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years with a history of actively advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership geographically dispersed throughout the state of at least 5,000 members as of January 1, 2023.
- Two of the program administrators must be:
 - Motorcycle grassroots organizations that have been in existence for at least 20 years with an established history of advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership geographically dispersed throughout the state of at least 1,000 members as of January 1, 2023.

The DHSMV shall transmit one-third of the funds to each program administrator quarterly beginning October 1, 2023, for motorcycle safety and education programs. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. The DHSMV shall award the contracts to eligible entities even if a sufficient number of qualified entities have not applied.

The program administrators must file an annual report with the Senate President and Speaker of the House of Representatives, by July 31, outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, an estimate of the number of individuals who were exposed to the program administrator's educational efforts, and specifying clear collaboration with any other program administrator during and prior to implementation of any safety education programs.

This bill eliminates funding for the DHSMV's Florida Rider Training Program. According to DHSMV, this may lead to decreased quality of the program and safety of the motorcycle riding population in Florida.⁸

The bill takes effect July 1, 2023.

⁸ DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 2023).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The bill will have a positive fiscal impact on the selected organization, which will receive the \$2.50 collected when a motorcycle is registered in the state. Based on the number of motorcycles registered in Florida, the organization will receive approximately \$1,626,675 annually.

C. Government Sector Impact:

The bill will have a negative fiscal impact on the DHSMV, which will no longer receive funding for the Florida Motorcycle Safety Education Program. Based on the number of motorcycles registered in Florida, the DHSMV will no longer receive approximately \$1,626,675 annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill eliminates the funding provided to the DHSMV for the Florida Motorcycle Safety Education Program, but does not remove the DHSMV's requirements to administer such

program pursuant to s. 322.0255, F.S. The bill does not specify use of the funds if there are not three program administrators qualified for such funding under the requirements of the bill.

The DHSMV recommends the following be added to the bill:

- Provide a 15 percent cap on funds the organization may use on administrative expenses and define such administrative activities.
- Prohibit fees, or interest earned from the fees, from being used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the Florida Motorcycle Safety Education Program or an elected member or employee of the Legislature.
- Require the organization to provide an annual attestation, under penalties of perjury, to the DHSMV that proceeds were used in compliance with law.
- Authorize the DHSMV to discontinue and withhold fees when an attestation is not submitted or funds are not used in compliance with law.
- Authorize the DHSMV to examine all records pertaining to the use of motorcycle education fees.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 320.086.

IX. Additional Information:

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

CS/CS by Appropriations on April 25, 2023:

The committee substitute requires DHSMV to contract with three program administrators, instead of one, to utilize the motorcycle safety education fee and changes eligibility requirements for each program administrator. The bill specifies that DHSMV shall award the contracts to eligible entities even if a sufficient number of qualified entities have not applied, and each entity will receive one-third of the total fee.

CS by Transportation on March 20, 2023:

The CS reallocates the entire \$2.50 motorcycle safety education fee from DHSMV to an unnamed Florida not-for-profit corporation that meets specified criteria in the bill, instead of \$1 from the fee being reallocated to ABATE of Florida, Inc.⁹ The DHSMV is required to select a qualified program administrator and enter into a contract as specified in the bill by October 1, 2023.

⁹ ABATE of Florida, Inc., is a nonprofit organization that lobbies and educates government and the public to promote safe motorcycling. Its Motorcycle and Safety Awareness Program is given to non-motorcyclists or any organization to educate them how to safely share the road with a motorcyclist, and is taught in local schools Drivers Education Programs, and civic organizations at no charge in hope of reducing motorcycle fatalities and crashes through education not legislation. ABATE of Florida, Inc., *Motorcycle Safety and Awareness (MSAP)*, <https://abatefloridainc.com/motorcycle-safety-program> (last visited March 15, 2023).

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 46 - 120
and insert:
safety and education program administered by three Florida not-
for-profit corporations.

1. The program administrators must be charities registered
with the Department of Agriculture and Consumer Services.

2. One of the program administrators must be a motorcycle
grassroots organization that has been in existence for no less



504510

11 than 30 years with an established history of advocating for
12 motorcycle safety during that time period and can demonstrate
13 membership of at least 5,000 members as of January 1, 2023,
14 which are geographically dispersed throughout this state.

15 3. Two of the program administrators must be motorcycle
16 grassroots organizations that have been in existence for no less
17 than 20 years with an established history of advocating for
18 motorcycle safety during that time period and can demonstrate
19 membership of at least 1,000 members as of January 1, 2023,
20 which are geographically dispersed throughout this state.

21 (e) The department shall enter into a 5-year contract with
22 each of the program administrators to use their portion of the
23 safety education fee to pay for motorcycle safety and education
24 programs. The programs must promote motorcycle safety and
25 education with the goal of reducing motorcycle injuries and
26 deaths in this state. The programs may include pamphlets,
27 advertisements, public service announcements, digital media,
28 social media, a website, participation at grassroots motorcycle
29 events, advocacy, and reasonable administrative expenses. Each
30 5-year contract between the department and each program
31 administrator must require that each program administrator show
32 clear collaboration during and prior to implementation of
33 motorcycle safety and education programs which may include, but
34 need not be limited to, collaboration regarding advertising,
35 management of the safety education fee funds, and motorcycle
36 safety and education programs.

37 (f) Each of the program administrators shall file an annual
38 report by July 31 with the President of the Senate and the
39 Speaker of the House of Representatives, outlining the types of



504510

events the program administrator attended, if any, and the methods selected to distribute safety awareness and education materials or to expose the public to the programs, estimating the number of people who were exposed to the program administrator's educational efforts, and specifying clear collaboration with any other program administrator during and prior to implementation of any safety education programs.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 320.086, Florida Statutes, are amended to read:

320.086 Ancient or antique motor vehicles; horseless carriage, antique, or historical license plates; former military vehicles.—

(1) The owner of a motor vehicle for private use manufactured in model year 1945 or earlier and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s.~~

~~320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.



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(2) (a) The owner of a motor vehicle for private use manufactured in a model year after 1945 and of the age of 30 years or more after the model year and operated on the streets and highways of this state may, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s. 320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay the fee for the issuance of the special license plate prescribed by the department, commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique No. 1," and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special "Antique" license plate.

Section 3. By October 1, 2023, the Department of Highway Safety and Motor Vehicles shall select three program administrators that meet the requirements of s. 320.08(1)(d), Florida Statutes, and shall enter into contracts as specified in this act. The department shall award the contracts pursuant to this act to eligible entities even if a sufficient number of qualified entities have not applied. The department shall transmit one-third of the safety education fee to each program administrator quarterly, with the first payment being

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



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And the title is amended as follows:

Delete lines 5 - 17

and insert:

safety and education program administered by Florida not-for-profit corporations; specifying requirements for the administrators of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into certain contracts for a specified purpose; specifying the requirements of the safety awareness and education programs; specifying requirements for certain contracts; requiring the administrators of the programs to file an annual report with the Legislature by a certain date; amending s. 320.086, F.S.; conforming cross-references; requiring the department to select program administrators and enter into specified contracts by a specified date; requiring the department to transmit portions of the safety education fee to the program administrators

By the Committee on Transportation; and Senator Collins

596-02752-23

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A bill to be entitled

An act relating to proceeds funding motorcycle safety education; amending s. 320.08, F.S.; requiring that the motorcycle safety education fee be used for a safety and education program administered by a certain not-for-profit corporation; providing requirements of the administrator of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into a certain contract for a specified purpose; specifying the requirements of the safety awareness and education programs; requiring the administrator of the programs to file an annual report with the Legislature; amending s. 320.086, F.S.; conforming cross-references; requiring the department to select an administrator and enter into a contract by a specified date; requiring the department to transmit the safety education fee to the program administrator quarterly; specifying the first payment date; providing an effective date.

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

Section 1. Present paragraph (d) of subsection (1) of section 320.08, Florida Statutes, is redesignated as paragraph (g), a new paragraph (d) and paragraphs (e) and (f) are added to that subsection, and paragraph (c) of that subsection is amended, to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the

Page 1 of 5

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

596-02752-23

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operation of motor vehicles, mopeds, tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of \$2.50 shall be paid. The proceeds of the safety education ~~such additional~~ fee shall be deposited in the Highway Safety Operating Trust Fund ~~to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.~~

(d) The entire safety education fee shall be used for a safety and education program administered by a Florida not-for-profit corporation. The program administrator must:

1. Be a charity registered with the Department of Agriculture and Consumer Services;

2. Have a history of actively advocating for motorcycle safety and education in this state for at least 30 years;

3. Be a motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years;

4. Be focused primarily on promoting motorcycle safety and education throughout this state; and

5. Have at least 3,000 active members drawn from the motorcycle community throughout this state.

Page 2 of 5

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

596-02752-23

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(e) The department shall enter into a 5-year contract with the program administrator to use the safety education fee to pay for motorcycle safety and education programs. The programs must promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in this state. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

(f) The program administrator shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the types of events the program administrator attended, if any, and the methods selected to distribute safety awareness and education materials or to expose the public to the programs, and estimating the number of people who were exposed to the program administrator's educational efforts.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 320.086, Florida Statutes, are amended to read:

320.086 Ancient or antique motor vehicles; horseless carriage, antique, or historical license plates; former military vehicles.—

(1) The owner of a motor vehicle for private use manufactured in model year 1945 or earlier and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s. 320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license

596-02752-23

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plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.

(2)(a) The owner of a motor vehicle for private use manufactured in a model year after 1945 and of the age of 30 years or more after the model year and operated on the streets and highways of this state may, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(g), (2)(a), or (3)(e) ~~s. 320.08(1)(d), (2)(a), or (3)(e)~~, be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay the fee for the issuance of the special license plate prescribed by the department, commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique No. 1," and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special "Antique" license plate.

Section 3. By October 1, 2023, the Department of Highway

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117 Safety and Motor Vehicles shall select a qualified program
118 administrator and enter into the contract as specified in this
119 act. The department shall transmit the safety education fee
120 quarterly to the administrator, with the first payment being
121 payable October 1, 2023.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Education
Appropriations Committee on Transportation, Tourism,
and Economic Development
Education Postsecondary
Education Pre-K -12
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR JAY COLLINS

14th District

April 19, 2023

Senator Doug Broxson
208 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chairman Broxson,

I respectfully request that SB 838 – Motorcycle Safety Education be added to the calendar for the next available Appropriations Committee.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Collins", with a horizontal line drawn underneath it.

Senator Jay Collins
Senate District 14

Cc: Tim Sadberry, Staff Director
Alicia Weiss, Committee Administrative Assistant

REPLY TO:

- ☐ 405 North Reo Street, Suite 170, Tampa, Florida 33609 (813) 281-2538
- ☐ 305 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 387-4014

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

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 Appropriations

BILL: CS/SB 1070

INTRODUCER: Transportation Committee and Senator Hooper

SUBJECT: License Taxes

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Vickers	TR	Fav/CS
2. Nortelus	Jerrett	ATD	Favorable
3. Nortelus	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1070 imposes specified additional registration fees on certain electric vehicles. The bill defines the terms “electric vehicle” and “plug-in hybrid electric vehicle,” imposes fees on such vehicles in addition to registration fees currently assessed against non-electric vehicles, and authorizes biennial registration of such vehicles. The additional taxes imposed apply to an initial or renewal registration that has a renewal period beginning on or after October 1, 2023.

The bill provides for distribution of the proceeds of such fees to the State Transportation Trust Fund and to the county where such a vehicle is registered, and requires the Florida Department of Transportation to transfer funds allocated to a county to the Florida Department of Revenue for distribution, as specified. The bill restricts use of the proceeds to transportation expenditures, as defined in current law; exempts certain electric and plug-in hybrid electric vehicles from the additional tax; and provides that the additional fees expire on December 31, 2031. The bill also makes necessary conforming revisions.

The Revenue Estimating Conference has not analyzed the committee substitute however, staff does not expect the estimate from the prior version of the bill to change. The Revenue Estimating Conference¹ determined, for the prior version of the bill, an increase in receipts to the State Transportation Trust Fund of \$16.4 million in fiscal year 2023-2024 and by \$37.1 million

¹ See the Revenue Estimating Conference’s adopted consensus estimate available at [Microsoft Word - 2 - SB 1070 - Revised \(state.fl.us\)](#) (last visited March 10, 2023).

recurring. Local government revenues were estimated to increase by \$9.2 million in fiscal year 2023-2024 and by \$20.9 million recurring².

The bill takes effect July 1, 2023.

II. Present Situation:

The Impact of Electric Vehicles on Revenues

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because some electric vehicles (EVs) are not powered by gasoline or diesel, and because others use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of EVs operating on the roadways results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

Projections for EV sales vary, but a literature review suggests a general consensus that while EV adoption will not significantly impact state revenues in the near-term, EV sales will continue to increase over the long-term. The Florida Department of Transportation's (FDOT's) *EV Infrastructure Master Plan*, completed in July of 2021, concludes that negative impacts to motor-fuel based revenue streams in Florida could range between 5.6 percent and 20 percent by the year 2040, depending on the rate of growth of EV sales.³

The National Perspective

Traditional funding for repairs and improvements to the nation's highways comes primarily from state and federal taxes collected at the pump. A perceived inequity may exist, in that electric vehicles do not require motor fuel to operate, or at least as much in the case of vehicles that operate on a combination of electricity and gasoline or diesel, compared to motor vehicles with internal combustion engines. The assertion is that EV owners may not be fairly contributing to the cost of constructing and maintaining public roads through payment of "traditional" registration fees.

According to the National Conference of State Legislatures (NCSL), a national "growing policy trend" has developed of imposing a separate registration fee for certain EVs to address the issues of declining revenues and fair contribution.⁴ The following may serve to highlight the trend:

- Thirty-one states impose some form of a special registration fee for electric vehicles which is in addition to the registration fee for motor vehicles with internal combustion engines.
- Of those, 18 states also assess a fee on vehicles that operate on a combination of electricity and gasoline. The fees range from \$48.75 in Iowa to \$100 in Alabama, Arkansas, Ohio and West Virginia.

² *Id.*

³ See the FDOT's *EV Infrastructure Master Plan*, p. 30 of 52, available at [fdotevmp.pdf \(windows.net\)](https://fdot.evmp.pdf) (last visited February 22, 2023).

⁴ See [ncsl.org, Special Fees on Plug-In Hybrid and Electric Vehicles \(ncsl.org\)](https://ncsl.org/Special-Fees-on-Plug-In-Hybrid-and-Electric-Vehicles) (last visited February 22, 2023).

- Ten states⁵ enacted laws in 2019 amending or adding new fees for plug-in electric and some plug-in hybrid vehicles, with fees ranging from \$50 per year in Colorado, South Dakota, and Hawaii, to \$225 for a plug-in electric vehicle in Washington.
- The enacted legislation in Alabama, Arkansas, Ohio, and Wyoming set or increased fees for EVs to \$200 annually. In 2021, South Dakota law was revised to impose a fee of \$50 for all plug-in electric vehicles, and Oklahoma tiered its EV fees based on vehicle weight. Louisiana enacted legislation in 2022 imposing a \$110 fee for EVs and a \$60 fee for plug-in hybrids.⁶
- At least five states tie the additional registration fees to the consumer price index or another inflation-related metric and periodically increase the fees (California, Indiana, Michigan, Mississippi, and Utah).⁷

Use of Revenues from Additional Electric Vehicle Registration Fees

Revenue from these additional registration fees is, according to the NCSL, most often directed to a state transportation trust fund as a fair contribution to the cost of constructing and maintaining the public roads, with a few states also allocating some of the revenue to support EV charging infrastructure, for construction and maintenance of highways and bridges, and small amounts to other uses.⁸

Types of Electric Vehicles

The U.S. Department of Energy's Alternative Fuels Data Center uses the term, "electric-drive vehicles," to collectively refer to all-electric vehicles (AEVs), hybrid electric vehicles (HEVs), and plug-in hybrid electric vehicles (PHEVs):

- AEVs use a battery to store the electric energy that powers the motor. AEVs do not have an internal combustion engine and are solely powered by electricity. AEV batteries are usually charged by plugging the vehicle into an electric power source.
- PHEVs are powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery, and are plugged into an electric power source to charge the battery. PHEVs can travel various distances on electricity alone but can also operate solely on motor fuel.
- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. An HEV battery is

⁵ Alabama, Arkansas, Hawaii, Illinois, Iowa, Kansas, North Dakota, Ohio, Washington and Wyoming.

⁶ *Supra* note 2. Scroll down to the "State Action" heading. The definitions, fees, and fee distributions for each state are reflected under the heading *States With Fees on Plug-In and/or Electric Vehicles*.

⁷ Two states have enacted road user charges (Oregon and Utah), also known as vehicle miles traveled fees or mileage based user fees and, according to the Transportation Investment Advocacy Center (TIAC), as of May, 2022, three states (Pennsylvania, Iowa, and Oklahoma) had enacted excise taxes on the electricity that powers electric vehicles. See the TIAC's *Electric Vehicle Excise Tax Model Language*, Appendix B, available at [2022 Electric Vehicle Excise Tax Model Language-2.pdf \(transportationinvestment.org\)](https://transportationinvestment.org/2022-Electric-Vehicle-Excise-Tax-Model-Language-2.pdf) (last visited February 22, 2023). However, legislation enacted in Oklahoma in 2021 imposes additional fees for electric vehicles and plug-in hybrids dependent upon the weight of the vehicle, ranging from \$110 to \$2,250 for all-electric vehicles and from \$82 to \$1,687 for plug-in hybrid electric vehicles. *Supra* note 4.

⁸ *Supra* note 4.

charged through regenerative braking and by the internal combustion engine and is not plugged in to charge.⁹

State definitions are not always consistent with the above definitions and contain some variation. Careful crafting of a state's definition is necessary to impose any fees as intended.

Florida's Registration Structure and Electric Vehicles

Florida's definition of the term "motor vehicle" for registration purposes is quite broad,¹⁰ and all vehicles meeting the definition, with some exceptions, are required to be registered in this state.¹¹ Current law imposes an initial registration fee (a license tax) of \$225 on automobiles and tri-vehicles for private use, certain trucks, and motor homes and truck campers.¹² Thereafter, registration is generally based on the class and weight of the vehicle. The fees range generally from \$5 for a moped to \$1,322 for heavy trucks or truck tractors and wreckers.¹³

After monthly distributions for education purposes, for completion of the interstate highway system, and for the Florida Seaport Transportation and Economic Development (FSTED) Program, the remaining proceeds from registration fees are deposited in the State Transportation Trust Fund.¹⁴

Current law defines the term "electric vehicle" for registration purposes as a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.¹⁵ The license tax for an EV is the same as that prescribed in law for a vehicle that is not electrically powered.¹⁶

Thus, Florida law currently makes no distinction between the types of EVs in its definition, as all-electric *and* hybrid electric vehicles, plug-in or regenerative, are in fact powered, in whole or in part, by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current. The definition does not require that an electric vehicle be *solely* powered as described. Additionally, Florida law does not charge a fee in addition to the registration fee for a "traditional" vehicle as some 31 other states do, for registration of electric vehicles.

⁹ See U.S. Department of Energy, [Alternative Fuels Data Center: Electric Vehicles \(energy.gov\)](https://energy.gov/electric-vehicles) (last visited March 10, 2023).

¹⁰ Section 320.01(1), F.S.

¹¹ Section 320.02, F.S.

¹² Section 320.072, F.S.

¹³ Section 320.08, F.S.

¹⁴ Section 320.20, F.S.

¹⁵ Section 320.01(36), F.S.

¹⁶ Section 320.08001, F.S.

Biennial Registration

Currently, any person who owns a specified vehicle¹⁷ that is required to be registered¹⁸ may renew the registration biennially during the applicable renewal period upon payment of the two-year cumulative total; *i.e.*, double the amount of the applicable annual license tax (as well as the service charge and surcharge).¹⁹

Local Option Fuel Taxes

County governments are authorized to levy up to 12 cents of local option fuel taxes in three separate levies on fuel sold within the county.²⁰ Relevant for purposes of the bill is a tax of one to six cents on every net gallon of motor and diesel fuel sold within a county.²¹ Generally, this tax is levied by ordinance adopted by a majority vote of the governing body or upon approval by referendum.²² Revenues from the tax are remitted to the Florida Department of Revenue (FDOR) by the licensed terminal supplier who owned the fuel immediately prior to removal from storage²³ and transferred to the Local Option Fuel Tax Trust Fund.²⁴

The FDOR distributes the tax proceeds monthly²⁵ according to distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no such agreement is established, a local government's distribution is generally based on the transportation expenditures of that local government for the immediately preceding five fiscal years as a proportion of the sum total of such expenditures for the respective county and all municipalities within the county.²⁶ County and municipal governments may use the proceeds only for "transportation expenditures."²⁷

¹⁷ Generally, motorcycles and mopeds; automobiles or tri-vehicles for private use; light-duty trucks and heavy duty trucks and truck tractors of a certain weight; motor vehicles for hire; trailers for private use; trailers for hire; recreational vehicle-type units; park trailers, travel trailers, and fifth-wheel trailers of a certain length; and mobile homes. *Infra* note 18.

¹⁸ Sections 320.08(1)-(3), (4)(a) or (b), and (6) – (11), F.S.

¹⁹ See s. 320.03, F.S.

²⁰ See floridarevenue.com, [Florida Dept. of Revenue - Local Option Taxes \(floridarevenue.com\)](http://floridarevenue.com) (last visited February 24, 2023).

²¹ Section 336.025(1)(a), F.S. Local option tax rates on diesel fuel are "equalized" statewide, meaning that the full six cents, and another 1 cent per s. 336.021(1)(a), F.S., is levied on every net gallon of diesel fuel sold in every county. Seven cents' worth of local option tax revenue on diesel fuel is distributed to local governments, regardless of whether the county is levying these two taxes. *Id.*

²² See s. 335.025(3)(a)1.-3. and (3)(b), F.S.

²³ Section 206.41(2), F.S.

²⁴ Section 336.025(2)(a), F.S.

²⁵ *Id.*

²⁶ Section 336.025(4)(a), F.S.

²⁷ Section 336.025(7), F.S. The term includes public transportation operations and maintenance; roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment; roadway and right-of-way drainage; street lighting installation, operation, maintenance, and repair; traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair; bridge maintenance and operation; and debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks. Note that current law authorizes the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such county to use the proceeds in any fiscal year to fund "infrastructure projects" under the conditions and as specified in s. 336.025(8), F.S.

III. Effect of Proposed Changes:

Additional License Taxes, Biennial Registration, Distribution, Exemption, and Applicability (Section 1)

The bill amends s. 320.08001, F.S., defining terms as follows:

- “Electric vehicle” means a motor vehicle that is solely powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.
- “Plug-in hybrid electric vehicle” means a motor vehicle equipped to be propelled by an internal combustion engine and an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current that are recharged by an energy source external to the motor vehicle.

An all-electric (or “battery electric”) vehicle would meet the definition of “electric vehicle,” as it is solely powered as described, but not meet the definition of “plug-in hybrid electric vehicle,” as it is not also equipped to be propelled by an internal combustion engine. The definition of “plug-in hybrid electric vehicle” excludes all-electric vehicles, as they are not equipped to be propelled by an internal combustion engine, and excludes hybrid electric vehicles, as they are not recharged by an energy source external to the motor vehicle. Under the bill, Florida law would impose fees in addition to registration fees for non-electric vehicles only on electric vehicles and plug-in hybrid electric vehicles, as defined. Hybrid electric vehicles that use regenerative braking would not be subject to an additional fee.²⁸

The bill removes “an electric vehicle” from current law providing that the license tax for such is the same as that prescribed in s. 320.08, F.S., for a vehicle that is not electrically powered, leaving that provision applicable only to a low-speed vehicle. Instead, the bill imposes the following annual license taxes:

- For electric vehicles, in addition to the license tax prescribed in s. 320.08, F.S.,²⁹ an annual license tax of \$200, increasing to \$250 beginning January 1, 2028.
- For plug-in hybrid electric vehicles, in addition to the license tax prescribed in s. 320.08, F.S., an annual license tax of \$50, increasing to \$100 on January 1, 2028.

The additional license taxes expressly apply to an initial registration or renewal registration that has a renewal period beginning on or after October 1, 2023. Any person or entity that registers an electric or plug-in hybrid electric vehicle is authorized to renew the vehicle registration biennially.

Sixty-four percent of the proceeds from the additional license taxes imposed must be deposited into the State Transportation Trust Fund, and 36 percent must be allocated to the county where the vehicle is registered. The Department of Highway Safety and Motor Vehicles must transfer the funds allocated to a county to the FDOT for distribution to the board of county commissioners and municipalities within the county in proportion to the previous quarter’s

²⁸ Research identified only eight states that impose an additional fee on hybrid electric vehicles that use regenerative braking.

²⁹ Still the same for the same class and/or weight of a non-electric vehicle.

distribution of the local option fuel taxes. Local governments must use the funds for defined transportation expenditures.³⁰

The bill exempts from the additional annual license tax imposed under the amended section of law an electric or plug-in hybrid electric vehicle that uses a battery storage system of up to five kilowatt hours.

Biennial Registration (Section 2)

The bill amends s. 320.07(2)(b), F.S., relating to biennial registration, to insert a reference to s. 320.08001, F.S., thereby authorizing biennial registration of low-speed vehicles and of the specified vehicles that meet the definition of “electric vehicle” or “plug-in hybrid electric vehicle.”

Expiration of the Additional License Taxes (Section 3)

The bill creates an undesignated section of law providing that the amendments made by the act to s. 320.08001, F.S., expire on December 31, 2031, and the text of that section reverts to that in existence on June 30, 2023, except that any amendments to such text enacted other than by the act are preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text that expire.

Effective Date (Section 4)

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill not does require counties or municipalities to spend funds, reduce counties’ or municipalities’ authority to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19, of the Florida Constitution requires that a new state tax or fee must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the

³⁰ *Supra* note 26.

Florida Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.” The bill imposes license taxes in addition to the “base” registration fee for electric and plug-in hybrid electric vehicles, authorizes payment of the additional license taxes biennially, provides for distribution of the proceeds from the additional taxes, and provides an exemption from the additional fees. The bill requires a two-thirds vote of the membership of each house of the Legislature.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not analyzed the committee substitute however, staff does not expect the estimate from the prior version of the bill to change. The Revenue Estimating Conference³¹ determined, for the prior version of the bill, an increase in receipts to the State Transportation Trust Fund of \$16.4 million in fiscal year 2023-2024 and by \$37.1 million recurring. Local government revenues were estimated to increase by \$9.2 million in fiscal year 2023-2024 and by \$20.9 million recurring³².

B. Private Sector Impact:

Those who register electric vehicles or plug-in hybrid electric vehicles as defined in the bill would be subject to the specified additional registration fees.

C. Government Sector Impact:

The bill will allow for increase spending on projects funded through the State Transportation Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08001 and 320.07.

³¹ See *supra* note 1.

³² *Id.*

This bill creates an undesignated section of law.

IX. Additional Information:

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

CS by Transportation on March 20, 2023:

The committee substitute changes a reference from “paragraph” to “subsection” for technical accuracy and clarifies that electric and plug-in hybrid electric vehicles with battery storage systems of up to five kilowatt hours are exempt from the additional annual license tax, not the base license tax.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Hooper

596-02761-23

20231070c1

1 A bill to be entitled
 2 An act relating to license taxes; amending s.
 3 320.08001, F.S.; defining the terms "electric vehicle"
 4 and "plug-in hybrid vehicle"; conforming a provision
 5 to changes made by the act; imposing specified
 6 additional annual license taxes on electric vehicles;
 7 increasing such tax at a certain time; imposing
 8 specified additional annual license tax on plug-in
 9 hybrid electric vehicles; increasing such tax at a
 10 certain time; authorizing persons and entities to
 11 biennially renew vehicle registrations for electric
 12 vehicles and plug-in hybrid electric vehicles;
 13 providing for the distribution of proceeds from the
 14 additional license taxes; specifying requirements for
 15 the use of the proceeds by local governments;
 16 providing that certain vehicles are exempt from
 17 specified license taxes; providing applicability;
 18 amending s. 320.07, F.S.; conforming provisions to
 19 changes made by the act; providing for future
 20 expiration; providing an effective date.
 21
 22 Be It Enacted by the Legislature of the State of Florida:
 23
 24 Section 1. Section 320.08001, Florida Statutes, is amended
 25 to read:
 26 320.08001 Low-speed, electric, and plug-in hybrid electric
 27 vehicles; license tax.—
 28 (1) For purposes of this section, the term:
 29 (a) "Electric vehicle" means a motor vehicle that is solely

Page 1 of 4

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

596-02761-23

20231070c1

30 powered by an electric motor that draws current from
 31 rechargeable storage batteries, fuel cells, or other sources of
 32 electrical current.
 33 (b) "Plug-in hybrid electric vehicle" means a motor vehicle
 34 equipped to be propelled by an internal combustion engine and an
 35 electric motor that draws current from rechargeable storage
 36 batteries, fuel cells, or other sources of electrical current
 37 that are recharged by an energy source external to the motor
 38 vehicle.
 39 (2) The license tax for a ~~an electric vehicle or~~ low-speed
 40 vehicle is the same as that prescribed in s. 320.08 for a
 41 vehicle that is not electrically powered.
 42 (3) In addition to the license tax prescribed in s. 320.08,
 43 there is imposed an annual license tax of \$200 on electric
 44 vehicles. Beginning January 1, 2028, the additional annual
 45 license tax shall be \$250.
 46 (4) In addition to the license tax prescribed in s. 320.08,
 47 there is imposed an annual additional license tax of \$50 on
 48 plug-in hybrid electric vehicles. Beginning January 1, 2028, the
 49 additional annual license tax shall be \$100.
 50 (5) Any person or entity that registers a vehicle
 51 identified in subsection (3) or subsection (4) may renew the
 52 vehicle registration biennially in accordance with s.
 53 320.07(2)(b).
 54 (6) Of the proceeds from the additional annual license
 55 taxes imposed under subsections (3) and (4), 64 percent must be
 56 deposited into the State Transportation Trust Fund and 36
 57 percent must be allocated to the county where the vehicle is
 58 registered. Each quarter, the department shall transfer the

Page 2 of 4

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

596-02761-23

20231070c1

59 funds allocated to a county to the Department of Revenue for
 60 distribution to the board of county commissioners and
 61 municipalities within the county in proportion to the previous
 62 quarter's distribution of the local option fuel taxes authorized
 63 under s. 336.025(1)(a). Local governments shall use moneys
 64 received pursuant to this subsection for transportation
 65 expenditures as defined in s. 336.025(7).

66 (7) An electric or a plug-in hybrid electric vehicle that
 67 uses a battery storage system of up to 5 kilowatt hours is
 68 exempt from the additional annual license tax imposed under this
 69 section.

70 (8) The additional license taxes imposed by this section
 71 apply to an initial registration or renewal registration that
 72 has a renewal period beginning on or after October 1, 2023.

73 Section 2. Paragraph (b) of subsection (2) of section
 74 320.07, Florida Statutes, is amended to read:

75 320.07 Expiration of registration; renewal required;
 76 penalties.—

77 (2) Registration shall be renewed semiannually, annually,
 78 or biennially, as provided in this subsection, during the
 79 applicable renewal period, upon payment of the applicable
 80 license tax amounts required by s. 320.08, service charges
 81 required by s. 320.04, and any additional fees required by law.

82 (b) Any person who owns a motor vehicle or mobile home
 83 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
 84 (7), (8), (9), (10), or (11) may renew the vehicle registration
 85 biennially during the applicable renewal period upon payment of
 86 the 2-year cumulative total of all applicable license tax
 87 amounts required by ss. 320.08 and 320.08001, as applicable, s-

596-02761-23

20231070c1

88 ~~320.08~~ and service charges or surcharges required by ss. 320.03,
 89 320.04, 320.0801, 320.08015, 320.0802, 320.0804, 320.0805,
 90 320.08046, and 320.08056 and payment of the 2-year cumulative
 91 total of any additional fees required by law for an annual
 92 registration.

93 Section 3. The amendments made by this act to s. 320.08001,
 94 Florida Statutes, expire on December 31, 2031, and the text of
 95 that section shall revert to that in existence on June 30, 2023,
 96 except that any amendments to such text enacted other than by
 97 this act shall be preserved and continue to operate to the
 98 extent that such amendments are not dependent upon the portions
 99 of text which expire pursuant to this section.

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



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 19, 2023

I respectfully request that **Senate Bill # 1070**, relating to License Taxes, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
APPEARANCE RECORD

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

4/25/23

Meeting Date

1070

Bill Number or Topic

Committee

Name

Bob McKee

Phone

(850) 766-1952

Address

100 S Monroe

Email

bmckee@fl-education.org

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Association
of Counties

☐

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
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4/25/23

Meeting Date

1070

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Adam Potts

Phone

850-591-5921

Address

113 E. College Ave

Street

Email

adam@libertypartnersfl.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:

Advanced Energy
United

☐

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)

4/25/23
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1070
Bill Number or Topic
SB 1070
Amendment Barcode (if applicable)

Committee

Name Alexandra DySard Phone _____

Address ENVIRONMENTAL DEFENSE FUND Email _____

Street

St. Petersburg 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)

4/25/23

Meeting Date

Appropriations

Committee

The Florida Senate

APPEARANCE RECORD

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

1070

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chad Kunde

Phone

(850) 766-7896

Address

136 S Bronough St

Email

ckunde@flchamber.com

Street

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:

Florida Chamber of
Commerce

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

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

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 Appropriations

BILL: CS/SB 1094

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Martin

SUBJECT: Death Benefits for Active Duty Servicemembers

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2. <u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	Favorable
3. <u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1094 increases the death benefit paid by the state for a member of the U.S. Armed Forces *who is killed while not engaged in official duties*. The death benefit is increased from \$25,000 to \$75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember *is not eligible* for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by the Department of Military Affairs (DMA). The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring DMA to request that the Chief Financial Officer (CFO)¹ draw warrants from the General Revenue Fund for the payment of benefits. The bill grants DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

The bill is expected to increase state expenditures by an indeterminate amount.

¹ Art. IV, s. 4(c) of the Florida Constitution provides that a CFO shall serve, within the cabinet, as the chief fiscal officer of the state. The CFO settles and approves accounts against the state and keeps all state funds and securities.

The bill takes effect July 1, 2023.

II. Present Situation:

Constitutional Requirements for Death Benefits for Active Duty Servicemembers

Article X, sec. 31(b) of the Florida Constitution requires a death benefit to be paid to the survivors of active duty servicemembers of the United State Armed Forces. The payments are made from the General Revenue Fund. The state is also required to waive certain education expenses for a child or spouse of the deceased servicemember.

To be eligible for the benefits under the Florida Constitution, a member of the military must have been a resident of the state or his or her duty post must have been within the state, at the time of death.

The constitutional provision took effect July 1, 2019.

Statutory Requirements for Death Benefits for Active Duty Servicemembers

Current law provides that a servicemember of the United States Armed Forces who is killed or receives a bodily injury that results in the loss of member's life while on active duty:

- *And engaged in performance of his or her official duties* is eligible for a death benefit of \$75,000 paid by the state.²
- *But not in performance of his or her official duties* is eligible for a death benefit of \$25,000 paid by the state.³

A servicemember is not eligible for these benefits if the killing or bodily injury is the result of suicide or was otherwise intentionally self-inflicted.

The death benefit is paid to the beneficiary designated by the servicemember in writing and delivered to the DMA during the servicemember's lifetime.⁴ If no designation is made, then the payments are made to the servicemember's surviving child or children and to the servicemember's surviving spouse in equal portions.⁵ If the servicemember does not have a surviving child or spouse, the payment is made to the servicemember's parent or parents. If no designation is made and the servicemember has no surviving child, spouse, or parent, then the sum must be paid to the servicemember's estate.

The spouse or child of an active duty servicemember is also eligible for the waiver of certain educational expenses incurred while obtaining a career certificate, an undergraduate education, or a postgraduate education.⁶ The waiver amount is equal to the cost of 120 credit hours of tuition and registration fees. The benefit must be used by a child before turning 25 years of age,

² Section 295.061(2), F.S.

³ Section 295.061(3), F.S.

⁴ Section 295.061(4), F.S.

⁵ *Id.*

⁶ Section 295.061(8), F.S.

while the spousal benefit must be commenced within five years of the death and completed within ten years of the death. These benefits may only be received by students in good standing.

III. Effect of Proposed Changes:

Section 1 amends s. 295.061, F.S., to increase death benefits paid by the state for a member of the U.S. Armed Forces *who is not killed while engaged in official duties*. The death benefit is increased from \$25,000 to \$75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember *is not eligible* for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by DMA. The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring DMA to request that the Chief Financial Officer (CFO)⁷ draw warrants from the General Revenue Fund for the payment of benefits. The bill grants DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

⁷ Art. IV, s. 4(c) of the Florida Constitution provides that a CFO shall serve, within the cabinet, as the chief fiscal officer of the state. The CFO settles and approves accounts against the state and keeps all state funds and securities.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The state will incur additional costs for the increased monetary death benefits granted to the surviving family members of a member of the U.S. Armed Forces killed while on active duty. These benefits are paid from the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Law enforcement officers, correctional officers, firefighters, emergency medical technicians, and paramedics (first responders) are granted death benefits under the Florida Constitution similar to servicemembers. However, the benefits are payable only if a first responder is killed “while engaged in the performance of his or her official duties.” The current law relating to death benefits for a servicemember makes a similar distinction, with a \$75,000 benefit if the servicemember is on active duty and is killed while in the performance of official duties and a \$25,000 benefit if the servicemember is on active duty and is killed otherwise (not related to official duties, i.e., vacation, off-duty).

VIII. Statutes Affected:

This bill substantially amends section 295.061 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Governmental Oversight and Accountability on March 29, 2023:**

The committee substitute reinstates the current law provision creating a continuing appropriation from the General Revenue Fund to pay the benefits to survivors of deceased servicemembers.

B. Amendments:

None.

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

By the Committee on Governmental Oversight and Accountability;
and Senator Martin

585-03272A-23

20231094c1

A bill to be entitled

An act relating to death benefits for active duty servicemembers; amending s. 295.061, F.S.; revising the amount and conditions of payment of death benefits; requiring that payment be made to the beneficiary through the process set out by the Department of Military Affairs; removing provisions relating to payment when a beneficiary is not designated; requiring that proof of residency or duty post be provided to the department; requiring the department to request the Chief Financial Officer to draw a warrant for payment of benefits from the General Revenue Fund; requiring the Department of Military Affairs and the Department of Financial Services to adopt certain rules and procedures; providing an effective date.

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

Section 1. Section 295.061, Florida Statutes, is amended to read:

295.061 Active duty servicemembers; death benefits.—

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

(a) "Active duty" has the same meaning as provided in s. 250.01.

(b) "United States Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

(2) The sum of \$75,000 must be paid by the state if a

Page 1 of 4

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

585-03272A-23

20231094c1

member of the United States Armed Forces, while on active duty ~~and engaged in the performance of his or her official duties~~, is killed or sustains ~~receives~~ a bodily injury that results in the loss of the member's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

~~(3) The sum of \$25,000 must be paid by the state if a member of the United States Armed Forces, while on active duty, is killed other than as specified in subsection (2), provided that the killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.~~

(3)(4) Payment of benefits ~~made~~ under subsection (2) ~~or subsection (3)~~ must be made paid to the beneficiary designated by such member through the process set out by in writing and delivered to the Department of Military Affairs during the member's lifetime. If no such designation is made, then the payments must be paid to the member's surviving child or children and to his or her surviving spouse in equal portions, or if there is no surviving child or spouse, must be made to the member's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate.

(4)(5) To qualify for the benefits provided in this section, the deceased military member must have been a resident of this state, or his or her duty post must have been within this state, at the time of death. Proof of residency or duty post must be provided to the Department of Military Affairs in the manner prescribed by the department.

(5)(6) Any benefits provided pursuant to this section are

Page 2 of 4

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585-03272A-23

20231094c1

in addition to any other benefits provided under the Servicemembers' Group Life Insurance program or any other federal program. Benefits granted pursuant to this section are exempt from the claims and demands of creditors of such member.

~~(6)(7)~~ Benefits provided under subsection (2) ~~or subsection (3)~~ shall be paid from the General Revenue Fund. The department shall request the Chief Financial Officer to draw a warrant from the General Revenue Fund for the payment of the benefit in the amount specified in this section. Beginning in the 2019-2020 fiscal year and continuing each fiscal year thereafter, a sum sufficient to pay such benefits is appropriated from the General Revenue Fund to the Department of Financial Services for the purposes of paying such benefits.

(7) The Department of Military Affairs and the Department of Financial Services shall adopt rules and procedures as appropriate and necessary to implement subsections (1)-(6).

(8) (a) If an active duty member is killed as specified in subsection (2) ~~or subsection (3)~~, the state must waive certain educational expenses that the child or the spouse of the deceased member incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or the spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis. The benefits provided to a child under this subsection must continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after

585-03272A-23

20231094c1

the death occurs and may continue until the 10th anniversary of that death.

(b) Upon failure of any child or spouse who receives a waiver in accordance with this subsection to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, such benefits to the child or the spouse must be withdrawn and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(c) Only a student in good standing in his or her respective institution may receive the benefits provided in this subsection.

(d) A child or spouse who is receiving benefits under this subsection shall be enrolled according to the customary rules and requirements of the institution attended.

(e) A child or spouse of a member may receive benefits under either this subsection or s. 295.01.

(f) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement this subsection.

Section 2. This act shall take effect July 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations
Appropriations Committee on Criminal and Civil
Justice
Appropriations Committee on Health and
Human Services
Community Affairs
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JONATHAN MARTIN

33rd District

April 18, 2023

The Honorable Doug Broxson
Senate Appropriations Committee, Chair
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: CS/SB 1094 - An act relating to Death Benefits for Active Duty Servicemembers

Dear Chair Broxson:

Please allow this letter to serve as my respectful request to place CS/SB 1094, relating to Death Benefits for Active Duty Servicemembers, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

Cc: Tim Sadberry, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

4/25/23

Meeting Date

CS/SB 1094

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

Mark Oglesby

Phone

850-414-9048

Address

400 S Monroe St

Email

Mark.t.oglesby.nfg@ARMY.MIL

Street

Tallahassee FL

32399

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:

Dept of Military Affairs

☐ 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 Appropriations

BILL: SB 1130

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; and Senators Hutson and Thompson

SUBJECT: Clerks of the Court

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bondq	Cibula	JU	Favorable
2.	Kolich	Harkness	ACJ	Fav/CS
3.	Kolich	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1130 increases funding of the clerks of court by allowing the clerks to retain certain civil filing fees and service charges that are currently directed to the General Revenue Fund. The bill also changes the requirement for transfer of a clerk's budget overage from monthly to quarterly.

The bill will redirect an estimated \$24.1 million in revenues from General Revenue Fund to the Clerks' Fine and Forfeiture Trust Fund starting in Fiscal Year 2023-24. See Section V. Fiscal Impact Statement.

The effective date of the bill is July 1, 2023.

II. Present Situation:

Clerk of the Circuit Court

The clerk of the circuit court is a constitutional officer. Each of Florida's 67 counties are required to elect a clerk of the circuit court¹ to serve as both the clerk of court, completing judiciary functions, and as the "*ex officio*"² clerk of the board of county commissioners, auditor,

¹ FLA. CONST. art. V, s. 16; FLA. CONST. art. VIII, s. 1.

² See BLACK'S LAW DICTIONARY (10th ed. 2014) ("*ex officio*" means "By virtue or because of an office; by virtue of the authority implied by office.").

recorder, and custodian of all county funds.”³ In other words, the clerk of the circuit court wears approximately five hats. In wearing the auditor and custodian of county funds hats, the clerk may also be referred to as the comptroller.⁴

Funding for the Clerks’ Court-Related Functions

In its capacity as the clerk of the circuit and county courts, the clerk is required to perform various court-related, administrative and ministerial functions. Court funding is governed by Art. V, s. 14 of the Florida Constitution. For the clerks of the circuit courts, Art. V, s. 14(b) provides that the clerks are self-sustaining and fund their court-related functions through the collection of filing fees, service charges, and other costs. Specifically, Art. V, s. 14(b) states:

All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the Legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.⁵

The court-related functions authorized by law or court rule which must be funded by the clerk’s collection of filing fees, service charges, costs, and fines, include the following:

- Case maintenance.
- Records management.
- Court preparation and attendance.
- Processing the assignment, reopening, and reassignment of cases.
- Processing appeals.
- Collection and distribution of fines, fees, service charges, and court costs.
- Data collection and reporting.
- Determinations of indigent status.

³ FLA. CONST. art. V, s. 16. This provision also provides that two officials may split the position, one serving as clerk of court and one serving in the *ex officio* position. Additionally, this provision permits the election of a county clerk of court when authorized by general or special law. *Id.*

⁴ See generally Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited Nov. 24, 2021). See also BLACK’S LAW DICTIONARY (10th ed. 2014) (“comptroller” means, “[a]n officer of a business or a private, state, or municipal corporation who is charged with duties usu. relating to fiscal affairs, including auditing and examining accounts and reporting the financial status periodically.”).

⁵ FLA. CONST. art. V, s. 14(b) (emphasis added).

- Paying reasonable administrative support costs to enable the clerks to carry out court-related functions.⁶

III. Effect of Proposed Changes:

This bill makes fiscally related changes regarding the clerks of court as follows.

Retention of Certain Filing Fees

Any funds collected by a clerk that are not directed to a particular fund are retained by the clerk for use in operating the office of the clerk. Because a direction of monies collected is in statute and not in the state budget, a change in direction stays in effect until changed by a future Legislature. The bill changes the directions listed below from their current payment into the state General Revenue Fund to be retained instead for the benefit of the clerks of court in performing their court-related duties:

- \$37.50 per case from the filing fee for dissolution of marriage
- \$15 to \$30 per case from the filing fee of various probate proceedings
- \$350 per case from the filing fee for foreclosures
- \$10 per issuance of a summons in a civil action

Clerk Budgeting

The bill changes the payment of a clerk's excess collections over their budget authority from monthly to quarterly. Calculation of the excess is also moved from a monthly basis to a quarterly basis. This change appears to lower administrative burdens without change in net fiscal effect.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ Section 28.35(3)(a), F.S. *See also* Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited Nov. 24, 2021).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Article V Revenue Estimating Conference met on March 24, 2023 and determined the fiscal impact of the individual fee categories as follows:

- Dissolution of Marriage - \$2.5 million
- Probate - \$2.0 million
- Foreclosure Filing Fee (\$350 per case) - \$7.3 million
- Issuance of a Summons - \$12.3 million⁷

The bill will redirect approximately \$24.1 million in recurring funds from the General Revenue Fund to the Clerks of Court.⁸ The annual general revenue reduction and amount accruing to the trust fund is expected to grow each fiscal year thereafter; the impact in Fiscal Year 2027-28 is expected to be \$26.7 million.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.101, 28.2401, 28.241, 28.35, 28.37, 34.041, 40.29, 318.18, 741.30, 784.046, and 784.0485.

⁷ Office of Economic and Demographic Research, Article V Revenue Estimating Conference, March 24, 2023, SB 1130 and HB 977.

⁸ *Id.*

⁹ *Id.*

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

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

CS by Appropriations Committee on Criminal and Civil Justice on April 18, 2023:

The committee substitute removes the redirect of funds from the General Revenue Fund to the clerks of court for performing their court-related duties:

- \$465 per case from the filing fee for certain foreclosures; and,
- \$295 or \$395 per case from the filing fee to file a cross-claim or counterclaim in a county civil case.

The committee substitute also removes the redirect of \$5 from certain traffic infraction charges from the General Revenue Fund to the Public Records Modernization Trust Fund to be used exclusively for funding court-related technology needs to the clerks.

In addition, the committee substitute removes the following:

- Authorizing the clerks of court to submit an annual budget request, subject to legislative appropriations, for reimbursement of the anticipated amount necessary to fund increases in the employer contribution rate for the Florida Retirement System.
- Authorizing the clerks of court to submit a quarterly request for reimbursement, subject to legislative appropriation, for payment of \$195 per approved application for an indigency waiver of a civil case filing.
- Amending the provision for reimbursement of the costs of a domestic violence injunction from \$40 per petition to \$60 per petition.

B. Amendments:

None.

By the Appropriations Committee on Criminal and Civil Justice;
and Senators Hutson and Thompson

604-03967-23

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A bill to be entitled

An act relating to clerks of court; amending s. 28.101, F.S.; revising the collections requirements of a clerk of court when a party petitions for a dissolution of marriage; amending s. 28.2401, F.S.; revising the collections requirements of a clerk of court in probate matters; amending s. 28.241, F.S.; revising the collections requirements of a clerk of court in trial and appellate proceedings; revising the allocation of filing fees in trial and appellate proceedings in certain instances; amending s. 28.37, F.S.; revising the collections requirements of a clerk of court as it relates to fines, fees, service charges, and costs remitted to the state; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 28.101, Florida Statutes, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(c) A charge of \$37.50. ~~On a monthly basis,~~ The clerk shall deposit the moneys collected pursuant to this paragraph in the fine and forfeiture fund established pursuant to s. 142.01 ~~transfer the moneys collected pursuant to this paragraph to the~~

604-03967-23

20231130c1

~~Department of Revenue for deposit in the General Revenue Fund.~~

Section 2. Subsection (1) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges and filing fees in probate matters.—

(1) Except when otherwise provided, the clerk may impose service charges or filing fees for the following services or filings, not to exceed the following amounts:

(a) Fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary administration.....\$230

(b) Charge for caveat.....\$40

(c) Fee for petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.....\$230

(d) Fee for disposition of personal property without administration.....\$230

(e) Fee for summary administration—estates valued at \$1,000 or more.....\$340

(f) Fee for summary administration—estates valued at less than \$1,000.....\$230

(g) Fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings.....\$395

(h) Fee for guardianship proceedings of person only.....\$230

(i) Fee for veterans' guardianship pursuant to chapter

604-03967-23 20231130c1

744.....\$230

(j) Charge for exemplified certificates.....\$7

(k) Fee for petition for determination of incompetency..\$230

The clerk shall remit \$115 of each filing fee collected under paragraphs (a), (c)-(i), and (k) to the Department of Revenue for deposit into the State Courts Revenue Trust Fund ~~and shall remit \$15 of each filing fee collected under paragraphs (a), (c), (d), (f), (h), (i), and (k), \$1 of each filing fee collected under paragraph (j), \$5 of each filing fee collected under paragraph (b), \$25 of each filing fee collected under paragraph (e), and \$30 of each filing fee collected under paragraph (g) to the Department of Revenue for deposit into the General Revenue Fund.~~

Section 3. Paragraphs (a) and (d) of subsection (1) of section 28.241, Florida Statutes, are amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which

604-03967-23 20231130c1

there are not more than five defendants and an additional filing fee of up to \$2.50, from which the clerk shall remit \$0.50 to the Department of Revenue for deposit into the General Revenue Fund, for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services. ~~By the 10th of each month, the clerk shall submit that portion of the filing fees collected in the previous month which is in excess of one-twelfth of the clerk's total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.~~

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$100 in filing fees, \$95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative

604-03967-23

20231130c1

Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted, from which the clerk shall remit \$3 to the Department of Revenue for deposit into the General Revenue Fund. The clerk may impose an additional filing fee of up to \$85, from which the clerk shall remit \$10 to the Department of Revenue for deposit into the General Revenue Fund, for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating

604-03967-23

20231130c1

to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$200 in filing fees, \$195 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust

604-03967-23

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Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$355 ~~\$705~~ in filing fees, \$350 ~~\$700~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~except that the first \$1.5 million in such filing fees remitted to the Department of Revenue and deposited into the General Revenue Fund in fiscal year 2018-2019 shall be distributed to the Miami-Dade County Clerk of Court~~; \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, ~~+~~ and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an

604-03967-23

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additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$1,705 in filing fees, \$930 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$770 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this

604-03967-23

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section, except as authorized in this section or by general law.

(d) The clerk of court shall collect a service charge of \$10 for issuing an original, a certified copy, or an electronic certified copy of a summons, which the clerk shall deposit into the fine and forfeiture fund established pursuant to s. 142.01 ~~remit to the Department of Revenue for deposit into the General Revenue Fund~~. The clerk shall assess the fee against the party seeking to have the summons issued.

Section 4. Subsection (3) of section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(3) The portion of all fines, fees, service charges, and costs collected by the clerks of the court for the previous quarter month which is in excess of one-fourth ~~one-twelfth~~ of the clerks' total budget for the performance of court-related functions must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. Such collections do not include funding received for the operation of the Title IV-D child support collections and disbursement program. The clerk of the court shall remit the revenues collected during the previous quarter month due to the state on or before the 10th day of the next preceding month immediately following the quarterly calculation ~~each month~~.

Section 5. This act shall take effect July 1, 2023.

25 April 2023

Meeting Date

Appropriations

Committee

Name

Clerk Laura Roth, Volusia County Clerk of Court

Phone

(386) 736-5915

Address

101 North Alabama Avenue

Email

lroth@clerk.org

Street

DeLand

City

Florida

State

32724

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 1130

Bill Number or Topic

Amendment Barcode (if applicable)

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In Support

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S-001 (08/10/2021)

25 April 2023

Meeting Date

Appropriations

Committee

Name Clerk Stacy Butterfield, Polk County Clerk of Court

Phone 863-534-4000

Address 255 N. Broadway Ave.
Street

Email stacybutterfield@polk-county.net

Bartow

City

Florida

State

33831

Zip

The Florida Senate
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SB 1130

Bill Number or Topic

Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

25 April 2023

Meeting Date

Appropriations

Committee

The Florida Senate

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SB 1130

Bill Number or Topic

Amendment Barcode (if applicable)

Name Clerk Barry Baker, Suwannee County Clerk of Court

Phone (386) 362-0500

Address 200 S. Ohio Ave

Email barryb@suwgov.org

Street

Live Oak

Florida

32064

City

State

Zip

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

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S-001 (08/10/2021)

25 April 2023

Meeting Date

Appropriations

Committee

Name

Clerk Carolyn Timmann, Martin County Clerk of Court

Phone

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Email

ctimmann@martinclerk.com

Street

Stuart

City

Florida

State

34994

Zip

The Florida Senate

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SB 1130

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Against

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1156

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burton

SUBJECT: Florida Retirement System

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Shettle</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1156 allows a retiree to provide certain volunteer services to a Florida Retirement System (FRS) employer while maintaining his or her bona fide termination status, which is required for the payment of retirement benefits to the retiree.

Under the bill, an FRS employer may establish a post-employment volunteer program that does not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party may not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits may not be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Volunteers must maintain control of their volunteer schedule.
- Adequate record keeping must be maintained by the volunteer and the FRS employer.

The bill is not expected to impact state and local government revenues and expenditures. See V. Fiscal Impact Statement below.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Florida Retirement System (FRS)

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹ The FRS is a contributory system, with active members contributing 3 percent of their salaries.²

The FRS is a multi-employer plan, governed by ch. 121, F.S., the "Florida Retirement System Act." As of June 30, 2022, the FRS had 629,073 active non-retired members, 448,846 annuitants, 14,858 disabled retirees, and 28,827 active participants of the Deferred Retirement Option Program (DROP).³ As of September 2022, the FRS consisted of 990 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 180 cities and 153 special districts that have elected to join the system.⁴

The membership of the FRS is divided into five membership classes:

- The Regular Class⁵ consists of 537,128 active members and 7,806 in renewed membership;
- The Special Risk Class⁶ includes 72,925 active members and 1,100 in renewed membership;
- The Special Risk Administrative Support Class⁷ has 104 active members and one in renewed membership;
- The Elected Officers' Class⁸ has 2,075 active members and 109 in renewed membership; and

¹ Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf. (last visited Mar. 7, 2023).

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

³ DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 260, available at https://employer.frs.fl.gov/forms/2020-21_ACFR.pdf. (last visited Mar. 7, 2023).

⁴ DMS, Division of Retirement, *Participating Employers for Fiscal Year 2022-2023* (Sept. 2022), available at <https://employer.frs.fl.gov/forms/part-emp.pdf> (last visited Mar. 7, 2023).

⁵ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁶ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

⁷ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

⁸ The Elected Officers' Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

- The Senior Management Service Class⁹ has 7,610 active members and 210 in renewed membership.¹⁰

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:¹¹

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.¹²

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.¹³

A member vests immediately in all employee contributions paid to the investment plan.¹⁴ With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.¹⁵ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.¹⁶ The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.¹⁷ An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.¹⁸

⁹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

¹⁰ All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, at 263.

¹¹ Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), available at <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Mar. 7, 2023).

¹² See, ch. 2000-169, Laws of Fla.

¹³ Section 121.4501(1), F.S.

¹⁴ Section 121.4501(6)(a), F.S.

¹⁵ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

¹⁶ Section 121.591, F.S.

¹⁷ See s. 121.4501(16), F.S.

¹⁸ Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁹ The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.²⁰

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.²¹ The State Board of Administration manages the pension fund's assets.²²

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.²³ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.²⁴ Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.²⁵ For most current members of the pension plan, normal retirement (when first eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.²⁶ For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.²⁷ Members initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65, and members in the Special Risk classes must complete 30 years of service or attain age 60.²⁸

Optional Retirement Programs

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;²⁹

¹⁹ Section 121.4501(8), F.S.

²⁰ FLA. CONST. art. IV, s. 4.

²¹ Section 121.025, F.S.

²² Florida SBA, *Summary Overview of the State Board of Administration of Florida*, 4, available at https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/SBAOverview_20211025.pdf?ver=2021-10-28-120954-217 (last visited Mar. 7, 2023).

²³ Section 121.021(45)(a), F.S.

²⁴ Section 121.021(45)(b), F.S.

²⁵ Section 121.091, F.S. See also, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2021-22 Annual Comprehensive Financial Report*, 35-37, *supra* at 1.

²⁶ Section 121.021(29)(a)1., F.S.

²⁷ Section 121.021(29)(b)1., F.S.

²⁸ Sections 121.021(29)(a)2. and (b)2., F.S.

²⁹ The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Effective July 1, 2017, the SMSOAP is closed to new members. Section 121.055(6), F.S. See also, Florida DMS, *Senior Management Service Optional Annuity Program*, https://www.dms.myflorida.com/workforce_operations/retirement/optional_retirement_programs/senior_management_service_optional_annuity_program (last visited Mar. 7, 2023).

- Members in specified positions in the State University System may elect to enroll in the State University System Optional Retirement Program;³⁰ and Members in specified positions at a Florida College institution may elect to enroll in the State Community College System Optional Retirement Program.³¹

Maintaining Status as a Qualified Plan

The FRS includes a governmental defined benefit plan under Internal Revenue Code section 414(d) and is qualified under Internal Revenue Code section 401(a). This means that the contributions to the FRS qualify for tax deductions, and that investment earnings are tax-deferred until they are distributed to retirees.

“In order for a pension plan to be a qualified plan under section 401(a), the plan must be established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to its employees over a period of years, usually for life, *after retirement* (emphasis added) or attainment of normal retirement age”³²

A termination of employment must be bona fide (i.e., not a mere subterfuge in order to initiate an otherwise impermissible distribution where no substantial change in employment has occurred).³³ “Retirement does not include a mere reduction in the number of hours that an employee works. Accordingly, benefits may not be distributed prior to normal retirement age solely due to a reduction in the number of hours that an employee works.”³⁴

Current law relating to the FRS requires an employee to terminate his or her employment in order to commence a retirement benefit, either before or after normal retirement age. The determination of whether a bona fide termination from employment has occurred is critical for both the tax qualification of the FRS and Florida statutory compliance purposes.³⁵

To address the requirement of bona fide termination, the FRS states “termination” occurs “when a member ceases all employment relationships with participating employers.”³⁶ This includes a relationship with an FRS-participating employer as an officer, employee, or volunteer. If the retiree is reemployed by an FRS-participating employer within the first 6 calendar months after the month of retirement, termination is deemed not to have occurred, and the retiree must return

³⁰ Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35, F.S.

³¹ If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.

³² Treas. Reg. section 1.401(a)-1(b)(1)(i).

³³ Private Letter Ruling 201147038 (Apr. 20, 2010).

³⁴ Treas. Reg. section 1.401(a)-1(b)(3).

³⁵ Memorandum to David DiSalvo, Director, Division of Retirement, *Re: Bona Fide Terminations from Employment and Bona Fide Volunteer Services* (dated January 8, 2021).

³⁶ Section 121.021(39), F.S.

all retirement distributions, including DROP accumulations.³⁷ Generally, if the retiree is employed by an FRS-participating employer during the 7th through 12th calendar months after the month of retirement, the retiree's benefit for those months is suspended and is forfeited.³⁸ There are no restrictions on receiving salary and retirement benefits from FRS-participating employers after the 12th calendar month from retirement.

III. Effect of Proposed Changes:

Section 1 amends s. 121.021, F.S., to state that “termination” with an FRS employer occurs when the member ceases all employment relationships with, and ceases providing services to, all FRS employers. The term is further described so that “volunteer services” do not constitute employment by, or provision of services to, an employer.

Section 1 defines “volunteer services” to mean services provided in accordance with any rules adopted under s. 121.091(15), F.S. (a new subsection created in section 2 of this bill).

Section 2 amends s. 121.091, F.S., to grant the FRS employers the authority to establish a post-employment volunteer program that does not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party may not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits may not be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Volunteers must maintain control of their volunteer schedule.
- Adequate record keeping must be maintained by the volunteer and the FRS employer.

Section 3 provides that the bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

³⁷ Section 121.091(9), F.S.

³⁸ Section 121.091(9)(c), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 121.021 and 121.091.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on March 22, 2023:

The committee substitute provides statutory requirements for the FRS employers to comply with regarding the creation of post-employment volunteer programs rather than granting DMS broad discretion to establish the criteria for those programs.

B. Amendments:

None.

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

By the Committee on Governmental Oversight and Accountability;
and Senator Burton

585-02903-23

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A bill to be entitled

An act relating to the Florida Retirement System; amending s. 121.021, F.S.; revising the definition of the term "termination"; defining the term "volunteer services"; amending s. 121.091, F.S.; authorizing employers to establish post-employment volunteer programs to allow retirees to provide certain services during a specified timeframe; requiring such programs to meet specified criteria; providing an effective date.

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

Section 1. Subsection (39) of section 121.021, Florida Statutes, is amended, and subsection (65) is added to that section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(39)(a) "Termination" occurs, except as provided in paragraphs paragraph (b) and (c), when a member ceases all employment, including the provision of services, relationships with all participating employers, however:

1. For retirements effective before July 1, 2010, if a member is employed by any ~~such~~ employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes

585-02903-23

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application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

2. For retirements effective on or after July 1, 2010, if a member is employed by any ~~such~~ employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). ~~The department or state board may require other evidence of termination as it deems necessary.~~

(b) "Termination" for a member ending participation ~~electing to participate~~ in the Deferred Retirement Option Program occurs when the program participant ceases all employment, including the provision of services, relationships with all participating employers in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if ~~a the~~ member is employed by any ~~such~~ employer within the next calendar month, termination shall ~~will~~ be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence ~~constitutes shall constitute~~ a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if ~~a the~~ member becomes employed by any ~~such~~ employer within the next 6 calendar months, termination shall ~~will~~ be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation

585-02903-23

20231156c1

of the employment relationship.

(c) Effective July 1, 2011, "termination" for a member receiving a refund of employee contributions occurs when a member ceases all employment, including the provision of services, relationships with all participating employers for 3 calendar months. A leave of absence constitutes a continuation of the employment relationship.

All terminations must be a termination of employment as defined in 26 C.F.R. s. 1.409A-1(h)(1)(ii). Volunteer services do not constitute employment by, or provision of services to, an employer. The department or state board may require any evidence of termination necessary to determine compliance with this chapter or the rules adopted thereunder.

(65) "Volunteer services" means services provided in accordance with s. 121.091(15).

Section 2. Subsection (15) is added to section 121.091, Florida Statutes, to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation

585-02903-23

20231156c1

of such application when the required information or documents are not received.

(15) VOLUNTEER SERVICES.—Employers may establish post-employment volunteer programs that allow retirees to provide civic, charitable, and humanitarian services during the first 12 calendar months following retirement without causing the retiree to violate the requirement that the retiree have a termination of employment as defined in 26 C.F.R. s. 1.409A-1(h)(1)(ii), provided that the program meets all of the following criteria:

(a) Before the date of retirement, there was no agreement or understanding between the employer and the retiree that the retiree would provide any service to the employer.

(b) The employer or any third party may not provide a form of compensation, including cash equivalents, to a volunteer for the volunteer services.

(c) Except as otherwise provided in this chapter, employee benefits, including health or life insurance benefits, may not be provided to a volunteer. However, certain perquisites that are necessary to complete tasks associated with the volunteer program, such as an assigned uniform or the provision of equipment, are permissible.

(d) The number of volunteer hours per week, including training, is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before his or her date of retirement.

(e) A clear distinction between the duties of a volunteer and the duties of an employee is required.

(f) Volunteers must maintain control of their volunteer schedule, including the number of hours volunteered and

585-02903-23

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117 assignments for which they agree to volunteer.

118 (g) Adequate volunteer program record keeping must be

119 maintained by both the employer and the volunteer to document

120 adherence to the criteria listed in this subsection. The records

121 must be made available to the department upon request.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Education
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules
Transportation

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

March 24, 2023

The Honorable Doug Broxson
Committee on Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Chair Broxson,

I respectfully request SB 1156- Florida Retirement System be placed on the Committee on Appropriations agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Tim Sadberry, Staff Director
John Shettle, Deputy Staff Director
Jamie DeLoach, Deputy Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:

- ☐ 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- ☐ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate

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04/25/23

Meeting Date

1154 - FRS

Bill Number or Topic

APP.

Committee

Amendment Barcode (if applicable)

Name

Alli Liby-Schoonover

Phone

850-321-4799

Address

119 S. Monroe St. Suite 200

Email

ALS@mhdfirm.com

Street

TLH 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:

Seminole County
Public Schools

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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4-25-2023

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1156

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Cathy Boehme (rhymes w/ fame)

Phone 850-224-2078

Address 213 S. Adams Street

Street

Email cathy.boehme@floridaea.org

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:

Florida Education Association

☐ 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 Appropriations

BILL: SB 1272

INTRODUCER: Senator Simon and others

SUBJECT: Educational Grants

DATE: April 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahkne	Bouck	HE	Favorable
2.	Gray	Elwell	AED	Favorable
3.	Gray	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1272 creates a postsecondary educational grant under the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program. Specifically, the bill requires the Florida Department of Education (DOE) to issue a grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit university who was formerly eligible for the Access to Better Learning and Education (ABLE) Grant Program, is accredited by the Higher Learning Commission, has been located in Florida for more than 20 years, and offers specified nursing programs at its Florida campus.

The bill requires the DOE to issue a grant to any full-time degree-seeking undergraduate student registered at an independent for-profit college or university located in and chartered by Florida, is accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the DOE, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools.

The bill requires institutions wanting to participate to provide a one-time notice to the DOE and prescribes criteria for participating institutions.

Additionally, the bill provides that an institution participating in the grant program is not subject to the jurisdiction or purview of the Commission on Independent Education.

The bill has could have a significant negative fiscal impact. See Section V – Fiscal Impact Statement.

The bill takes effect upon becoming law.

II. Present Situation:

William L. Boyd, IV, Effective Access to Student Education (EASE) Tuition Assistance Grant Program

The William L. Boyd, IV, Effective Access to Student Education (EASE) program¹ provides tuition assistance to Florida undergraduate students attending an eligible private, non-profit Florida college or university. The program is not related to a student's financial need or other criteria upon which financial aid programs are based. The program is administered by the Department of Education (DOE) with the following parameters:

- Student initial eligibility requirements:
 - Must be a resident of Florida and meet the eligibility requirements for receipt of state aid.
 - Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.²
 - Must not be enrolled in a program of study leading to a degree in theology or divinity.
 - Must be making satisfactory academic progress as defined by the State Board of Education.
 - Must not have completed more than 110 percent of the degree program in which the student is enrolled.
- Institutional eligibility requirements:
 - Must be an independent nonprofit college or university.
 - Must be located in and chartered by the state of Florida.
 - Must be accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
 - Must grant baccalaureate degrees.
 - Must not be a state university or Florida College System (FCS) institution.
 - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

Funding for the EASE program is provided for in the General Appropriations Act (GAA).³ In fiscal year (FY) 2022-2023, the Legislature appropriated \$75,410,000 for the EASE program to support 37,705 eligible students with a maximum award amount per student of \$2,000 in tuition assistance.⁴

¹ Ch. 2002-387, s. 471, Laws of Fla. The EASE program was formerly known as the Florida Resident Access Grant (FRAG).

² The student may not have previously received a baccalaureate degree. Florida Department of Education, Office of Student Financial Assistance, *EASE 2022-23 End of Year Fact Sheet*, at 1, available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/EASE.pdf>.

³ Section 1009.89, F.S. See also Rule 6A-20.007, F.A.C.

⁴ Specific Appropriation 58, ch. 2022-156, s. 2, Laws of Fla.

During the 2021 Regular Session, the Legislature required an institution which receives EASE funding to submit an accountability report to the DOE by September 1 of each year. The report must, at a minimum, report the following performance metrics:

- Access rate based upon percentage of Pell-eligible students.
- Affordability rate based upon average student load debt; federal, state, and institutional financial assistance; and average tuition and fees.
- Graduation rate.
- Retention rate.
- Postgraduate employment or continuing education rate.⁵

The DOE is required to provide recommendations regarding minimum performance standards an institution must meet to remain eligible to receive EASE funding.⁶ By October 1 of each year, the DOE must submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor's Office of Policy and Budget on the performance of eligible institutions and the institutions which have not met the minimum performance standards recommended by the DOE.⁷

The Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program

In 2003, the Legislature established the Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program (ABLE or grant program) within the DOE.⁸ The grant program provided tuition assistance to Florida undergraduate students at eligible institutions until its repeal by the Legislature in 2021.⁹ Previously under ABLE, eligible Florida undergraduate students attending an eligible private, for-profit Florida college or university or an eligible non-profit college or university were eligible for tuition assistance. The program was not related to a student's financial need or other criteria upon which financial aid programs are based. The grant program was administered by the DOE with the following institutional eligibility requirements:

- For-profit college or university:
 - Must be located in and chartered by the state of Florida.
 - Must be accredited by the SACSCOC.
- Nonprofit college or university:
 - Must be chartered out of the state.
 - Must have been located in the state for 10 years or more.
 - Must be accredited by one of the following: SACSCOC, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools.
 - Must grant baccalaureate degrees.
 - Must not be a state university or FCS institution.
 - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.¹⁰

⁵ Ch. 2021-46, s. 4, Laws of Fla., *codified at* s. 1009.89(5)(c), F.S.

⁶ Section 1009.89(5)(c), F.S. (flush left provision at the end of the subparagraph)

⁷ Section 1009.89(5)(d), F.S.

⁸ Ch. 2003-65, s. 1, Laws of Fla., *codified at* s. 1009.891, F.S.

⁹ Ch. 2021-46, s. 5, Laws of Fla.

¹⁰ Section 1009.891(3), F.S. (2020) repealed ch. 2021-46, s. 5, Laws of Fla.

In the FY 2020-2021 GAA, the Legislature appropriated \$5,025,729 for ABLE to support 1,769 eligible students with an average award amount per student of \$2,841 in tuition assistance.¹¹

Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states. The mission of the SACSCOC is the enhancement of education quality throughout the region and the improvement of the effectiveness of institutions by ensuring that they meet standards established by the higher education community that address the needs of society and students.¹²

Accreditation by the SACSCOC signifies that the institution has a mission appropriate to higher education, has resources, programs, and services sufficient to accomplish and sustain that mission, and maintains clearly specified educational objectives that are consistent with its mission and appropriate to the degrees its offers, and that indicate whether it is successful in achieving its stated objectives.

Classified according to the highest degree offered, SACSCOC member institutions are placed into one of the following six categories:

- Level I – Associate
- Level II – Baccalaureate
- Level III – Master
- Level IV – Educational Specialist
- Level V – Doctorate (3 or fewer programs)
- Level VI – Doctorate (4 or more programs)¹³

Higher Learning Commission (HLC)

The Higher Learning Commission (HLC) is an independent corporation that was founded in 1895 as one of six regional institutional accreditors in the United States. The HLC accredits degree-granting postsecondary educational institutions in 19 member states.¹⁴ The mission of the HLC is to Advance the common good through quality assurance of higher education as the leader in equitable, transformative, and trusted accreditation in the service of students and member institutions.¹⁵

¹¹ Specific Appropriation 64, ch. 2020-111, s. 2, Laws of Fla.

¹² SACSCOC, *About SACSCOC*, <https://sacscoc.org/> (last visited March 29, 2023).

¹³ SACSCOC, *The Principles of Accreditation: Foundations for Quality Enhancement* (December 2017), available at <https://sacscoc.org/app/uploads/2019/08/2018-POA-Resource-Manual.pdf>.

¹⁴ Board of Governors, *Draft of Accreditation Overview, Presentation to the Board of Governors Strategic Planning Committee* (June 29, 2022), available at https://www.flbog.edu/wp-content/uploads/2022/06/SPC_03_Accrediting_Overview_CE.pdf. The HLC lists members in the following 19 states: Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming.

¹⁵ HLC, *About the Higher Learning Commission*, <https://www.hlcommission.org/About-HLC/about-hlc.html> (last visited March 10, 2023).

Accreditation by the HLC signifies that the institution has a mission that is publicly articulated and operationalized throughout the institution, demonstrates a commitment to the public good, and provides opportunities for civic engagement in a diverse, multicultural society and globally connected world.¹⁶

III. Effect of Proposed Changes:

The bill creates s. 1009.521, F.S., to establish a postsecondary education grant pursuant to the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

The bill requires the Florida Department of Education (DOE) to issue a grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit university who, as of January 1, 2021, was eligible for the former Access to Better Learning and Education (ABLE) Grant Program, is accredited by the Higher Learning Commission, has been located in Florida for more than 20 years, and offers nursing programs at its Florida campus which include:

- Licensed practical nurse (LPN).
- Registered Nurse (RN), including an associate of science in nursing (ASN) and Bachelor of Science in nursing (BSN).
- Accelerated BSN.
- Practical nurse bridge to ASN.
- Practical nurse bridge to BSN.

The bill requires the DOE to issue a grant to any full-time degree-seeking undergraduate student who is a Florida resident in a baccalaureate program and registered at an independent for-profit college or university located in and chartered by Florida, is accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the DOE on or before October 1, 2021, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC).

Herzing University and Columbia College are independent nonprofit universities that are accredited by HLC, have been located in Florida for over 20 years, and offer the required nursing programs at a campus in Florida. South College is an independent for-profit college located in and chartered by Florida, licensed by the DOE, and has a Level 6 SACSCOC accreditation.

The bill specifies that the institution must have a secular purpose and that the receipt of state aid by a student at the institution should not have the primary effect of promoting or inhibiting any religion, nor should it lead to an excessive involvement or entanglement between the state and any religious organization.

The bill requires institutions wanting to qualify for funding for the grant program to provide a one-time option written notice to participate to the DOE on or before September 1, 2023. Participating institutions are required to comply with the statutory funding requirements for the EASE grant program.

¹⁶ HLC, Policy Title: Criteria for Accreditation, <https://www.hlcommission.org/Policies/criteria-and-core-components.html> (last visited March 10, 2023).

The bill takes effect upon becoming law.

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:

The bill may provide cost savings to eligible students by way of tuition assistance for those students who are enrolled in an eligible postsecondary institution which be eligible to participate in this postsecondary educational grant pursuant to the Effective Access to Student Education (EASE) grant program.

C. Government Sector Impact:

The bill could have a significant negative fiscal impact on state revenue and expenditures. The bill expands the eligibility for the Effective Access to Student Education (EASE) grant program. The effects of this bill allow for an additional estimated 800 eligible students, which would be an additional cost of approximately \$2.8 million from the general revenue fund. The funds for this program are appropriated in the General Appropriations Act; if the addition is left unfunded, award amounts would be prorated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.521 of the Florida Statutes.

The bill amends section 1009.40 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations on April 25, 2023:

The committee substitute:

- Clarifies that eligible students must be Florida residents in a baccalaureate program.
- Removes from the bill the provision that participating institutions are not subject to licensure or jurisdiction by the Commission for Independent Education.
- Adds conforming cross reference relating to residency requirements.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1009.521, Florida Statutes, is created
to read:

1009.521 Educational grants to former eligible tuition
assistance grant students.—

(1)(a) The department shall issue a grant pursuant to s.
1009.89 to any full-time degree-seeking undergraduate student



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11 who meets the requirements of s. 1009.89(4)(a) and (b)1. and is
12 registered at an independent nonprofit university that, as of
13 January 1, 2021, was eligible for the Access to Better Learning
14 and Education Grant Program, as created by former s. 1009.891,
15 if such university has been located in this state for more than
16 20 years; offers nursing programs at its Florida campus which
17 include licensed practical nurse (LPN), registered nurse (RN),
18 including associate of science in nursing (ASN) and bachelor of
19 science in nursing (BSN), accelerated BSN, practical nurse
20 bridge to ASN, and practical nurse bridge to BSN; and is
21 accredited by the Higher Learning Commission.

22 (b) The department shall issue a grant pursuant to s.
23 1009.89 to any full-time degree-seeking undergraduate student
24 who meets the requirements of s. 1009.89(4)(a) and (b)1. and is
25 registered at an independent for-profit college or university
26 located in and chartered by this state, accredited by an
27 accrediting agency or association recognized by the database
28 created and maintained by the United States Department of
29 Education, was licensed by the department on or before October
30 1, 2021, and has Level 6 accreditation from the Commission on
31 Colleges of the Southern Association of Colleges and Schools.

32 (2) An institution that meets the criteria specified in
33 paragraph (1)(a) or paragraph (1)(b) may not be a state
34 university or Florida College System institution. In addition,
35 the institution must have a secular purpose, and the receipt of
36 state aid by students at the institution may not have the
37 primary effect of advancing or impeding religion or result in an
38 excessive entanglement between the state and any religious sect.

39 (3) To qualify for funding under this section, an



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institution must exercise a one-time option to participate by
notifying the department, in writing, of its decision to
participate on or before September 1, 2023, and must comply with
s. 1009.89(5)(a)-(c).

Section 2. Paragraph (a) of subsection (1) of section
1009.40, Florida Statutes, is amended to read:

(1)(a) The general requirements for eligibility of students
for state financial aid awards and tuition assistance grants
consist of the following:

1. Achievement of the academic requirements of and
acceptance at a state university or Florida College System
institution; a nursing diploma school approved by the Florida
Board of Nursing; a Florida college or university which is
accredited by an accrediting agency recognized by the State
Board of Education; a Florida institution the credits of which
are acceptable for transfer to state universities; a career
center; or a private career institution accredited by an
accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year
preceding the award of aid or a tuition assistance grant for a
program established pursuant to s. 1009.50, s. 1009.505, s.
1009.51, s. 1009.52, s. 1009.521, s. 1009.53, s. 1009.60, s.
1009.62, s. 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s.
1009.89, or s. 1009.894. Residency in this state must be for
purposes other than to obtain an education. Resident status for
purposes of receiving state financial aid awards shall be
determined in the same manner as resident status for tuition
purposes pursuant to s. 1009.21.

3. Submission of certification attesting to the accuracy,



590406

completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of a pending application and revocation of an award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants commit a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

Section 3. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to educational grants; creating s. 1009.521, F.S.; providing education grants under the William L. Boyd, IV, Effective Access to Student Education Grant Program to certain students who were eligible as of a specified date to receive grants under the former Access to Better Learning and Education Grant Program; providing education grants to eligible students at for-profit colleges or universities under certain conditions; prescribing criteria for participating institutions; requiring that institutions that wish to participate provide



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98 notice to the Department of Education by a certain
99 date; requiring that such institutions comply with
100 specified provision; amending s. 1009.40, F.S.; adding
101 a cross reference to the eligibility requirement for
102 residency; providing an effective date.

By Senator Simon

3-01157A-23

20231272__

A bill to be entitled

An act relating to educational grants; creating s. 1009.521, F.S.; providing education grants under the William L. Boyd, IV, Effective Access to Student Education Grant Program to certain students who were eligible as of a specified date to receive grants under the former Access to Better Learning and Education Grant Program; providing education grants to students at for-profit colleges or universities under certain conditions; prescribing criteria for participating institutions; requiring that institutions that wish to participate provide notice to the Department of Education by a certain date; requiring that such institutions comply with specified provision; providing that participation in the grant program does not subject institutions to certain licensure requirements or the jurisdiction of a specified organization; providing an effective date.

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

Section 1. Section 1009.521, Florida Statutes, is created to read:

1009.521 Educational grants to former eligible tuition assistance grant students.—

(1)(a) The department shall issue a grant pursuant to s. 1009.89 to any full-time degree-seeking undergraduate student registered at an independent nonprofit university who, as of January 1, 2021, was eligible for the Access to Better Learning

Page 1 of 3

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

3-01157A-23

20231272__

and Education Grant Program, as created by former s. 1009.891, if such university has been located in this state for more than 20 years; offers nursing programs at its Florida campus which include licensed practical nurse (LPN), registered nurse (RN), including associate of science in nursing (ASN) and bachelor of science in nursing (BSN), accelerated BSN, practical nurse bridge to ASN, and practical nurse bridge to BSN; and is accredited by the Higher Learning Commission.

(b) The department shall issue a grant pursuant to s. 1009.89 to any full-time degree-seeking undergraduate student registered at an independent for-profit college or university located in and chartered by this state, accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the department on or before October 1, 2021, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools.

(c) An institution that meets the criteria specified in paragraph (a) or paragraph (b) may not be a state university or Florida College System institution. In addition, the institution must have a secular purpose, and the receipt of state aid by students at the institution may not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect.

(d) To qualify for funding under this section, an institution must exercise a one-time option to participate by notifying the department, in writing, of its decision to participate on or before September 1, 2023, and must comply with s. 1009.89(5)(a) and (c).

Page 2 of 3

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

3-01157A-23

20231272__

59 (2) Notwithstanding any other law, an institution
60 participating in the grant program under this section is not
61 subject to the jurisdiction or purview of the Commission for
62 Independent Education and is not required to obtain licensure as
63 provided in part III of chapter 1005.

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



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 18, 2023

I respectfully request that **Senate Bill # 1272**, relating to Educational Grants, be placed on the:

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

Corey Simon

Senator Corey Simon
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

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

4-25-23

Meeting Date

1272

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Dr. Kim Hall

Phone 813-206-0646

Address 110 S Monroe St
Street

Email mark@consultantwrecon.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:

South College

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/25/23

Meeting Date

Appropriations

Committee

1272

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Mark Anderson

Phone

813-205-0668

Address

110 S. Monroe St.

Email

mark@consultanterson.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



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I am a registered lobbyist,
representing:

South College



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5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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41-25-23

Meeting Date

Appropriations

Committee

1272

Bill Number or Topic

Amendment Barcode (if applicable)

Name Steve South

Phone 813-205-0658

Address 110 S. Monroe St
Street

Email mark@consultanderson.com

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

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S-001 (08/10/2021)

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Deliver both copies of this form to
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4-25-23

Meeting Date

1272

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Israel Adams

Phone 413-205-0654

Address 110 S Monroe St
Street

Email mah@consultawdson.com

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

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

S-001 (08/10/2021)

4/25/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

1272

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

LeShawn Roberts

Phone

954-393-5279

Address

520 E Church Street Apt 616

Email

lesroberts@herzing.edu

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate
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 Appropriations

BILL: CS/CS/HB 1285

INTRODUCER: Appropriations Committee; State Affairs Committee; and Representative Giallombardo and others

SUBJECT: Florida State Guard

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jerrett	Sadberry	AP	Favorable

I. Summary:

CS/CS/HB 1285 maintains and modifies provisions of the Florida State Guard. Federal law authorizes each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to create and maintain organized units other than their respective National Guard units. These separate units, called “defense forces,” are for use exclusively within the jurisdiction as considered necessary by the Governor or chief executive of such jurisdiction but may not be called, ordered, or drafted into federal service.

Led by the Governor as commander-in-chief, the Florida National Guard consists of organized, armed, equipped, and federally recognized commissioned officers, warrant officers, and enlisted personnel who are citizens of the United States or who have declared their intention to become citizens of the United States.

The Florida State Defense Force was created in 1941 in order to supplement the state’s National Guard, which had been federalized into service during World War II. The Florida State Defense Force was deactivated and disbanded in 1947 after the return of the state’s National Guard.

The Florida State Guard (FSG) was created in 2022 as a component of the organized guard of the state separate and apart from the Florida National Guard, and is a volunteer force that assists federal, state, and local government agencies and civil relief organizations during impending or actual emergencies in Florida. The FSG will sunset on July 1, 2023.

The bill repeals the FSG’s expiration date, making it a permanent component of the state militia. The bill revises the structure of the FSG by creating a Division of the State Guard (Division) within the Department of Military Affairs as a separate budget entity, headed by a director who is appointed by the Governor and confirmed by the Senate. The bill also transfers administrative duties and powers from the Adjutant General to the director.

The bill requires the director to organize a specialized unit within the FSG and requires specified members of the unit to meet certain minimum requirements.

The bill repeals sections of law pertaining to the Florida State Defense Force and makes other conforming changes.

The proposed House General Appropriations Act for FY 2023-24 provides \$107.6 million in appropriations from the General Revenue Fund for the State Guard.

The bill has an effective date of July 1, 2023.

II. Present Situation:

National Guard

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the Secretary of Defense of the United States Department of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Under current federal law, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Army and the Air Force, allocates the unit structure and strength authorizations for the National Guard in each state.⁴

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a Guard member means that each member serves through both the National Guard of the state and through the United States Army or the United States Air Force.⁵

Defense Forces

Federal law authorizes each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to create and maintain organized units other than their respective National Guard units. These separate units, called “defense forces,” are for use exclusively within the jurisdiction as considered necessary by the Governor or chief executive of such jurisdiction but may not be called, ordered, or drafted into federal service.⁶ Membership in such an organized service does not exempt any individual from service in the armed forces of the United States⁷ but a member of the reserve component of the armed forces⁸ may not be a

¹ National Defense Act of 1916, H.R. 12766 (Public, No. 85) (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited March 10, 2023).

³ *Id.*

⁴ 10 U.S.C. s. 10503.

⁵ National Guard, *National Guard Fact Sheet, Army National Guard* (FY2005), May 3, 2006, available at <https://www.nationalguard.mil/About-the-Guard/Army-National-Guard/Resources/News/ARNG-Media/FileId/137011/> (last visited March 10, 2023).

⁶ 32 U.S.C. s. 109(c).

⁷ 32 U.S.C. s. 109(d).

⁸ The reserve component of the armed forces includes the Army National Guard and the Air National Guard in addition to the Army, Navy, Marine Corps, Air Force, and Coast Guard Reserves. See 10 U.S.C. s. 10101.

member of a local defense force.⁹ Currently, 23 states and the Commonwealth of Puerto Rico have organized defense forces separate from their National Guard units.¹⁰

Florida National Guard

The Florida National Guard (FLNG) consists of organized, armed, equipped, and federally recognized commissioned officers, warrant officers, and enlisted personnel who are citizens of the United States or who have declared their intention to become citizens of the United States. The FLNG has separate Army and Air Force components that are subject to the Departments of the Army and the Air Force, respectively.¹¹ The Governor is the commander in chief of all militia of the state¹² and is responsible for appointing a federally recognized officer of the FLNG to be the Adjutant General, who serves as the Commanding General of the state's organized militia.¹³

As of September 2022, the FLNG was composed of 10,314 personnel in the Army National Guard and 2,165 personnel in the Air National Guard, for total authorized personnel of 12,479.¹⁴

Florida State Defense Force

All able-bodied inhabitants of Florida who are or who have declared their intention to become citizens of the United States comprise the militia,¹⁵ but not all are part of the organized militia, which is comprised of the FLNG and the Florida State Guard.¹⁶ The Governor is commander-in-chief of all military forces of the state not in active federal service.¹⁷ Subject to Senate confirmation, the Governor appoints the Adjutant General and other general officers of the FLNG.¹⁸ The Adjutant General (AG) is the head of the Department of Military Affairs (DMA).¹⁹

If any part of the FLNG is called into active federal service, the Governor is authorized to organize and maintain such uniformed military forces as the Governor deems necessary to assist civil authorities with maintaining law and order known as the Florida State Defense Force (FSDF).²⁰ When active, the FSDF is composed of commissioned officers and enlisted personnel

⁹ 32 U.S.C. s. 109(e).

¹⁰ Alaska, California, Connecticut, Florida, Georgia, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Mexico, New York, Ohio, Oregon, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington.

¹¹ S. 250.07, F.S.

¹² Art. IV, s. 1(a), Fla. Const.

¹³ S. 250.10, F.S. 32 U.S.C. S. 314(a) requires an adjutant general in each state and requires the adjutant general to perform the duties prescribed by the laws of the state of appointment.

¹⁴ Department of Defense, Defense Manpower Data Center, Military and Civilian Personnel by Service/Agency by State/Country (Updated Quarterly), *September 2022*, available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited Mar. 7, 2023). Troop numbers are unavailable for December 2022 due to the Army's conversion of its Integrated Personnel and Pay System. Due to this conversion, the Army did not provide military personnel for end-of-December 2022. See Military and Civilian Personnel by Service/Agency by State/Country (Updated Quarterly) *December 2022*, available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited Mar. 7, 2023).

¹⁵ Art. X, s. 2(a), Fla. Const.

¹⁶ S. 250.02(2), F.S. Organized militia is defined as being composed of the National Guard and any other organized military forces that are authorized by law. The Florida State Guard is authorized by Ch. 2022-157, s. 80, Laws of Fla.

¹⁷ Art. IV, s. 1(a), Fla. Const.

¹⁸ Art. X, s. 2(c), Fla. Const.

¹⁹ S. 250.05(3), F.S.

²⁰ S. 251.01(1), F.S.

who serve as volunteer citizens.²¹ The FSDF may be called out to aid civil authorities in the same manner as calling out the FLNG²² but may not be called, ordered, or drafted into federal service.²³

The FSDF was created in 1941 in order to supplement the state's National Guard, which was in federal service during World War II. FSDF was deactivated and disbanded in 1947 after the return of the state's National Guard.²⁴

Florida State Guard

The Florida State Guard (FSG) was created in 2022²⁵ as a component of the organized guard of the state, separate and apart from the FLNG. With the Governor having final control and command, the FSG operates exclusively within the state of Florida and cannot be called, ordered, or drafted into the armed forces of the United States.²⁶ The FSG is a volunteer force that assists federal, state, and local government agencies and civil relief organizations during impending or actual emergencies in the state of Florida.²⁷

The AG serves as the commanding general of the FSG, subject at all times to the Governor. The AG is responsible for organizing, recruiting, training, equipping, managing, and disciplining the FSG. The AG selects units for activation, candidates for commissioning, and approves applicants for enlisted personnel.²⁸ The AG is responsible for setting the minimum standards for the age, physical and health condition, and physical fitness of applicants. These standards cannot be lower than the standards required for recruitment, enrollment, and retention in the FLNG.²⁹ The AG develops and implements a code of regulations for the administration and discipline of members of the FSG.³⁰

Each applicant for the FSG must be a citizen of the United States and a resident of Florida and cannot have a felony conviction.³¹ Additionally, applicants may not be an active duty servicemember or a member of the armed forces reserves or the FLNG.³² If the applicant is a former member of the armed forces, the applicant must have been separated under terms no less than a general discharge under honorable conditions.³³

²¹ *Id.*

²² S. 251.05, F.S. See s. 250.06(4), F.S.: "The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34 or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any part of the militia which he or she deems proper."

²³ S. 251.08, F.S. This prohibition applies only to the FSDF as a whole and does not exempt any individual member of the FSDF from required federal military service.

²⁴ Palm Beach County History Online, *Civil Defense: Florida Defense Force*, available at <http://www.pbchistoryonline.org/page/florida-defense-force> (last visited Mar. 7, 2023).

²⁵ The FSG was created via the Implementing Act of the General Appropriations Act for the 2022-23 fiscal year, Ch. 2022-157, s. 80, Laws of Fla., and is codified in statutes as s. 251.001, F.S.

²⁶ S. 251.001(1), F.S.

²⁷ Florida State Guard, *Home*, available at <https://floridastateguard.my.site.com/s/> (last visited Mar. 6, 2023).

²⁸ S. 251.001(3), F.S.

²⁹ S. 251.001(4)(d), F.S.

³⁰ S. 251.001(4)(e), F.S.

³¹ S. 251.001(4)(c)1.-2., F.S.

³² S. 251.001(4)(c)3., F.S.

³³ S. 251.001(4)(c)4., F.S.

The AG develops and implements a training program for the FSG and provides all equipment necessary for the training and service of members of the FSG.³⁴ Training programs within the FSG must be at least equivalent to the training requirements for the FLNG.³⁵ The AG is permitted to provide staff, including members of the FLNG, to prepare and conduct training. However, members of the FLNG are not considered members of the FSG while they are preparing and conducting authorized FSG training.³⁶ The AG is authorized to make available to the FSG facilities controlled and operated by DMA.³⁷

The FSG may be activated:

- During any period when any part of the FLNG is in active federal service and the Governor has declared a state of emergency; or³⁸
- To preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency³⁹ or imminent danger thereof, or respond to any need for emergency aid to civil authorities.⁴⁰

The FSG must be deactivated upon the expiration of the order of activation or by a separate order by the Governor.⁴¹

Members of the FSG are reimbursed for per diem and travel expenses incurred to attend required training or in the course of active service.⁴² FSG members may be compensated for time spent training or in the course of active service. Compensation rates are determined by the AG.⁴³ While engaged in required training or during active service, FSG members have the same protections FLNG members enjoy regarding:⁴⁴

- Leaves of absence.⁴⁵
- Employment discrimination.⁴⁶
- Professional licensure protection.⁴⁷
- Protection from employment discrimination during active duty service by private or public employers and postsecondary institutions.⁴⁸
- Licensure and qualification protections.⁴⁹
- Stays of civil actions or proceedings involving individuals called into active duty service.⁵⁰

³⁴ S. 251.001(5), F.S.

³⁵ S. 251.001(5)(a), F.S.

³⁶ S. 251.001(5)(b), F.S.

³⁷ S. 251.001(5)(d), F.S.

³⁸ S. 251.001(6)(a), F.S.

³⁹ Section 252.34(4), F.S., defines the term “emergency” to mean any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

⁴⁰ S. 251.001(6)(b), F.S.

⁴¹ S. 251.001(6)(c), F.S.

⁴² S. 251.001(7)(a), F.S.

⁴³ S. 251.001(7)(b)

⁴⁴ S. 251.001(8)(a), F.S.

⁴⁵ S. 250.48, F.S.

⁴⁶ S. 250.481, F.S.

⁴⁷ S. 250.4815, F.S.

⁴⁸ S. 250.482, F.S.

⁴⁹ S. 250.483, F.S.

⁵⁰ S. 250.5201, F.S.

- Actions of rent or possession by landlord involving individuals called into active duty service.⁵¹
- Installment contracts for purchase of property involving individuals called into active duty service.⁵²
- Mortgages, trust deeds, or other securities upon property owned prior to the commencement of the period an individual is called into active duty service.⁵³

While activated or in training, FSG members are not liable for any lawful act done in the performance of his or her FSG duties while acting in good faith within the scope of such duties. In addition, while activated or in training, FSG members are considered volunteers for the state and are entitled to workers' compensation protections pursuant to chapter 440, F.S.⁵⁴

The FSG was created subject to an appropriation in the General Appropriations Act of 2022.⁵⁵ The General Appropriations Act appropriated \$10 million from the General Revenue Fund for the FSG.⁵⁶

Current law provides that s. 251.001, F.S., which is the Florida State Guard Act, will sunset on July 1, 2023.⁵⁷

Law Enforcement Officers

Current law requires a person employed or appointed as full-time, part-time, or auxiliary law enforcement to:⁵⁸

- Be at least 19 years of age.
- Be a citizen of the United States, notwithstanding any other law to the contrary.
- Be a high school graduate or its equivalent.
- Not have been convicted of a felony or of certain misdemeanors.
- Have documentation of his or her fingerprints on file with the employing agency.
- Have passed a physical examination.
- Have a good moral character as determined by a background investigation.
- Execute and submit to the employing agency an affidavit-of-applicant form attesting to his or her compliance with the aforementioned requirements.
- Complete a commission-approved basic recruit training program, unless exempted from the requirement.
- Achieve an acceptable score on the officer certification examination.
- Comply with the continuing training and education requirements.

⁵¹ S. 250.5202, F.S.

⁵² S. 250.5204, F.S.

⁵³ S. 250.5205, F.S.

⁵⁴ S. 251.001(8)(c), F.S.

⁵⁵ S. 251.001(10), F.S.

⁵⁶ Ch. 2022-156, s. 6, Laws of Fla., pg. 436.

⁵⁷ S. 251.001(11), F.S.

⁵⁸ S. 943.13, F.S.

State Emergency Management Act

The State Emergency Management Act (SEMA), ch. 252, F.S., was enacted to be the legal framework for this state's emergency management activities, recognizing the state's vulnerability to a wide range of emergencies, including natural, manmade, and technological disasters.⁵⁹ SEMA delineates the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during emergencies. If the Governor finds that an emergency⁶⁰ has occurred or is imminent, he or she must declare a state of emergency.⁶¹ In a state of emergency, the Governor has broad power to perform necessary actions to ensure Floridians' health, safety, and welfare. During the continuance of a state of emergency, the Governor is commander in chief of the Florida National Guard and all forces available for emergency duty.⁶²

Emergency Management Assistance Compact

The Division of Emergency Management (DEM) coordinates Florida's emergency assistance to other states. Accordingly, DEM manages Florida's participation in the Emergency Management Assistance Compact (EMAC).⁶³ EMAC is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state.⁶⁴ The emergency may arise from a natural or manmade disaster, technological hazard, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.⁶⁵ The EMAC allows participating states to request personnel, equipment, materials, and supplies needed by the state during a declared emergency.⁶⁶ The United States Congress passed a joint resolution that granted consent for the creation of EMAC in 1996.⁶⁷ The Florida Legislature authorized Florida's participation in EMAC that same year.⁶⁸

III. Effect of Proposed Changes:

The bill repeals the expiration date for s. 251.001, F.S., thereby, making the FSG a permanent component of the state militia.

The bill provides that ch. 251, F.S., may be cited as the "Florida State Guard Act" and that the chapter is supplemental to provisions relating to the organized militia, other than the FLNG. It also provides that the FSG is created to protect and defend the people of Florida from all threats to public safety and to augment all existing state and local agencies.

⁵⁹ S. 252.311(1), F.S.

⁶⁰ "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. See s. 252.34(4), F.S.

⁶¹ S. 252.36(2), F.S.

⁶² S. 252.36(4), F.S.

⁶³ See ss. 252.921-252.933, F.S.

⁶⁴ S. 252.922(1), F.S.

⁶⁵ S. 252.922(2), F.S.

⁶⁶ S. 252.924(2)(b), F.S.

⁶⁷ Public Law 104-321 – Oct. 19, 1996.

⁶⁸ Chapter 96-244, L.O.F.

The bill increases the authorized maximum number of personnel that may be commissioned, enrolled, or employed as members of the FSG from 400 to 1,500.

The bill creates the Division of the State Guard (Division) within DMA as a separate budget entity. The bill provides that the Division is not subject to control, supervision, or direction by DMA, but requires DMA to provide administrative support or service to the Division. The bill also provides that the Division is responsible for the organization, recruitment, training, equipping, management, and function of the FSG.

The bill provides that the Division is headed by a director who is appointed by and serves at the pleasure of the Governor. The director is subject to Senate confirmation and must have served at least five years as a servicemember of the United States Armed Forces, United States Reserve Forces, or FLNG. The bill repeals provisions granting duties and powers to the AG in regard to the FSG and instead, provides that the director will have those duties and powers. The bill also provides that the director may establish a command, operational, and administrative services structure to assist, manage, and support the FSG in operating the program and delivering services.

The bill revises current law to remove military vernacular when referring to FSG participants and instead reiterates that such participants are volunteers.

The bill maintains the current requirements that applicants must meet for FSG consideration, but also provides that if an applicant to the FSG was previously a member of a military or naval organization of this state or another state, then the applicant must have been separated under terms no less than a general discharge under honorable conditions.

The bill requires the director to organize a specialized unit within the FSG. All members of the specialized unit are vested with authority to bear arms, detect, and apprehend while activated. The bill also provides that only those members of the specialized unit who meet the requirements in s. 943.13, F.S., and are certified as a law enforcement officer⁶⁹ have the same law enforcement authority as the law enforcement agency in which the member is working in conjunction with when activated.

The bill maintains the current provisions regarding training, but requires the Division to provide all equipment necessary and to arrange and contract for the use of facilities for training, organizing, and all other purposes of the FSG.

The bill provides that in addition to the present conditions for activation, the FSG may be activated by order of the Governor in order to protect and defend the state from threats to public safety, augment any existing state or local agency, or provide support to other states under EMAC.

⁶⁹ Section 943.10(1), F.S., defines the term “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

The bill maintains the current provisions regarding per diem but specifies that any additional compensation for time spent training or in the course of active service is subject to appropriation. The bill also maintains the provisions providing the same protections for members of the FSG as is provided for members of the FLNG, as well as the workers' compensation provisions.

The bill grants rulemaking authority to the director, but provides that the enlistment, organization, administration, equipment, maintenance, training, and discipline of the FSG are not "rules" as defined by the Administrative Procedure Act (APA).⁷⁰

Finally, the bill amends the military equipment regulations in order to reflect the permanent inclusion of the FSG into the state's recognized militia, repeals sections of law pertaining to the FSDF, and makes conforming changes.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to affect county or municipal governments.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill grants the director of the Division of the State Guard rulemaking authority in order to implement the provisions of s. 251.001, F.S. It also provides that the enlistment, organization, administration, equipment, maintenance, training, and discipline of the FSG are not "rules" as defined by the APA.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁷⁰ The APA is ch. 120, F.S.

B. Private Sector Impact:

Individuals who volunteer for the FSG will receive reimbursement for per diem and travel expenses incurred to attend required training or in the course of active service.

C. Government Sector Impact:

The proposed House General Appropriations Act for FY 2023-24 provides \$107.6 million in appropriations from the General Revenue Fund for the State Guard in the following manner:

1	Category	Total	Recurring	NR	Description
2	Personnel	\$ 1,162,298	\$ 1,162,298	\$ -	Establishes 10 new positions and associated salaries and benefits for administering the FSG.
3	Training/Recruitment Resources	\$ 17,324,365	\$ 15,935,165	\$ 1,389,200	Includes funding for training courses, travel, lodging, and compensation for up to 1,500 members.
4	Personnel Equipment	\$ 1,959,100	\$ 254,800	\$ 1,704,300	Includes radios, uniforms, laptops, personal protection etc.
5	Motor Vehicles	\$ 1,210,000	\$ 40,000	\$ 1,170,000	Includes 4 pick up trucks, towing vehicles, fuel and maintenance costs.
6	Maritime Equipment	\$ 2,725,862	\$ 108,000	\$ 2,617,862	Includes 6 boats and tow vehicles, crew, fuel, and maintenance costs.
7	Aviation Equipment	\$ 49,482,594	\$ 1,529,720	\$ 47,952,874	Includes 1 large fixed wing and 4 rotary wing aircraft, crew, avionics equipment, fuel and maintenance.
8	Fixed Capital Outlay - Buildings	\$ 32,700,000	\$ -	\$ 32,700,000	Includes \$20.7m for Aviation hangars; \$2m for maritime storage; \$10m for a State Guard Building
9	State Activation Contingency	\$ 1,000,000	\$ 1,000,000	\$ -	Contingency costs necessary when preparing guard for activation.
		\$ 107,564,219	\$ 20,029,983	\$ 87,534,236	

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.80, 250.44, 251.001, and 790.25.

This bill repeals the following sections of the Florida Statutes: 251.01, 251.02, 251.03, 251.04, 251.05, 251.06, 251.07, 251.08, 251.09, 251.10, 251.11, 251.12, 251.13, 251.14, 251.15, 251.16, 251.17.

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

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

On March 28, 2023, the House Appropriations Committee adopted two amendments and reported the bill favorably as a committee substitute.

The committee substitute:

- Revises the qualification criteria for the director of the State Guard;

- Clarifies the physical fitness standards for applicants based upon the component unit for which the applicant is being considered; and
- Removes the designation that the specialized unit is considered a criminal justice agency.

On March 14, 2023, the House State Affairs Committee adopted one amendment and reported the bill favorably as a committee substitute.

The committee substitute:

- Revises the qualifications for the director position by removing the requirement that the director attain the rank of colonel or its equivalent in order to be considered for the position, and allows a person to be considered for the position if he or she has served at least five years as a police executive or possesses training and experience in police affairs or public administration;
- Clarifies that the director may establish a command, operational, and administrative services structure to assist, manage, and support the FSG and determine the FSG's volunteer structure;
- Provides that the FSG may be activated by order of the Governor in order to provide support to other states under EMAC; and

Removes the use of military vernacular when referring to FSG participants and reiterates that such participants are volunteers.

B. Amendments:

None.

CS/CS/HB 1285

2023

1 A bill to be entitled
 2 An act relating to the Florida State Guard; amending
 3 s. 120.80, F.S.; providing that certain functions of
 4 the Florida State Guard are not rules as defined by
 5 ch. 120, F.S.; amending s. 250.44, F.S.; prohibiting
 6 certain actions regarding clothing, arms, military
 7 outfits, and property of the Florida State Guard;
 8 requiring certain information to be reported to the
 9 director of the Division of the State Guard within the
 10 Department of Military Affairs; providing a penalty;
 11 amending s. 251.001, F.S.; providing a short title;
 12 providing the scope of chapter 251, F.S.; revising
 13 provisions relating to the creation and authorization
 14 of the Florida State Guard; providing the authorized
 15 maximum number of volunteer personnel of the Florida
 16 State Guard; creating the Division of the State Guard
 17 within the Department of Military Affairs; providing
 18 that the head of the division is a director appointed
 19 by and serving at the pleasure of the Governor;
 20 providing eligibility requirements for the director;
 21 providing that the division is a separate budget
 22 entity; requiring the department to provide
 23 administrative support to the division; providing
 24 division responsibilities; authorizing the director to
 25 establish a services structure for certain purposes;

Page 1 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

26 revising and providing definitions; removing
 27 provisions establishing authority of the department
 28 and the Adjutant General with respect to the Florida
 29 State Guard; providing additional duties of the
 30 division and director; revising qualifications for
 31 applicants to the Florida State Guard; requiring the
 32 director to organize and establish a specialized unit
 33 within the Florida State Guard; providing criteria and
 34 authority for members of the specialized unit;
 35 revising the criteria for activation of the Florida
 36 State Guard; requiring the division to reimburse
 37 members for per diem and travel expenses; authorizing
 38 other compensation subject to appropriation; requiring
 39 the director to adopt rules; conforming provisions to
 40 changes made by the act; repealing ss. 251.01, 251.02,
 41 251.03, 251.04, 251.05, 251.06, 251.07, 251.08,
 42 251.09, 251.10, 251.11, 251.12, 251.13, 251.14,
 43 251.15, 251.16, and 251.17, F.S., relating to the
 44 Florida State Defense Force; amending s. 790.25, F.S.;
 45 conforming provisions to changes made by the act;
 46 providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Subsection (20) is added to section 120.80,

Page 2 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

51 Florida Statutes, to read:
 52 120.80 Exceptions and special requirements; agencies.—
 53 (20) FLORIDA STATE GUARD.—Notwithstanding s. 120.52(16),
 54 the enlistment, organization, administration, equipment,
 55 maintenance, training, and discipline of the Florida State Guard
 56 are not rules as defined by this chapter.

57 Section 2. Subsection (3) of section 250.44, Florida
 58 Statutes, is amended to read:

59 250.44 Military equipment regulations; penalties.—

60 (3) The clothing, arms, military outfits, and property
 61 furnished by or through the state to any member of the militia
 62 or the Florida State Guard, may not be sold, bartered, loaned,
 63 exchanged, pledged, or given away. A person who is not a member
 64 of the military forces of this state or the United States, or an
 65 authorized agent of this state or the United States, who
 66 possesses clothing, arms, military outfits, or property that is
 67 unlawfully disposed of has no right, title, or interest therein,
 68 and the clothing, arms, military outfits, or property shall be
 69 seized and taken wherever found by any civil or military officer
 70 of the state and delivered to any commanding officer or other
 71 authorized officer, who must:

72 (a) If such clothing, arms, military outfits, or property
 73 were issued by or are property of the militia, make an immediate
 74 report to the Adjutant General.

75 (b) If such clothing, arms, military outfits, or property

Page 3 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

76 were issued by or are property of the Florida State Guard, make
 77 an immediate report to the director of the Division of the State
 78 Guard within the Department of Military Affairs.

79
 80 The possession of any such clothing, arms, military outfits, or
 81 property by any person not a member of the military forces of
 82 this state, or any other state, or of the United States, is
 83 presumptive evidence of such sale, barter, loan, exchange,
 84 pledge, or gift and is punishable as provided in chapter 812.

85 Section 3. Section 251.001, Florida Statutes, is amended
 86 to read:

87 251.001 Florida State Guard Act.—

88 (1) SHORT TITLE AND SCOPE.—This chapter may be cited as
 89 the "Florida State Guard Act." This chapter shall be
 90 supplemental to provisions relating to the organized militia in
 91 chapter 250 other than the Florida National Guard.

92 (2)(1) CREATION AND AUTHORIZATION.—The Florida State Guard
 93 is created to protect and defend the people of Florida from all
 94 threats to public safety and to augment all existing state and
 95 local agencies. The Florida State Guard is created as authorized
 96 under federal law for use exclusively within the state,
 97 activated only by the Governor ~~under the specific limitations~~
 98 ~~created by this section,~~ and is at all times under the final
 99 command and control of the Governor as commander in chief of all
 100 military and guard forces of the state. The Florida State Guard

Page 4 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

101 ~~is created and authorized as a component of the organized guard~~
 102 ~~separate and apart from the Florida National Guard and shall be~~
 103 ~~used exclusively within the state, or to provide support to~~
 104 ~~other states,~~ for the purposes stated in this section and may
 105 not be called, ordered, or drafted into the armed forces of the
 106 United States. The authorized maximum number of volunteer
 107 personnel that may be commissioned, enrolled, or employed as
 108 members of the Florida State Guard is 1,500 ~~400~~.

109 (3) DIVISION OF THE STATE GUARD.—The Division of the State
 110 Guard is created within the Department of Military Affairs and
 111 shall be headed by a director who shall be appointed by and
 112 serve at the pleasure of the Governor, subject to confirmation
 113 by the Senate. The director must have served at least 5 years as
 114 a servicemember of the United States Armed Forces, United States
 115 Reserve Forces, or Florida National Guard. The division shall be
 116 a separate budget entity, and the director shall be its agency
 117 head for all purposes. The Department of Military Affairs shall
 118 provide administrative support and service to the division to
 119 the extent requested by the director. The division shall not be
 120 subject to control, supervision, or direction by the Department
 121 of Military Affairs in any manner, including, but not limited
 122 to, personnel, purchasing, transactions involving real or
 123 personal property, and budgetary matters. The division is
 124 responsible for the organization, recruitment, training,
 125 equipping, management, and functions of the Florida State Guard.

Page 5 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

126 The director may establish a command, operational, and
 127 administrative services structure to assist, manage, and support
 128 the Florida State Guard in operating the program and delivering
 129 services.

130 ~~(4)(2)~~ DEFINITIONS.—As used in this section:

131 (a) The terms "active duty," "armed forces," and ~~"enlisted~~
 132 ~~personnel,"~~ "National Guard," and ~~"rank"~~ have the same meanings
 133 as in s. 250.01.

134 (b) The term "department" means the Department of Military
 135 Affairs.

136 (c) The term "director" means the director of the Division
 137 of the State Guard.

138 (d) The term "division" means the Division of the State
 139 Guard within the Department of Military Affairs.

140 ~~(e) The term "officer" means an officer commissioned by~~
 141 ~~the Governor.~~

142 ~~(d) The term "organized guard" means an organized military~~
 143 ~~force that is authorized by law.~~

144 ~~(e) The term "warrant officer" means a technical~~
 145 ~~specialist commissioned as a warrant officer by the Governor.~~

146 ~~(3) ADJUTANT GENERAL.—The Adjutant General is the~~
 147 ~~commanding general of the Florida State Guard subject at all~~
 148 ~~times to the Governor as commander in chief. The Adjutant~~
 149 ~~General is responsible for organizing, recruiting, training,~~
 150 ~~equipping, managing, and disciplining the Florida State Guard,~~

Page 6 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

151 ~~including selecting units for activation by the Governor,~~
 152 ~~selecting candidates for commissioning by the Governor, and~~
 153 ~~approving applicants as enlisted personnel.~~

154 ~~(5)(4)~~ PERSONNEL.—

155 (a) Subject to approval by the Governor, the director
 156 ~~Adjutant General~~ shall determine the number of volunteer
 157 ~~officers, warrant officers, and enlisted~~ personnel necessary to
 158 meet the staffing and operational requirements of the Florida
 159 State Guard, and determine the volunteer structure ~~specific~~
 160 ~~rank~~ and number of volunteer personnel within each component
 161 unit of such structure ~~rank~~.

162 (b) The Governor shall commission all volunteer personnel
 163 ~~officers and warrant officers~~ of the Florida State Guard.

164 (c) Each applicant for the Florida State Guard shall meet
 165 the following qualifications:

166 1. The applicant must ~~shall~~ be a citizen of the United
 167 States and a resident of the state.

168 2. The applicant may not ~~cannot~~ have a felony conviction.
 169 Each applicant shall submit a complete set of fingerprints and
 170 all information required by state and federal law to process
 171 fingerprints for purposes of conducting a criminal background
 172 check.

173 3. The applicant may not be an active duty servicemember,
 174 a member of the armed forces reserves, or a member of the
 175 Florida National Guard.

Page 7 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

176 4. If the applicant is a former member of the armed forces
 177 or of any military or naval organization of this state or
 178 another state, the applicant must have been separated under
 179 terms no less than a general discharge under honorable
 180 conditions.

181 (d) The director ~~Adjutant General~~ shall establish minimum
 182 standards for the age, physical and health condition, and
 183 physical fitness of applicants based upon the component unit of
 184 the Florida State Guard structure in which the applicant is
 185 being considered for placement. However, an applicant being
 186 considered for placement in a component unit that serves in an
 187 active duty capacity within the Florida State Guard must be
 188 subject to standards that ~~which~~ are no less than the standards
 189 required for recruitment, enrollment, and retention in the
 190 Florida National Guard.

191 (e) The director ~~Adjutant General~~ shall develop and
 192 implement a code of regulations for the administration and
 193 discipline of members of the Florida State Guard that shall
 194 provide no less protection and impose no more severe sanctions
 195 than as provided in s. 250.35, except that the director ~~Adjutant~~
 196 ~~General~~ shall not have ~~no~~ authority to impose any term of
 197 incarceration.

198 (6) SPECIALIZED UNIT.—The director shall organize a
 199 specialized unit within the Florida State Guard. All members of
 200 the specialized unit are vested with the authority to bear arms,

Page 8 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

201 detect, and apprehend while activated. In addition to the
 202 requirements set forth in paragraph (5)(c), only those members
 203 of the specialized unit who meet the requirements in s. 943.13
 204 and are certified as law enforcement officers as defined in s.
 205 943.10(1) are authorized to have the same law enforcement
 206 authority as the law enforcement agency in conjunction with
 207 which they are working when activated.

208 (7)(5) TRAINING AND EQUIPMENT.—The director ~~Adjutant~~
 209 ~~General~~ shall develop and implement a program for training for
 210 members of the Florida State Guard.

211 (a) All training programs for the Florida State Guard
 212 shall be at least equivalent to the training requirements for
 213 members of the Florida National Guard under applicable federal
 214 law at the time the training is conducted. As required by the
 215 director ~~Adjutant General~~, all members of the Florida State
 216 Guard shall complete initial training within 180 days after
 217 their appointment or enrollment and periodic ongoing training.

218 (b) The director ~~Adjutant General~~ may provide for staff to
 219 prepare and conduct training required in this section. The staff
 220 may include members of the Florida National Guard whose duty
 221 assignments may include conducting training under this section
 222 but who may not be considered members of the Florida State
 223 Guard.

224 (c) The division ~~Adjutant General~~ shall provide all
 225 equipment necessary for the training and service of members of

Page 9 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

226 the Florida State Guard and shall arrange and contract for the
 227 use of sufficient and adequate facilities for training,
 228 organizing, and all other purposes of the Florida State Guard.
 229 Section 250.44 applies ~~The provisions of s. 250.44 apply~~ to the
 230 allocation, delegation, use of, and accounting for all equipment
 231 furnished under this section.

232 ~~(d) The Adjutant General may make available for training~~
 233 ~~and other purposes under this section the facilities controlled~~
 234 ~~and operated by the department.~~

235 (8)(6) ACTIVATION AND DEACTIVATION OF THE FLORIDA STATE
 236 GUARD.—

237 (a) The Florida State Guard, by component units or in
 238 total, may be activated by order of the Governor:

239 1. During any period when any part of the Florida National
 240 Guard is in active federal service and the Governor has declared
 241 a state of emergency; ~~The Florida State Guard may be activated~~
 242 ~~as part of an emergency order issued by the Governor or in a~~
 243 ~~separate executive order issued during a declared state of~~
 244 ~~emergency.~~

245 2.(b) ~~The Florida State Guard may be activated only~~ To
 246 preserve the public peace, execute the laws of the state,
 247 enhance domestic security, respond to terrorist threats or
 248 attacks, protect and defend the people of Florida from threats
 249 to public safety, respond to an emergency as defined in s.
 250 252.34 or imminent danger thereof, or respond to any need for

Page 10 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

251 emergency aid to civil authorities as specified in s. 252.38;
 252 3. To augment any existing state or local agency; or
 253 4. To provide support to other states under the Emergency
 254 Management Assistance Compact as provided for in part III of
 255 chapter 252.
 256 ~~(b)(e)~~ The Florida State Guard shall be deactivated by the
 257 expiration of the order of activation or by a separate order by
 258 the Governor deactivating the Florida State Guard.
 259 ~~(9)(7)~~ REIMBURSEMENT AND COMPENSATION.—
 260 (a) The division shall ~~department may~~ reimburse members of
 261 the Florida State Guard for per diem and travel expenses
 262 incurred to attend required training or in the course of active
 263 service as provided in s. 112.061.
 264 (b) Members of the Florida State Guard may be compensated
 265 for time spent training or in the course of active service at
 266 rates established by the director, subject to appropriation
 267 Adjutant General.
 268 (c) A ~~No~~ member of the Florida State Guard may not make
 269 any purchase or enter into any contract or agreement for
 270 purchases or services as a charge against the state without the
 271 authority of the director Adjutant General.
 272 ~~(10)(8)~~ EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
 273 LIABILITY, AND WORKERS' COMPENSATION.—
 274 (a) The protections for members of the Florida National
 275 Guard provided in ss. 250.48-250.483 and 250.5201-250.5205 ~~shall~~

Page 11 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

276 apply to each member of the Florida State Guard engaged in
 277 required training or active service.
 278 (b) Members of the Florida State Guard ordered into active
 279 service or engaged in required training are not liable for any
 280 lawful act done in performance of their duties under this
 281 section while acting in good faith within the scope of those
 282 duties.
 283 (c) While activated or in training, members of the Florida
 284 State Guard are considered volunteers for the state, as defined
 285 in s. 440.02(15)(d)6., and are entitled to workers' compensation
 286 protections pursuant to chapter 440.
 287 ~~(11)(9)~~ RULEMAKING AUTHORITY.—The director Adjutant
 288 General, as head of the division department, shall adopt rules
 289 to implement ~~the provisions of~~ this section.
 290 ~~(10) APPROPRIATION. This section is subject to an~~
 291 ~~appropriation in the General Appropriations Act.~~
 292 ~~(11) EXPIRATION. This section expires July 1, 2023.~~
 293 Section 4. Sections 251.01, 251.02, 251.03, 251.04,
 294 251.05, 251.06, 251.07, 251.08, 251.09, 251.10, 251.11, 251.12,
 295 251.13, 251.14, 251.15, 251.16, and 251.17, Florida Statutes,
 296 are repealed.
 297 Section 5. Paragraph (a) of subsection (3) of section
 298 790.25, Florida Statutes, is amended to read:
 299 790.25 Lawful ownership, possession, and use of firearms
 300 and other weapons.—

Page 12 of 13

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hb1285-02-c2

CS/CS/HB 1285

2023

301 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06
302 do not apply in the following instances, and, despite such
303 sections, it is lawful for the following persons to own,
304 possess, and lawfully use firearms and other weapons,
305 ammunition, and supplies for lawful purposes:

306 (a) Members of the Militia, National Guard, Florida State
307 Guard ~~Defense Force~~, Army, Navy, Air Force, Marine Corps, Space
308 Force, Coast Guard, organized reserves, and other armed forces
309 of the state and of the United States, when on duty, when
310 training or preparing themselves for military duty, or while
311 subject to recall or mobilization;

312 Section 6. This act shall take effect July 1, 2023.

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 Appropriations Committee

BILL: HB 5101

INTRODUCER: House PreK-12 Appropriations Subcommittee and Representative Tomkow

SUBJECT: Education

DATE: April 24, 2023

REVISED: 4/27/23

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gray	Sadberry	AP	Fav/1 Amendment

Please see Section IX. for Additional Information:

AMENDMENTS - Significant amendments were recommended

I. Summary:

HB 5101 conforms law to the appropriations provided in HB 5001, the House General Appropriations Act for Fiscal Year 2023-2024 for prekindergarten through grade 12 education. Specifically, the bill:

- Conforms the calculation methodology for funding in the Florida Education Finance Program (FEFP) for the Florida Virtual School and the developmental research schools to changes made by the bill.
- Requires the Department of Education (DOE) to report, as part of the determination of full-time equivalent (FTE) membership, all students who are receiving a Family Empowerment Scholarship (FES) for funding in the FEFP.
- Conforms the calculation methodology for the scholarships awarded for the FES program to the changes made by the bill.
- Repeals the enrollment ceiling on the Group 2 education programs to include:
 - Exceptional Student Education (ESE) Support Level IV;
 - ESE Support Level V;
 - English for Speakers of Other Languages (ESOL); and
 - Secondary Career Education.
- Renames the district cost differential (DCD) to the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district's CWF is greater than 1.000.
- Repeals the following FEFP categoricals:
 - Funding Compression and Hold Harmless;
 - Sparsity Supplement; and
 - Turnaround Supplemental Services Allocation.

- Repeals the following FEFP categoricals, but retains the underlying funding policies:
 - Instructional Materials;
 - Mental Health Assistance Allocation;
 - Reading Instruction Allocation; and
 - Safe Schools Allocation.
- Repeals the Teacher Salary Increase Allocation but retains the requirement of \$47,500 as the minimum base salary for full-time classroom teachers.
- Deletes the inclusion of the Teacher Classroom Supply Assistance categorical in the FEFP and modifies the underlying funding policy.
- Retains the DJJ Supplement Allocation and modifies the eligible uses of the categorical to include uses previously only included in proviso in the General Appropriations Act.
- Retains the ESE Guaranteed Allocation and establishes a calculation methodology in law.
- Retains the State-Funded Discretionary Contribution for the Florida Virtual School and the developmental research schools and modifies the calculation methodology of the contribution.
- Renames the Supplemental Academic Instruction categorical the Supplemental Academic and Support Services categorical and modifies its eligible uses to include the uses previously included in the Turnaround Supplemental Services Allocation.
- Creates the State-Funded Discretionary Supplement and establishes its calculation methodology.
- Requires the DOE to provide a one-time, sign-on bonus to honorably discharged and retired military veterans and retired first responders who commit to joining the teaching profession as full-time classroom teachers.

The bill provides for an effective date of July 1, 2023.

II. Present Situation:

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

III. Effect of Proposed Changes:

Florida Education Finance Program (FEFP)

Present Situation

The FEFP is the state's formula to appropriate funds to school districts for kindergarten through grade 12 public school operations, which includes charter schools, and to fund the Family Empowerment Scholarship (FES) program. The FEFP is composed of state and local revenues and takes into account various factors such as:

- Individual educational needs of students.
- Local property tax base.
- Costs of educational programs.
- District cost differentials (DCD).
- Sparsity of student population.

State FEFP revenues are derived from the following three sources:

- General Revenue Fund – comprised of several state taxes and selected fees; the state’s sales tax is the primary source of general revenue.
- Educational Enhancement Trust Fund (EETF) – comprised of the net proceeds from the Florida Lottery and the tax proceeds on slot machines in Broward and Miami-Dade counties.
- State School Trust Fund (SSTF) – comprised of revenue from unclaimed property that has escheated to the state.¹

Local FEFP revenue is derived almost entirely from property taxes levied by Florida’s 67 counties, each of which constitutes a school district. To participate in the state allocation of FEFP funds, a school district must levy the millage rate set for its required local effort (RLE) from property taxes.² The Legislature sets the aggregate RLE amount in the General Appropriations Act (GAA). Each school district’s share of this amount is based on the school district’s certified property tax valuations, and each school district’s required millage rate as established by the Commissioner of Education (commissioner).

In addition to the RLE millage, each school district is authorized to levy a nonvoted current operating discretionary millage. The Legislature annually prescribes in the GAA the maximum amount of millage a school may levy.³ For Fiscal Year 2022-2023, the Legislature prescribed 0.748 as the maximum millage rate.⁴

The DOE is required to distribute state FEFP funds to school districts on or about the 10th and 26th of each month.⁵ For purposes of this distribution, the FEFP is calculated five times throughout the year as follows:

- 1st Calculation (also referred to as the conference calculation) is completed by the Legislature and used to fund the FEFP in the GAA. The July 10th FEFP distribution is based on this calculation.
- 2nd Calculation is completed upon receipt of the certified tax roll from the Department of Revenue. The July 26th through January FEFP distributions are based on this calculation.
- 3rd Calculation is completed upon receipt of school districts’ October FTE membership survey. The January through April FEFP distributions are based on this calculation.
- 4th Calculation is completed upon receipt of school districts’ February FTE membership survey. The April through June FEFP distributions are based on this calculation.
- 5th Calculation (also referred to as the final calculation) is completed upon receipt of school districts’ June FTE membership survey. Prior year adjustments are completed in the following fiscal year based on a comparison of this final calculation to the 4th calculation.⁶

¹ Florida Department of Education, *2022-23 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf> at 6.

² Section 1011.71(1), Florida Statutes.

³ Section 1011.62, Florida Statutes.

⁴ Fiscal Year 2022-2023 General Appropriations Act, chapter 2022-156, Laws of Florida.

⁵ Section 1011.66, Florida Statutes.

⁶ Florida Department of Education, *2022-23 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf> at 28.

In addition to the 67 school districts, the Florida Virtual School⁷ and the state's developmental research (laboratory) schools⁸ are funded in the FEFP.

The FEFP is comprised of two main parts: (a) base FEFP funding and (b) categoricals.

The base FEFP funding is derived by multiplying the FTE in each program by the: (a) cost factor for that program, (b) district cost differential, and (c) base student allocation.

Program cost factors assure that each program funded in the FEFP receives an equitable share of funds in relation to its relative cost per student. Through the annual cost report, school districts report the expenditures for each program. Multiplying the number of FTE students for a program by its cost factor produces "weighted FTE." This calculation weights the FTE to reflect the relative costs of the programs, as represented by the program cost factors.⁹

The commissioner is required to annually compute the DCD for each school district.¹⁰ The DCD is used to increase or decrease each school district's base FEFP funding to reflect the relative cost of hiring comparably qualified school personnel across Florida's school districts. To calculate the DCD, the Florida Price Level Index is used which is a comparable wage index. The calculation is based on wage data for hundreds of occupations across Florida's 67 counties collected by the Florida Department of Economic Opportunity's Bureau of Labor Market Statistics as part of the U.S. Bureau of Labor Statistics' Occupational Employment Statistics survey.¹¹

The base student allocation (BSA) for the FEFP is determined annually by the Legislature¹² and represents the "base" or minimum amount of funds each student generates for the school district. For the Fiscal Year 2022-2023 FEFP, the BSA is \$4,587.40.¹³

Based on the 3rd calculation of the Fiscal Year 2022-2023 FEFP, the total base FEFP funding is \$15.0 billion.

The second main part of the FEFP is referred to as categoricals which are individual allocations provided in the FEFP. There are two types of categoricals:

- Categoricals that have either a district- or student-eligibility requirement in order for the school district to receive the funds.
- Categoricals that have a statutorily established funding policy that directs how the funds must be used.

⁷ Section 1002.37(3), Florida Statutes.

⁸ Section 1002.32(9), Florida Statutes.

⁹ Section 1011.62, Florida Statutes.

¹⁰ Section 1011.62(2), Florida Statutes.

¹¹ The 2022 Florida Price Level Index, January 31, 2023, Jim Dewey, Director of Economic Analysis, Florida Polytechnic University.

¹² Section 1011.62(1)(b), Florida Statutes.

¹³ Fiscal Year 2022-2023 General Appropriations Act, chapter 2022-156, Laws of Florida.

There are 17 categoricals funded in the Fiscal Year 2022-2023 FEFP.¹⁴ The following chart lists the nine categoricals that have either a district- or student-eligibility requirement:

Categorical	Statute	Fiscal Year Established	Eligibility Requirement
0.748 Mills Discretionary Compression	s. 1011.62(5)	1999-2000	School districts that levy the full 0.748 mills but generate an amount per unweighted FTE that is less than the state average per unweighted FTE.
DJJ Supplemental Allocation	s. 1011.62(9)	2007-2008	Students enrolled in a juvenile justice education program.
ESE Guaranteed Allocation	s. 1011.62(1)(e)	2000-2001	Students whose level of support is less than Support Levels IV and V and kindergarten through grade 8 gifted students.
Federally-Connected Student Supplement	s. 1011.62(10)	2015-2016	School districts eligible for the federal Impact Aid program.
Funding Compression & Hold Harmless	s. 1011.62(15)	2018-2019 ¹⁵	School districts whose (a) funds per unweighted FTE in the prior fiscal year were less than the statewide average or (b) DCD in the current year is less than the prior year.
Sparsity Supplement	s. 1011.62(7)	1975-1976	School districts with 30,000 or fewer FTE.
State-Funded Discretionary Contribution	s. 1002.37(3)(f) s. 1002.32(9)	1998-1999	Florida Virtual School and the six developmental research schools in lieu of the discretionary local tax revenue.
Student Transportation	s. 1011.68	1981-1982	Student in kindergarten through grade 12, migrant students, and students in exceptional student programs below kindergarten who are eligible to receive transportation to school.
Turnaround Supplemental Services Allocation	s. 1011.62(17)	2020-2021	District-managed turnaround schools earning two consecutive grades of “D” or “F”, district-managed turnaround schools earning a grade of “C” or higher and are no longer in turnaround status, and schools that earn three consecutive grades below a “C”.

¹⁴ Section 1011.62(2), Florida Statutes.

¹⁵ Ch 2022-157, ss. 6, Laws of Fla, extends the repeal date from July 1, 2022 to July 1, 2023.

Effect of the Bill

The bill renames the DCD as the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district's CWF is greater than 1.000. The bill also authorizes the application of the modified adjustment to any categorical provided in the FEFP that has a calculation methodology that includes the CWF.

The bill makes the following changes to the categoricals currently funded in the FEFP:

Categorical	Change
Funding Compression & Hold Harmless	Does not extend repeal date.
Sparsity Supplement	Repeals categorical.
Turnaround Supplemental Services Allocation	Repeals categorical but incorporates the eligible uses of this categorical in the modified Supplemental Academic Instruction categorical.
Instructional Materials Allocation	Repeals categorical but the underlying funding policies are retained.
Mental Health Assistance Allocation	Repeals categorical but creates a new section of law that includes the original underlying funding policy.
Reading Instruction Allocation	Repeals categorical but creates a new section of law that includes the original underlying funding policy.
Safe Schools Allocation	Repeals categorical but the underlying funding policies are retained.
Teacher Salary Increase Allocation	Repeals categorical but retains the requirement of \$47,500 as the minimum base salary for full-time classroom teachers.
Teacher Classroom Supply Assistance Program	Deletes the inclusion of the categorical in the FEFP and modifies the underlying funding policy to: (a) authorize the DOE to administer a competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies; and (b) require if a school does not have a school advisory council, that any unused funds be expended for classroom materials and supplies as determined by the school principal.
DJJ Supplement Allocation	Retains categorical and modifies the eligible uses of categorical funding to

Categorical	Change
	include ¹⁶ : (a) payment for the high school equivalency exam fees for juvenile justice students who pass the high school equivalency exam while in a juvenile justice education program, b) industry credentialing testing fees, and (c) costs associated with juvenile justice students enrolled in career and technical education courses that lead to industry-recognized certifications.
ESE Guaranteed Allocation	Retains categorical and establishes a calculation methodology.
State-Funded Discretionary Contribution	Retains categorical and codifies the calculation methodology.
Supplemental Academic Instruction	Renames categorical as the Supplemental Academic and Support Services categorical and modifies: (a) the eligible uses of the categorical to include the uses included in the Turnaround Supplemental Services Allocation; and (b) the calculation methodology for the categorical.
State-Funded Discretionary Supplement	Creates new categorical and establishes its calculation methodology.
Federally Connected Student Supplement	No changes.
Student Transportation	No changes.
0.748 Mills Discretionary Compression	No changes.
Class Size Reduction	No changes.

Group Two Education Programs

Present Situation

There are seven education programs for purposes of determining funding in the FEFP:

- Basic Programs:
 - Kindergarten and Grades 1 – 3.
 - Grades 4 – 8.
 - Grades 9 – 12.
- Programs for Exceptional Student Education (ESE):
 - Support Level IV.
 - Support Level V.
- Secondary Career Education Programs.
- English for Speakers of Other Languages (ESOL).¹⁷

¹⁶ These eligible uses have previously been included in proviso associated with the DJJ Supplement Allocation.

¹⁷ Section 1011.62(1)(c), F.S.

As part of its calculation of each school district's maximum total weighted FTE student enrollment, current law establishes separate enrollment ceilings for each of the two program groups:

- Group 1 – is comprised of basic programs for grades K - 3, grades 4 - 8 and grades 9 – 12.
- Group 2 – is comprised of students in ESE programs Support Levels IV and V, ESOL, and secondary career education programs.

For any calculation of the FEFP, the enrollment ceiling for Group 1 is the actual enrollment for each education program in the program group multiplied by its appropriate program cost factor. The result is that there is no “cap” for Group 1 FTE.

However, the enrollment ceiling for Group 2 programs is established based on each school district's appropriated number of FTE in each program. For purposes of funding in the FEFP, the appropriated FTE in each education program is multiplied by the program's cost factor and the resulting weighted FTE, aggregated by the program group, is the Group 2 ceiling. After actual FTE is reported in subsequent FTE surveys, Group 2 FTE in excess of the enrollment ceiling receive a program cost factor of 1.0.¹⁸ A statewide “cap” of 385,530.20 weighted FTE was set for the Group 2 enrollment ceiling for Fiscal Year 2022-2023.

Effect of the Bill

The bill repeals the statutory requirement that the Group 2 ceiling is set at the appropriated number of Group 2 FTE.

Family Empowerment Scholarship Program

Present Situation

The Family Empowerment Scholarship (FES) program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources, children of law enforcement and armed forces families, and children with disabilities. The FES program includes two types of scholarships with one assisting eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school (FES-Educational Options or EO), and the other providing access to additional education options for a students with a qualifying disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs and specialized services (FES-Unique Abilities or UA). Each type of scholarship has certain student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.¹⁹

¹⁸ Section 1011.62(1)(d), F.S.

¹⁹ Section 1002.394, F.S. See also Rule 6A-6.0952, F.A.C. The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship was repealed effective July 1, 2021, s. 2, ch. 2021-27 Laws of Florida. The McKay Scholarship was repealed effective July 1, 2022, s. 3, ch. 2021-27, Laws of Florida.

FES-EO Eligibility

A student is eligible for a scholarship to attend private school if the student meets the following criteria:

- The student is on the direct certification list (list of children who qualify for the food assistance program, the Temporary Assistance to Needy Families Program, or the Food Distribution on Indian Reservations program) or the student's household income level does not exceed 185 percent of the federal poverty level (FPL) (\$51,337.50²⁰ for a family of four) for the 2022-2023 school year;
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care;
- The student's household income level does not exceed an adjusted maximum percent of the FPL, which is set at 400 percent of the FPL (\$111,000²¹ for a family of four) for the 2022-2023 school year;²²
- The student is a sibling of a student who is participating in the FES-EO and the siblings reside in the same household;
- The student is a dependent child of a member of the United States Armed Forces, including a reservist;²³ or
- The student is a dependent child of a law enforcement officer.

The FES-EO eligibility continues for a student receiving a scholarship to attend private school until the student returns to a public school, graduates from high school, or turns 21 years old, whichever occurs first, regardless if the student's household income exceeds the federal poverty level cap in subsequent years.²⁴

FES-EO Scholarship Amount

The FES-EO scholarship program is funded through the FEFP with a scholarship awarded by a scholarship-funding organization (SFO).²⁵ The amount of the scholarship is either the calculated amount or the amount of the private school's tuition and fees, whichever is less. The calculated amount is based upon the grade level and school district in which the scholarship student was assigned. The amount is equal to 100 percent of the funds per unweighted FTE in the FEFP for a student in the basic program plus a per-FTE share of all categorical funds, except for the ESE

²⁰ Step Up for Students, *2022-2023 Family Empowerment Scholarship for Educational Options Parent Handbook* (July 2022), at 3, available at <https://www.stepupforstudents.org/wp-content/uploads/2022-2023-FES-EO-Parent-Handbook-Final-Draft.pdf>.

²¹ *Id.*

²² Section 1002.394(3)(a)3, F.S. The Federal Poverty Level may be increased by 25 percentage points in the fiscal year following a fiscal year in which more than 5 percent of the allowable scholarships have not been funded. The eligibility for the 2021-2022 school year was set at 375 percent of the FPL.

²³ A member of the United States Armed Forces means a member of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Space Force, including a Reservist. Rule 6A-6.0952(2)(f), F.A.C.

²⁴ Section 1002.394, F.S.

²⁵ *Id.* The Department of Education must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394, F.S.

Guaranteed Allocation, as funded in the General Appropriations Act (GAA).²⁶ The DOE determines the calculated amount of the scholarship, by grade level, per school district and cross-checks scholarship students with public school enrollment to avoid duplication.²⁷

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer scholarship funds to the SFO for disbursement to parents of participating FES-EO students. Initial scholarship payments are made after the SFO verifies the student's admission acceptance to an eligible private school, with all subsequent scholarship payments occurring upon verification of continued enrollment and attendance at the private school.²⁸

Upon completion of the FTE membership surveys, the calculated amount of the scholarship is not recalculated when the FEFP is recalculated; rather the calculated scholarship amount is based upon the 1st calculation (GAA conference report) of the FEFP and is continued throughout the fiscal year.

FES-EO Scholarships Funded

For the 2019-2020 school year, a maximum program capacity for FES-EO scholarships was established at 18,000 students. Beginning in Fiscal Year 2020-2021, the maximum number of students participating in the scholarship program increases by one percent of the state's total kindergarten through grade 12 FTE student membership each year. Beginning with Fiscal Year 2021-2022, the following types of students are excluded from counting against the maximum program cap:

- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who meet the eligibility requirements of being on the direct certification list or meet household income requirements or students placed in foster care or out-of-home care and either spent the prior school year in attendance at a Florida public school, or beginning in Fiscal Year 2022-2023, is eligible to enroll in kindergarten.²⁹

The following chart shows the number of FES-EO scholarships funded since its establishment in Fiscal Year 2019-2020:

Fiscal Year	Authorized Maximum Cap	Total Funded & Included in the Cap	Total Funded & Excluded from Cap	Total Scholarships Funded
2019-2020	18,000	17,820	N/A	17,820
2020-2021	46,889	34,426	N/A	34,426
2021-2022	75,573	53,495	24,226	77,721

²⁶ Section 1002.394(12)(a)2, F.S. See also Step Up For Students, *Income-Based Scholarship Programs Basic Scholarship Amounts for 2022-23*, available at https://www.stepupforstudents.org/wp-content/uploads/Step-Up-For-Students_Income-Based-Scholarship-Amounts.pdf.

²⁷ *Id.*

²⁸ Section 1002.394(12), F.S. Scholarship payments are made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

²⁹ Section 1002.394(12), F.S.

Fiscal Year	Authorized Maximum Cap	Total Funded & Included in the Cap	Total Funded & Excluded from Cap	Total Scholarships Funded
2022-2023 (Thru Nov)	104,807	49,789	38,262	88,051

Data Source – Florida Department of Education

FES-UA Eligibility

A parent of a student with a disability may request and receive a scholarship for the purpose of accessing additional education options if the student:

- Is a resident of this state;
- Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
- Has a qualifying disability as defined in s. 1002.394(2), Florida Statutes; and
- Is the subject of an Individual Education Plan (IEP) written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.³⁰

FES-UA Scholarship Amount

The FES-UA scholarship program is also funded through the FEFP with a scholarship awarded by a SFO. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount must be based on the grade level and school district in which the student would have been enrolled. The amount is equal to the total funds per unweighted FTE in the FEFP for a student in the basic exceptional student education program plus a per-FTE share of all categorical funds as funded in the GAA, except that for the ESE guaranteed allocation, the funds must be allocated based on the school district's average ESE guaranteed allocation funds per ESE full-time equivalent student.

For a student with a Support Level IV or Support Level V matrix of services, the calculated amount must be based upon the school district to which the student would have been assigned as the total funds per FTE for the Level IV or Level V ESE program, plus a per-FTE share of all categorical funds as funded in the GAA.

For a student who received a Gardiner Scholarship or a John M. McKay Scholarship in the 2020-2021 school year, the amount shall be the greater of the calculated amount or the amount the student received for the 2020-2021 school year.

³⁰ Section 1002.394(3)(b), F.S.

FES-UA Scholarships Funded

For the 2021-2022 school year, a maximum program capacity for FES-UA scholarships was established at 20,000 students. For the 2022-2023 school year, the maximum number of FES-UA scholarships is established at 26,500 students. Beginning with the 2023-2024 school year, and annually thereafter, the maximum number of students participating in the scholarship program annually increases by one percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students.³¹

The maximum program capacity does not include the following students who are excluded:

- Students who received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year;
- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who spent the prior school year in attendance at a Florida public school or received a McKay Scholarship in the 2021-2022 school year.³²

FES-UA Scholarships Funded³³

Fiscal Year	Authorized Maximum Cap	Total Funded & Included in the Cap	Total Funded & Excluded from Cap	Total Scholarships Funded
2021-2022	20,000	20,219	5,967	26,186
2022-2023 (Thru Nov)	26,500	26,478	44,040	70,518

Funding Family Empowerment Scholarships in the FEFP

For both the FES-EO and FES-UA scholarships, the SFO must provide to the DOE the documentation necessary to verify the student's eligible participation in the scholarship program.

For the FES-EO scholarship program, the DOE transfers, from state FEFP funds only, the amount of the scholarship to the SFO for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. When a student enters the scholarship program, the SFO must receive all documentation required for the student's participation, including the private school's and the student's fee schedule, at least 30 days before the first quarterly scholarship payment is made for the student.

For the FES-UA scholarship program, the DOE releases, from state FEFP funds only, the student's scholarship funds to the SFO, to be deposited into the student's account in four equal

³¹ Section 1002.394(12)(b), F.S.

³² Section 1002.394(12)(b)1.a.-c, F.S. See also Florida Department of Education, State Board of Education August 18, 2021 Agenda, *Family Empowerment Scholarship Program Presentation*, at 5, available at <https://www.fldoe.org/core/fileparse.php/19998/urlt/6-3.pdf>.

³³ The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship Program was repealed effective July 1, 2021, s. 2, ch. 2021-27, Laws of Florida. The John M. McKay Scholarship Program was repealed effective July 1, 2022, s. 3, ch. 2021-27, Laws of Florida.

amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.³⁴

Effect of the Bill

The bill amends the calculation methodology of both the FES-EO and FES-UA scholarships as follows:

- For the FES-EO scholarships, the calculated amount is based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted FTE in the FEFP for a student in the basic program established pursuant to s. 1011.62(1)(c)1., F.S., plus a per FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, State-Funded Discretionary Supplement, and the Supplemental Academic and Support Services Allocation.
- For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated FES-UA scholarship amount is based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted FTE in the FEFP for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), F.S., plus a per-FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, the State-Funded Discretionary Supplement, the Supplemental Academic and Support Services Allocation, and the ESE Guaranteed Allocation.

For a student who has a Support Level IV or Support Level V matrix of services, the calculated FES-UA scholarship amount is based upon the school district to which the student would have been assigned as the total funds per-FTE for the Level IV or Level V exceptional student education programs pursuant to s. 1011.62(1)(c)2.a.b., F.S., plus a per-FTE share of funds for the 0.748 Discretionary Millage Compression Supplement, the State-Funded Discretionary Supplement, and the Supplemental Academic and Support Services Allocation.

Recruitment of Heroes Program

Effect of the Bill

Subject to legislative appropriation, the bill requires the DOE to provide a one-time, sign-on bonus to honorably discharged or retired military veterans and retired first responders as defined in s. 112.1815(1), F.S., who commit to joining the teaching profession as full-time classroom teachers. An honorably discharged or retired military veteran or retired first responder may receive an additional bonus for teaching a course in a high-demand teacher need area as identified by the DOE.

To be eligible to receive a sign-on bonus, the bill requires the applicant to provide the following to the DOE:

- Documentation of his or her honorable discharge or retirement.
- Documentation that he or she was not subject to any disciplinary action during the last 5 years of his or her employment as a servicemember in the United States Armed Forces or as

³⁴ Section 1002.394(12), F.S.

a first responder. The term “disciplinary action” includes suspensions, dismissals, and involuntary demotions that were associated with disciplinary actions.

- A copy of his or her professional certificate or temporary certificate issues pursuant to s. 1012.56(7), F.S.
- Documentation that he or she agrees to maintain employment with the school district or charter school for a minimum of two consecutive school years upon receipt of the sign-on bonus. An individual who accepts a sign-on bonus but fails to maintain his or her employment requirement must reimburse the DOE to amount of the sign-on bonus in a manner prescribed by the DOE.

The bill assigns responsibilities to the DOE for purposes of distributing the sign-on bonuses.

A school district that employs an eligible honorably discharged or retired military veteran or retired first responder must provide any necessary information requested by the DOE and notify the eligible honorably discharged or retired military veteran or retired first responder that employment may impact his or her pension from a previous employer.

The bill authorizes the State Board of Education to adopt rules to implement the sign-on bonus program. The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms statutes to the FEFP proposed by the House of Representatives for Fiscal Year 2023-2024 which includes:

- \$2.1 billion increase in total FEFP funding;
- \$823.9 million in state FEFP funding;
- \$805.7 million in new funds for the base FEFP funding in addition to the \$1.8 billion transferred from nine categoricals to the base FEFP funding;
- \$760.76 increase in the BSA; and
- \$459.11 increase in the statewide average funds per student.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides the State Board of Education with rule-making authority for the one-time, sign-on bonus program established in Section 48 of the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.1228, 420.22, 1001.215, 1001.26, 1001.43, 1002.32, 1002.33, 1002.37, 1002.394, 1002.45, 1002.59, 1002.71, 1002.84, 1002.89, 1003.03, 1003.4201, 1003.4203, 1003.485, 1003.4935, 1003.621, 1004.935, 1006.041, 1006.07, 1006.12, 1006.1493, 1006.28, 1006.40, 1007.271, 1008.25, 1008.345, 1008.365, 1008.44, 1010.20, 1011.60, 1011.61, 1011.62, 1011.622, 1011.67, 1011.68, 1011.69, 1011.71, 1011.84, 1012.22, 1012.44, 1012.584, 1012.586, 1012.71, and 1012.715.

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:**Barcode 825760 by Appropriations on April 25, 2023:**

The amendment removes from the bill:

- All conforming changes relating to the CAPE (Digital Materials, Digital Tool Certificates, CAPE Industry Certification Funding List).
- The deletion of the Safe Schools and Mental Health Allocations, and retains such allocations as a categorical in the FEFP, but makes some revisions to such allocations.

The amendment modifies the bill as follows:

- Replaces the Supplemental Academic Instruction Allocation with the Educational Enrichment Allocation, incorporating the turnaround provisions into this section.
- Incorporates the Other Instructional Personnel into the Teacher Salary Increase funds allowing legislature to apportion an amount of funds to assist with minimum salary for full-time classroom teachers.
- Requires the newly added State-Funded Discretionary to be recalculated during the fiscal year, rather than it may not be recalculated.

The amendment adds to the bill:

- The creation of the Educational Stabilization Program, to provide supplemental state funds as needed to protect school districts, including charter schools from financial instability as a result of changes in full-time equivalent student enrollment (FTE) throughout the year.
- The creation of the Small District Factor, replacing the current sparsity funding.
- An adjustment for program cost factors, requiring secondary career education programs must be greater than the cost factor for basic programs in grade 9 through 12.
- Flexibility for districts to provide salary incentives to instructional personnel who are assigned to “D” or “F” schools.
- Definition of Library Media Center
- Creation of The Florida School for Academics.
- Revisions to the number of out-of-district students that can be served in a districts virtual program.
- Expands the incentives to school readiness personnel possessing a reading certification or endorsement or a literacy micro-credential to include those who work in a child care or early learning setting.



154606

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/25/2023	.	
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	.	

The Committee on Appropriations (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (d) and (f) of subsection (2) of
section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and
records of all district school boards in counties with



154606

populations of fewer than 150,000, according to the most recent federal decennial statewide census, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

(f) At least every 3 years, conduct operational audits of the accounts and records of state agencies, state universities, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Paragraph (a) of subsection (1) of section 110.1228, Florida Statutes, is amended to read:

110.1228 Participation by small counties, small municipalities, and district school boards located in small counties.—

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

(a) "District school board" means a district school board located in a small county or a district school board that receives funding pursuant to s. 1011.62(1)(f) ~~s. 1011.62(7)~~.

Section 3. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—



154606

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Governors or the designee of the board for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. Within the classification and pay plans established by the Board of Trustees for the Florida School for Competitive Academics of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

Section 4. Subsection (6) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Children and Families or the Agency for Persons with



154606

Disabilities.—

(6) Notwithstanding the provisions of s. 1001.42(4)(m), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (17) ~~(6)~~ and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 5. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is ~~shall be~~ deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is ~~shall be~~ deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is ~~shall be~~ deemed to be the public employer with respect to all employees of the community college. The district school board is ~~shall be~~ deemed to be the public employer with respect to all



154606

employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind ~~is shall be~~ deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Board of Trustees of the Florida School for Competitive Academics is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for Competitive Academics. The Governor ~~is shall be~~ deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 6. Subsection (6) is added to section 1000.04, Florida Statutes, to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 education system.—Florida's Early Learning-20 education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The Florida School for Competitive Academics is a component of the delivery of public education within Florida's Early Learning-20 education system.

Section 7. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—



154606

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, and Florida College System institutions in Florida.

If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, the Board of Trustees for the Florida School for Competitive Academics, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, or the Florida College System institution, the office must ~~shall~~ conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and



154606

responsibilities authorized in s. 20.055.

Section 8. Subsections (8) through (12) of section 1001.215, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and subsections (1), (3), (4), and (6) and present subsection (7) of that section are amended, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(1) Provide training to reading coaches and school administrators on the evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ for purposes of implementation, modeling, and classroom observations to support professional growth and inform performance evaluations of instructional personnel.

(3) Work with the Lastinger Center for Learning at the University of Florida to develop training for K-12 teachers, reading coaches, and school administrators on effective content-area-specific reading strategies; the coordinated integration of content-rich curriculum from other core subject areas into reading instruction, with an emphasis on civic literacy; and evidence-based reading strategies identified pursuant to subsection (7) ~~(8)~~ to improve student reading performance. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources



154606

that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills, including student attainment of the Next Generation Sunshine State Standards for social studies, science, and the arts. The office shall, as part of the adoption cycle for English Language Arts instructional materials, assist in evaluating elementary grades instructional materials submitted for adoption consideration in order to identify those materials that are closely aligned to the content and evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ and incorporate professional development to implement such strategies.

(6) Provide technical assistance to school districts in the development and implementation of district plans required under s. 1003.4201 ~~for use of the evidence-based reading instruction allocation provided in s. 1011.62(8)~~ and annually review and approve such plans.

~~(7) Review, evaluate, and provide technical assistance to school districts' implementation of the comprehensive reading plan required in s. 1011.62(8).~~

Section 9. Notwithstanding the expiration date in section 8 of chapter 2022-157, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted and amended to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television and radio stations qualified by the Corporation for Public Broadcasting or public colleges and



154606

universities that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 10. Subsection (21) 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:



154606

(21) EDUCATIONAL EMERGENCY. ~~Negotiate special provisions of its contract with the appropriate bargaining units~~ To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address. ~~The negotiations shall result in a memorandum of understanding that addresses~~ the selection, placement, compensation, and expectations of instructional personnel and provide ~~provides~~ principals with the autonomy described in s. 1012.28(8). For purposes of this subsection, an educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F." Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

(a) Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.

(b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.

Section 11. Paragraph (h) is added to subsection (2) of section 1001.43, Florida Statutes, to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or



154606

State Board of Education rule.

(2) FISCAL MANAGEMENT.—The district school board may adopt policies providing for fiscal management of the school district with respect to school purchasing, facilities, nonstate revenue sources, budgeting, fundraising, and other activities relating to the fiscal management of district resources, including, but not limited to, the policies governing:

(h) Assessment of a kindergarten through grade 12 student fee for voluntary, noncredit summer school enrollment in basic program courses. The amount of any student fee shall be based on the ability of the student to pay such fee as determined by district school board policy.

Section 12. Paragraphs (e) through (h) of subsection (9) of section 1002.32, Florida Statutes, are redesignated as paragraphs (d) through (g), respectively, and present paragraphs (a) and (d) of that subsection are amended, to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(a) Each lab school shall receive state funds for operating purposes as provided in ~~be allocated its proportional share of operating funds from~~ the Florida Education Finance Program as defined ~~provided~~ in s. 1011.61(5) ~~s. 1011.62~~ based on the county in which the lab school is located and as specified in the General Appropriations Act.

1. The nonvoted required local effort millage established pursuant to s. 1011.71(1) ~~ad valorem millage~~ that would otherwise be required for lab schools shall be allocated from state funds.



154606

2. An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each lab school through a state-funded discretionary contribution established pursuant to s. 1011.62(6)
~~The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school in operation as of September 1, 2013, with a permanent high school center shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.~~

~~(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School~~



154606

~~Trust Fund.~~

Section 13. Section 1002.351, Florida Statutes, is created to read:

1002.351 The Florida School for Competitive Academics.—

(1) ESTABLISHMENT.—There is established the Florida School for Competitive Academics. The school shall be located in Alachua County and is a state-supported public school for Florida residents in grades 6-12. The primary purpose of the school is to provide a rigorous academic curriculum, and the secondary purpose is to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics. The school may admit students in grades 6-12 beginning in the 2024-2025 school year.

(2) MISSION.—

(a) The mission of the Florida School for Competitive Academics is to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

(b) To assist in the recruitment of students, the Florida School for Competitive Academics must be included in the school choice online portal established under s. 1001.10(10). The portal must include information about the opportunity for parents to submit their child's educational records to the Florida School for Competitive Academics for consideration for admission.

(3) BOARD OF TRUSTEES.—



154606

(a)1. The Florida School for Competitive Academics shall be governed by a board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, shall be appointed to 4-year terms beginning July 1, 2023, and three members shall be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair shall be elected by the board.

2. No more than one employee of the school may serve on the board of trustees as a member or as chair.

(b) Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(c) The board of trustees is a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members are public officers who bear fiduciary responsibility for the Florida School for Competitive Academics.

(d) The board of trustees is a body corporate with all the powers of a body corporate and with such authority as is needed for the proper operation and improvement of the Florida School for Competitive Academics. Title to any gift, donation, or bequest received by the board of trustees must vest in the board of trustees. Title to all other property and other assets of the Florida School for Competitive Academics must vest in the State Board of Education, but the board of trustees has complete jurisdiction over the management of the school.

(e) The board of trustees has the full power and authority to:



154606

1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for Competitive Academics. Such rules must be submitted to the State Board of Education for approval or disapproval. After a rule is approved by the State Board of Education, the rule must be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

2. Appoint a principal, administrators, teachers, and other employees.

3. Remove principals, administrators, teachers, and other employees at the board's discretion.

4. Determine eligibility of students and procedures for admission.

5. Provide for the proper keeping of accounts and records and for budgeting of funds.

6. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.

7. Recommend to the Legislature for the school to become a residential public school.

8. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, in accordance with chapter 216 and ss. 1011.56 and 1013.60, to the Department of Education



154606

for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all purchases to be in accordance with chapter 287 except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.

4. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics, who shall be school employees, including the personnel.

5. Ensure that the Florida School for Competitive Academics complies with s. 1013.351 concerning the coordination of planning between the Florida School for Competitive Academics and local governing bodies.

6. Ensure that the Florida School for Competitive Academics complies with s. 112.061 concerning per diem and travel expenses.

7. Adopt a master plan that specifies the objectives of the Florida School for Competitive Academics. The plan must be for a period of 5 years and must be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the President of the Senate and the Speaker of the House of Representatives.

(4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees shall provide for the content and custody of student and



154606

employee personnel records. Student records are subject to s.
1002.22. Employee records are subject to s. 1012.31.

(5) PERSONNEL.—

(a) The Florida School for Competitive Academics Board of Trustees shall require all employees and applicants for employment to undergo background screening as provided in s. 1012.32 as a condition of employment and continued employment. Members of the board of trustees must also undergo background screening in accordance with the relevant provisions of s. 1012.32. An individual may not be employed as an employee or contract personnel of the school or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(b) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. Classroom teachers employed by the school must be certified pursuant to chapter 1012.

3. Each person employed by the board of trustees in an academic, administrative, or instructional capacity with the Florida School for Competitive Academics is entitled to a contract as provided by rules of the board of trustees.

4. All employees, except temporary, seasonal, and student



154606

employees, may be provided Florida Retirement System benefits from the school through operational costs.

(6) FUNDING.—

(a) The Florida School for Competitive Academics shall receive state funds for operating purposes as provided in the General Appropriations Act.

(b) In addition to the funds provided in the General Appropriations Act, the Florida School for Competitive Academics may receive other funds from grants and donations.

(7) AUDITS.—The Auditor General shall conduct audits of the accounts and records of the Florida School for Competitive Academics as provided in s. 11.45. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

(8) EXEMPTION FROM STATUTES.—

(a) The Florida School for Competitive Academics is exempt from all statutes in chapters 1000-1013. However, the Florida School for Competitive Academics shall be in compliance with the following statutes in chapters 1000-1013:

1. This section.

2. Those statutes pertaining to the student assessment program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including, but not limited to, s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.

(b) Additionally, the Florida School for Competitive



154606

Academics shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1006.12, relating to safe-school officers.

4. Section 1006.07(7), relating to threat assessment teams.

5. Section 1006.07(9), relating to school environmental safety incident reporting.

6. Section 1006.07(10), relating to reporting of involuntary examinations.

7. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

8. Section 1006.07(6)(d), relating to adopting active assailant response plans.

9. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

10. Section 1012.584, relating to youth mental health awareness and assistance training.

11. Section 1003.4282, relating to requirements for a standard high school diploma.

12. Section 1003.03(1), relating to class size maximums.

13.a. Section 1011.61, relating to instructional hours requirements.

b. Notwithstanding sub-subparagraph a., the school may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

(c) For purposes of this subsection:

1. The duties assigned to a district school superintendent apply to the director of the Florida School for Competitive



154606

Academics.

2. The duties assigned to a district school board apply to the board of trustees.

Section 14. Paragraphs (e) and (f) of subsection (3) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(e) The comparable wage factor ~~district cost differential~~ as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive state funds for operating purposes as provided in the General Appropriations Act. The calculation to determine the amount of state funds includes: the sum of the basic amount for current operations established in s. 1011.62(1)(s), the discretionary millage compression supplement established in s. 1011.62(5) ~~base Florida Education Finance Program funding~~, the state-funded discretionary contribution established in s. 1011.62(6), ~~and a~~ per-full-time equivalent share of the ~~discretionary millage compression supplement~~, the exceptional student education guaranteed allocation established in s. 1011.62(8), ~~and the~~ mental health assistance allocation established in s. 1011.62(13) ~~the instructional materials allocation, the evidence-based reading instruction allocation, the mental health assistance allocation, and the teacher salary increase allocation. For the purpose of calculating the state-funded discretionary contribution, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current~~



154606

~~year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. Funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.~~

Section 15. Subsection (12) of section 1002.394, Florida Statutes, as amended by chapter 2023-16, Laws of Florida, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3) (a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6) (1)2. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3) (a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1) (c)1., plus a per-full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7) (a), and (16), as funded in the General Appropriations Act, ~~except for the exceptional student education guaranteed allocation established pursuant to s. 1011.62(1) (e).~~

2. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to an eligible student who is enrolled in a Florida



154606

public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3. The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation, the department shall transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

4. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An organization shall ensure that the parent has approved a funds



154606

transfer before any scholarship funds are deposited.

5. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3)(a) which has a balance in excess of \$24,000.

(b)1. Scholarships for students determined eligible pursuant to paragraph (3)(b) are established for up to 26,500 students annually beginning in the 2022-2023 school year. Beginning in the 2023-2024 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 3.0 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the preceding October or February full-time equivalent student



154606

membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d) ~~s. 1011.62(1)(e)1. and (e)1.e.,~~ plus a per full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established, as ~~funded in the General Appropriations Act, except that for the exceptional student education guaranteed allocation, as provided in s. 1011.62(8) s. 1011.62(1)(e)1.e. and 2.,~~ the funds must be allocated based on the school district's average exceptional



154606

student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must provide the department with the documentation necessary to verify the student's participation.

7. Upon receiving the documentation, the department shall release, from state funds only, the student's scholarship funds to the organization, to be deposited into the student's account in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.



154606

8. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

9. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

10. An organization may not transfer any funds to an account of a student determined to be eligible pursuant to paragraph (3)(b) which has a balance in excess of \$50,000.

11. Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

Section 16. Paragraph (e) of subsection (1) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(e) Each school district shall:

1. Provide to the department by each October 1, a copy of each contract and the amount paid per unweighted full-time equivalent virtual student for services procured pursuant to subparagraphs (c)1. and 2.

2. Expend any difference in the amount of funds per



154606

unweighted full-time equivalent virtual student allocated to the school district pursuant to subsection (6) and the amount paid per unweighted full-time equivalent virtual student by the school district for a contract executed pursuant to subparagraph (c)1. or subparagraph (c)2. on acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.

3. Provide to the department by September 1 of each year an itemized list of items acquired in subparagraph 2.

4. Limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction pursuant to paragraph (c) to no more than those that can be funded from state Florida Education Finance Program funds ~~50 percent of the total enrolled full-time equivalent virtual students residing inside the school district providing the virtual instruction. This subparagraph applies to any virtual instruction contract or agreement that is entered into for the first time after June 30, 2021. However, a school district may not enroll more full-time equivalent virtual students residing outside of the school district than the total number of reported full-time equivalent students residing inside the school district.~~

(6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the Florida Education Finance Program shall include the sum of the



154606

basic amount for current operations established in ~~base Florida Education Finance Program pursuant to~~ s. 1011.62(1)(s) and all categorical programs except for the categorical programs established in ss. 1011.62(7), (12), and (14), 1011.68, and 1011.685 ~~pursuant to ss. 1011.62(1)(f), (7), and (13); 1011.68; 1011.685; and 1012.71~~. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

Section 17. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The department, in collaboration with the Just Read, Florida! Office, shall adopt minimum standards for courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development, consistent with the evidence-based content and strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~. The course standards must be reviewed as part of any review of subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas conducted pursuant to s. 1012.586. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary



154606

Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

Section 18. Paragraph (b) of subsection (3) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

Section 19. Paragraph (a) of subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to the eligible providers using the following methodology:

1. For each county in the early learning coalition, multiply the cost of care by care level as provided in s. 1002.90 by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).

2. If a county enacted a local ordinance before January 1,



154606

2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the provider reimbursement rates for that county by the adjustment factor specified in the General Appropriations Act.

3. Apply the weight established pursuant to s. 1002.90 for each provider type to calculate the minimum provider reimbursement rates by care level.

4. Multiply the weighted provider reimbursement rates by 22 percent to determine the amount of the school readiness allocation an early learning coalition is eligible to retain pursuant to s. 1002.89(4).

Each early learning coalition with approved minimum provider reimbursement rates for the infant to age 5 care levels that are higher than the minimum provider reimbursement rates established in this subsection may continue to implement its approved minimum provider reimbursement rates until the rates established in this subsection exceed its approved rates.

Section 20. Paragraph (a) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(a) *School readiness program allocation.*—If the annual allocation for the school readiness program is not determined in the General Appropriations Act or the substantive bill



154606

implementing the General Appropriations Act, it shall be determined as follows:

1. For each county in the early learning coalition, the total school readiness eligible population, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), shall be multiplied by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).

2. If a county passed a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the product calculated in subparagraph 1. by the adjustment factor specified in the General Appropriations Act.

3. Each county's school readiness allocation shall be based on the county's proportionate share of the total adjusted eligible school readiness population.

Section 21. Paragraph (c) of subsection (1) of section 1002.995, Florida Statutes, is amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department shall:

(c) Subject to the appropriation of funds by the Legislature, provide incentives to school readiness personnel who meet the requirements of s. 1002.88(1)(e) and prekindergarten instructors who meet the requirements specified in s. 1002.55, s. 1002.61, or s. 1002.63 and who possess a reading certification or endorsement or a literacy micro-credential as specified in s. 1003.485 and teach students in the school readiness program or the voluntary prekindergarten



154606

education program or work in the child care or early learning setting.

Section 22. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.

2. Determine the number of FTE students which exceeds the maximum for each grade group.

3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.

4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the comparable wage factor ~~district cost differential~~ in the 2014-2015 fiscal year and thereafter.

5. Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in subparagraphs 3. and 4.



154606

Section 23. Section 1003.4201, Florida Statutes, is created to read:

1003.4201 Comprehensive system of reading instruction.—Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.

(1) Each school district must develop, and submit to the district school board for approval, a detailed reading instruction plan that outlines the components of the district's comprehensive system of reading instruction. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) (a) Components of the reading instruction plan may include the following:

1. Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.

2. Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data collected pursuant to s. 1008.25(8) and improve classroom teacher delivery of effective reading instruction, reading intervention, and reading in the content areas based on student



154606

need.

3. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

4. Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.

5. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.

6. Tutoring in reading.

(b) Each school district must include in its reading instruction plan the planned school year expenditures for each component of such plan.

(3) Each school district shall submit its approved reading instruction plan, including approved reading instruction plans for each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) The department shall evaluate the implementation of each school district reading instruction plan, including conducting site visits and collecting specific data on reading improvement results.



154606

(5) By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based intensive reading and intervention strategies in the classroom.

(6) For purposes of this section, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).

Section 24. Paragraphs (g) and (h) of subsection (4) of section 1003.485, Florida Statutes, are amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(g) Develop a micro-credential that requires teachers to demonstrate competency to:

1. Diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student;

2. Use evidence-based instructional and intervention practices, including strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~; and

3. Effectively use progress monitoring and intervention materials.

(h) Administer the early literacy micro-credential program established under this section, which must include components on content, student learning, pedagogy, and professional development and must build on a strong foundation of scientifically researched and evidence-based reading



154606

instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies, as identified by the Just Read, Florida! Office, pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~.

1. At a minimum, the micro-credential curriculum must be designed specifically for instructional personnel in prekindergarten through grade 3 based upon the strategies and techniques identified in s. 1002.59 and address foundational literacy skills of students in grades 4 through 12.

2. The micro-credential must be competency based and designed for eligible instructional personnel to complete the credentialing process in no more than 60 hours, in an online format. The micro-credential may be delivered in an in-person format. Eligible instructional personnel may receive the micro-credential once competency is demonstrated even if it is prior to the completion of 60 hours.

3. The micro-credential must be available by December 31, 2022, at no cost, to instructional personnel as defined in s. 1012.01(2); prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and child care personnel as defined in ss. 402.302(3) and 1002.88(1)(e).

Section 25. Paragraphs (g) and (j) of subsection (2) of section 1003.621, Florida Statutes, are 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



154606

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:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1003.4201 ~~s. 1011.62(8)(e)~~, relating to the requirement for a comprehensive system of reading instruction plan. ~~A district that is exempt from submitting a comprehensive reading plan shall be deemed approved to receive the evidence-based reading instruction allocation.~~ Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.

(j) Those statutes relating to instructional materials, except that s. 1006.37, relating to the requisition of state-



154606

adopted materials from the depository under contract with the publisher, and s. 1006.40(3)(b), relating to the purchase use of ~~50 percent of the instructional materials allocation~~, shall be eligible for exemption.

Section 26. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the comparable wage factor ~~district cost differential~~ pursuant to the formula required by s. 1011.80(7)(a) for the district in which the student resides.

Section 27. Section 1006.041, Florida Statutes, is created to read:

1006.041 Mental health assistance program.—Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.

(1) Each school district must develop, and submit to the



154606

district school board for approval, a detailed plan outlining the components and planned expenditures of the district's mental health assistance program. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) A plan required under subsection (1) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plan must include all of the following components:

(a) Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. The providers shall include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan must also identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or



154606

student mental health assistance needs.

(b) Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth as defined in s. 456.47(1).

(c) Policies and procedures, including contracts with service providers, which will ensure that:

1. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days after referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

2. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and



154606

Internet addresses for web-based directories or guides for local behavioral health services.

3. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in such individuals' behavioral health would contribute to the improved well-being of the student.

(d) Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

(e) Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

(f) Procedures to assist a mental health services provider or a behavioral health provider as described in paragraph (a) or paragraph (b), respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as defined in s. 393.063.

(g) Policies of the school district which must require that in a student crisis situation, school or law enforcement



154606

personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or through telehealth. The mental health professional may be available to the school district either by a contract or interagency agreement with the managing entity, one or more local community-based behavioral health providers, or the local mobile response team, or be a direct or contracted school district employee.

(3) Each school district shall submit its approved plan, including approved plans of each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) Annually by September 30, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the total number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred to school-based or community-based providers for services or assistance.

(c) Students who receive school-based or community-based interventions, services, or assistance.

(d) School-based and community-based mental health providers, including licensure type.

(e) Contract-based or interagency agreement-based collaborative efforts or partnerships with community-based mental health programs, agencies, or providers.



154606

Section 28. Paragraph (b) of subsection (6) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(b) *Mental health coordinator*.—Each district school board shall identify a mental health coordinator for the district. The mental health coordinator shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting, including:

1. Coordinating with the Office of Safe Schools, established pursuant to s. 1001.212.

2. Maintaining records and reports regarding student mental health as it relates to the mental health assistance program under s. 1006.041 and school safety ~~and the mental health assistance allocation under s. 1011.62(14)~~.

3. Facilitating the implementation of school district policies relating to the respective duties and responsibilities of the school district, the superintendent, and district school



154606

principals.

4. Coordinating with the school safety specialist on the staffing and training of threat assessment teams and facilitating referrals to mental health services, as appropriate, for students and their families.

5. Coordinating with the school safety specialist on the training and resources for students and school district staff relating to youth mental health awareness and assistance.

6. Reviewing annually the school district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending such policies and procedures to the superintendent and the district school board.

Section 29. Subsection (3) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(3) The Office of Safe Schools shall make the FSSAT available no later than May 1 of each year.

(a) The office must provide annual training to each district's school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

(b) Each school district must annually report to the office by October 15 that all public schools within the school district have completed the FSSAT.

Section 30. Paragraph (c) is added to subsection (3) of section 1006.28, Florida Statutes, to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12



154606

instructional materials.—

(3) DISTRICT SCHOOL SUPERINTENDENT.—

(c) Annually by August 1, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided, that the materials are being implemented as designed, and that core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of s. 1001.215(8). Such instructional materials, as evaluated and identified pursuant to s. 1001.215(4), may be purchased by school districts without undergoing the adoption procedures in s. 1006.40(4)(b).

Section 31. Section 1006.40, Florida Statutes, is amended to read:

1006.40 Purchase ~~Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—~~

(1) On or before July 1 each year, ~~the commissioner shall certify to~~ each district school superintendent shall certify to the Commissioner of Education the estimated allocation of state funds for instructional materials, ~~computed pursuant to the provisions of s. 1011.67~~ for the ensuing fiscal year.

(2) Each district school board must purchase current instructional materials to provide 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. Such purchase



154606

must be made within the first 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.

(3)(a) Except for a school district or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283, each district school board shall ~~use the annual allocation only for the purchase of~~ instructional materials that align with state standards and are included on the state-adopted list, ~~except as otherwise authorized in paragraphs (b) and (c).~~

(b) Up to 50 percent of the amount the school district has budgeted for instructional materials ~~annual allocation~~ may be used for:

1. The purchase of library and reference books and nonprint materials.

2. The purchase of other materials having intellectual content which assist in the instruction of a subject or course. These materials may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, novels, electronic content, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.

3. The repair and renovation of textbooks and library books and replacements for items which were part of previously purchased instructional materials.

~~(c) District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of~~



154606

~~instructional materials for kindergarten, and 75 percent of that
portion of the annual allocation designated for the purchase of
instructional materials for first grade, to purchase materials
not on the state-adopted list.~~

(c)~~(d)~~ Any materials purchased pursuant to this section
must be:

1. Free of pornography and material prohibited under s.
847.012.

2. Suited to student needs and their ability to comprehend
the material presented.

3. Appropriate for the grade level and age group for which
the materials are used or made available.

(4) Each district school board is responsible for the
content of all materials used in a classroom or otherwise made
available to students. Each district school board shall adopt
rules, and each district school superintendent shall implement
procedures, that:

(a) Maximize student use of the district-approved
instructional materials.

(b) Provide a process for public review of, public comment
on, and the adoption of materials, including those used to
provide instruction required by s. 1003.42, which satisfies the
requirements of s. 1006.283(2)(b)8., 9., and 11.

~~(5) District school boards may issue purchase orders
subsequent to February 1 in an aggregate amount which does not
exceed 20 percent of the current year's allocation, and
subsequent to April 1 in an aggregate amount which does not
exceed 90 percent of the current year's allocation, for the
purpose of expediting the delivery of instructional materials~~



154606

~~which are to be paid for from the ensuing year's allocation.
This subsection does not apply to a district school board or a
consortium of school districts that implements an instructional
materials program pursuant to s. 1006.283.~~

~~(6) In any year in which the total instructional materials
allocation for a school district has not been expended or
obligated prior to June 30, the district school board shall
carry forward the unobligated amount and shall add it to the
next year's allocation.~~

~~(5)(7)~~ A district school board or a consortium of school
districts that implements an instructional materials program
pursuant to s. 1006.283 may ~~use the annual allocation to~~
purchase instructional materials not on the state-adopted list.
However, instructional materials purchased pursuant to this
section which are not included on the state-adopted list must
meet the criteria of s. 1006.31(2), align with state standards
adopted by the State Board of Education pursuant to s. 1003.41,
and be consistent with course expectations based on the
district's comprehensive plan for student progression and course
descriptions adopted in state board rule.

Section 32. Paragraph (n) of subsection (21) of section
1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(21) Each district school superintendent and each public
postsecondary institution president shall develop a
comprehensive dual enrollment articulation agreement for the
respective school district and postsecondary institution. The
superintendent and president shall establish an articulation
committee for the purpose of developing the agreement. Each



154606

state university president may designate a university representative to participate in the development of a dual enrollment articulation agreement. A dual enrollment articulation agreement shall be completed and submitted annually by the postsecondary institution to the Department of Education on or before August 1. The agreement must include, but is not limited to:

(n) A funding provision that delineates costs incurred by each entity.

1. School districts shall pay public postsecondary institutions the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction. When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution. A postsecondary institution may enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

2. School districts shall pay for the cost of instructional



154606

materials for public high school students who are earning credit toward high school graduation under the dual enrollment program.

~~3.2-~~ Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.

Section 33. Paragraph (b) of subsection (5) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. ~~Such intensive reading interventions shall be paid for using funds from the district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).~~

Section 34. Paragraph (d) of subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(5) The commissioner shall annually report to the State



154606

Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall include:

(d) Based upon a review of each school district's reading instruction plan submitted pursuant to s. 1003.4201 ~~s. 1011.62(8)~~, 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 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 35. Subsections (2), (3), and (5) of section 1008.365, Florida Statutes, are amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.—

(2) The Reading Achievement Initiative for Scholastic Excellence (RAISE) Program is established within the Department of Education to provide instructional supports to school districts, school administrators, and instructional personnel in implementing:

(a) Evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency.

(b) Differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs.

(c) Explicit and systematic reading strategies to develop



154606

phonemic awareness, phonics, fluency, vocabulary, and
comprehension with more extensive opportunities for guided
practice, error correction, and feedback ~~and interventions in~~
~~order to improve student reading achievement.~~

(3) The department shall establish at least 20 literacy support regions and regional support teams, at the direction of a regional literacy support director appointed by the Commissioner of Education, to assist schools with improving low reading scores as provided in this section.

(a) A regional literacy support director must successfully demonstrate competence on the evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and have the experience and credentials necessary, as determined by the department, to:

1. Effectively monitor student reading growth and achievement data;
2. Oversee districtwide and schoolwide professional development and planning to establish evidence-based practices among school administrators and instructional personnel;
3. Evaluate implementation of evidence-based practices; and
4. Manage a regional support team.

(b) A regional support team shall report to its regional literacy support director and must consist of individuals who:

1. Successfully demonstrate competence on the evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~;
2. Have substantial experience in literacy coaching and monitoring student progress data in reading; and
3. Have received training necessary to assist with the



154606

delivery of professional development and site-based supports, including modeling evidence-based practices and providing feedback to instructional personnel.

(5) The department shall provide progress monitoring data to regional support teams regarding the implementation of supports. Such supports must include:

(a) Professional development, aligned to evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~, for appropriate instructional personnel and school administrators identified by the regional support team.

(b) Assistance with implementing:

1. Data-informed instructional decisionmaking using progress monitoring and other appropriate data.

2. Selection and consistent, coordinated use of scientifically researched and evidence-based high-quality instructional materials and supplemental materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

3. Reading instruction in other core subject area curricula, with an emphasis on civic literacy.

4. A multitiered system of supports in order to provide students effective interventions and identify students who may require an evaluation for special educational services, including identifying characteristics of conditions that affect phonological processing, such as dyslexia.

(c) Evaluating a school's improvement plan for alignment with the school district's K-12 ~~comprehensive~~ reading instruction plan under s. 1003.4201 ~~s. 1011.62(8)(d)~~ and the school district's allocation of resources as required by s. 1008.25(3)(a). If the regional support team determines that the



154606

school district's reading instruction plan does not address the school's need to improve student outcomes, the regional literacy support director, the district school superintendent, or his or her designee, and the director of the Just Read, Florida! Office shall convene a meeting to rectify the deficiencies of the reading instruction plan.

Section 36. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1010.20, Florida Statutes, are 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) ~~s. 1011.62(6)~~.

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(17) ~~s. 1011.62(6)~~ shall be expended for the costs of the identified programs as provided by law and in accordance with the rules of the State Board of Education.

Section 37. Section 1011.58, Florida Statutes, is created to read:

1011.58 Procedures for legislative budget requests for the Florida School for Competitive Academics.—

(1)(a) The legislative budget request of the Florida School for Competitive Academics established in s. 1002.351 must be prepared using the same format, procedures, and timelines



154606

required for the submission of the legislative budget request of the Department of Education.

(b) The Florida School for Competitive Academics shall submit its legislative budget request to the Department of Education for review and approval. The school must create and submit to the department an implementation plan before the department may approve the budget request.

(c) Subsequent to the Department of Education's approval, the Commissioner of Education shall include the Florida School for Competitive Academics in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for Competitive Academics must be a separate identifiable sum in the public schools budget entity of the Department of Education.

(d) The annual appropriation for the school shall be distributed monthly, without using the Florida Education Finance Program, in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students. Transportation of students shall be provided by the school consistent with the requirements of subpart E. of part I of chapter 1006 and s. 1012.45.

(2) The school shall submit its fixed capital outlay request to the Department of Education for review and approval in accordance with s. 1002.36(4)(f)1. Subsequent to the department's approval, the school's request must be included within the department's public education capital outlay legislative budget request.



154606

Section 38. Section 1011.59, Florida Statutes, is created to read:

1011.59 Florida School for Competitive Academics; board of trustees; management flexibility.-

(1) Notwithstanding ss. 216.031, 216.181, and 216.262 and pursuant to s. 216.351, but subject to any guidelines imposed in the General Appropriations Act, funds for the operation of the Florida School for Competitive Academics shall be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories. Funds appropriated to the Florida School for Competitive Academics for each program category, lump sum, or special category may be transferred to traditional categories for expenditure by the board of trustees of the school. The board of trustees shall develop an annual operating budget that allocates funds by program component and traditional expenditure category.

(2) Notwithstanding s. 216.181 and pursuant to s. 216.351, but subject to any requirements imposed in the General Appropriations Act, a lump-sum plan is not required to implement the special categories, program categories, or lump-sum appropriations. Upon release of the special categories, program categories, or lump-sum appropriations to the board of trustees, the Chief Financial Officer shall, upon the request of the board of trustees, transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees shall maintain records to account for the original appropriation.

(3) Notwithstanding ss. 216.031, 216.181, 216.251, and 216.262 and pursuant to s. 216.351, but subject to any



154606

requirements imposed in the General Appropriations Act, the board of trustees shall establish the authorized positions and may amend such positions within the total funds authorized annually in the General Appropriations Act.

(4) Notwithstanding s. 216.301, all unexpended funds appropriated for the Florida School for Competitive Academics shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 39. Subsection (5) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(5) The "Florida Education Finance Program" includes all programs and costs as provided in ss. 1003.03, 1011.62, 1011.68, and 1011.685 ~~s. 1011.62~~.

Section 40. Paragraph (e) of subsection (1) of section 1011.62, Florida Statutes, is redesignated as paragraph (d), present paragraphs (c) through (f) and (s) of subsection (1) and subsections (2), (3), (5) through (9), and (11) through (17) are amended, and new paragraphs (e) and (f) are added to subsection (1) and new subsections (6) through (8) and (16) through (18) are added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as



154606

follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The cost factor for secondary career education programs must be greater than the cost factor for ~~and~~ basic programs grade 9 through 12 ~~shall be equal~~. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.

4. English for Speakers of Other Languages.

~~(d) Annual allocation calculation.—~~

~~1. The Department of Education is authorized and directed to review all district programs and enrollment projections and~~



154606

~~calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.~~

~~2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.~~

~~3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.~~

~~a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.~~

~~b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the~~



154606

~~increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Families and the Department of Juvenile Justice.~~

~~e. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:~~

~~(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.~~

~~(II) If the difference calculated under sub-sub-paragraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.~~

~~(III) The reduction proportion calculated under sub-sub-paragraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-paragraph (I).~~

~~(IV) The prorated reduction amount calculated under sub-sub-paragraph (III) shall be subtracted from the program's weighted enrollment to produce a revised program weighted enrollment.~~

~~(V) The prorated reduction amount calculated under sub-sub-paragraph (III) shall be divided by the appropriate program weight, and the result shall be added to the revised program~~



154606

~~weighted enrollment computed in sub-sub-subparagraph (IV).~~

~~(d)(e) Funding model for exceptional student education programs.~~
The funding model for exceptional student education programs shall include all of the following:

1.1.a. For programs for exceptional students in
~~The funding model uses basic, at-risk, support levels IV and V as~~
established in paragraph (c), the funding model shall include
~~program for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for~~
~~exceptional student education programs.~~

a. Exceptional education cost factors are determined by
using a matrix of services to document the services that each
support level IV and support level V exceptional student will
receive. The nature and intensity of the services indicated on
the matrix shall be consistent with the services described in
each exceptional student's individual educational plan. The
~~Department of Education shall review and revise the descriptions~~
~~of the services and supports included in the matrix of services~~
~~for exceptional students and shall implement those revisions~~
~~before the beginning of the 2012-2013 school year.~~

b. In order to generate funds using one of the two weighted
cost factors, a matrix of services must be completed at the time
of the student's initial placement into an exceptional student
education program and at least once every 3 years by personnel
who have received approved training. Nothing listed in the
matrix shall be construed as limiting the services a school
district must provide in order to ensure that exceptional
students are provided a free, appropriate public education.

~~c. Students identified as exceptional, in accordance with~~



154606

~~chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students.~~

~~Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.~~

2. For students identified as exceptional in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in subparagraph 1. and for students who are gifted in grades kindergarten through 8, the funding model shall include the funds generated on the basis of full-time equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for a basic student and additional funds provided by the exceptional student education guaranteed allocation established pursuant to subsection (8).

(e) Calculation of additional full-time equivalent membership for small school district exceptional student education.—An additional value per full-time equivalent student membership is provided to school districts with a full-time equivalent student membership of fewer than 10,000 and fewer than three full-time equivalent students in exceptional student education support levels IV and V. The Department of Education shall set the amount of the additional value based on documented evidence of the difference between the cost of the school district's exceptional student education support levels IV and V services and the applicable Florida Education Finance Program funds appropriated in the General Appropriations Act. The total



154606

statewide value may not exceed a value per weighted full-time equivalent student as specified in the General Appropriations Act. The additional value for an eligible school district shall not exceed three full-time equivalent students for each of the exceptional student education support levels IV and V ~~there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(1) and rules of the State Board of Education, which shall be allocated initially to each school district in the amount provided in the General Appropriations Act. These funds shall be supplemental to the funds appropriated for the basic funding level, and the amount allocated for each school district shall be recalculated during the year, based on actual student membership from FTE surveys. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation based on each district's share of the total recalculated amount. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. A district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.~~

(f) Small district factor.—An additional value per full-time equivalent student membership is provided to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students which is in a fiscally constrained county as described in s. 218.67(1). The amount of



154606

the additional value shall be specified in the General
Appropriations Act.

~~(f) Supplemental academic instruction allocation.—~~

~~1. There is created the supplemental academic instruction allocation to provide supplemental academic instruction to students in kindergarten through grade 12.~~

~~2. The supplemental academic instruction allocation shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds are in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district.~~

~~Beginning with the 2018-2019 fiscal year, each school district that has a school earning a grade of "D" or "F" pursuant to s. 1008.34 must use that school's portion of the supplemental academic instruction allocation to implement intervention and support strategies for school improvement pursuant to s. 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or salary supplements pursuant to s. 1012.22(1)(c)5.c. that are provided through a memorandum of understanding between the collective bargaining agent and the school board that addresses the selection, placement, and expectations of instructional personnel and school administrators. For all other schools, the school district's use of the supplemental academic instruction allocation may include, but is not limited to, the use of a modified curriculum; reading instruction; after-school instruction; tutoring; mentoring; a reduction in class size; extended school year; intensive skills development in summer school; dropout prevention programs as defined in ss. 1003.52~~



154606

~~and 1003.53(1)(a), (b), and (c); and other methods of improving student achievement. Supplemental academic instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.~~

~~3. The supplemental academic instruction allocation shall consist of a base amount that has a workload adjustment based on changes in unweighted FTE. The supplemental academic instruction allocation shall be recalculated during the fiscal year. Upon recalculation of funding for the supplemental academic instruction allocation, if the total allocation is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each district's share of the total.~~

~~4. Funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction allocation and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.~~

~~(s) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten~~



154606

through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The comparable wage factor ~~district cost differential~~, multiplied by

4. The base student allocation.

(2) DETERMINATION OF COMPARABLE WAGE FACTOR ~~DISTRICT COST DIFFERENTIALS~~.—

(a) The Commissioner of Education shall annually compute for each district the current year's comparable wage factor ~~district cost differential~~. The comparable wage factor ~~district cost differential~~ shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the comparable wage factor ~~cost differential~~ for that district for that year.

(b) The comparable wage factor for each school district is used in the calculation of the basic amount for current operation pursuant to subsection (1) if the comparable wage factor is greater than 1.000.

(c) The limitation authorized in paragraph (b) applies to any categorical funding provided in the Florida Education Finance Program that has a calculation methodology that includes the comparable wage factor.



154606

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—
Of the amount computed in subsection (1) ~~subsections (1) and~~
~~(2)~~, a percentage of the basic amount for current operation base
~~student allocation per full-time equivalent student~~ or other
funds shall be expended for educational training programs as
determined by the district school board as provided in s.
1012.98.

(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
Legislature shall prescribe in the General Appropriations Act,
pursuant to s. 1011.71(1), the rate of nonvoted current
operating discretionary millage that shall be used to calculate
a discretionary millage compression supplement. If the
prescribed millage generates an amount of funds per unweighted
full-time equivalent student FTE for the district that is less
than the state average, the district shall receive an amount per
full-time equivalent student FTE that, when added to the funds
per full-time equivalent student FTE generated by the designated
levy, shall equal the state average.

(6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-
funded discretionary contribution is created to fund the
nonvoted discretionary millage for operations pursuant to s.
1011.71(1) and (3) for developmental research schools (lab
schools) established in s. 1002.32 and the Florida Virtual
School established in s. 1002.37.

(a) To calculate the state-funded discretionary
contribution for lab schools, multiply the maximum allowable
nonvoted discretionary millage for operations pursuant to s.
1011.71(1) and (3) by the value of 96 percent of the current
year's taxable value for school purposes for the school district



154606

in which the lab school is located; divide the result by the
total full-time equivalent membership of the school district;
and multiply the result by the full-time equivalent membership
of the lab school. The amount obtained shall be appropriated in
the General Appropriations Act to the Lab School Trust Fund
established pursuant to s. 1002.32(9).

(b) To calculate the state-funded discretionary
contribution for the Florida Virtual School, multiply the
maximum allowable nonvoted discretionary millage for operations
pursuant to s. 1011.71(1) and (3) by the value of 96 percent of
the current year's taxable value for school purposes for the
state; divide the result by the total full-time equivalent
membership of the state; and multiply the result by the full-
time equivalent membership of the Florida Virtual School.

(7) EDUCATIONAL ENRICHMENT ALLOCATION.—

(a) The educational enrichment allocation is created to
assist school districts in providing educational enrichment
activities and services that support and increase the academic
achievement of students in grades kindergarten through 12.
Educational enrichment activities and services may be provided
in a manner and at any time during or beyond the regular 180-day
term identified by the school district as being the most
effective and efficient way to best help the student progress
from grade to grade and graduate from high school. For fiscal
year 2023-2024, the educational enrichment allocation shall
consist of a base amount as specified in the General
Appropriations Act. Beginning in fiscal year 2024-2025, the
educational enrichment allocation shall consist of the base
amount that includes a workload adjustment based on changes in



154606

the unweighted full-time equivalent membership.

(b) For district-managed turnaround schools as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), a supplemental amount shall be added to their educational enrichment allocation for purposes of implementing the intervention and support strategies identified in the turnaround plan submitted pursuant to s. 1008.33.

1. The supplemental amount shall be based on the unweighted full-time equivalent student enrollment at the eligible schools and a per full-time equivalent funding amount of \$500 or as provided in the General Appropriations Act.

2. Services funded by the allocation may include, but are not limited to, tutorial and afterschool programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

3. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and



154606

food and clothing banks.

(c) The educational enrichment allocation, to include the supplemental amount, shall be recalculated during the fiscal year pursuant to paragraph (1) (a). If the recalculated amount is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each school district's proportionate share of the total allocation.

(d) Funding on the basis of full-time equivalent membership beyond the 180-day regular term shall be provided in the Florida Education Finance Program only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs pursuant to s. 985.19. Funding for instruction beyond the regular 180-day school year for all other kindergarten through grade 12 students shall be provided through the educational enrichment allocation and other state, federal, and local funding sources with flexibility for schools to provide educational enrichment activities and services to assist students in grades kindergarten through 12.

(8) EXCEPTIONAL STUDENT EDUCATION GUARANTEED ALLOCATION.—
The exceptional student education guaranteed allocation is created to fund the additional costs of programs for exceptional students specified in subparagraph (1) (d)2. and shall be supplemental to the funds appropriated in the Florida Education Finance Program for the basic student funding level.

(a) The amount of each school district's exceptional student education guaranteed allocation shall be the greater of either the school district's prior year exceptional student



154606

education guaranteed allocation funds per eligible full-time
equivalent student or the exceptional student education
guaranteed allocation factor as specified in the General
Appropriations Act multiplied by the school district's total
number of eligible full-time equivalent students.

(b) The exceptional student education guaranteed allocation
shall be recalculated during the fiscal year based on actual
full-time equivalent student membership. If the recalculated
amount is greater than the amount provided in the General
Appropriations Act, the total shall be prorated to the level of
the appropriation based on each school district's share of the
total recalculated allocation amount.

~~(6) CATEGORICAL FUNDS.—~~

~~(a) In addition to the basic amount for current operations
for the FEFP as determined in subsection (1), the Legislature
may appropriate categorical funding for specified programs,
activities, or purposes.~~

~~(b) If a district school board finds and declares in a
resolution adopted at a regular meeting of the school board that
the funds received for any of the following categorical
appropriations are urgently needed to maintain school board
specified academic classroom instruction or improve school
safety, the school board may consider and approve an amendment
to the school district operating budget transferring the
identified amount of the categorical funds to the appropriate
account for expenditure:~~

~~1. Funds for student transportation.~~

~~2. Funds for instructional materials if all instructional
material purchases necessary to provide updated materials that~~



154606

~~are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase computers and device hardware for student instruction that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3. Funds for the guaranteed allocation as provided in subparagraph (1)(c)2.~~

~~4. Funds for the supplemental academic instruction allocation as provided in paragraph (1)(f).~~

~~5. Funds for the federally connected student supplement as provided in subsection (10).~~

~~6. Funds for class size reduction as provided in s. 1011.685.~~

~~(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction or school safety need for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report. The Department of Education shall submit a report to the Legislature that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity or school safety need for which the funds were expended.~~

~~(7) DETERMINATION OF SPARSITY SUPPLEMENT.—~~

~~(a) Annually, in an amount to be determined by the~~



154606

~~Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEPP qualified districts a sparsity supplement which shall be computed as follows:~~

~~Sparsity Factor = 1101.8918 — 0.1101~~

~~2700 + district
sparsity
index~~

~~except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 30,000.~~

~~(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education. For districts with a full-time equivalent student membership of at least 20,000, but no more~~



154606

~~than 30,000, the index shall be computed by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.~~

~~(c) If the sparsity supplement calculated in paragraphs (a) and (b) for an eligible district is less than \$100 per full-time equivalent student, the district's supplement shall be increased to \$100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act.~~

~~(d) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:~~

~~1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.~~

~~2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.~~

~~3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for each district by its FTE student count.~~

~~4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for all districts by the state total FTE student count.~~

~~5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average~~



154606

~~calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.~~

~~6. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.~~

~~(8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—~~

~~(a) The evidence-based reading instruction allocation is created to provide comprehensive reading instruction to students in prekindergarten through grade 12.~~

~~(b) Intensive reading instruction for students who have reading deficiencies must include evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the coordinated integration of civic literacy, science, and mathematics text reading, text discussion, and writing in response to reading.~~



154606

~~(c) Funds for comprehensive, evidence-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.~~

~~(d) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the prekindergarten-12 programs and certain students who exhibit a substantial deficiency in early literacy, which may include the following:~~

~~1. Additional time per day of evidence-based intensive reading instruction to students, which may be delivered during or outside of the regular school day.~~

~~2. Kindergarten through grade 12 evidence-based intensive reading interventions.~~

~~3. Highly qualified reading coaches, who must be endorsed in reading, to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.~~

~~4. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.~~

~~5. Summer reading camps, using only teachers or other~~



154606

~~district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 who demonstrate a reading deficiency as determined by district and state assessments.~~

~~6. Scientifically researched and evidence-based supplemental instructional materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~

~~7. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.~~

~~8. Tutoring in reading.~~

~~(c)1. Annually, by a date determined by the Department of Education, each school district shall submit a comprehensive reading plan approved by the applicable district school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation, based upon a root-cause analysis. The State Regional Literacy Director may assist in the development of the plan. The department shall provide a plan format. A district school board may use the format developed by the department or a format developed by the district school board.~~

~~2. Intensive reading interventions must be delivered by instructional personnel who possess the micro-credential as provided in s. 1003.485 or are certified or endorsed in reading and must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~



154606

~~Instructional personnel who possess a micro-credential as specified in s. 1003.485 and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For the purposes of this subsection, the term "supervision" means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.~~

~~3. By July 1 of each year, the department shall release to each school district its allocation of appropriated funds. The department shall evaluate the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based reading and intervention strategies in classrooms.~~

~~For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).~~

~~(9) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE JUSTICE EDUCATION PROGRAMS.—~~

~~(a) The total kindergarten through grade 12 K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor~~



154606

multiplied by the comparable wage factor for the school district established in subsection (2) ~~district's cost differential~~. An amount equal to the sum of this calculation shall be allocated in the Florida Education Finance Program FFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(b) Funds allocated under this subsection shall be used to provide the juvenile justice education programs pursuant to s. 1003.52 and may be used to pay for the high school equivalency examination fees for juvenile justice students who pass the high school equivalency examination in full, or in part, while in a juvenile justice education program, the industry credentialing testing fees for such students, and the costs associated with such juvenile justice students enrolled in career and technical education courses that lead to industry-recognized certifications.

(11) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per kindergarten through grade 12 K-12 unweighted full-time equivalent student FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted full-time equivalent FTE student which shall include the adjusted full-time equivalent FTE dollars as provided in subsection (15), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted full-time equivalent student FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted full-



154606

time equivalent ~~FTE~~ dollars as provided in subsection (15) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted full-time equivalent student ~~FTE~~ to prior year funds per unweighted full-time equivalent student ~~FTE~~ shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted full-time equivalent ~~FTE~~ student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with ss. 1006.07-1006.12, with priority given to safe-school officers pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, one-third shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. ~~Each school district must report to the Department of Education by October 15 that all public schools within the school district have completed the school security risk assessment using the Florida Safe Schools Assessment Tool developed pursuant to s. 1006.1493.~~



154606

If a district school board is required by s. 1006.12 to assign a school resource officer or school safety officer to a charter school, the charter school's share of costs for such officer may not exceed the amount of funds allocated to the charter school under this subsection.

(13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in their implementation of their ~~establishing or expanding~~ school-based mental health assistance program pursuant to s. 1006.041 ~~care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services.~~ These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. ~~Charter schools that submit a plan separate from the school district are entitled to a proportionate share of district funding. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third-party health insurance benefits and Medicaid claiming for services, where appropriate.~~

~~(a) Before the distribution of the allocation:~~

~~1. The school district must develop and submit a detailed plan outlining the local program and planned expenditures to the~~



154606

~~district school board for approval. This plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district pursuant to subparagraph 2.~~

~~2. A charter school may develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.~~

~~(b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:~~

~~1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district~~



154606

~~staffing resource allocations based on school or student mental health assistance needs.~~

~~2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.~~

~~3. Policies and procedures, including contracts with service providers, which will ensure that:~~

~~a. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.~~

~~b. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school~~



154606

~~may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.~~

~~e. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.~~

~~4. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.~~

~~5. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.~~

~~6. Procedures to assist a mental health services provider or a behavioral health provider as described in subparagraph 1. or subparagraph 2., respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as that term is defined in s. 393.063.~~



154606

~~7. Policies of the school district which must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or using telehealth as defined in s. 456.47. The mental health professional may be available to the school district either by contracts or interagency agreements with the managing entity, one or more local community behavioral health providers, or the local mobile response team or be a direct or contracted school district employee.~~

~~(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.~~

~~(d) Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:~~

~~1. Students who receive screenings or assessments.~~

~~2. Students who are referred to either school-based or community-based providers for services or assistance.~~

~~3. Students who receive either school-based or community-based interventions, services, or assistance.~~

~~4. School-based and community-based mental health providers, including licensure type, paid for from funds provided through the allocation.~~



154606

~~5. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.~~

(14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL SALARY INCREASE ALLOCATION.—The Legislature may annually apportion an amount of funds provided ~~provide~~ in the Florida Education Finance Program to assist school districts and charter schools in their compliance with the requirement that the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), and certified prekindergarten teachers funded in the Florida Education Finance Program is at least \$47,500 ~~a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel.~~ The amount and distribution methodology for the funding ~~of the allocation~~ shall be specified in the General Appropriations Act.

~~(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17)(b). If a district school board has not received its allocation due to its failure to submit an approved district salary distribution plan, the district school board must still provide each charter school that has submitted a salary distribution plan within its district its proportionate share of the allocation.~~

~~(b) Allocation funds are restricted in use as follows:~~

~~1. Each school district and charter school shall use its share of the allocation to increase the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a),~~



154606

~~plus certified prekindergarten teachers funded in the Florida Education Finance Program, to at least \$47,500, or to the maximum amount achievable based on the allocation and as specified in the General Appropriations Act. The term "minimum base salary" means the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. No full-time classroom teacher shall receive a salary less than the minimum base salary as adjusted by this subparagraph. This subparagraph does not apply to substitute teachers.~~

~~2. In addition, each school district shall use its share of the allocation to provide salary increases, as funding permits, for the following personnel:~~

~~a. Full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, who did not receive an increase or who received an increase of less than 2 percent under subparagraph 1. or as specified in the General Appropriations Act. This subparagraph does not apply to substitute teachers.~~

~~b. Other full-time instructional personnel as defined in s. 1012.01(2)(b)-(d).~~

~~3. A school district or charter school may use funds available after the requirements of subparagraph 1. are met to provide salary increases pursuant to subparagraph 2.~~

~~4. A school district or charter school shall maintain the minimum base salary achieved for classroom teachers provided under subparagraph 1. and may not reduce the salary increases provided under subparagraph 2. in any subsequent fiscal year, unless specifically authorized in the General Appropriations~~



154606

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~~(c) Before distributing allocation funds received pursuant to paragraph (a), each school district and each charter school shall develop a salary distribution plan that clearly delineates the planned distribution of funds pursuant to paragraph (b) in accordance with modified salary schedules, as necessary, for the implementation of this subsection.~~

~~1. Each school district superintendent and each charter school administrator must submit its proposed salary distribution plan to the district school board or the charter school governing body, as appropriate, for approval.~~

~~2. Each school district shall submit the approved district salary distribution plan and the approved salary distribution plan for each charter school in the district to the department by October 1 of each fiscal year.~~

~~(d) In a format specified by the department, provide as follows:~~

~~1. By December 1, each school district shall provide a preliminary report to the department that includes a detailed summary explaining the school district's planned expenditure of the entire allocation for the district received pursuant to paragraph (a), the amount of the increase to the minimum base salary for classroom teachers pursuant to paragraph (b), and the school district's salary schedule for the prior fiscal year and the fiscal year in which the base salary is increased. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's preliminary report to the department.~~



154606

~~2. By February 1, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide report on the planned expenditure of the teacher salary increase allocation, which includes the detailed summary provided by each school district and charter school.~~

~~3. By August 1, each school district shall provide a final report to the department with the information required in subparagraph 1. for the prior fiscal year. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's final report to the department.~~

~~(c) Although district school boards and charter school governing boards are not precluded from bargaining over wages, the teacher salary increase allocation must be used solely to comply with the requirements of this section. A district school board or charter school governing board that is unable to meet the reporting requirements specified in paragraph (c) or paragraph (d) 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.~~

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the Florida Education Finance Program ~~FEFP~~ shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) If the funds appropriated for current operation of the Florida Education Finance Program, including funds appropriated



154606

pursuant to subsection (18) ~~FEPP~~ are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation. However, no calculation subsequent to the appropriation shall result in negative state funds for any district.

(16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.—

(a) The state-funded discretionary supplement is created to fund the nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) for students awarded a Family Empowerment Scholarship in accordance with s. 1002.394. To calculate the state-funded discretionary supplement for inclusion in the amount of the scholarship funding:

1. For fiscal year 2023-2024, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school



154606

district where the student is reported for purposes of the
Florida Education Finance Program as appropriated in the General
Appropriations Act; divide the result by the school district's
total unweighted full-time equivalent membership as appropriated
in the General Appropriations Act; and multiply the result by
the total unweighted full-time equivalent membership associated
with the number of Family Empowerment Scholarship students
included in the school district's total unweighted full-time
equivalent membership. A base amount as specified in the General
Appropriations Act shall be added to this amount for purposes of
calculating the total amount of the supplement.

2. Beginning in fiscal year 2024-2025 and thereafter,
multiply the maximum allowable nonvoted discretionary millage
for operations pursuant to s. 1011.71(1) and (3) by the value of
96 percent of the current year's taxable value for school
purposes for the school district where the student is reported
for purposes of the Florida Education Finance Program as
appropriated in the General Appropriations Act; divide the
result by the school district's total unweighted full-time
equivalent membership as appropriated in the General
Appropriations Act; and multiply the result by the total
unweighted full-time equivalent membership associated with the
number of Family Empowerment Scholarship students. The prior
year's base amount shall be adjusted based on changes in the
eligible number of unweighted full-time equivalent membership
associated with the number of Family Empowerment Scholarship
students.

(b) The state-funded discretionary supplement shall be
recalculated during the fiscal year pursuant to paragraph



154606

(1) (a). If the recalculated amount is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each school district's proportionate share of the total allocation.

(17) CATEGORICAL FUNDS.—

(a) If a district school board determines that some or all of the funds received for any of the categorical programs established in this section are needed to maintain or enhance school board-specified academic classroom instruction, maintain or expand career and technical education instruction, or improve school safety, the school district may consider and approve an amendment to the school district's operating budget by transferring the identified amount of the categorical funds to the appropriate account for expenditure.

(b) Each school district shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction, maintain or expand career and technical education instruction, or school safety need for which the transferred funds were expended. The department shall provide instructions and specify the format to be used in submitting this required information as part of the district annual financial report. The department shall annually submit a report to the Legislature which identifies by school district and by categorical fund the amount transferred and the specific academic classroom activity, the maintained or expanded career and technical education instruction, or the school safety need



154606

for which the funds were expended.

(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—

(a) The educational enrollment stabilization program is created to provide supplemental state funds as needed to maintain the stability of the operations of public schools in each school district and to protect districts, including charter schools, from financial instability as a result of changes in full-time equivalent student enrollment throughout the school year. This program shall be implemented to the extent funds are available.

(b) The Legislature may annually appropriate funds in the General Appropriations Act to the Department of Education for this program. The Department of Education shall use funds as appropriated to ensure that, based on each recalculation of the Florida Education Finance Program pursuant to paragraph (1)(a), a school district's funds per unweighted full-time equivalent student is not less than the greater of either the school district's funds per unweighted full-time equivalent student as appropriated in the General Appropriations Act or the school district's funds per unweighted full-time equivalent student as recalculated based upon the receipt of the certified taxable value for school purposes pursuant to s. 1011.62(4).

~~(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL EFFORT.—Calculations required in this section shall be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.~~

~~(17) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as~~



154606

~~identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.~~

~~(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.~~

~~2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.~~

~~(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.~~

~~(c) At a minimum, the plan required under paragraph (b) must:~~



154606

~~1. Establish comprehensive support services that develop family and community partnerships;~~

~~2. Establish clearly defined and measurable high academic and character standards;~~

~~3. Increase parental involvement and engagement in the child's education;~~

~~4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;~~

~~5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;~~

~~6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and~~

~~7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.~~

~~(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.~~

~~(e) Subject to legislative appropriation, each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of~~



154606

~~the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.~~

~~(f) Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to s. 1008.33(4). In addition, a school that improves to a grade of "C" or higher shall remain eligible to receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status.~~

Section 41. Section 1011.622, Florida Statutes, is amended to read:

1011.622 Adjustments for students without a Florida student identification number.—The Florida Education Finance Program funding calculations, including the calculations authorized in ss. 1011.62, ~~1011.67~~, 1011.68, and 1011.685, shall include funding for a student only when all of the student's records are reported to the Department of Education under a Florida student identification number. The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 42. Section 1011.67, Florida Statutes, is repealed.

Section 43. Subsection (4) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—



154606

~~(4) The following funds are excluded from the school-level allocation under this section: Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f).~~

Section 44. Paragraph (b) of subsection (3) of section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(b) The apportionment to each Florida College System institution from the Florida College System Program Fund shall be determined annually in the General Appropriations Act. In determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various Florida College System



154606

institutions, including, but not limited to:

a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. Comparable wage factor ~~District Cost Differential~~.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The



154606

amount remaining shall be the net annual state apportionment to each college.

Section 45. Section 1012.44, Florida Statutes, is amended to read:

1012.44 Qualifications for certain persons providing speech-language services.—The State Board of Education shall adopt rules for speech-language services to school districts that qualify for additional full-time equivalent membership under s. 1011.62(1)(f) ~~the sparsity supplement as described in s. 1011.62(7)~~. These services may be provided by baccalaureate degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher.

Section 46. Subsections (1) and (4) of section 1012.584, Florida Statutes, are amended to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) ~~Beginning with the 2018-2019 school year,~~ The Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental



154606

health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1006.041 ~~ss. 1006.04 and 1011.62(13)~~.

Section 47. 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)(f) for alignment with evidence-based instructional and intervention strategies rooted in the science of reading and identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ 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 48. Section 1012.71, Florida Statutes, is amended to read:



154606

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(1) For purposes of the Florida Teachers Classroom Supply Assistance Program, the term “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. A “job-share” classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

(2) The amount of funds per classroom teacher for the Florida Teachers Classroom Supply Assistance Program shall be specified ~~The Legislature,~~ in the General Appropriations Act, ~~shall determine funding for the Florida Teachers Classroom Supply Assistance Program.~~ Classroom teachers shall use the funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Classroom Supply Assistance Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district’s proportionate share of the state’s total



154606

~~unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.~~

(3) ~~From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is estimated to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher's proportionate share of the total amount allocated to the district from state funds and funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. For a classroom teachers teacher determined eligible on July 1, the district school board and each charter school board shall ~~may~~ provide such classroom teachers the teacher with their amount as specified in the General Appropriations Act ~~his or her total proportionate share~~ by August 1. For classroom teachers based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide such classroom teachers with their amount as specified in the General Appropriations Act ~~the teacher with his or her total proportionate share~~ by September 30. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher ~~The proportionate share may be provided by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a~~~~



154606

~~debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.~~

(4) The Department of Education shall administer a competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies. Annually, by September 1, each school district shall submit to the department:

(a) The name of each eligible classroom teacher.

(b) The proportionate share of the amount as specified in the General Appropriations Act for each eligible job-share classroom teacher.

(c) The name and Master School Identification Number of the school in which the eligible classroom teacher is assigned.

(d) Any other information necessary for the administration of the program as determined by the department.

(5)~~(4)~~ Each classroom teacher must ~~sign a statement acknowledging receipt of the funds,~~ keep receipts for no less than 4 years to show that funds expended meet the requirements of this section, ~~and return any unused funds to the district school board at the end of the regular school year.~~ Any unused funds ~~that are returned to the district school board~~ shall be deposited into the school advisory council account of the school



154606

at which the classroom teacher ~~returning the funds~~ was employed when ~~that teacher received~~ the funds were made available to the classroom teacher. If the school does not have a school advisory council, the funds shall be expended for classroom materials and supplies as determined by the school principal ~~or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored,~~ as applicable.

~~(5) The statement must be signed and dated by each classroom teacher before receipt of the Florida Teachers Classroom Supply Assistance Program funds and shall include the wording: "I, ... (name of teacher) ..., am employed by the County District School Board or by the Charter School as a full-time classroom teacher. I acknowledge that Florida Teachers Classroom Supply Assistance Program funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep the receipts for all expenditures for no less than 4 years. I understand that if I do not keep the receipts, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unexpended funds to the district school board at the end of the regular school year for deposit into the school advisory council account of the school where I was employed at the time I received the funds or for deposit into the Florida Teachers Classroom Supply Assistance Program account of the school district in which the charter school is sponsored, as applicable."~~



154606

~~(6) The Department of Education and district school boards may, and are encouraged to, enter into public-private partnerships in order to increase the total amount of Florida Teachers Classroom Supply Assistance Programs funds available to classroom teachers.~~

Section 49. Section 1012.715, Florida Statutes, is created to read:

1012.715 Heroes in the classroom sign-on bonus.—

(1) PURPOSE.—Subject to legislative appropriation, the Department of Education shall provide a one-time sign-on bonus, as provided in the General Appropriations Act, to honorably discharged or retired military veterans and retired first responders, as defined in s. 112.1815(1), who commit to joining the teaching profession as a full-time classroom teacher. An honorably discharged or retired military veteran or retired first responder may receive an additional bonus for teaching a course in a high-demand teacher need area, as identified by the department pursuant to paragraph (3) (e).

(2) ELIGIBILITY.—To be eligible to receive a sign-on bonus, an applicant must be an honorably discharged or retired military veteran or retired first responder and provide the following to the department:

(a) Documentation of his or her honorable discharge or retirement.

(b) Documentation that he or she was not subject to any disciplinary action during the last 5 years of his or her employment as a servicemember in the United States Armed Forces or as a first responder. The term "disciplinary action" includes suspensions, dismissals, and involuntary demotions that were



154606

associated with disciplinary actions.

(c) A copy of his or her professional certificate or temporary certificate issued pursuant to s. 1012.56(7).

(d) Documentation that he or she agrees to maintain employment with the school district or charter school for a minimum of 2 consecutive school years upon receipt of the sign-on bonus. An individual who accepts a sign-on bonus pursuant to this section but fails to maintain his or her employment pursuant to this paragraph must reimburse the department the amount of the sign-on bonus in a manner prescribed by the department.

(3) DEPARTMENT OF EDUCATION RESPONSIBILITIES.—The department shall distribute bonuses pursuant to this section and, at a minimum, must:

(a) Establish a method for determining the estimated number of eligible honorably discharged or retired military veterans and retired first responders to be hired in the applicable fiscal year.

(b) Establish additional minimum criteria necessary for an individual to be eligible for a sign-on bonus.

(c) Establish an estimated cost to the department for developing and administering the bonus program.

(d) Establish a method for an individual to reimburse the department if he or she receives the sign-on bonus but does not maintain employment for the required consecutive 2-year period.

(e) Identify courses that are in high-demand teacher need areas in which honorably discharged or retired military veterans or retired first responders may teach to be eligible for an additional bonus.



154606

(4) SCHOOL DISTRICT RESPONSIBILITIES.—A school district that employs an eligible honorably discharged or retired military veteran or retired first responder must:

(a) Provide any necessary information requested by the department.

(b) In a manner established by the department, notify the eligible honorably discharged or retired military veteran or retired first responder that employment may impact his or her pension from a previous employer.

(5) RULEMAKING.—The State Board of Education may adopt rules to implement this section.

Section 50. The Division of Law Revision is directed to revise the title of subpart D. of part I of chapter 1011, Florida Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes, to read "Florida School for the Deaf and the Blind and Florida School for Competitive Academics: Preparation, Adoption, and Implementation of Budgets" to conform to the amendments made by this act.

Section 51. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to education; amending s. 11.45, F.S.;
revising the duties of the Auditor General to conform
to changes made by the act; amending s. 110.1228,
F.S.; conforming a cross-reference; amending s.



154606

3081 216.251, F.S.; providing the manner of setting
3082 salaries for positions within the Florida School for
3083 Competitive Academics; amending s. 402.22, F.S.;
3084 conforming a cross-reference; amending s. 447.203,
3085 F.S.; revising the definition of the terms "public
3086 employer" or "employer" to include the Florida School
3087 for Competitive Academics for purposes of part II of
3088 ch. 447, F.S.; making technical changes; amending s.
3089 1000.04, F.S.; revising the components of the delivery
3090 of public education within the Florida Early Learning-
3091 20 education system to include the Florida School for
3092 Competitive Academics; amending s. 1001.20, F.S.;
3093 revising the powers of the Department of Education's
3094 Office of Inspector General to conform to changes made
3095 by the act; amending s. 1001.215, F.S.; revising
3096 duties of the Just Read, Florida! Office; reenacting
3097 and amending s. 1001.26(1), F.S.; requiring the
3098 department to provide funds to certain radio stations;
3099 amending s. 1001.42, F.S.; providing an exemption from
3100 collective bargaining requirements under specified
3101 circumstances; amending s. 1001.43, F.S.; authorizing
3102 district school boards to adopt policies for an
3103 enrollment fee for specified summer courses; providing
3104 fee requirements; amending s. 1002.32, F.S.; revising
3105 funding requirements for developmental research
3106 schools; conforming provisions to changes made by the
3107 act; creating s. 1002.351, F.S.; providing for the
3108 establishment of the Florida School for Competitive
3109 Academics; providing for the purpose and mission of



154606

3110 the school; requiring the school to be included in a
3111 certain online portal; requiring the portal to include
3112 information for parents on submitting educational
3113 records for admission purposes; providing for the
3114 appointment of the board of trustees; prescribing the
3115 powers and duties of the board of trustees; providing
3116 sovereign immunity to the board of trustees;
3117 specifying the board's duties regarding the
3118 maintenance of student and employee records; providing
3119 requirements regarding background screening of school
3120 personnel; specifying duties of the board regarding
3121 personnel; requiring the Auditor General to conduct
3122 audits of the school; authorizing the department's
3123 Office of Inspector General to conduct investigations,
3124 as appropriate; exempting the school from specified
3125 requirements in the Florida Early Learning-20
3126 Education Code; providing exceptions; specifying
3127 applicability of certain provisions of law; amending
3128 s. 1002.37, F.S.; revising funding requirements for
3129 the Florida Virtual School; conforming provisions to
3130 changes made by the act; amending s. 1002.394, F.S.;
3131 revising funding requirements for the Family
3132 Empowerment Scholarship Program; conforming cross-
3133 references and provisions to changes made by the act;
3134 amending s. 1002.45, F.S.; revising the enrollment
3135 limitation on certain students; conforming cross-
3136 references and provisions to changes made by the act;
3137 amending ss. 1002.59, 1002.71, 1002.84, and 1002.89,
3138 F.S.; conforming provisions and cross-references to



154606

3139 changes made by the act; amending s. 1002.995, F.S.;
3140 revising eligibility requirements for providing
3141 incentives to school readiness personnel; amending s.
3142 1003.03, F.S.; conforming a provision to changes made
3143 by the act; creating s. 1003.4201, F.S.; requiring
3144 school districts to implement a system of
3145 comprehensive reading instruction for specified
3146 students that includes a specified plan; providing
3147 plan requirements; providing school district and
3148 department requirements; defining the term "evidence-
3149 based"; amending ss. 1003.485, 1003.621, and 1004.935,
3150 F.S.; conforming provisions and cross-references to
3151 changes made by the act; creating s. 1006.041, F.S.;
3152 requiring school districts to implement a school-based
3153 mental health assistance program for specified
3154 students that includes a specified plan; providing
3155 plan and school district requirements; amending s.
3156 1006.07, F.S.; conforming provisions to changes made
3157 by the act; amending s. 1006.1493, F.S.; requiring
3158 school districts to annually report specified
3159 information relating to the Florida Safe Schools
3160 Assessment Tool to the Office of Safe Schools;
3161 amending s. 1006.28, F.S.; requiring district school
3162 superintendents to annually certify specified
3163 information to the Commissioner of Education;
3164 exempting certain instructional materials from
3165 specified procedures; amending s. 1006.40, F.S.;
3166 revising requirements for the instructional materials
3167 allocation and the purchase of instructional



154606

3168 materials; conforming provisions to changes made by
3169 the act; amending s. 1007.271, F.S.; requiring school
3170 districts to pay for the cost of specified
3171 instructional materials; amending ss. 1008.25 and
3172 1008.345, F.S.; conforming provisions and cross-
3173 references to changes made by the act; amending s.
3174 1008.365, F.S.; revising requirements for the Reading
3175 Achievement Initiative for Scholastic Excellence
3176 Program; conforming cross-references; amending s.
3177 1010.20, F.S.; conforming cross-references; creating
3178 s. 1011.58, F.S.; prescribing procedures for the
3179 Florida School for Competitive Academics submission of
3180 legislative budget requests; requiring the school to
3181 submit an implementation plan to the department;
3182 requiring the Commissioner of Education to include the
3183 school in the department's legislative budget request,
3184 subject to specified conditions; requiring the school
3185 to submit its fixed capital outlay request to the
3186 department; creating s. 1011.59, F.S.; prescribing
3187 procedures and requirements governing the request and
3188 the appropriation of funds for the operation of the
3189 Florida School for Competitive Academics; requiring
3190 the school's board of trustees to develop an annual
3191 operating budget; requiring the Chief Financial
3192 Officer to transfer or reallocate funds, subject to
3193 specified conditions; requiring the board to establish
3194 authorized positions within funds appropriated to the
3195 school; providing for the carryforward of any
3196 unexpended funds; amending s. 1011.61, F.S.;



154606

3197 conforming cross-references; amending s. 1011.62,
3198 F.S.; revising provisions relating to the Florida
3199 Education Finance Program; revising the calculation of
3200 the cost factor for secondary career education
3201 programs, the annual allocation to each school
3202 district, and the funding model for exceptional
3203 student education programs; creating the calculation
3204 of additional full-time equivalent membership for
3205 small school district exceptional student education
3206 and the small district factor; providing requirements
3207 for such calculation and factor; deleting the
3208 supplemental academic instruction allocation; renaming
3209 the "district cost differential" as the "comparable
3210 wage factor"; revising the calculation of such factor;
3211 creating the state-funded discretionary contribution;
3212 providing requirements for such contribution; creating
3213 the educational enrichment allocation and the
3214 exceptional student education guaranteed allocation;
3215 providing requirements for such allocations; deleting
3216 the categorical funds, determination of sparsity
3217 supplement, evidence-based reading instruction
3218 allocation, requirements for computation of prior year
3219 district required local effort, and turnaround school
3220 supplemental services allocation; revising the
3221 calculation of the supplemental allocation for
3222 juvenile justice education programs; revising
3223 requirements for the safe schools allocation and the
3224 mental health assistance allocation; renaming the
3225 teacher salary increase allocation as the classroom



154606

3226 teacher and other instructional personnel salary
3227 increase; revising the requirements for such funding;
3228 creating the state-funded discretionary supplement,
3229 the categorical funds, and the educational enrollment
3230 stabilization program; providing requirements for the
3231 supplement, funds, and program; deleting the
3232 calculations for the computation of prior year
3233 district required local effort and the turnaround
3234 school supplemental services allocation; conforming
3235 provisions and cross-references to changes made by the
3236 act; amending s. 1011.622, F.S.; conforming a cross-
3237 reference; repealing s. 1011.67, F.S., relating to
3238 funds for instructional materials; amending ss.
3239 1011.69, 1011.84, 1012.44, 1012.584, and 1012.586,
3240 F.S.; conforming provisions and cross-references to
3241 changes made by the act; amending s. 1012.71, F.S.;
3242 revising provisions for the calculation of Florida
3243 Teachers Classroom Supply Assistance Program funds;
3244 deleting provisions relating to the distribution of
3245 program funds; requiring the department to administer
3246 a competitive procurement through which eligible
3247 classroom teachers may purchase classroom materials
3248 and supplies; requiring school districts to provide
3249 certain information to the department annually by a
3250 specified date; deleting a requirement that classroom
3251 teachers sign a specified statement; revising
3252 requirements for unused funds; creating s. 1012.715,
3253 F.S.; requiring the department to provide a one-time
3254 sign-on bonus to honorably discharged and retired



154606

3255 military veterans and retired first responders who
3256 join the teaching profession; providing eligibility
3257 criteria; providing for an additional bonus under
3258 certain circumstances; providing department and school
3259 district responsibilities; authorizing the State Board
3260 of Education to adopt rules; providing a directive to
3261 the Division of Law Revision; providing an effective
3262 date.



825760

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/25/2023	.	
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	.	

The Committee on Appropriations (Perry) recommended the following:

Senate Substitute for Amendment (154606) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (d) and (f) of subsection (2) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and



825760

records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

(f) At least every 3 years, conduct operational audits of the accounts and records of state agencies, state universities, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Paragraph (a) of subsection (1) of section 110.1228, Florida Statutes, is amended to read:

110.1228 Participation by small counties, small municipalities, and district school boards located in small counties.—

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

(a) "District school board" means a district school board located in a small county or a district school board that receives funding pursuant to s. 1011.62(1)(f) ~~s. 1011.62(7)~~.

Section 3. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:



825760

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Governors or the designee of the board for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. Within the classification and pay plans established by the Board of Trustees for the Florida School for Competitive Academics of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

Section 4. Subsection (6) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of



825760

Children and Families or the Agency for Persons with
Disabilities.—

(6) Notwithstanding the provisions of s. 1001.42(4)(m), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (17) ~~(6)~~ and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 5. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is ~~shall be~~ deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is ~~shall be~~ deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is ~~shall be~~ deemed to be the public employer with respect to all employees of the community college. The district school board is



825760

~~shall be~~ deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind is ~~shall be~~ deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Board of Trustees of the Florida School for Competitive Academics is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for Competitive Academics. The Governor is ~~shall be~~ deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 6. Subsection (6) is added to section 1000.04, Florida Statutes, to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 education system.—Florida's Early Learning-20 education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The Florida School for Competitive Academics is a component of the delivery of public education within Florida's Early Learning-20 education system.

Section 7. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:



825760

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, the Board of Trustees for the Florida School for Competitive Academics, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, or the Florida College System institution, the office must ~~shall~~ conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and



825760

shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 8. Subsections (8) through (12) of section 1001.215, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and subsections (1), (3), (4), and (6) and present subsection (7) of that section are amended, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(1) Provide training to reading coaches and school administrators on the evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ for purposes of implementation, modeling, and classroom observations to support professional growth and inform performance evaluations of instructional personnel.

(3) Work with the Lastinger Center for Learning at the University of Florida to develop training for K-12 teachers, reading coaches, and school administrators on effective content-area-specific reading strategies; the coordinated integration of content-rich curriculum from other core subject areas into reading instruction, with an emphasis on civic literacy; and evidence-based reading strategies identified pursuant to subsection (7) ~~(8)~~ to improve student reading performance. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Develop and provide access to sequenced, content-rich



825760

curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills, including student attainment of the Next Generation Sunshine State Standards for social studies, science, and the arts. The office shall, as part of the adoption cycle for English Language Arts instructional materials, assist in evaluating elementary grades instructional materials submitted for adoption consideration in order to identify those materials that are closely aligned to the content and evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ and incorporate professional development to implement such strategies.

(6) Provide technical assistance to school districts in the development and implementation of district plans required under s. 1003.4201 ~~for use of the evidence-based reading instruction allocation provided in s. 1011.62(8)~~ and annually review and approve such plans.

~~(7) Review, evaluate, and provide technical assistance to school districts' implementation of the comprehensive reading plan required in s. 1011.62(8).~~

Section 9. Notwithstanding the expiration date in section 8 of chapter 2022-157, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted and amended to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television and radio stations qualified by the



825760

Corporation for Public Broadcasting or public colleges and universities that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 10. Subsection (21) 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



825760

powers and perform all duties listed below:

(21) EDUCATIONAL EMERGENCY. ~~Negotiate special provisions of its contract with the appropriate bargaining units~~ To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address. ~~The negotiations shall result in a memorandum of understanding that addresses~~ the selection, placement, compensation, and expectations of instructional personnel and provide ~~provides~~ principals with the autonomy described in s. 1012.28(8). For purposes of this subsection, an educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F." Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

(a) Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.

(b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.

Section 11. Paragraph (h) is added to subsection (2) of section 1001.43, Florida Statutes, to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following



825760

supplemental powers and duties as authorized by this code or
State Board of Education rule.

(2) FISCAL MANAGEMENT.—The district school board may adopt
policies providing for fiscal management of the school district
with respect to school purchasing, facilities, nonstate revenue
sources, budgeting, fundraising, and other activities relating
to the fiscal management of district resources, including, but
not limited to, the policies governing:

(h) Assessment of a kindergarten through grade 12 student
fee for voluntary, noncredit summer school enrollment in basic
program courses. The amount of any student fee shall be based on
the ability of the student to pay such fee as determined by
district school board policy.

Section 12. Paragraphs (e) through (h) of subsection (9) of
section 1002.32, Florida Statutes, are redesignated as
paragraphs (d) through (g), respectively, and present paragraphs
(a) and (d) of that subsection are amended, to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter
lab school, shall be provided as follows:

(a) Each lab school shall receive state funds for operating
purposes as provided in ~~be allocated its proportional share of
operating funds from~~ the Florida Education Finance Program as
defined provided in s. 1011.61(5) ~~s. 1011.62~~ based on the county
in which the lab school is located and as specified in the
General Appropriations Act.

1. The nonvoted required local effort millage established
pursuant to s. 1011.71(1) ~~ad valorem millage~~ that would
otherwise be required for lab schools shall be allocated from



825760

state funds.

2. An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each lab school through a state-funded discretionary contribution established pursuant to s. 1011.62(6)
~~The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school in operation as of September 1, 2013, with a permanent high school center shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.~~

~~(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from~~



825760

~~state funds in the General Appropriations Act to the Lab School Trust Fund.~~

Section 13. Section 1002.351, Florida Statutes, is created to read:

1002.351 The Florida School for Competitive Academics.—

(1) ESTABLISHMENT.—There is established the Florida School for Competitive Academics. The school shall be located in Alachua County and is a state-supported public school for Florida residents in grades 6-12. The primary purpose of the school is to provide a rigorous academic curriculum, and the secondary purpose is to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics. The school may admit students in grades 6-12 beginning in the 2024-2025 school year.

(2) MISSION.—

(a) The mission of the Florida School for Competitive Academics is to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

(b) To assist in the recruitment of students, the Florida School for Competitive Academics must be included in the school choice online portal established under s. 1001.10(10). The portal must include information about the opportunity for parents to submit their child's educational records to the Florida School for Competitive Academics for consideration for admission.



825760

(3) BOARD OF TRUSTEES.—

(a) 1. The Florida School for Competitive Academics shall be governed by a board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, shall be appointed to 4-year terms beginning July 1, 2023, and three members shall be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair shall be elected by the board.

2. No more than one employee of the school may serve on the board of trustees as a member or as chair.

(b) Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(c) The board of trustees is a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members are public officers who bear fiduciary responsibility for the Florida School for Competitive Academics.

(d) The board of trustees is a body corporate with all the powers of a body corporate and with such authority as is needed for the proper operation and improvement of the Florida School for Competitive Academics. Title to any gift, donation, or bequest received by the board of trustees must vest in the board of trustees. Title to all other property and other assets of the Florida School for Competitive Academics must vest in the State Board of Education, but the board of trustees has complete jurisdiction over the management of the school.

(e) The board of trustees has the full power and authority



825760

to:

1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for Competitive Academics. Such rules must be submitted to the State Board of Education for approval or disapproval. After a rule is approved by the State Board of Education, the rule must be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

2. Appoint a principal, administrators, teachers, and other employees.

3. Remove principals, administrators, teachers, and other employees at the board's discretion.

4. Determine eligibility of students and procedures for admission.

5. Provide for the proper keeping of accounts and records and for budgeting of funds.

6. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.

7. Recommend to the Legislature for the school to become a residential public school.

8. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, in accordance with chapter



825760

216 and ss. 1011.56 and 1013.60, to the Department of Education for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all purchases to be in accordance with chapter 287 except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.

4. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics, who shall be school employees, including the personnel.

5. Ensure that the Florida School for Competitive Academics complies with s. 1013.351 concerning the coordination of planning between the Florida School for Competitive Academics and local governing bodies.

6. Ensure that the Florida School for Competitive Academics complies with s. 112.061 concerning per diem and travel expenses.

7. Adopt a master plan that specifies the objectives of the Florida School for Competitive Academics. The plan must be for a period of 5 years and must be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the President of the Senate and the Speaker of the House of Representatives.

(4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees



825760

shall provide for the content and custody of student and employee personnel records. Student records are subject to s. 1002.22. Employee records are subject to s. 1012.31.

(5) PERSONNEL.—

(a) The Florida School for Competitive Academics Board of Trustees shall require all employees and applicants for employment to undergo background screening as provided in s. 1012.32 as a condition of employment and continued employment. Members of the board of trustees must also undergo background screening in accordance with the relevant provisions of s. 1012.32. An individual may not be employed as an employee or contract personnel of the school or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(b) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. Classroom teachers employed by the school must be certified pursuant to chapter 1012.

3. Each person employed by the board of trustees in an academic, administrative, or instructional capacity with the Florida School for Competitive Academics is entitled to a contract as provided by rules of the board of trustees.



825760

4. All employees, except temporary, seasonal, and student employees, may be provided Florida Retirement System benefits from the school through operational costs.

(6) FUNDING.—

(a) The Florida School for Competitive Academics shall receive state funds for operating purposes as provided in the General Appropriations Act.

(b) In addition to the funds provided in the General Appropriations Act, the Florida School for Competitive Academics may receive other funds from grants and donations.

(7) AUDITS.—The Auditor General shall conduct audits of the accounts and records of the Florida School for Competitive Academics as provided in s. 11.45. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

(8) EXEMPTION FROM STATUTES.—

(a) The Florida School for Competitive Academics is exempt from all statutes in chapters 1000-1013. However, the Florida School for Competitive Academics shall be in compliance with the following statutes in chapters 1000-1013:

1. This section.

2. Those statutes pertaining to the student assessment program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including, but not limited to, s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.



825760

(b) Additionally, the Florida School for Competitive Academics shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1006.12, relating to safe-school officers.
4. Section 1006.07(7), relating to threat assessment teams.
5. Section 1006.07(9), relating to school environmental safety incident reporting.
6. Section 1006.07(10), relating to reporting of involuntary examinations.
7. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
8. Section 1006.07(6)(d), relating to adopting active assailant response plans.
9. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
10. Section 1012.584, relating to youth mental health awareness and assistance training.
11. Section 1003.4282, relating to requirements for a standard high school diploma.
12. Section 1003.03(1), relating to class size maximums.
- 13.a. Section 1011.61, relating to instructional hours requirements.

b. Notwithstanding sub-subparagraph a., the school may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

(c) For purposes of this subsection:

1. The duties assigned to a district school superintendent



825760

apply to the director of the Florida School for Competitive
Academics.

2. The duties assigned to a district school board apply to
the board of trustees.

Section 14. Paragraphs (e) and (f) of subsection (3) of
section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be
provided as follows:

(e) The comparable wage factor ~~district cost differential~~
as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive state funds
for operating purposes as provided in the General Appropriations
Act. The calculation to determine the amount of state funds
includes: the sum of the basic amount for current operations
established in s. 1011.62(1)(s), the discretionary millage
compression supplement established in s. 1011.62(5) ~~base Florida~~
~~Education Finance Program funding~~, the state-funded
discretionary contribution established in s. 1011.62(6), and a
per-full-time equivalent share of the ~~discretionary millage~~
~~compression supplement~~, the exceptional student education
guaranteed allocation established in s. 1011.62(8), and the
mental health assistance allocation established in s.

1011.62(13) the instructional materials allocation, the
~~evidence-based reading instruction allocation, the mental health~~
~~assistance allocation, and the teacher salary increase~~
allocation. ~~For the purpose of calculating the state-funded~~
~~discretionary contribution, multiply the maximum allowable~~
~~nonvoted discretionary millage for operations pursuant to s.~~



825760

~~1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. Funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.~~

Section 15. Subsection (12) of section 1002.394, Florida Statutes, as amended by chapter 2023-16, Laws of Florida, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3) (a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6) (1)2. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3) (a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1) (c)1., plus a per-full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7) (a), and (16), as funded in the General Appropriations Act, ~~except for the exceptional student education guaranteed allocation established pursuant to s. 1011.62(1) (c).~~

2. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be



825760

awarded to an eligible student who is enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3. The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation, the department shall transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

4. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An



825760

organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.

5. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3)(a) which has a balance in excess of \$24,000.

(b)1. Scholarships for students determined eligible pursuant to paragraph (3)(b) are established for up to 26,500 students annually beginning in the 2022-2023 school year. Beginning in the 2023-2024 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 3.0 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the



825760

preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d) ~~s. 1011.62(1)(c)1. and (c)1.e.,~~ plus a per full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established, as ~~funded in the General Appropriations Act, except that for the exceptional student education guaranteed allocation, as provided in s. 1011.62(8) s. 1011.62(1)(c)1.e. and 2.,~~ the funds must be



825760

allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must provide the department with the documentation necessary to verify the student's participation.

7. Upon receiving the documentation, the department shall release, from state funds only, the student's scholarship funds to the organization, to be deposited into the student's account in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the



825760

scholarship is in force.

8. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

9. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

10. An organization may not transfer any funds to an account of a student determined to be eligible pursuant to paragraph (3)(b) which has a balance in excess of \$50,000.

11. Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

Section 16. Paragraph (e) of subsection (1) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(e) Each school district shall:

1. Provide to the department by each October 1, a copy of each contract and the amount paid per unweighted full-time equivalent virtual student for services procured pursuant to subparagraphs (c)1. and 2.



825760

2. Expend any difference in the amount of funds per unweighted full-time equivalent virtual student allocated to the school district pursuant to subsection (6) and the amount paid per unweighted full-time equivalent virtual student by the school district for a contract executed pursuant to subparagraph (c)1. or subparagraph (c)2. on acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.

3. Provide to the department by September 1 of each year an itemized list of items acquired in subparagraph 2.

4. Limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction pursuant to paragraph (c) to no more than those that can be funded from state Florida Education Finance Program funds ~~50 percent of the total enrolled full-time equivalent virtual students residing inside the school district providing the virtual instruction. This subparagraph applies to any virtual instruction contract or agreement that is entered into for the first time after June 30, 2021. However, a school district may not enroll more full-time equivalent virtual students residing outside of the school district than the total number of reported full-time equivalent students residing inside the school district.~~

(6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the



825760

Florida Education Finance Program shall include the sum of the basic amount for current operations established in ~~base Florida Education Finance Program pursuant to~~ s. 1011.62(1)(s) and all categorical programs except for the categorical programs established in ss. 1011.62(7), (12), and (14), 1011.68, and 1011.685 ~~pursuant to ss. 1011.62(1)(f), (7), and (13); 1011.68; 1011.685; and 1012.71~~. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

Section 17. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The department, in collaboration with the Just Read, Florida! Office, shall adopt minimum standards for courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development, consistent with the evidence-based content and strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~. The course standards must be reviewed as part of any review of subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas conducted pursuant to s. 1012.586. Each course must also provide resources containing strategies that allow students with disabilities and other



825760

special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

Section 18. Paragraph (b) of subsection (3) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—
(3)

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

Section 19. Paragraph (a) of subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to the eligible providers using the following methodology:

1. For each county in the early learning coalition, multiply the cost of care by care level as provided in s. 1002.90 by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).



825760

2. If a county enacted a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the provider reimbursement rates for that county by the adjustment factor specified in the General Appropriations Act.

3. Apply the weight established pursuant to s. 1002.90 for each provider type to calculate the minimum provider reimbursement rates by care level.

4. Multiply the weighted provider reimbursement rates by 22 percent to determine the amount of the school readiness allocation an early learning coalition is eligible to retain pursuant to s. 1002.89(4).

Each early learning coalition with approved minimum provider reimbursement rates for the infant to age 5 care levels that are higher than the minimum provider reimbursement rates established in this subsection may continue to implement its approved minimum provider reimbursement rates until the rates established in this subsection exceed its approved rates.

Section 20. Paragraph (a) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(a) *School readiness program allocation.*—If the annual allocation for the school readiness program is not determined in



825760

the General Appropriations Act or the substantive bill implementing the General Appropriations Act, it shall be determined as follows:

1. For each county in the early learning coalition, the total school readiness eligible population, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), shall be multiplied by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).

2. If a county passed a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the product calculated in subparagraph 1. by the adjustment factor specified in the General Appropriations Act.

3. Each county's school readiness allocation shall be based on the county's proportionate share of the total adjusted eligible school readiness population.

Section 21. Paragraph (c) of subsection (1) of section 1002.995, Florida Statutes, is amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department shall:

(c) Subject to the appropriation of funds by the Legislature, provide incentives to school readiness personnel who meet the requirements of s. 1002.88(1)(e) and prekindergarten instructors who meet the requirements specified in s. 1002.55, s. 1002.61, or s. 1002.63 and who possess a reading certification or endorsement or a literacy micro-credential as specified in s. 1003.485 and teach students in the



825760

school readiness program or the voluntary prekindergarten education program or work in the child care or early learning setting.

Section 22. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.

2. Determine the number of FTE students which exceeds the maximum for each grade group.

3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.

4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the comparable wage factor ~~district cost differential~~ in the 2014-2015 fiscal year and thereafter.

5. Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in



825760

subparagraphs 3. and 4.

Section 23. Section 1003.4201, Florida Statutes, is created to read:

1003.4201 Comprehensive system of reading instruction.—Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.

(1) Each school district must develop, and submit to the district school board for approval, a detailed reading instruction plan that outlines the components of the district's comprehensive system of reading instruction. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) (a) Components of the reading instruction plan may include the following:

1. Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.

2. Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data collected pursuant to s. 1008.25(8) and improve classroom teacher delivery of effective reading instruction, reading



825760

intervention, and reading in the content areas based on student need.

3. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

4. Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.

5. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.

6. Tutoring in reading.

(b) Each school district must include in its reading instruction plan the planned school year expenditures for each component of such plan.

(3) Each school district shall submit its approved reading instruction plan, including approved reading instruction plans for each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) The department shall evaluate the implementation of each school district reading instruction plan, including conducting site visits and collecting specific data on reading



825760

improvement results.

(5) By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based intensive reading and intervention strategies in the classroom.

(6) For purposes of this section, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).

Section 24. Paragraphs (g) and (h) of subsection (4) of section 1003.485, Florida Statutes, are amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(g) Develop a micro-credential that requires teachers to demonstrate competency to:

1. Diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student;

2. Use evidence-based instructional and intervention practices, including strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~; and

3. Effectively use progress monitoring and intervention materials.

(h) Administer the early literacy micro-credential program established under this section, which must include components on content, student learning, pedagogy, and professional development and must build on a strong foundation of



825760

scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies, as identified by the Just Read, Florida! Office, pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~.

1. At a minimum, the micro-credential curriculum must be designed specifically for instructional personnel in prekindergarten through grade 3 based upon the strategies and techniques identified in s. 1002.59 and address foundational literacy skills of students in grades 4 through 12.

2. The micro-credential must be competency based and designed for eligible instructional personnel to complete the credentialing process in no more than 60 hours, in an online format. The micro-credential may be delivered in an in-person format. Eligible instructional personnel may receive the micro-credential once competency is demonstrated even if it is prior to the completion of 60 hours.

3. The micro-credential must be available by December 31, 2022, at no cost, to instructional personnel as defined in s. 1012.01(2); prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and child care personnel as defined in ss. 402.302(3) and 1002.88(1)(e).

Section 25. Paragraphs (g) and (j) of subsection (2) of section 1003.621, Florida Statutes, are 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



825760

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:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1003.4201 ~~s. 1011.62(8)(c)~~, relating to the requirement for a comprehensive system of reading instruction plan. ~~A district that is exempt from submitting a comprehensive reading plan shall be deemed approved to receive the evidence-based reading instruction allocation.~~ Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.

(j) Those statutes relating to instructional materials,



825760

except that s. 1006.37, relating to the requisition of state-adopted materials from the depository under contract with the publisher, and s. 1006.40(3)(b), relating to the purchase ~~use of~~ ~~50 percent of the~~ instructional materials ~~allocation~~, shall be eligible for exemption.

Section 26. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the comparable wage factor ~~district cost differential~~ pursuant to the formula required by s. 1011.80(7)(a) for the district in which the student resides.

Section 27. Section 1006.041, Florida Statutes, is created to read:

1006.041 Mental health assistance program.—Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.



825760

(1) Each school district must develop, and submit to the district school board for approval, a detailed plan outlining the components and planned expenditures of the district's mental health assistance program. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) A plan required under subsection (1) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plan must include all of the following components:

(a) Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. The providers shall include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan must also identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision



825760

of district staffing resource allocations based on school or student mental health assistance needs.

(b) Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth as defined in s. 456.47(1).

(c) Policies and procedures, including contracts with service providers, which will ensure that:

1. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days after referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

2. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school



825760

may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.

3. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in such individuals' behavioral health would contribute to the improved well-being of the student.

(d) Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

(e) Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

(f) Procedures to assist a mental health services provider or a behavioral health provider as described in paragraph (a) or paragraph (b), respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as defined in s. 393.063.

(g) Policies of the school district which must require that



825760

in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or through telehealth. The mental health professional may be available to the school district either by a contract or interagency agreement with the managing entity, one or more local community-based behavioral health providers, or the local mobile response team, or be a direct or contracted school district employee.

(3) Each school district shall submit its approved plan, including approved plans of each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) Annually by September 30, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the total number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred to school-based or community-based providers for services or assistance.

(c) Students who receive school-based or community-based interventions, services, or assistance.

(d) School-based and community-based mental health providers, including licensure type.

(e) Contract-based or interagency agreement-based collaborative efforts or partnerships with community-based



825760

mental health programs, agencies, or providers.

Section 28. Paragraph (b) of subsection (6) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(b) *Mental health coordinator*.—Each district school board shall identify a mental health coordinator for the district. The mental health coordinator shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting, including:

1. Coordinating with the Office of Safe Schools, established pursuant to s. 1001.212.

2. Maintaining records and reports regarding student mental health as it relates to the mental health assistance program under s. 1006.041 and school safety ~~and the mental health assistance allocation under s. 1011.62(14).~~

3. Facilitating the implementation of school district policies relating to the respective duties and responsibilities



825760

of the school district, the superintendent, and district school principals.

4. Coordinating with the school safety specialist on the staffing and training of threat assessment teams and facilitating referrals to mental health services, as appropriate, for students and their families.

5. Coordinating with the school safety specialist on the training and resources for students and school district staff relating to youth mental health awareness and assistance.

6. Reviewing annually the school district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending such policies and procedures to the superintendent and the district school board.

Section 29. Subsection (3) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(3) The Office of Safe Schools shall make the FSSAT available no later than May 1 of each year.

(a) The office must provide annual training to each district's school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

(b) Each school district must annually report to the office by October 15 that all public schools within the school district have completed the FSSAT.

Section 30. Paragraph (c) is added to subsection (3) of section 1006.28, Florida Statutes, and paragraph (a) of subsection (1) of that section, is amended, to read:



825760

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DEFINITIONS.—

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

1. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked 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 of mathematics, language arts, social studies, science, reading, and literature.

2. "Instructional materials" has the same meaning as in s. 1006.29(2).

3. "Library media center" means any collection of books, ebooks, periodicals, and videos maintained and accessible on the site of a school, including classrooms.

(3) DISTRICT SCHOOL SUPERINTENDENT.—

(c) Annually by August 1, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided, that the materials are being implemented as designed, and that core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of s. 1001.215(8). Such instructional



825760

materials, as evaluated and identified pursuant to s.
1001.215(4), may be purchased by school districts without
undergoing the adoption procedures in s. 1006.40(4)(b).

Section 31. Section 1006.40, Florida Statutes, is amended
to read:

1006.40 Purchase ~~Use of instructional materials allocation;~~
~~instructional materials, library books, and reference books;~~
~~repair of books.-~~

(1) On or before July 1 each year, ~~the commissioner shall~~
~~certify to~~ each district school superintendent shall certify to
the Commissioner of Education the estimated allocation of state
funds for instructional materials, ~~computed pursuant to the~~
~~provisions of s. 1011.67~~ for the ensuing fiscal year.

(2) Each district school board must purchase current
instructional materials to provide 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. Such purchase
must be made within the first 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.

(3)(a) Except for a school district or a consortium of
school districts that implements an instructional materials
program pursuant to s. 1006.283, each district school board
shall ~~use the annual allocation only for the purchase of~~
instructional materials that align with state standards and are
included on the state-adopted list, ~~except as otherwise~~
~~authorized in paragraphs (b) and (c).~~



825760

(b) Up to 50 percent of the amount the school district has budgeted for instructional materials ~~annual allocation~~ may be used for:

1. The purchase of library and reference books and nonprint materials.

2. The purchase of other materials having intellectual content which assist in the instruction of a subject or course. These materials may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, novels, electronic content, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.

3. The repair and renovation of textbooks and library books and replacements for items which were part of previously purchased instructional materials.

~~(c) District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and 75 percent of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the state-adopted list.~~

(c) ~~(d)~~ Any materials purchased pursuant to this section must be:

1. Free of pornography and material prohibited under s. 847.012.

2. Suited to student needs and their ability to comprehend the material presented.

3. Appropriate for the grade level and age group for which



825760

the materials are used or made available.

(4) Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:

(a) Maximize student use of the district-approved instructional materials.

(b) Provide a process for public review of, public comment on, and the adoption of materials, including those used to provide instruction required by s. 1003.42, which satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.

~~(5) District school boards may issue purchase orders subsequent to February 1 in an aggregate amount which does not exceed 20 percent of the current year's allocation, and subsequent to April 1 in an aggregate amount which does not exceed 90 percent of the current year's allocation, for the purpose of expediting the delivery of instructional materials which are to be paid for from the ensuing year's allocation. This subsection does not apply to a district school board or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283.~~

~~(6) In any year in which the total instructional materials allocation for a school district has not been expended or obligated prior to June 30, the district school board shall carry forward the unobligated amount and shall add it to the next year's allocation.~~

~~(5)(7)~~ A district school board or a consortium of school districts that implements an instructional materials program



825760

pursuant to s. 1006.283 may ~~use the annual allocation to~~
purchase instructional materials not on the state-adopted list.
However, instructional materials purchased pursuant to this
section which are not included on the state-adopted list must
meet the criteria of s. 1006.31(2), align with state standards
adopted by the State Board of Education pursuant to s. 1003.41,
and be consistent with course expectations based on the
district's comprehensive plan for student progression and course
descriptions adopted in state board rule.

Section 32. Paragraph (n) of subsection (21) of section
1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(21) Each district school superintendent and each public
postsecondary institution president shall develop a
comprehensive dual enrollment articulation agreement for the
respective school district and postsecondary institution. The
superintendent and president shall establish an articulation
committee for the purpose of developing the agreement. Each
state university president may designate a university
representative to participate in the development of a dual
enrollment articulation agreement. A dual enrollment
articulation agreement shall be completed and submitted annually
by the postsecondary institution to the Department of Education
on or before August 1. The agreement must include, but is not
limited to:

(n) A funding provision that delineates costs incurred by
each entity.

1. School districts shall pay public postsecondary
institutions the standard tuition rate per credit hour from



825760

funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction. When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution. A postsecondary institution may enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

2. School districts shall pay for the cost of instructional materials for public high school students who are earning credit toward high school graduation under the dual enrollment program.

3.2. Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.

Section 33. Paragraph (b) of subsection (5) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting



825760

requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. ~~Such intensive reading interventions shall be paid for using funds from the district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).~~

Section 34. Paragraph (d) of subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(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 shall include:

(d) Based upon a review of each school district's reading instruction plan submitted pursuant to s. 1003.4201 ~~s. 1011.62(8)~~, 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).



825760

School reports 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 35. Subsections (2), (3), and (5) of section 1008.365, Florida Statutes, are amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.—

(2) The Reading Achievement Initiative for Scholastic Excellence (RAISE) Program is established within the Department of Education to provide instructional supports to school districts, school administrators, and instructional personnel in implementing:

(a) Evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency.

(b) Differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs.

(c) Explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension with more extensive opportunities for guided practice, error correction, and feedback ~~and interventions in order to improve student reading achievement.~~

(3) The department shall establish at least 20 literacy support regions and regional support teams, at the direction of a regional literacy support director appointed by the Commissioner of Education, to assist schools with improving low reading scores as provided in this section.

(a) A regional literacy support director must successfully demonstrate competence on the evidence-based strategies



825760

identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and have the experience and credentials necessary, as determined by the department, to:

1. Effectively monitor student reading growth and achievement data;
2. Oversee districtwide and schoolwide professional development and planning to establish evidence-based practices among school administrators and instructional personnel;
3. Evaluate implementation of evidence-based practices; and
4. Manage a regional support team.

(b) A regional support team shall report to its regional literacy support director and must consist of individuals who:

1. Successfully demonstrate competence on the evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~;
2. Have substantial experience in literacy coaching and monitoring student progress data in reading; and
3. Have received training necessary to assist with the delivery of professional development and site-based supports, including modeling evidence-based practices and providing feedback to instructional personnel.

(5) The department shall provide progress monitoring data to regional support teams regarding the implementation of supports. Such supports must include:

- (a) Professional development, aligned to evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~, for appropriate instructional personnel and school administrators identified by the regional support team.

(b) Assistance with implementing:



825760

1. Data-informed instructional decisionmaking using progress monitoring and other appropriate data.

2. Selection and consistent, coordinated use of scientifically researched and evidence-based high-quality instructional materials and supplemental materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

3. Reading instruction in other core subject area curricula, with an emphasis on civic literacy.

4. A multitiered system of supports in order to provide students effective interventions and identify students who may require an evaluation for special educational services, including identifying characteristics of conditions that affect phonological processing, such as dyslexia.

(c) Evaluating a school's improvement plan for alignment with the school district's K-12 ~~comprehensive~~ reading instruction plan under s. 1003.4201 ~~s. 1011.62(8)(d)~~ and the school district's allocation of resources as required by s. 1008.25(3)(a). If the regional support team determines that the school district's reading instruction plan does not address the school's need to improve student outcomes, the regional literacy support director, the district school superintendent, or his or her designee, and the director of the Just Read, Florida! Office shall convene a meeting to rectify the deficiencies of the reading instruction plan.

Section 36. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1010.20, Florida Statutes, are amended to read:

1010.20 Cost accounting and reporting for school districts.—



825760

(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) ~~s. 1011.62(6)~~.

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(17) ~~s. 1011.62(6)~~ shall be expended for the costs of the identified programs as provided by law and in accordance with the rules of the State Board of Education.

Section 37. Section 1011.58, Florida Statutes, is created to read:

1011.58 Procedures for legislative budget requests for the Florida School for Competitive Academics.—

(1)(a) The legislative budget request of the Florida School for Competitive Academics established in s. 1002.351 must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget request of the Department of Education.

(b) The Florida School for Competitive Academics shall submit its legislative budget request to the Department of Education for review and approval. The school must create and submit to the department an implementation plan before the department may approve the budget request.

(c) Subsequent to the Department of Education's approval, the Commissioner of Education shall include the Florida School for Competitive Academics in the department's legislative budget request to the State Board of Education, the Governor, and the



825760

Legislature. The legislative budget request and the
appropriation for the Florida School for Competitive Academics
must be a separate identifiable sum in the public schools budget
entity of the Department of Education.

(d) The annual appropriation for the school shall be
distributed monthly, without using the Florida Education Finance
Program, in payments as nearly equal as possible. Appropriations
for textbooks, instructional technology, and school buses may be
released and distributed as necessary to serve the instructional
program for the students. Transportation of students shall be
provided by the school consistent with the requirements of
subpart E. of part I of chapter 1006 and s. 1012.45.

(2) The school shall submit its fixed capital outlay
request to the Department of Education for review and approval
in accordance with s. 1002.36(4)(f)1. Subsequent to the
department's approval, the school's request must be included
within the department's public education capital outlay
legislative budget request.

Section 38. Section 1011.59, Florida Statutes, is created
to read:

1011.59 Florida School for Competitive Academics; board of
trustees; management flexibility.-

(1) Notwithstanding ss. 216.031, 216.181, and 216.262 and
pursuant to s. 216.351, but subject to any guidelines imposed in
the General Appropriations Act, funds for the operation of the
Florida School for Competitive Academics shall be requested and
appropriated within budget entities, program components, program
categories, lump sums, or special categories. Funds appropriated
to the Florida School for Competitive Academics for each program



825760

category, lump sum, or special category may be transferred to traditional categories for expenditure by the board of trustees of the school. The board of trustees shall develop an annual operating budget that allocates funds by program component and traditional expenditure category.

(2) Notwithstanding s. 216.181 and pursuant to s. 216.351, but subject to any requirements imposed in the General Appropriations Act, a lump-sum plan is not required to implement the special categories, program categories, or lump-sum appropriations. Upon release of the special categories, program categories, or lump-sum appropriations to the board of trustees, the Chief Financial Officer shall, upon the request of the board of trustees, transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees shall maintain records to account for the original appropriation.

(3) Notwithstanding ss. 216.031, 216.181, 216.251, and 216.262 and pursuant to s. 216.351, but subject to any requirements imposed in the General Appropriations Act, the board of trustees shall establish the authorized positions and may amend such positions within the total funds authorized annually in the General Appropriations Act.

(4) Notwithstanding s. 216.301, all unexpended funds appropriated for the Florida School for Competitive Academics shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 39. Subsection (5) of section 1011.61, Florida Statutes, is amended to read:



825760

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(5) The “Florida Education Finance Program” includes all programs and costs as provided in ss. 1003.03, 1011.62, 1011.68, and 1011.685 ~~s. 1011.62~~.

Section 40. Paragraph (e) of subsection (1) of section 1011.62, Florida Statutes, is redesignated as paragraph (d), present paragraphs (c) through (f) and (s) of subsection (1) and subsections (2), (3), (5) through (9), and (11) through (17) are amended, and new paragraphs (e) and (f) are added to subsection (1) and new subsections (6) through (8) and (16) through (18) are added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The cost factor for secondary career education programs must be greater than the cost factor for ~~and~~ basic programs grade 9 through 12 ~~shall be equal~~. The Commissioner of Education shall



825760

specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.

4. English for Speakers of Other Languages.

~~(d) Annual allocation calculation.—~~

~~1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.~~

~~2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.~~



825760

~~3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.~~

~~a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.~~

~~b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Families and the Department of Juvenile Justice.~~

~~c. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:~~

~~(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment~~



825760

~~for that program derived from actual enrollments.~~

~~(II) If the difference calculated under sub-sub-
subparagraph (I) is greater than zero for any program, a
reduction proportion shall be computed for the program by
dividing the absolute value of the difference by the total
amount by which the weighted enrollment for the program group
exceeds the weighted enrollment ceiling for the program group.~~

~~(III) The reduction proportion calculated under sub-sub-
subparagraph (II) shall be multiplied by the total amount of the
program group's enrollment over the ceiling as calculated under
sub-sub-subparagraph (I).~~

~~(IV) The prorated reduction amount calculated under sub-
sub-subparagraph (III) shall be subtracted from the program's
weighted enrollment to produce a revised program weighted
enrollment.~~

~~(V) The prorated reduction amount calculated under sub-sub-
subparagraph (III) shall be divided by the appropriate program
weight, and the result shall be added to the revised program
weighted enrollment computed in sub-sub-subparagraph (IV).~~

~~(d)(e) Funding model for exceptional student education
programs. The funding model for exceptional student education
programs shall include all of the following:~~

~~1.1.a. For programs for exceptional students in The funding
model uses basic, at-risk, support levels IV and V as
established in paragraph (c), the funding model shall include
program for exceptional students and career Florida Education
Finance Program cost factors, and a guaranteed allocation for
exceptional student education programs.~~

~~a. Exceptional education cost factors are determined by~~



825760

using a matrix of services to document the services that each support level IV and support level V exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. ~~The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.~~

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

~~e. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students.~~

~~Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.~~

2. For students identified as exceptional in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in subparagraph 1. and for students who are gifted in grades kindergarten & through 8, the



825760

funding model shall include the funds generated on the basis of full-time equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for a basic student and additional funds provided by the exceptional student education guaranteed allocation established pursuant to subsection (8).

(e) Calculation of additional full-time equivalent membership for small school district exceptional student education.—An additional value per full-time equivalent student membership is provided to school districts with a full-time equivalent student membership of fewer than 10,000 and fewer than three full-time equivalent students in exceptional student education support levels IV and V. The Department of Education shall set the amount of the additional value based on documented evidence of the difference between the cost of the school district's exceptional student education support levels IV and V services and the applicable Florida Education Finance Program funds appropriated in the General Appropriations Act. The total statewide value may not exceed a value per weighted full-time equivalent student as specified in the General Appropriations Act. The additional value for an eligible school district shall not exceed three full-time equivalent students for each of the exceptional student education support levels IV and V ~~there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(1) and rules of the State Board of Education, which shall be allocated initially to each school district in the amount provided in the General Appropriations Act. These funds shall be supplemental to the funds appropriated for the basic~~



825760

~~funding level, and the amount allocated for each school district shall be recalculated during the year, based on actual student membership from FTE surveys. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation based on each district's share of the total recalculated amount. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. A district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.~~

(f) Small district factor.—An additional value per full-time equivalent student membership is provided to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students which is in a fiscally constrained county as described in s. 218.67(1). The amount of the additional value shall be specified in the General Appropriations Act.

~~(f) Supplemental academic instruction allocation.—~~

~~1. There is created the supplemental academic instruction allocation to provide supplemental academic instruction to students in kindergarten through grade 12.~~

~~2. The supplemental academic instruction allocation shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds are in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be~~



825760

~~included in the total potential funds of each district.
Beginning with the 2018-2019 fiscal year, each school district
that has a school earning a grade of "D" or "F" pursuant to s.
1008.34 must use that school's portion of the supplemental
academic instruction allocation to implement intervention and
support strategies for school improvement pursuant to s. 1008.33
and for salary incentives pursuant to s. 1012.2315(3) or salary
supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
through a memorandum of understanding between the collective
bargaining agent and the school board that addresses the
selection, placement, and expectations of instructional
personnel and school administrators. For all other schools, the
school district's use of the supplemental academic instruction
allocation may include, but is not limited to, the use of a
modified curriculum; reading instruction; after-school
instruction; tutoring; mentoring; a reduction in class size;
extended school year; intensive skills development in summer
school; dropout prevention programs as defined in ss. 1003.52
and 1003.53(1)(a), (b), and (c); and other methods of improving
student achievement. Supplemental academic instruction may be
provided to a student in any manner and at any time during or
beyond the regular 180-day term identified by the school as
being the most effective and efficient way to best help that
student progress from grade to grade and to graduate.~~

~~3. The supplemental academic instruction allocation shall
consist of a base amount that has a workload adjustment based on
changes in unweighted FTE. The supplemental academic instruction
allocation shall be recalculated during the fiscal year. Upon
recalculation of funding for the supplemental academic~~



825760

~~instruction allocation, if the total allocation is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each district's share of the total.~~

~~4. Funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction allocation and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.~~

(s) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The comparable wage factor ~~district cost differential~~, multiplied by

4. The base student allocation.

(2) DETERMINATION OF COMPARABLE WAGE FACTOR ~~DISTRICT COST DIFFERENTIALS.~~—



825760

(a) The Commissioner of Education shall annually compute for each district the current year's comparable wage factor ~~district cost differential~~. The comparable wage factor ~~district cost differential~~ shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the comparable wage factor ~~cost differential~~ for that district for that year.

(b) The comparable wage factor for each school district is used in the calculation of the basic amount for current operation pursuant to subsection (1) if the comparable wage factor is greater than 1.000.

(c) The limitation authorized in paragraph (b) applies to any categorical funding provided in the Florida Education Finance Program that has a calculation methodology that includes the comparable wage factor.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsection (1) ~~subsections (1) and (2)~~, a percentage of the basic amount for current operation ~~base student allocation per full-time equivalent student~~ or other funds shall be expended for educational training programs as determined by the district school board as provided in s. 1012.98.

(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), the rate of nonvoted current operating discretionary millage that shall be used to calculate



825760

a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted full-time equivalent student FTE for the district that is less than the state average, the district shall receive an amount per full-time equivalent student FTE that, when added to the funds per full-time equivalent student FTE generated by the designated levy, shall equal the state average.

(6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-funded discretionary contribution is created to fund the nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) for developmental research schools (lab schools) established in s. 1002.32 and the Florida Virtual School established in s. 1002.37.

(a) To calculate the state-funded discretionary contribution for lab schools, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district in which the lab school is located; divide the result by the total full-time equivalent membership of the school district; and multiply the result by the full-time equivalent membership of the lab school. The amount obtained shall be appropriated in the General Appropriations Act to the Lab School Trust Fund established pursuant to s. 1002.32(9).

(b) To calculate the state-funded discretionary contribution for the Florida Virtual School, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the



825760

state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the Florida Virtual School.

(7) EDUCATIONAL ENRICHMENT ALLOCATION.—

(a) The educational enrichment allocation is created to assist school districts in providing educational enrichment activities and services that support and increase the academic achievement of students in grades kindergarten through 12. Educational enrichment activities and services may be provided in a manner and at any time during or beyond the regular 180-day term identified by the school district as being the most effective and efficient way to best help the student progress from grade to grade and graduate from high school. For fiscal year 2023-2024, the educational enrichment allocation shall consist of a base amount as specified in the General Appropriations Act. Beginning in fiscal year 2024-2025, the educational enrichment allocation shall consist of the base amount that includes a workload adjustment based on changes in the unweighted full-time equivalent membership.

(b) For district-managed turnaround schools as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), a supplemental amount shall be added to their educational enrichment allocation for purposes of implementing the intervention and support strategies identified in the turnaround plan submitted pursuant to s. 1008.33.

1. The supplemental amount shall be based on the unweighted



825760

full-time equivalent student enrollment at the eligible schools and a per full-time equivalent funding amount of \$500 or as provided in the General Appropriations Act.

2. Services funded by the allocation may include, but are not limited to, tutorial and afterschool programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

3. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(c) The educational enrichment allocation, to include the supplemental amount, shall be recalculated during the fiscal year pursuant to paragraph (1)(a). If the recalculated amount is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each school district's proportionate share of the total allocation.

(d) Funding on the basis of full-time equivalent membership beyond the 180-day regular term shall be provided in the Florida Education Finance Program only for students enrolled in juvenile



825760

justice education programs or in education programs for
juveniles placed in secure facilities or programs pursuant to s.
985.19. Funding for instruction beyond the regular 180-day
school year for all other kindergarten through grade 12 students
shall be provided through the educational enrichment allocation
and other state, federal, and local funding sources with
flexibility for schools to provide educational enrichment
activities and services to assist students in grades
kindergarten through 12.

(8) EXCEPTIONAL STUDENT EDUCATION GUARANTEED ALLOCATION.—

The exceptional student education guaranteed allocation is
created to fund the additional costs of programs for exceptional
students specified in subparagraph (1)(d)2. and shall be
supplemental to the funds appropriated in the Florida Education
Finance Program for the basic student funding level.

(a) The amount of each school district's exceptional
student education guaranteed allocation shall be the greater of
either the school district's prior year exceptional student
education guaranteed allocation funds per eligible full-time
equivalent student or the exceptional student education
guaranteed allocation factor as specified in the General
Appropriations Act multiplied by the school district's total
number of eligible full-time equivalent students.

(b) The exceptional student education guaranteed allocation
shall be recalculated during the fiscal year based on actual
full-time equivalent student membership. If the recalculated
amount is greater than the amount provided in the General
Appropriations Act, the total shall be prorated to the level of
the appropriation based on each school district's share of the



825760

total recalculated allocation amount.

~~(6) CATEGORICAL FUNDS.—~~

~~(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.~~

~~(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:~~

~~1. Funds for student transportation.~~

~~2. Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase computers and device hardware for student instruction that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3. Funds for the guaranteed allocation as provided in subparagraph (1)(c)2.~~

~~4. Funds for the supplemental academic instruction allocation as provided in paragraph (1)(f).~~

~~5. Funds for the federally connected student supplement as~~



825760

~~provided in subsection (10).~~

~~6. Funds for class size reduction as provided in s.
1011.685.~~

~~(c) Each district school board shall include in its annual
financial report to the Department of Education the amount of
funds the school board transferred from each of the categorical
funds identified in this subsection and the specific academic
classroom instruction or school safety need for which the
transferred funds were expended. The Department of Education
shall provide instructions and specify the format to be used in
submitting this required information as a part of the district
annual financial report. The Department of Education shall
submit a report to the Legislature that identifies by district
and by categorical fund the amount transferred and the specific
academic classroom activity or school safety need for which the
funds were expended.~~

~~(7) DETERMINATION OF SPARSITY SUPPLEMENT.—~~

~~(a) Annually, in an amount to be determined by the
Legislature through the General Appropriations Act, there shall
be added to the basic amount for current operation of the FEPP
qualified districts a sparsity supplement which shall be
computed as follows:~~

~~Sparsity Factor = 1101.8918 — 0.1101~~

~~2700 + district
sparsity
index~~



825760

~~except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 30,000.~~

~~(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education. For districts with a full-time equivalent student membership of at least 20,000, but no more than 30,000, the index shall be computed by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.~~

~~(c) If the sparsity supplement calculated in paragraphs (a) and (b) for an eligible district is less than \$100 per full-time equivalent student, the district's supplement shall be increased to \$100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act.~~

~~(d) Each district's allocation of sparsity supplement funds~~



825760

~~shall be adjusted in the following manner:~~

~~1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.~~

~~2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.~~

~~3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for each district by its FTE student count.~~

~~4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for all districts by the state total FTE student count.~~

~~5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.~~

~~6. Each district's sparsity supplement allocation shall be~~



825760

~~calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.~~

~~(8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—~~

~~(a) The evidence-based reading instruction allocation is created to provide comprehensive reading instruction to students in prekindergarten through grade 12.~~

~~(b) Intensive reading instruction for students who have reading deficiencies must include evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the coordinated integration of civic literacy, science, and mathematics-text reading, text discussion, and writing in response to reading.~~

~~(c) Funds for comprehensive, evidence-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.~~

~~(d) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to~~



825760

~~students enrolled in the prekindergarten-12 programs and certain students who exhibit a substantial deficiency in early literacy, which may include the following:~~

~~1. Additional time per day of evidence-based intensive reading instruction to students, which may be delivered during or outside of the regular school day.~~

~~2. Kindergarten through grade 12 evidence-based intensive reading interventions.~~

~~3. Highly qualified reading coaches, who must be endorsed in reading, to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.~~

~~4. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.~~

~~5. Summer reading camps, using only teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 who demonstrate a reading deficiency as determined by district and state assessments.~~

~~6. Scientifically researched and evidence-based supplemental instructional materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~

~~7. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance~~



825760

~~Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.~~

~~8. Tutoring in reading.~~

~~(c)1. Annually, by a date determined by the Department of Education, each school district shall submit a comprehensive reading plan approved by the applicable district school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation, based upon a root-cause analysis. The State Regional Literacy Director may assist in the development of the plan. The department shall provide a plan format. A district school board may use the format developed by the department or a format developed by the district school board.~~

~~2. Intensive reading interventions must be delivered by instructional personnel who possess the micro-credential as provided in s. 1003.485 or are certified or endorsed in reading and must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~

~~Instructional personnel who possess a micro-credential as specified in s. 1003.485 and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For the purposes of this subsection, the term "supervision" means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.~~

~~3. By July 1 of each year, the department shall release to each school district its allocation of appropriated funds. The~~



825760

~~department shall evaluate the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based reading and intervention strategies in classrooms.~~

~~For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).~~

(9) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE JUSTICE EDUCATION PROGRAMS.—

(a) The total kindergarten through grade 12 K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor multiplied by the comparable wage factor for the school district established in subsection (2) district's cost differential. An amount equal to the sum of this calculation shall be allocated in the Florida Education Finance Program FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(b) Funds allocated under this subsection shall be used to provide the juvenile justice education programs pursuant to s. 1003.52 and may be used to pay for the high school equivalency examination fees for juvenile justice students who pass the high



825760

school equivalency examination in full, or in part, while in a
juvenile justice education program, the industry credentialing
testing fees for such students, and the costs associated with
such juvenile justice students enrolled in career and technical
education courses that lead to industry-recognized
certifications.

(11) QUALITY ASSURANCE GUARANTEE.—The Legislature may
annually in the General Appropriations Act determine a
percentage increase in funds per kindergarten through grade 12
K-12 unweighted full-time equivalent student FTE as a minimum
guarantee to each school district. The guarantee shall be
calculated from prior year base funding per unweighted full-time
equivalent FTE student which shall include the adjusted full-
time equivalent FTE dollars as provided in subsection (15),
quality guarantee funds, and actual nonvoted discretionary local
effort from taxes. From the base funding per unweighted full-
time equivalent student FTE, the increase shall be calculated
for the current year. The current year funds from which the
guarantee shall be determined shall include the adjusted full-
time equivalent FTE dollars as provided in subsection (15) and
potential nonvoted discretionary local effort from taxes. A
comparison of current year funds per unweighted full-time
equivalent student FTE to prior year funds per unweighted full-
time equivalent student FTE shall be computed. For those school
districts which have less than the legislatively assigned
percentage increase, funds shall be provided to guarantee the
assigned percentage increase in funds per unweighted full-time
equivalent FTE student. Should appropriated funds be less than
the sum of this calculated amount for all districts, the



825760

commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with ss. 1006.07-1006.12, with priority given to safe-school officers pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, one-third shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. ~~Each school district must report to the Department of Education by October 15 that all public schools within the school district have completed the school security risk assessment using the Florida Safe Schools Assessment Tool developed pursuant to s. 1006.1493.~~ If a district school board is required by s. 1006.12 to assign a school resource officer or school safety officer to a charter school, the charter school's share of costs for such officer may not exceed the amount of funds allocated to the charter school under this subsection.

(13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in their implementation of their establishing ~~or expanding~~ school-based mental health assistance program pursuant to s. 1006.041 ~~care; train educators and other school~~



825760

~~staff in detecting and responding to mental health issues; and~~
~~connect children, youth, and families who may experience~~
~~behavioral health issues with appropriate services.~~ These funds
shall be allocated annually in the General Appropriations Act or
other law to each eligible school district. Each school district
shall receive a minimum of \$100,000, with the remaining balance
allocated based on each school district's proportionate share of
the state's total unweighted full-time equivalent student
enrollment. ~~Charter schools that submit a plan separate from the~~
~~school district are entitled to a proportionate share of~~
~~district funding. The allocated funds may not supplant funds~~
~~that are provided for this purpose from other operating funds~~
~~and may not be used to increase salaries or provide bonuses.~~
~~School districts are encouraged to maximize third-party health~~
~~insurance benefits and Medicaid claiming for services, where~~
~~appropriate.~~

~~(a) Before the distribution of the allocation:~~

~~1. The school district must develop and submit a detailed~~
~~plan outlining the local program and planned expenditures to the~~
~~district school board for approval. This plan must include all~~
~~district schools, including charter schools, unless a charter~~
~~school elects to submit a plan independently from the school~~
~~district pursuant to subparagraph 2.~~

~~2. A charter school may develop and submit a detailed plan~~
~~outlining the local program and planned expenditures to its~~
~~governing body for approval. After the plan is approved by the~~
~~governing body, it must be provided to the charter school's~~
~~sponsor.~~

~~(b) The plans required under paragraph (a) must be focused~~



825760

~~on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:~~

~~1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.~~

~~2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior~~



825760

~~modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.~~

~~3. Policies and procedures, including contracts with service providers, which will ensure that:~~

~~a. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.~~

~~b. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.~~

~~c. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.~~



825760

~~4. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.~~

~~5. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.~~

~~6. Procedures to assist a mental health services provider or a behavioral health provider as described in subparagraph 1. or subparagraph 2., respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as that term is defined in s. 393.063.~~

~~7. Policies of the school district which must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or using telehealth as defined in s. 456.47. The mental health professional may be available to the school district either by contracts or interagency agreements with the managing~~



825760

~~entity, one or more local community behavioral health providers,
or the local mobile response team or be a direct or contracted
school district employee.~~

~~(c) School districts shall submit approved plans, including
approved plans of each charter school in the district, to the
commissioner by August 1 of each fiscal year.~~

~~(d) Beginning September 30, 2019, and annually by September
30 thereafter, each school district shall submit to the
Department of Education a report on its program outcomes and
expenditures for the previous fiscal year that, at a minimum,
must include the number of each of the following:~~

~~1. Students who receive screenings or assessments.~~

~~2. Students who are referred to either school-based or
community-based providers for services or assistance.~~

~~3. Students who receive either school-based or community-
based interventions, services, or assistance.~~

~~4. School-based and community-based mental health
providers, including licensure type, paid for from funds
provided through the allocation.~~

~~5. Contract-based collaborative efforts or partnerships
with community mental health programs, agencies, or providers.~~

(14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL
SALARY INCREASE ALLOCATION.—The Legislature may annually
apportion an amount of funds provided ~~provide~~ in the Florida
Education Finance Program to assist school districts and charter
schools in their compliance with the requirement that the
minimum base salary for full-time classroom teachers, as defined
in s. 1012.01(2)(a), and certified prekindergarten teachers
funded in the Florida Education Finance Program is at least



825760

~~\$47,500 a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount and distribution methodology for the funding of the allocation shall be specified in the General Appropriations Act.~~

~~(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17) (b). If a district school board has not received its allocation due to its failure to submit an approved district salary distribution plan, the district school board must still provide each charter school that has submitted a salary distribution plan within its district its proportionate share of the allocation.~~

~~(b) Allocation funds are restricted in use as follows:~~

~~1. Each school district and charter school shall use its share of the allocation to increase the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, to at least \$47,500, or to the maximum amount achievable based on the allocation and as specified in the General Appropriations Act. The term "minimum base salary" means the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. No full-time classroom teacher shall receive a salary less than the minimum base salary as adjusted by this subparagraph. This subparagraph does not apply to substitute teachers.~~

~~2. In addition, each school district shall use its share of~~



825760

~~the allocation to provide salary increases, as funding permits,
for the following personnel:~~

~~a. Full-time classroom teachers, as defined in s.
1012.01(2) (a), plus certified prekindergarten teachers funded in
the Florida Education Finance Program, who did not receive an
increase or who received an increase of less than 2 percent
under subparagraph 1. or as specified in the General
Appropriations Act. This subparagraph does not apply to
substitute teachers.~~

~~b. Other full-time instructional personnel as defined in s.
1012.01(2) (b) -- (d).~~

~~3. A school district or charter school may use funds
available after the requirements of subparagraph 1. are met to
provide salary increases pursuant to subparagraph 2.~~

~~4. A school district or charter school shall maintain the
minimum base salary achieved for classroom teachers provided
under subparagraph 1. and may not reduce the salary increases
provided under subparagraph 2. in any subsequent fiscal year,
unless specifically authorized in the General Appropriations
Act.~~

~~(c) Before distributing allocation funds received pursuant
to paragraph (a), each school district and each charter school
shall develop a salary distribution plan that clearly delineates
the planned distribution of funds pursuant to paragraph (b) in
accordance with modified salary schedules, as necessary, for the
implementation of this subsection.~~

~~1. Each school district superintendent and each charter
school administrator must submit its proposed salary
distribution plan to the district school board or the charter~~



825760

~~school governing body, as appropriate, for approval.~~

~~2. Each school district shall submit the approved district salary distribution plan and the approved salary distribution plan for each charter school in the district to the department by October 1 of each fiscal year.~~

~~(d) In a format specified by the department, provide as follows:~~

~~1. By December 1, each school district shall provide a preliminary report to the department that includes a detailed summary explaining the school district's planned expenditure of the entire allocation for the district received pursuant to paragraph (a), the amount of the increase to the minimum base salary for classroom teachers pursuant to paragraph (b), and the school district's salary schedule for the prior fiscal year and the fiscal year in which the base salary is increased. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's preliminary report to the department.~~

~~2. By February 1, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide report on the planned expenditure of the teacher salary increase allocation, which includes the detailed summary provided by each school district and charter school.~~

~~3. By August 1, each school district shall provide a final report to the department with the information required in subparagraph 1. for the prior fiscal year. Each charter school governing board shall submit the information required under this~~



825760

~~subparagraph to the district school board for inclusion in the school district's final report to the department.~~

~~(c) Although district school boards and charter school governing boards are not precluded from bargaining over wages, the teacher salary increase allocation must be used solely to comply with the requirements of this section. A district school board or charter school governing board that is unable to meet the reporting requirements specified in paragraph (c) or paragraph (d) 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.~~

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the Florida Education Finance Program ~~FEFP~~ shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) If the funds appropriated for current operation of the Florida Education Finance Program, including funds appropriated pursuant to subsection (18) ~~FEFP~~ are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the



825760

total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation. However, no calculation subsequent to the appropriation shall result in negative state funds for any district.

(16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.—

(a) The state-funded discretionary supplement is created to fund the nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) for students awarded a Family Empowerment Scholarship in accordance with s. 1002.394. To calculate the state-funded discretionary supplement for inclusion in the amount of the scholarship funding:

1. For fiscal year 2023-2024, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district where the student is reported for purposes of the Florida Education Finance Program as appropriated in the General Appropriations Act; divide the result by the school district's total unweighted full-time equivalent membership as appropriated in the General Appropriations Act; and multiply the result by the total unweighted full-time equivalent membership associated with the number of Family Empowerment Scholarship students included in the school district's total unweighted full-time equivalent membership. A base amount as specified in the General Appropriations Act shall be added to this amount for purposes of



825760

calculating the total amount of the supplement.

2. Beginning in fiscal year 2024-2025 and thereafter,
multiply the maximum allowable nonvoted discretionary millage
for operations pursuant to s. 1011.71(1) and (3) by the value of
96 percent of the current year's taxable value for school
purposes for the school district where the student is reported
for purposes of the Florida Education Finance Program as
appropriated in the General Appropriations Act; divide the
result by the school district's total unweighted full-time
equivalent membership as appropriated in the General
Appropriations Act; and multiply the result by the total
unweighted full-time equivalent membership associated with the
number of Family Empowerment Scholarship students. The prior
year's base amount shall be adjusted based on changes in the
eligible number of unweighted full-time equivalent membership
associated with the number of Family Empowerment Scholarship
students.

(b) The state-funded discretionary supplement shall be
recalculated during the fiscal year pursuant to paragraph
(1)(a). If the recalculated amount is greater than the amount
provided in the General Appropriations Act, the allocation shall
be prorated to the level provided to support the appropriation,
based on each school district's proportionate share of the total
allocation.

(17) CATEGORICAL FUNDS.—

(a) If a district school board determines that some or all
of the funds received for any of the categorical programs
established in this section are needed to maintain or enhance
school board-specified academic classroom instruction, maintain



825760

or expand career and technical education instruction, or improve school safety, the school district may consider and approve an amendment to the school district's operating budget by transferring the identified amount of the categorical funds to the appropriate account for expenditure.

(b) Each school district shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction, maintain or expand career and technical education instruction, or school safety need for which the transferred funds were expended. The department shall provide instructions and specify the format to be used in submitting this required information as part of the district annual financial report. The department shall annually submit a report to the Legislature which identifies by school district and by categorical fund the amount transferred and the specific academic classroom activity, the maintained or expanded career and technical education instruction, or the school safety need for which the funds were expended.

(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—

(a) The educational enrollment stabilization program is created to provide supplemental state funds as needed to maintain the stability of the operations of public schools in each school district and to protect districts, including charter schools, from financial instability as a result of changes in full-time equivalent student enrollment throughout the school year. This program shall be implemented to the extent funds are available.



825760

(b) The Legislature may annually appropriate funds in the General Appropriations Act to the Department of Education for this program. The Department of Education shall use funds as appropriated to ensure that, based on each recalculation of the Florida Education Finance Program pursuant to paragraph (1)(a), a school district's funds per unweighted full-time equivalent student is not less than the greater of either the school district's funds per unweighted full-time equivalent student as appropriated in the General Appropriations Act or the school district's funds per unweighted full-time equivalent student as recalculated based upon the receipt of the certified taxable value for school purposes pursuant to s. 1011.62(4).

~~(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL EFFORT. Calculations required in this section shall be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.~~

~~(17) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION. The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.~~

~~(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an~~



825760

~~extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.~~

~~2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.~~

~~(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.~~

~~(c) At a minimum, the plan required under paragraph (b) must:~~

~~1. Establish comprehensive support services that develop family and community partnerships;~~

~~2. Establish clearly defined and measurable high academic and character standards;~~

~~3. Increase parental involvement and engagement in the child's education;~~

~~4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;~~

~~5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic~~



825760

~~and character standards;~~

~~6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and~~

~~7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.~~

~~(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.~~

~~(e) Subject to legislative appropriation, each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.~~

~~(f) Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to~~



825760

~~s. 1008.33(4). In addition, a school that improves to a grade of "C" or higher shall remain eligible to receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status.~~

Section 41. Section 1011.622, Florida Statutes, is amended to read:

1011.622 Adjustments for students without a Florida student identification number.—The Florida Education Finance Program funding calculations, including the calculations authorized in ss. 1011.62, ~~1011.67~~, 1011.68, and 1011.685, shall include funding for a student only when all of the student's records are reported to the Department of Education under a Florida student identification number. The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 42. Section 1011.67, Florida Statutes, is repealed.

Section 43. Subsection (4) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

~~(4) The following funds are excluded from the school-level allocation under this section: Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f).~~

Section 44. Paragraph (b) of subsection (3) of section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida



825760

College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(b) The apportionment to each Florida College System institution from the Florida College System Program Fund shall be determined annually in the General Appropriations Act. In determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various Florida College System institutions, including, but not limited to:

a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other



825760

materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. Comparable wage factor ~~District Cost Differential~~.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.

Section 45. Section 1012.44, Florida Statutes, is amended to read:

1012.44 Qualifications for certain persons providing speech-language services.—The State Board of Education shall adopt rules for speech-language services to school districts that qualify for additional full-time equivalent membership under s. 1011.62(1)(f) ~~the sparsity supplement as described in s. 1011.62(7)~~. These services may be provided by baccalaureate



825760

degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher.

Section 46. Subsections (1) and (4) of section 1012.584, Florida Statutes, are amended to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) ~~Beginning with the 2018-2019 school year,~~ The Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1006.041 ~~ss. 1006.04 and 1011.62(13)~~.

Section 47. 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.—



825760

(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)(f) for alignment with evidence-based instructional and intervention strategies rooted in the science of reading and identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ 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 48. Section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(1) For purposes of the Florida Teachers Classroom Supply Assistance Program, the term "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through



825760

grade 12, who are funded through the Florida Education Finance Program. A "job-share" classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

(2) The amount of funds per classroom teacher for the Florida Teachers Classroom Supply Assistance Program shall be specified ~~The Legislature,~~ in the General Appropriations Act, ~~shall determine funding for the Florida Teachers Classroom Supply Assistance Program. Classroom teachers shall use the funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Classroom Supply Assistance Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district's proportionate share of the state's total unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.~~

(3) ~~From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is estimated to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher's proportionate share of the total amount allocated to the district from state funds and~~



825760

~~funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. For a classroom teachers teacher determined eligible on July 1, the district school board and each charter school board shall ~~may~~ provide such classroom teachers ~~the teacher~~ with their amount as specified in the General Appropriations Act ~~his or her total proportionate share~~ by August 1. For classroom teachers based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide such classroom teachers with their amount as specified in the General Appropriations Act ~~the teacher with his or her total proportionate share~~ by September 30. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher ~~The proportionate share may be provided by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.~~~~

(4) The Department of Education shall administer a



825760

competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies. Annually, by September 1, each school district shall submit to the department:

(a) The name of each eligible classroom teacher.

(b) The proportionate share of the amount as specified in the General Appropriations Act for each eligible job-share classroom teacher.

(c) The name and Master School Identification Number of the school in which the eligible classroom teacher is assigned.

(d) Any other information necessary for the administration of the program as determined by the department.

(5) ~~(4)~~ Each classroom teacher must ~~sign a statement acknowledging receipt of the funds,~~ keep receipts for no less than 4 years to show that funds expended meet the requirements of this section, and return any unused funds to the district school board at the end of the regular school year. Any unused funds that are returned to the district school board shall be deposited into the school advisory council account of the school at which the classroom teacher ~~returning the funds~~ was employed when ~~that teacher received~~ the funds were made available to the classroom teacher. If the school does not have a school advisory council, the funds shall be expended for classroom materials and supplies as determined by the school principal ~~or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored,~~ as applicable.

~~(5) The statement must be signed and dated by each classroom teacher before receipt of the Florida Teachers~~



825760

~~Classroom Supply Assistance Program funds and shall include the wording: "I, ... (name of teacher) ..., am employed by the County District School Board or by the Charter School as a full-time classroom teacher. I acknowledge that Florida Teachers Classroom Supply Assistance Program funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep the receipts for all expenditures for no less than 4 years. I understand that if I do not keep the receipts, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unexpended funds to the district school board at the end of the regular school year for deposit into the school advisory council account of the school where I was employed at the time I received the funds or for deposit into the Florida Teachers Classroom Supply Assistance Program account of the school district in which the charter school is sponsored, as applicable."~~

~~(6) The Department of Education and district school boards may, and are encouraged to, enter into public-private partnerships in order to increase the total amount of Florida Teachers Classroom Supply Assistance Programs funds available to classroom teachers.~~

Section 49. Section 1012.715, Florida Statutes, is created to read:

1012.715 Heroes in the classroom sign-on bonus.—

(1) PURPOSE.—Subject to legislative appropriation, the Department of Education shall provide a one-time sign-on bonus,



825760

as provided in the General Appropriations Act, to honorably discharged or retired military veterans and retired first responders, as defined in s. 112.1815(1), who commit to joining the teaching profession as a full-time classroom teacher. An honorably discharged or retired military veteran or retired first responder may receive an additional bonus for teaching a course in a high-demand teacher need area, as identified by the department pursuant to paragraph (3) (e).

(2) ELIGIBILITY.—To be eligible to receive a sign-on bonus, an applicant must be an honorably discharged or retired military veteran or retired first responder and provide the following to the department:

(a) Documentation of his or her honorable discharge or retirement.

(b) Documentation that he or she was not subject to any disciplinary action during the last 5 years of his or her employment as a servicemember in the United States Armed Forces or as a first responder. The term "disciplinary action" includes suspensions, dismissals, and involuntary demotions that were associated with disciplinary actions.

(c) A copy of his or her professional certificate or temporary certificate issued pursuant to s. 1012.56(7).

(d) Documentation that he or she agrees to maintain employment with the school district or charter school for a minimum of 2 consecutive school years upon receipt of the sign-on bonus. An individual who accepts a sign-on bonus pursuant to this section but fails to maintain his or her employment pursuant to this paragraph must reimburse the department the amount of the sign-on bonus in a manner prescribed by the



825760

department.

(3) DEPARTMENT OF EDUCATION RESPONSIBILITIES.—The
department shall distribute bonuses pursuant to this section
and, at a minimum, must:

(a) Establish a method for determining the estimated number
of eligible honorably discharged or retired military veterans
and retired first responders to be hired in the applicable
fiscal year.

(b) Establish additional minimum criteria necessary for an
individual to be eligible for a sign-on bonus.

(c) Establish an estimated cost to the department for
developing and administering the bonus program.

(d) Establish a method for an individual to reimburse the
department if he or she receives the sign-on bonus but does not
maintain employment for the required consecutive 2-year period.

(e) Identify courses that are in high-demand teacher need
areas in which honorably discharged or retired military veterans
or retired first responders may teach to be eligible for an
additional bonus.

(4) SCHOOL DISTRICT RESPONSIBILITIES.—A school district
that employs an eligible honorably discharged or retired
military veteran or retired first responder must:

(a) Provide any necessary information requested by the
department.

(b) In a manner established by the department, notify the
eligible honorably discharged or retired military veteran or
retired first responder that employment may impact his or her
pension from a previous employer.

(5) RULEMAKING.—The State Board of Education may adopt



825760

rules to implement this section.

Section 50. The Division of Law Revision is directed to revise the title of subpart D. of part I of chapter 1011, Florida Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes, to read "Florida School for the Deaf and the Blind and Florida School for Competitive Academics: Preparation, Adoption, and Implementation of Budgets" to conform to the amendments made by this act.

Section 51. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.;
revising the duties of the Auditor General to conform
to changes made by the act; amending s. 110.1228,
F.S.; conforming a cross-reference; amending s.
216.251, F.S.; providing the manner of setting
salaries for positions within the Florida School for
Competitive Academics; amending s. 402.22, F.S.;
conforming a cross-reference; amending s. 447.203,
F.S.; revising the definition of the terms "public
employer" or "employer" to include the Florida School
for Competitive Academics for purposes of part II of
ch. 447, F.S.; making technical changes; amending s.
1000.04, F.S.; revising the components of the delivery
of public education within the Florida Early Learning-



825760

3110 20 education system to include the Florida School for
3111 Competitive Academics; amending s. 1001.20, F.S.;
3112 revising the powers of the Department of Education's
3113 Office of Inspector General to conform to changes made
3114 by the act; amending s. 1001.215, F.S.; revising
3115 duties of the Just Read, Florida! Office; reenacting
3116 and amending s. 1001.26(1), F.S.; requiring the
3117 department to provide funds to certain radio stations;
3118 amending s. 1001.42, F.S.; providing an exemption from
3119 collective bargaining requirements under specified
3120 circumstances; amending s. 1001.43, F.S.; authorizing
3121 district school boards to adopt policies for an
3122 enrollment fee for specified summer courses; providing
3123 fee requirements; amending s. 1002.32, F.S.; revising
3124 funding requirements for developmental research
3125 schools; conforming provisions to changes made by the
3126 act; creating s. 1002.351, F.S.; providing for the
3127 establishment of the Florida School for Competitive
3128 Academics; providing for the purpose and mission of
3129 the school; requiring the school to be included in a
3130 certain online portal; requiring the portal to include
3131 information for parents on submitting educational
3132 records for admission purposes; providing for the
3133 appointment of the board of trustees; prescribing the
3134 powers and duties of the board of trustees; providing
3135 sovereign immunity to the board of trustees;
3136 specifying the board's duties regarding the
3137 maintenance of student and employee records; providing
3138 requirements regarding background screening of school



825760

3139 personnel; specifying duties of the board regarding
3140 personnel; requiring the Auditor General to conduct
3141 audits of the school; authorizing the department's
3142 Office of Inspector General to conduct investigations,
3143 as appropriate; exempting the school from specified
3144 requirements in the Florida Early Learning-20
3145 Education Code; providing exceptions; specifying
3146 applicability of certain provisions of law; amending
3147 s. 1002.37, F.S.; revising funding requirements for
3148 the Florida Virtual School; conforming provisions to
3149 changes made by the act; amending s. 1002.394, F.S.;
3150 revising funding requirements for the Family
3151 Empowerment Scholarship Program; conforming cross-
3152 references and provisions to changes made by the act;
3153 amending s. 1002.45, F.S.; revising the enrollment
3154 limitation on certain students; conforming cross-
3155 references and provisions to changes made by the act;
3156 amending ss. 1002.59, 1002.71, 1002.84, and 1002.89,
3157 F.S.; conforming provisions and cross-references to
3158 changes made by the act; amending s. 1002.995, F.S.;
3159 revising eligibility requirements for providing
3160 incentives to school readiness personnel; amending s.
3161 1003.03, F.S.; conforming a provision to changes made
3162 by the act; creating s. 1003.4201, F.S.; requiring
3163 school districts to implement a system of
3164 comprehensive reading instruction for specified
3165 students that includes a specified plan; providing
3166 plan requirements; providing school district and
3167 department requirements; defining the term "evidence-



825760

3168 based"; amending ss. 1003.485, 1003.621, and 1004.935,
3169 F.S.; conforming provisions and cross-references to
3170 changes made by the act; creating s. 1006.041, F.S.;
3171 requiring school districts to implement a school-based
3172 mental health assistance program for specified
3173 students that includes a specified plan; providing
3174 plan and school district requirements; amending s.
3175 1006.07, F.S.; conforming provisions to changes made
3176 by the act; amending s. 1006.1493, F.S.; requiring
3177 school districts to annually report specified
3178 information relating to the Florida Safe Schools
3179 Assessment Tool to the Office of Safe Schools;
3180 amending s. 1006.28, F.S.; defining the term "library
3181 media center"; requiring district school
3182 superintendents to annually certify specified
3183 information to the Commissioner of Education;
3184 exempting certain instructional materials from
3185 specified procedures; amending s. 1006.40, F.S.;
3186 revising requirements for the instructional materials
3187 allocation and the purchase of instructional
3188 materials; conforming provisions to changes made by
3189 the act; amending s. 1007.271, F.S.; requiring school
3190 districts to pay for the cost of specified
3191 instructional materials; amending ss. 1008.25 and
3192 1008.345, F.S.; conforming provisions and cross-
3193 references to changes made by the act; amending s.
3194 1008.365, F.S.; revising requirements for the Reading
3195 Achievement Initiative for Scholastic Excellence
3196 Program; conforming cross-references; amending s.



825760

3197 1010.20, F.S.; conforming cross-references; creating
3198 s. 1011.58, F.S.; prescribing procedures for the
3199 Florida School for Competitive Academics submission of
3200 legislative budget requests; requiring the school to
3201 submit an implementation plan to the department;
3202 requiring the Commissioner of Education to include the
3203 school in the department's legislative budget request,
3204 subject to specified conditions; requiring the school
3205 to submit its fixed capital outlay request to the
3206 department; creating s. 1011.59, F.S.; prescribing
3207 procedures and requirements governing the request and
3208 the appropriation of funds for the operation of the
3209 Florida School for Competitive Academics; requiring
3210 the school's board of trustees to develop an annual
3211 operating budget; requiring the Chief Financial
3212 Officer to transfer or reallocate funds, subject to
3213 specified conditions; requiring the board to establish
3214 authorized positions within funds appropriated to the
3215 school; providing for the carryforward of any
3216 unexpended funds; amending s. 1011.61, F.S.;
3217 conforming cross-references; amending s. 1011.62,
3218 F.S.; revising provisions relating to the Florida
3219 Education Finance Program; revising the calculation of
3220 the cost factor for secondary career education
3221 programs, the annual allocation to each school
3222 district, and the funding model for exceptional
3223 student education programs; creating the calculation
3224 of additional full-time equivalent membership for
3225 small school district exceptional student education



825760

3226 and the small district factor; providing requirements
3227 for such calculation and factor; deleting the
3228 supplemental academic instruction allocation; renaming
3229 the "district cost differential" as the "comparable
3230 wage factor"; revising the calculation of such factor;
3231 creating the state-funded discretionary contribution;
3232 providing requirements for such contribution; creating
3233 the educational enrichment allocation and the
3234 exceptional student education guaranteed allocation;
3235 providing requirements for such allocations; deleting
3236 the categorical funds, determination of sparsity
3237 supplement, evidence-based reading instruction
3238 allocation, requirements for computation of prior year
3239 district required local effort, and turnaround school
3240 supplemental services allocation; revising the
3241 calculation of the supplemental allocation for
3242 juvenile justice education programs; revising
3243 requirements for the safe schools allocation and the
3244 mental health assistance allocation; renaming the
3245 teacher salary increase allocation as the classroom
3246 teacher and other instructional personnel salary
3247 increase; revising the requirements for such funding;
3248 creating the state-funded discretionary supplement,
3249 the categorical funds, and the educational enrollment
3250 stabilization program; providing requirements for the
3251 supplement, funds, and program; deleting the
3252 calculations for the computation of prior year
3253 district required local effort and the turnaround
3254 school supplemental services allocation; conforming



825760

3255 provisions and cross-references to changes made by the
3256 act; amending s. 1011.622, F.S.; conforming a cross-
3257 reference; repealing s. 1011.67, F.S., relating to
3258 funds for instructional materials; amending ss.
3259 1011.69, 1011.84, 1012.44, 1012.584, and 1012.586,
3260 F.S.; conforming provisions and cross-references to
3261 changes made by the act; amending s. 1012.71, F.S.;
3262 revising provisions for the calculation of Florida
3263 Teachers Classroom Supply Assistance Program funds;
3264 deleting provisions relating to the distribution of
3265 program funds; requiring the department to administer
3266 a competitive procurement through which eligible
3267 classroom teachers may purchase classroom materials
3268 and supplies; requiring school districts to provide
3269 certain information to the department annually by a
3270 specified date; deleting a requirement that classroom
3271 teachers sign a specified statement; revising
3272 requirements for unused funds; creating s. 1012.715,
3273 F.S.; requiring the department to provide a one-time
3274 sign-on bonus to honorably discharged and retired
3275 military veterans and retired first responders who
3276 join the teaching profession; providing eligibility
3277 criteria; providing for an additional bonus under
3278 certain circumstances; providing department and school
3279 district responsibilities; authorizing the State Board
3280 of Education to adopt rules; providing a directive to
3281 the Division of Law Revision; providing an effective
3282 date.

HB 5101

2023

1 A bill to be entitled
 2 An act relating to education; amending ss. 110.1228
 3 and 402.22, F.S.; conforming cross-references;
 4 amending s. 1001.215, F.S.; revising duties of the
 5 Just Read, Florida! Office; amending s. 1001.26, F.S.;
 6 requiring the Department of Education to provide funds
 7 to certain public colleges and universities; amending
 8 s. 1001.43, F.S.; authorizing district school boards
 9 to adopt policies for an enrollment fee for specified
 10 summer courses; providing fee requirements; amending
 11 s. 1002.32, F.S.; revising funding requirements for
 12 developmental research schools; conforming provisions
 13 to changes made by the act; amending s. 1002.33, F.S.;
 14 providing minimum base salary requirements for certain
 15 charter school personnel; amending s. 1002.37, F.S.;
 16 revising funding requirements for the Florida Virtual
 17 School; conforming provisions to changes made by the
 18 act; amending s. 1002.394, F.S.; revising funding
 19 requirements for the Family Empowerment Scholarship
 20 Program; conforming provisions to changes made by the
 21 act; revising department duties; prohibiting students
 22 from being submitted for funding under such program
 23 after a specified date; amending ss. 1002.45, 1002.59,
 24 1002.71, 1002.84, 1002.89, and 1003.03, F.S.;
 25 conforming provisions and cross-references to changes

Page 1 of 138

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hb5101-00

HB 5101

2023

26 made by the act; creating s. 1003.4201, F.S.;
 27 requiring school districts to implement a system of
 28 comprehensive reading instruction for specified
 29 students that includes a specified plan; providing
 30 plan requirements; providing school district and
 31 department requirements; defining the term "evidence-
 32 based"; amending ss. 1003.4203, 1003.485, 1003.4935,
 33 1003.621, and 1004.935, F.S.; conforming provisions
 34 and cross-references to changes made by the act;
 35 creating s. 1006.041, F.S.; requiring school districts
 36 to implement a school-based mental health assistance
 37 program for specified students that includes a
 38 specified plan; providing plan and school district
 39 requirements; amending s. 1006.07, F.S.; conforming
 40 provisions to changes made by the act; amending s.
 41 1006.12, F.S.; revising provisions relating to the
 42 provision of safe school officers; conforming
 43 provisions to changes made by the act; amending s.
 44 1006.1493, F.S.; requiring school districts to
 45 annually report specified information relating to the
 46 Florida Safe Schools Assessment Tool to the Office of
 47 Safe Schools; amending s. 1006.28, F.S.; conforming
 48 cross-references; requiring district school
 49 superintendents to annually certify specified
 50 information to the Commissioner of Education;

Page 2 of 138

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hb5101-00

HB 5101

2023

51 exempting certain instructional materials from
 52 specified procedures; amending s. 1006.40, F.S.;
 53 revising requirements for the instructional materials
 54 allocation and the purchase of instructional
 55 materials; conforming provisions to changes made by
 56 the act; amending s. 1007.271, F.S.; requiring school
 57 districts to pay for the cost of specified
 58 instructional materials; conforming cross-references;
 59 amending ss. 1008.25 and 1008.345, F.S.; conforming
 60 provisions and cross-references to changes made by the
 61 act; amending s. 1008.365, F.S.; revising requirements
 62 for the Reading Achievement Initiative for Scholastic
 63 Excellence Program; conforming cross-references;
 64 amending s. 1008.44, F.S.; conforming cross-
 65 references; amending s. 1010.20, F.S.; conforming
 66 cross-references; amending s. 1011.60, F.S.; providing
 67 minimum base salary requirements for certain teachers;
 68 amending s. 1011.61, F.S.; conforming cross-
 69 references; amending s. 1011.62, F.S.; revising
 70 provisions relating to the Florida Education Finance
 71 Program; revising the calculation of the annual
 72 allocation to each school district and the funding
 73 model for exceptional student education programs;
 74 renaming the "district cost differential" as the
 75 "comparable wage factor"; revising the calculation of

Page 3 of 138

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hb5101-00

HB 5101

2023

76 such factor; creating the state-funded discretionary
 77 contribution; providing contribution requirements;
 78 creating the supplemental academic and support
 79 services allocation and the exceptional student
 80 education guaranteed allocation; providing allocation
 81 requirements; deleting the categorical funds,
 82 determination of sparsity supplement, evidence-based
 83 reading instruction allocation, safe schools
 84 allocation, mental health assistance allocation,
 85 teacher salary increase allocation, requirements for
 86 computation of prior year district required local
 87 effort, and turnaround school supplemental services
 88 allocation; revising the calculation of the
 89 supplemental allocation for juvenile justice education
 90 programs; creating the categorical funds; creating the
 91 state-funded discretionary supplement; providing
 92 supplement requirements; conforming provisions and
 93 cross-references to changes made by the act; amending
 94 s. 1011.622, F.S.; conforming a cross-reference;
 95 repealing s. 1011.67, F.S., relating to funds for
 96 instructional materials; amending ss. 1011.68,
 97 1011.69, 1011.71, 1011.84, 1012.22, 1012.44, 1012.584,
 98 and 1012.586, F.S.; conforming provisions and cross-
 99 references to changes made by the act; amending s.
 100 1012.71, F.S.; revising provisions for the calculation

Page 4 of 138

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hb5101-00

HB 5101

2023

101 of Florida Teachers Classroom Supply Assistance
 102 Program funds; deleting provisions relating to the
 103 distribution of program funds; requiring the
 104 department to administer a competitive procurement
 105 through which eligible classroom teachers may purchase
 106 classroom materials and supplies; requiring school
 107 districts to provide certain information to the
 108 department annually by a specified date; deleting a
 109 requirement that classroom teachers sign a specified
 110 statement; revising requirements for unused funds;
 111 creating s. 1012.715, F.S.; requiring the department
 112 to provide a one-time sign-on bonus to honorably
 113 discharged and retired military veterans and retired
 114 first responders who join the teaching profession;
 115 providing eligibility criteria; providing for an
 116 additional bonus under certain circumstances;
 117 providing department and school district
 118 responsibilities; authorizing the State Board of
 119 Education to adopt rules; providing an effective date.

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

123 Section 1. Paragraph (a) of subsection (1) of section
 124 110.1228, Florida Statutes, is amended to read:
 125 110.1228 Participation by small counties, small

Page 5 of 138

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hb5101-00

HB 5101

2023

126 municipalities, and district school boards located in small
 127 counties.—

128 (1) As used in this section, the term:

129 (a) "District school board" means a district school board
 130 located in a small county or a district school board that
 131 receives funding pursuant to s. 1011.62(1)(e) ~~s. 1011.62(7)~~.

132 Section 2. Subsection (6) of section 402.22, Florida
 133 Statutes, is amended to read:

134 402.22 Education program for students who reside in
 135 residential care facilities operated by the Department of
 136 Children and Families or the Agency for Persons with
 137 Disabilities.—

138 (6) Notwithstanding the provisions of s. 1001.42(4)(m),
 139 the educational program at the Marianna Sunland Center in
 140 Jackson County shall be operated by the Department of Education,
 141 either directly or through grants or contractual agreements with
 142 other public educational agencies. The annual state allocation
 143 to any such agency shall be computed pursuant to s. 1011.62(1),
 144 (2), and (12) ~~(6)~~ and allocated in the amount that would have
 145 been provided the local school district in which the residential
 146 facility is located.

147 Section 3. Subsections (8) through (12) of section
 148 1001.215, Florida Statutes, are renumbered as subsections (7)
 149 through (11), respectively, and subsections (1), (3), (4), and
 150 (6) and present subsection (7) of that section are amended to

Page 6 of 138

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hb5101-00

HB 5101

2023

151 read:
 152 1001.215 Just Read, Florida! Office.—There is created in
 153 the Department of Education the Just Read, Florida! Office. The
 154 office is fully accountable to the Commissioner of Education and
 155 shall:

156 (1) Provide training to reading coaches and school
 157 administrators on the evidence-based strategies identified
 158 pursuant to subsection (7) ~~(8)~~ for purposes of implementation,
 159 modeling, and classroom observations to support professional
 160 growth and inform performance evaluations of instructional
 161 personnel.

162 (3) Work with the Lastinger Center for Learning at the
 163 University of Florida to develop training for K-12 teachers,
 164 reading coaches, and school administrators on effective content-
 165 area-specific reading strategies; the coordinated integration of
 166 content-rich curriculum from other core subject areas into
 167 reading instruction, with an emphasis on civic literacy; and
 168 evidence-based reading strategies identified pursuant to
 169 subsection (7) ~~(8)~~ to improve student reading performance. For
 170 secondary teachers, emphasis shall be on technical text. These
 171 strategies must be developed for all content areas in the K-12
 172 curriculum.

173 (4) Develop and provide access to sequenced, content-rich
 174 curriculum programming, instructional practices, and resources
 175 that help elementary schools use state-adopted instructional

Page 7 of 138

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hb5101-00

HB 5101

2023

176 materials to increase students' background knowledge and
 177 literacy skills, including student attainment of the Next
 178 Generation Sunshine State Standards for social studies, science,
 179 and the arts. The office shall, as part of the adoption cycle
 180 for English Language Arts instructional materials, assist in
 181 evaluating elementary grades instructional materials submitted
 182 for adoption consideration in order to identify those materials
 183 that are closely aligned to the content and evidence-based
 184 strategies identified pursuant to subsection (7) ~~(8)~~ and
 185 incorporate professional development to implement such
 186 strategies.

187 (6) Provide technical assistance to school districts in
 188 the development and implementation of district plans required
 189 under s. 1003.4201 ~~for use of the evidence-based reading~~
 190 ~~instruction allocation provided in s. 1011.62(8)~~ and annually
 191 review and approve such plans.

192 ~~(7) Review, evaluate, and provide technical assistance to~~
 193 ~~school districts' implementation of the comprehensive reading~~
 194 ~~plan required in s. 1011.62(8).~~

195 Section 4. Subsection (1) of section 1001.26, Florida
 196 Statutes, is amended to read:

197 1001.26 Public broadcasting program system.—

198 (1) There is created a public broadcasting program system
 199 for the state. The department shall provide funds, as
 200 specifically appropriated in the General Appropriations Act, to

Page 8 of 138

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hb5101-00

HB 5101

2023

201 educational television and radio stations qualified by the
 202 Corporation for Public Broadcasting or public colleges and
 203 universities that are part of the public broadcasting program
 204 system. The program system must include:

205 (a) Support for existing Corporation for Public
 206 Broadcasting qualified program system educational television
 207 stations.

208 (b) Maintenance of quality broadcast capability for
 209 educational stations that are part of the program system.

210 (c) Interconnection of all educational stations that are
 211 part of the program system for simultaneous broadcast and of
 212 such stations with all universities and other institutions as
 213 necessary for sharing of resources and delivery of programming.

214 (d) Establishment and maintenance of a capability for
 215 statewide program distribution with facilities and staff,
 216 provided such facilities and staff complement and strengthen
 217 existing educational television stations.

218 (e) Provision of both statewide programming funds and
 219 station programming support for educational television to meet
 220 statewide priorities. Priorities for station programming need
 221 not be the same as priorities for programming to be used
 222 statewide. Station programming may include, but shall not be
 223 limited to, citizens' participation programs, music and fine
 224 arts programs, coverage of public hearings and governmental
 225 meetings, equal air time for political candidates, and other

Page 9 of 138

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hb5101-00

HB 5101

2023

226 public interest programming.

227 Section 5. Paragraph (h) is added to subsection (2) of
 228 section 1001.43, Florida Statutes, to read:

229 1001.43 Supplemental powers and duties of district school
 230 board.—The district school board may exercise the following
 231 supplemental powers and duties as authorized by this code or
 232 State Board of Education rule.

233 (2) FISCAL MANAGEMENT.—The district school board may adopt
 234 policies providing for fiscal management of the school district
 235 with respect to school purchasing, facilities, nonstate revenue
 236 sources, budgeting, fundraising, and other activities relating
 237 to the fiscal management of district resources, including, but
 238 not limited to, the policies governing:

239 (h) Assessment of a kindergarten through grade 12 student
 240 fee for voluntary, noncredit summer school enrollment in basic
 241 program courses. The amount of any student fee shall be based on
 242 the ability of the student to pay such fee as determined by
 243 district school board policy.

244 Section 6. Paragraphs (e) through (h) of subsection (9) of
 245 section 1002.32, Florida Statutes, are redesignated as
 246 paragraphs (d) through (g), respectively, and present paragraphs
 247 (a) and (d) of that subsection are amended to read:

248 1002.32 Developmental research (laboratory) schools.—

249 (9) FUNDING.—Funding for a lab school, including a charter
 250 lab school, shall be provided as follows:

Page 10 of 138

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hb5101-00

HB 5101

2023

251 (a) Each lab school shall receive state funds for
 252 operating purposes as provided in ~~be allocated its proportional~~
 253 ~~share of operating funds from~~ the Florida Education Finance
 254 Program as defined provided in s. 1011.61(5) ~~e. 1011.62~~ based on
 255 the county in which the lab school is located and as specified
 256 in the General Appropriations Act.

257 1. The nonvoted required local effort millage established
 258 pursuant to s. 1011.71(1) ~~ad valorem millage~~ that would
 259 otherwise be required for lab schools shall be allocated from
 260 state funds.

261 2. An equivalent amount of funds for the operating
 262 discretionary millage authorized pursuant to s. 1011.71(1) shall
 263 be allocated to each lab school through a state-funded
 264 discretionary contribution established pursuant to s. 1011.62(6)
 265 ~~The required local effort funds calculated pursuant to s.~~
 266 ~~1011.62 shall be allocated from state funds to the schools as a~~
 267 ~~part of the allocation of operating funds pursuant to e.~~
 268 ~~1011.62. Each eligible lab school in operation as of September~~
 269 ~~1, 2013, with a permanent high school center shall also receive~~
 270 ~~a proportional share of the sparsity supplement as calculated~~
 271 ~~pursuant to s. 1011.62. In addition, each lab school shall~~
 272 ~~receive its proportional share of all categorical funds, with~~
 273 ~~the exception of s. 1011.68, and new categorical funds enacted~~
 274 ~~after July 1, 1994, for the purpose of elementary or secondary~~
 275 ~~academic program enhancement. The sum of funds available as~~

Page 11 of 138

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hb5101-00

HB 5101

2023

276 ~~provided in this paragraph shall be included annually in the~~
 277 ~~Florida Education Finance Program and appropriate categorical~~
 278 ~~programs funded in the General Appropriations Act.~~

279 ~~(d) Each lab school shall receive funds for operating~~
 280 ~~purposes in an amount determined as follows: multiply the~~
 281 ~~maximum allowable nonvoted discretionary millage for operations~~
 282 ~~pursuant to s. 1011.71(1) and (3) by the value of 96 percent of~~
 283 ~~the current year's taxable value for school purposes for the~~
 284 ~~district in which each lab school is located; divide the result~~
 285 ~~by the total full-time equivalent membership of the district;~~
 286 ~~and multiply the result by the full-time equivalent membership~~
 287 ~~of the lab school. The amount thus obtained shall be~~
 288 ~~discretionary operating funds and shall be appropriated from~~
 289 ~~state funds in the General Appropriations Act to the Lab School~~
 290 ~~Trust Fund.~~

291 Section 7. Paragraph (c) of subsection (16) of section
 292 1002.33, Florida Statutes, is amended to read:

293 1002.33 Charter schools.—

294 (16) EXEMPTION FROM STATUTES.—

295 (c) For purposes of subparagraphs (b)4.-7.:

296 1. The duties assigned to a district school superintendent
 297 apply to charter school administrative personnel, as defined in
 298 s. 1012.01(3)(a) and (b), and the charter school governing board
 299 shall designate at least one administrative person to be
 300 responsible for such duties.

Page 12 of 138

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hb5101-00

HB 5101

2023

301 2. The duties assigned to a district school board apply to
302 a charter school governing board.

303 3. The minimum base salary for full-time classroom
304 teachers as defined in s. 1012.01(2)(a), including certified
305 prekindergarten teachers funded in the Florida Education Finance
306 Program, reported by a charter school on its performance salary
307 schedule shall be at least \$47,500 or the maximum amount
308 achievable by the charter school governing board based on the
309 amount of the charter school's Florida Education Finance Program
310 funds as provided in the General Appropriations Act.

311 ~~4.3-~~ A charter school may hire instructional personnel and
312 other employees on an at-will basis.

313 ~~5.4-~~ Notwithstanding any provision to the contrary,
314 instructional personnel and other employees on contract may be
315 suspended or dismissed any time during the term of the contract
316 without cause.

317 Section 8. Paragraphs (e) and (f) of subsection (3) of
318 section 1002.37, Florida Statutes, are amended to read:

319 1002.37 The Florida Virtual School.—

320 (3) Funding for the Florida Virtual School shall be
321 provided as follows:

322 (e) The comparable wage factor ~~district cost differential~~
323 as provided in s. 1011.62(2) shall be established as 1.000.

324 (f) The Florida Virtual School shall receive state funds
325 for operating purposes as provided in the General Appropriations

Page 13 of 138

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hb5101-00

HB 5101

2023

326 Act. The calculation to determine the amount of state funds
327 includes: the sum of the basic amount for current operations
328 established in s. 1011.62(1)(r) base Florida Education Finance
329 Program funding, the discretionary millage compression
330 supplement established in s. 1011.62(5), the state-funded
331 discretionary contribution established in s. 1011.62(6), and a
332 per-full-time equivalent share of the discretionary millage
333 compression supplement, the exceptional student education
334 guaranteed allocation established in s. 1011.62(8), the
335 instructional materials allocation, the evidence-based reading
336 instruction allocation, the mental health assistance allocation,
337 and the teacher salary increase allocation. For the purpose of
338 calculating the state-funded discretionary contribution,
339 multiply the maximum allowable nonvoted discretionary millage
340 for operations pursuant to s. 1011.71(1) and (2) by the value of
341 96 percent of the current year's taxable value for school
342 purposes for the state; divide the result by the total full-time
343 equivalent membership of the state; and multiply the result by
344 the full-time equivalent membership of the school. Funds may not
345 be provided for the purpose of fulfilling the class size
346 requirements in ss. 1003.03 and 1011.685.

347 Section 9. Paragraphs (f) and (g) of subsection (7),
348 paragraph (a) of subsection (8), and subsection (12) of section
349 1002.394, Florida Statutes, are amended to read:

350 1002.394 The Family Empowerment Scholarship Program.—

Page 14 of 138

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hb5101-00

HB 5101

2023

351 (7) SCHOOL DISTRICT OBLIGATIONS.—
 352 ~~(f) A school district shall report all students who are~~
 353 ~~receiving a scholarship under this program. Students receiving a~~
 354 ~~scholarship shall be reported separately from other students~~
 355 ~~reported for purposes of the Florida Education Finance Program.~~
 356 ~~(g) A school district shall be held harmless for students~~
 357 ~~who are receiving a scholarship under this program from the~~
 358 ~~weighted enrollment ceiling for group 2 programs in s.~~
 359 ~~1011.62(1)(d)3.b. during the first school year in which the~~
 360 ~~students are reported.~~

361 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—
 362 (a) The department shall:
 363 1. Publish and update, as necessary, information on the
 364 department website about the Family Empowerment Scholarship
 365 Program, including, but not limited to, student eligibility
 366 criteria, parental responsibilities, and relevant data.
 367 2. Report as part of the determination of full-time
 368 equivalent membership pursuant to s. 1011.62(1)(a) all students
 369 who are receiving a scholarship under this program and are
 370 funded in the Florida Education Finance Program, and cross-check
 371 the list of participating scholarship students with the public
 372 school enrollment lists to avoid duplication.
 373 3. Maintain and publish a list of nationally norm-
 374 referenced tests identified for purposes of satisfying the
 375 testing requirement in subparagraph (9)(c)1. The tests must meet

Page 15 of 138

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hb5101-00

HB 5101

2023

376 industry standards of quality in accordance with state board
 377 rule.
 378 4. Notify eligible nonprofit scholarship-funding
 379 organizations of the deadlines for submitting the verified list
 380 of students determined to be eligible for a scholarship. A
 381 student may not be submitted for funding after February 1.
 382 ~~5. Notify each school district of a parent's participation~~
 383 ~~in the scholarship program for purposes of paragraph (7)(f).~~
 384 ~~5.6.~~ Deny or terminate program participation upon a
 385 parent's failure to comply with subsection (10).
 386 ~~6.7.~~ Notify the parent and the organization when a
 387 scholarship account is closed and program funds revert to the
 388 state.
 389 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
 390 organization of any of the organization's or other
 391 organization's identified students who are receiving
 392 scholarships under this chapter.
 393 ~~8.9.~~ Maintain on its website a list of approved providers
 394 as required by s. 1002.66, eligible postsecondary educational
 395 institutions, eligible private schools, and eligible
 396 organizations and may identify or provide links to lists of
 397 other approved providers.
 398 ~~9.10.~~ Require each organization to verify eligible
 399 expenditures before the distribution of funds for any
 400 expenditures made pursuant to subparagraphs (4)(b)1. and 2.

Page 16 of 138

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hb5101-00

HB 5101

2023

401 Review of expenditures made for services specified in
 402 subparagraphs (4) (b) 3.-15. may be completed after the purchase
 403 is made.

404 ~~10.11.~~ Investigate any written complaint of a violation of
 405 this section by a parent, a student, a private school, a public
 406 school, a school district, an organization, a provider, or
 407 another appropriate party in accordance with the process
 408 established under s. 1002.421.

409 ~~11.12.~~ Require quarterly reports by an organization, which
 410 must include, at a minimum, the number of students participating
 411 in the program; the demographics of program participants; the
 412 disability category of program participants; the matrix level of
 413 services, if known; the program award amount per student; the
 414 total expenditures for the purposes specified in paragraph
 415 (4) (b); the types of providers of services to students; and any
 416 other information deemed necessary by the department.

417 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
 418 organizations that scholarships may not be awarded in a school
 419 district in which the award will exceed 99 percent of the school
 420 district's share of state funding through the Florida Education
 421 Finance Program as calculated by the department.

422 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
 423 funding organizations and, when the Florida Education Finance
 424 Program is recalculated, adjust the amount of state funds
 425 allocated to school districts through the Florida Education

Page 17 of 138

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hb5101-00

HB 5101

2023

426 Finance Program based upon the results of the cross-check
 427 completed pursuant to subparagraph 2.

428 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

429 (a)1. Scholarships for students determined eligible
 430 pursuant to paragraph (3) (a) are established for up to 18,000
 431 students annually beginning in the 2019-2020 school year.
 432 Beginning in the 2020-2021 school year, the maximum number of
 433 students participating in the scholarship program under this
 434 section shall annually increase by 1.0 percent of the state's
 435 total full-time equivalent student membership. An eligible
 436 student who meets any of the following requirements shall be
 437 excluded from the maximum number of students if the student:

438 a. Is a dependent child of a law enforcement officer or a
 439 member of the United States Armed Forces, a foster child, or an
 440 adopted child; or

441 b. Is determined eligible pursuant to subparagraph
 442 (3) (a)1. or subparagraph (3) (a)2. and either spent the prior
 443 school year in attendance at a Florida public school or,
 444 beginning in the 2022-2023 school year, is eligible to enroll in
 445 kindergarten. For purposes of this subparagraph, the term "prior
 446 school year in attendance" means that the student was enrolled
 447 and reported by a school district for funding during either the
 448 preceding October or February full-time equivalent student
 449 membership surveys in kindergarten through grade 12, which
 450 includes time spent in a Department of Juvenile Justice

Page 18 of 138

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hb5101-00

HB 5101

2023

451 commitment program if funded under the Florida Education Finance
452 Program.

453 2. The scholarship amount provided to a student for any
454 single school year shall be for tuition and fees for an eligible
455 private school, not to exceed annual limits, which shall be
456 determined in accordance with this subparagraph. The calculated
457 scholarship amount for a participating student shall be based
458 upon the grade level and school district in which the student
459 was assigned as 100 percent of the funds per unweighted full-
460 time equivalent in the Florida Education Finance Program for a
461 student in the basic program established pursuant to s.
462 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
463 for the all categorical programs established in ss. 1011.62(5),
464 (7), and (14), as funded in the General Appropriations Act,
465 ~~except for the exceptional student education guaranteed~~
466 ~~allocation established pursuant to s. 1011.62(1)(e).~~

467 3. The amount of the scholarship shall be the calculated
468 amount or the amount of the private school's tuition and fees,
469 whichever is less. The amount of any assessment fee required by
470 the participating private school and any costs to provide a
471 digital device, including Internet access, if necessary, to the
472 student may be paid from the total amount of the scholarship.

473 4. A scholarship of \$750 or an amount equal to the school
474 district expenditure per student riding a school bus, as
475 determined by the department, whichever is greater, may be

Page 19 of 138

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hb5101-00

HB 5101

2023

476 awarded to a student who is determined eligible pursuant to
477 subparagraph (3)(a)1. or subparagraph (3)(a)2. and enrolled in a
478 Florida public school that is different from the school to which
479 the student was assigned or in a lab school as defined in s.
480 1002.32 if the school district does not provide the student with
481 transportation to the school.

482 5. The organization must provide the department with the
483 documentation necessary to verify the student's participation.
484 Upon receiving the documentation, the department shall transfer,
485 from state funds only, the amount calculated pursuant to
486 subparagraph 2. to the organization for quarterly disbursement
487 to parents of participating students each school year in which
488 the scholarship is in force. For a student exiting a Department
489 of Juvenile Justice commitment program who chooses to
490 participate in the scholarship program, the amount of the Family
491 Empowerment Scholarship calculated pursuant to subparagraph 2.
492 must be transferred from the school district in which the
493 student last attended a public school before commitment to the
494 Department of Juvenile Justice. When a student enters the
495 scholarship program, the organization must receive all
496 documentation required for the student's participation,
497 including the private school's and the student's fee schedules,
498 at least 30 days before the first quarterly scholarship payment
499 is made for the student.

500 6. The initial payment shall be made after the

Page 20 of 138

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hb5101-00

HB 5101

2023

501 organization's verification of admission acceptance, and
 502 subsequent payments shall be made upon verification of continued
 503 enrollment and attendance at the private school. Payment must be
 504 by individual warrant made payable to the student's parent or by
 505 funds transfer or any other means of payment that the department
 506 deems to be commercially viable or cost-effective. If the
 507 payment is made by warrant, the warrant must be delivered by the
 508 organization to the private school of the parent's choice, and
 509 the parent shall restrictively endorse the warrant to the
 510 private school. An organization shall ensure that the parent to
 511 whom the warrant is made has restrictively endorsed the warrant
 512 to the private school for deposit into the account of the
 513 private school or that the parent has approved a funds transfer
 514 before any scholarship funds are deposited.

515 (b)1. Scholarships for students determined eligible
 516 pursuant to paragraph (3)(b) are established for up to 26,500
 517 students annually beginning in the 2022-2023 school year.
 518 Beginning in the 2023-2024 school year, the maximum number of
 519 students participating in the scholarship program under this
 520 section shall annually increase by 1.0 percent of the state's
 521 total exceptional student education full-time equivalent student
 522 membership, not including gifted students. An eligible student
 523 who meets any of the following requirements shall be excluded
 524 from the maximum number of students if the student:

525 a. Received specialized instructional services under the

Page 21 of 138

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hb5101-00

HB 5101

2023

526 Voluntary Prekindergarten Education Program pursuant to s.
 527 1002.66 during the previous school year and the student has a
 528 current IEP developed by the district school board in accordance
 529 with rules of the State Board of Education;

530 b. Is a dependent child of a law enforcement officer or a
 531 member of the United States Armed Forces, a foster child, or an
 532 adopted child;

533 c. Spent the prior school year in attendance at a Florida
 534 public school or the Florida School for the Deaf and the Blind.
 535 For purposes of this subparagraph, the term "prior school year
 536 in attendance" means that the student was enrolled and reported
 537 by:

538 (I) A school district for funding during either the
 539 preceding October or February full-time equivalent student
 540 membership surveys in kindergarten through grade 12, which
 541 includes time spent in a Department of Juvenile Justice
 542 commitment program if funded under the Florida Education Finance
 543 Program;

544 (II) The Florida School for the Deaf and the Blind during
 545 the preceding October or February full-time equivalent student
 546 membership surveys in kindergarten through grade 12;

547 (III) A school district for funding during the preceding
 548 October or February full-time equivalent student membership
 549 surveys, was at least 4 years of age when enrolled and reported,
 550 and was eligible for services under s. 1003.21(1)(e); or

Page 22 of 138

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hb5101-00

HB 5101

2023

551 (IV) Received a John M. McKay Scholarship for Students
552 with Disabilities in the 2021-2022 school year.

553 2. For a student who has a Level I to Level III matrix of
554 services or a diagnosis by a physician or psychologist, the
555 calculated scholarship amount for a student participating in the
556 program must be based upon the grade level and school district
557 in which the student would have been enrolled as the total funds
558 per unweighted full-time equivalent in the Florida Education
559 Finance Program for a student in the basic exceptional student
560 education program pursuant to s. 1011.62(1)(c) and (d) ~~or~~
561 ~~1011.62(1)(c)1. and (c)1.e.~~, plus a per full-time equivalent
562 share of funds for the all categorical programs established in
563 ss. 1011.62(5), (7), (8), and (14), as funded in the General
564 Appropriations Act. For the categorical program established, as
565 ~~funded in the General Appropriations Act, except that for the~~
566 ~~exceptional student education guaranteed allocation, as provided~~
567 ~~in s. 1011.62(8) 1011.62(1)(c)1.e. and 2.~~, the funds must be
568 allocated based on the school district's average exceptional
569 student education guaranteed allocation funds per exceptional
570 student education full-time equivalent student.

571 3. For a student with a Level IV or Level V matrix of
572 services, the calculated scholarship amount must be based upon
573 the school district to which the student would have been
574 assigned as the total funds per full-time equivalent for the
575 Level IV or Level V exceptional student education program

Page 23 of 138

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hb5101-00

HB 5101

2023

576 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
577 equivalent share of funds for the all categorical programs
578 established in ss. 1011.62(5), (7), and (14), as funded in the
579 General Appropriations Act.

580 4. For a student who received a Gardiner Scholarship
581 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
582 shall be the greater of the amount calculated pursuant to
583 subparagraph 2. or the amount the student received for the 2020-
584 2021 school year.

585 5. For a student who received a John M. McKay Scholarship
586 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
587 shall be the greater of the amount calculated pursuant to
588 subparagraph 2. or the amount the student received for the 2020-
589 2021 school year.

590 6. The organization must provide the department with the
591 documentation necessary to verify the student's participation.

592 7. Upon receiving the documentation, the department shall
593 release, from state funds only, the student's scholarship funds
594 to the organization, to be deposited into the student's account
595 in four equal amounts no later than September 1, November 1,
596 February 1, and April 1 of each school year in which the
597 scholarship is in force.

598 8. Accrued interest in the student's account is in
599 addition to, and not part of, the awarded funds. Program funds
600 include both the awarded funds and accrued interest.

Page 24 of 138

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hb5101-00

HB 5101

2023

601 9. The organization may develop a system for payment of
 602 benefits by funds transfer, including, but not limited to, debit
 603 cards, electronic payment cards, or any other means of payment
 604 which the department deems to be commercially viable or cost-
 605 effective. A student's scholarship award may not be reduced for
 606 debit card or electronic payment fees. Commodities or services
 607 related to the development of such a system must be procured by
 608 competitive solicitation unless they are purchased from a state
 609 term contract pursuant to s. 287.056.

610 10. Moneys received pursuant to this section do not
 611 constitute taxable income to the qualified student or the parent
 612 of the qualified student.

613 Section 10. Paragraph (b) of subsection (6) of section
 614 1002.45, Florida Statutes, is amended to read:

615 1002.45 Virtual instruction programs.—

616 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
 617 FUNDING.—

618 (b) Students enrolled in a virtual instruction program
 619 shall be funded in the Florida Education Finance Program as
 620 provided in the General Appropriations Act. The calculation to
 621 determine the amount of funds for each student through the
 622 Florida Education Finance Program shall include the sum of the
 623 basic amount for current operations established in s.
 624 1011.62(1)(r) base Florida Education Finance Program pursuant to
 625 s. 1011.62(1)(s) and all categorical programs except for the

Page 25 of 138

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hb5101-00

HB 5101

2023

626 categorical programs established in ss. 1011.62(7) and (14),
 627 1011.68, and 1011.685 pursuant to ss. 1011.62(1)(f), (7), and
 628 (13), 1011.68, 1011.685, and 1012.71. Students residing outside
 629 of the school district reporting the full-time equivalent
 630 virtual student shall be funded from state funds only.

631 Section 11. Subsection (1) of section 1002.59, Florida
 632 Statutes, is amended to read:

633 1002.59 Emergent literacy and performance standards
 634 training courses.—

635 (1) The department, in collaboration with the Just Read,
 636 Florida! Office, shall adopt minimum standards for courses in
 637 emergent literacy for prekindergarten instructors. Each course
 638 must comprise 5 clock hours and provide instruction in
 639 strategies and techniques to address the age-appropriate
 640 progress of prekindergarten students in developing emergent
 641 literacy skills, including oral communication, knowledge of
 642 print and letters, phonological and phonemic awareness, and
 643 vocabulary and comprehension development, consistent with the
 644 evidence-based content and strategies identified pursuant to s.
 645 1001.215(7) s. 1001.215(8). The course standards must be
 646 reviewed as part of any review of subject coverage or
 647 endorsement requirements in the elementary, reading, and
 648 exceptional student educational areas conducted pursuant to s.
 649 1012.586. Each course must also provide resources containing
 650 strategies that allow students with disabilities and other

Page 26 of 138

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hb5101-00

HB 5101

2023

651 special needs to derive maximum benefit from the Voluntary
 652 Prekindergarten Education Program. Successful completion of an
 653 emergent literacy training course approved under this section
 654 satisfies requirements for approved training in early literacy
 655 and language development under ss. 402.305(2)(e)5., 402.313(6),
 656 and 402.3131(5).

657 Section 12. Paragraph (b) of subsection (3) of section
 658 1002.71, Florida Statutes, is amended to read:

659 1002.71 Funding; financial and attendance reporting.—
 660 (3)

661 (b) Each county's allocation per full-time equivalent
 662 student in the Voluntary Prekindergarten Education Program shall
 663 be calculated annually by multiplying the base student
 664 allocation provided in the General Appropriations Act by the
 665 county's comparable wage factor ~~district cost differential~~
 666 provided in s. 1011.62(2). Each private prekindergarten provider
 667 and public school shall be paid in accordance with the county's
 668 allocation per full-time equivalent student.

669 Section 13. Paragraph (a) of subsection (17) of section
 670 1002.84, Florida Statutes, is amended to read:

671 1002.84 Early learning coalitions; school readiness powers
 672 and duties.—Each early learning coalition shall:

673 (17)(a) Distribute the school readiness program funds as
 674 allocated in the General Appropriations Act to the eligible
 675 providers using the following methodology:

Page 27 of 138

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hb5101-00

HB 5101

2023

676 1. For each county in the early learning coalition,
 677 multiply the cost of care by care level as provided in s.
 678 1002.90 by the county's comparable wage factor ~~district cost~~
 679 ~~differential~~ provided in s. 1011.62(2).

680 2. If a county enacted a local ordinance before January 1,
 681 2022, that establishes the county's staff-to-children ratio for
 682 licensed child care facilities below the ratio established in s.
 683 402.305(4), multiply the provider reimbursement rates for that
 684 county by the adjustment factor specified in the General
 685 Appropriations Act.

686 3. Apply the weight established pursuant to s. 1002.90 for
 687 each provider type to calculate the minimum provider
 688 reimbursement rates by care level.

689 4. Multiply the weighted provider reimbursement rates by
 690 22 percent to determine the amount of the school readiness
 691 allocation an early learning coalition is eligible to retain
 692 pursuant to s. 1002.89(4).

693
 694 Each early learning coalition with approved minimum provider
 695 reimbursement rates for the infant to age 5 care levels that are
 696 higher than the minimum provider reimbursement rates established
 697 in this subsection may continue to implement its approved
 698 minimum provider reimbursement rates until the rates established
 699 in this subsection exceed its approved rates.

700 Section 14. Paragraph (a) of subsection (1) of section

Page 28 of 138

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hb5101-00

HB 5101

2023

701 1002.89, Florida Statutes, is amended to read:
 702 1002.89 School readiness program; funding.—
 703 (1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL
 704 READINESS PROGRAM FUNDING.—Funding for the school readiness
 705 program shall be used by the early learning coalitions in
 706 accordance with this part and the General Appropriations Act.
 707 (a) School readiness program allocation.—If the annual
 708 allocation for the school readiness program is not determined in
 709 the General Appropriations Act or the substantive bill
 710 implementing the General Appropriations Act, it shall be
 711 determined as follows:
 712 1. For each county in the early learning coalition, the
 713 total school readiness eligible population, as adopted by the
 714 Early Learning Programs Estimating Conference pursuant to s.
 715 216.136(8), shall be multiplied by the county's comparable wage
 716 factor ~~district cost differential~~ provided in s. 1011.62(2).
 717 2. If a county passed a local ordinance before January 1,
 718 2022, that establishes the county's staff-to-children ratio for
 719 licensed child care facilities below the ratio established in s.
 720 402.305(4), multiply the product calculated in subparagraph 1.
 721 by the adjustment factor specified in the General Appropriations
 722 Act.
 723 3. Each county's school readiness allocation shall be
 724 based on the county's proportionate share of the total adjusted
 725 eligible school readiness population.

Page 29 of 138

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hb5101-00

HB 5101

2023

726 Section 15. Paragraph (a) of subsection (4) of section
 727 1003.03, Florida Statutes, is amended to read:
 728 1003.03 Maximum class size.—
 729 (4) ACCOUNTABILITY.—
 730 (a) If the department determines that the number of
 731 students assigned to any individual class exceeds the class size
 732 maximum, as required in subsection (1), based upon the October
 733 student membership survey, the department shall:
 734 1. Identify, for each grade group, the number of classes
 735 in which the number of students exceeds the maximum and the
 736 total number of students which exceeds the maximum for all
 737 classes.
 738 2. Determine the number of FTE students which exceeds the
 739 maximum for each grade group.
 740 3. Multiply the total number of FTE students which exceeds
 741 the maximum for each grade group by the district's FTE dollar
 742 amount of the class size categorical allocation for that year
 743 and calculate the total for all three grade groups.
 744 4. Multiply the total number of FTE students which exceeds
 745 the maximum for all classes by an amount equal to 50 percent of
 746 the base student allocation adjusted by the district cost
 747 differential for each of the 2010-2011 through 2013-2014 fiscal
 748 years and by an amount equal to the base student allocation
 749 adjusted by the comparable wage factor ~~district cost~~
 750 ~~differential~~ in the 2014-2015 fiscal year and thereafter.

Page 30 of 138

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hb5101-00

HB 5101

2023

751 5. Reduce the district's class size categorical allocation
 752 by an amount equal to the sum of the calculations in
 753 subparagraphs 3. and 4.

754 Section 16. Section 1003.4201, Florida Statutes, is
 755 created to read:

756 1003.4201 Comprehensive system of reading instruction.—
 757 Each school district must implement a system of comprehensive
 758 reading instruction for students enrolled in the prekindergarten
 759 through grade 12 and certain students who exhibit a substantial
 760 deficiency in early literacy.

761 (1) Each school district must develop, and submit to the
 762 district school board for approval, a detailed reading
 763 instruction plan that outlines the components of the district's
 764 comprehensive system of reading instruction. The plan must
 765 include all district schools, including charter schools, unless
 766 a charter school elects to submit a plan independently from the
 767 school district. A charter school plan must comply with all of
 768 the provisions of this section and must be approved by the
 769 charter school's governing body and provided to the charter
 770 school's sponsor.

771 (2)(a) Components of the reading instruction plan may
 772 include the following:

773 1. Additional time per day of evidence-based intensive
 774 reading instruction for kindergarten through grade 12 students,
 775 which may be delivered during or outside of the regular school

Page 31 of 138

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hb5101-00

HB 5101

2023

776 day.

777 2. Highly qualified reading coaches, who must be endorsed
 778 in reading, to specifically support classroom teachers in making
 779 instructional decisions based on progress monitoring data
 780 collected pursuant to s. 1008.25(8) and improve classroom
 781 teacher delivery of effective reading instruction, reading
 782 intervention, and reading in the content areas based on student
 783 need.

784 3. Professional development to help instructional
 785 personnel and certified prekindergarten teachers funded in the
 786 Florida Education Finance Program earn a certification, a
 787 credential, an endorsement, or an advanced degree in
 788 scientifically researched and evidence-based reading
 789 instruction.

790 4. Summer reading camps, using only classroom teachers or
 791 other district personnel who possess a micro-credential as
 792 specified in s. 1003.485 or are certified or endorsed in reading
 793 consistent with s. 1008.25(7)(b)3., for all students in
 794 kindergarten through grade 5 exhibiting a reading deficiency as
 795 determined by district and state assessments.

796 5. Incentives for instructional personnel and certified
 797 prekindergarten teachers funded in the Florida Education Finance
 798 Program who possess a reading certification or endorsement or
 799 micro-credential as specified in s. 1003.485 and provide
 800 educational support to improve student literacy.

Page 32 of 138

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hb5101-00

HB 5101

2023

801 6. Tutoring in reading.

802 (b) Each school district must include in its reading

803 instruction plan the planned school year expenditures for each

804 component of such plan.

805 (3) Each school district shall submit its approved reading

806 instruction plan, including approved reading instruction plans

807 for each charter school in the district, to the Department of

808 Education by August 1 of each fiscal year.

809 (4) The department shall evaluate the implementation of

810 each school district reading instruction plan, including

811 conducting site visits and collecting specific data on reading

812 improvement results.

813 (5) By February 1 of each year, the department shall

814 report its findings to the Legislature and the State Board of

815 Education, including any recommendations for improving

816 implementation of evidence-based intensive reading and

817 intervention strategies in the classroom.

818 (6) For purposes of this section, the term "evidence-

819 based" means demonstrating a statistically significant effect on

820 improving student outcomes or other relevant outcomes as

821 provided in 20 U.S.C. s. 8101(21)(A)(i).

822 Section 17. Paragraph (a) of subsection (3) and

823 subsections (4) and (5) of section 1003.4203, Florida Statutes,

824 are amended to read:

825 1003.4203 Digital materials, CAPE Digital Tool

Page 33 of 138

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hb5101-00

HB 5101

2023

826 certificates, and technical assistance.—

827 (3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall

828 identify, in the CAPE Industry Certification Funding List under

829 ss. 1003.492 and 1008.44, CAPE Digital Tool certificates that

830 indicate a student's digital skills. The department shall notify

831 each school district when the certificates are available. The

832 certificates shall be made available to all public elementary

833 and middle grades students.

834 (a) Targeted skills to be mastered for the certificate

835 include digital skills that are necessary to the student's

836 academic work and skills the student may need in future

837 employment. CAPE Digital Tool certificates earned by students

838 are eligible for additional full-time equivalent membership

839 under s. 1011.62(1)(n)1.a. ~~e. 1011.62(1)(e)1.a.~~

840 (4) CAPE INDUSTRY CERTIFICATIONS.—

841 (a) CAPE industry certifications, issued to middle school

842 and high school students, which do not articulate for college

843 credit, are eligible for additional full-time equivalent

844 membership pursuant to s. 1011.62(1)(n)1.b. ~~e. 1011.62(1)(e)1.b.~~

845 (b) CAPE industry certifications, issued to high school

846 students, which articulate for college credit, are eligible for

847 additional full-time equivalent membership pursuant to s.

848 1011.62(1)(n)1.b. ~~e. 1011.62(1)(e)1.b.~~

849 (5) CAPE INNOVATION AND CAPE ACCELERATION.—

850 (a) CAPE Innovation.—Courses, identified in the CAPE

Page 34 of 138

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hb5101-00

HB 5101

2023

851 Industry Certification Funding List, that combine academic and
 852 career content, and performance outcome expectations that, if
 853 achieved by a student, shall articulate for college credit and
 854 be eligible for additional full-time equivalent membership under
 855 s. 1011.62(1)(n)1.c. ~~s. 1011.62(1)(c)1.e.~~ Such approved courses
 856 must incorporate at least two third-party assessments that, if
 857 successfully completed by a student, shall articulate for
 858 college credit. At least one of the two third-party assessments
 859 must be associated with an industry certification that is
 860 identified on the CAPE Industry Certification Funding List. Each
 861 course that is approved by the commissioner must be specifically
 862 identified in the Course Code Directory as a CAPE Innovation
 863 Course.

864 (b) CAPE Acceleration.—Industry certifications that
 865 articulate for 15 or more college credit hours and, if
 866 successfully completed, are eligible for additional full-time
 867 equivalent membership under s. 1011.62(1)(n)1.d. ~~s.~~
 868 ~~1011.62(1)(c)1.d.~~ Each approved industry certification must be
 869 specifically identified in the CAPE Industry Certification
 870 Funding List as a CAPE Acceleration Industry Certification.

871 Section 18. Paragraphs (g) and (h) of subsection (4) of
 872 section 1003.485, Florida Statutes, are amended to read:

873 1003.485 The New Worlds Reading Initiative.—

874 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
 875 shall:

Page 35 of 138

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hb5101-00

HB 5101

2023

876 (g) Develop a micro-credential that requires teachers to
 877 demonstrate competency to:

878 1. Diagnose literacy difficulties and determine the
 879 appropriate range of literacy interventions based upon the age
 880 and literacy deficiency of the student;

881 2. Use evidence-based instructional and intervention
 882 practices, including strategies identified by the Just Read,
 883 Florida! Office pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~; and
 884 3. Effectively use progress monitoring and intervention
 885 materials.

886 (h) Administer the early literacy micro-credential program
 887 established under this section, which must include components on
 888 content, student learning, pedagogy, and professional
 889 development and must build on a strong foundation of
 890 scientifically researched and evidence-based reading
 891 instructional and intervention programs that incorporate
 892 explicit, systematic, and sequential approaches to teaching
 893 phonemic awareness, phonics, vocabulary, fluency, and text
 894 comprehension and incorporate decodable or phonetic text
 895 instructional strategies, as identified by the Just Read,
 896 Florida! Office, pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~.

897 1. At a minimum, the micro-credential curriculum must be
 898 designed specifically for instructional personnel in
 899 prekindergarten through grade 3 based upon the strategies and
 900 techniques identified in s. 1002.59 and address foundational

Page 36 of 138

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hb5101-00

HB 5101

2023

901 literacy skills of students in grades 4 through 12.

902 2. The micro-credential must be competency based and
 903 designed for eligible instructional personnel to complete the
 904 credentialing process in no more than 60 hours, in an online
 905 format. The micro-credential may be delivered in an in-person
 906 format. Eligible instructional personnel may receive the micro-
 907 credential once competency is demonstrated even if it is prior
 908 to the completion of 60 hours.

909 3. The micro-credential must be available by December 31,
 910 2022, at no cost, to instructional personnel as defined in s.
 911 1012.01(2); prekindergarten instructors as specified in ss.
 912 1002.55, 1002.61, and 1002.63; and child care personnel as
 913 defined in ss. 402.302(3) and 1002.88(1)(e).

914 Section 19. Subsection (4) of section 1003.4935, Florida
 915 Statutes, is amended to read:

916 1003.4935 Middle grades career and professional academy
 917 courses and career-themed courses.—

918 (4) CAPE Digital Tool certificates and CAPE industry
 919 certifications offered in the middle grades that are included on
 920 the CAPE Industry Certification Funding List, if earned by
 921 students, are eligible for additional full-time equivalent
 922 membership pursuant to s. 1011.62(1)(n)1.a. and b. ~~e-~~
 923 ~~1011.62(1)(e)1.a. and b.~~

924 Section 20. Paragraphs (g) and (j) of subsection (2) of
 925 section 1003.621, Florida Statutes, are amended to read:

Page 37 of 138

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hb5101-00

HB 5101

2023

926 1003.621 Academically high-performing school districts.—It
 927 is the intent of the Legislature to recognize and reward school
 928 districts that demonstrate the ability to consistently maintain
 929 or improve their high-performing status. The purpose of this
 930 section is to provide high-performing school districts with
 931 flexibility in meeting the specific requirements in statute and
 932 rules of the State Board of Education.

933 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
 934 high-performing school district shall comply with all of the
 935 provisions in chapters 1000-1013, and rules of the State Board
 936 of Education which implement these provisions, pertaining to the
 937 following:

938 (g) Those statutes pertaining to planning and budgeting,
 939 including chapter 1011, except s. 1003.4201 ~~e. 1011.62(8)(e)~~,
 940 relating to the requirement for a comprehensive system of
 941 reading instruction plan. ~~A district that is exempt from~~
 942 ~~submitting a comprehensive reading plan shall be deemed approved~~
 943 ~~to receive the evidence-based reading instruction allocation.~~
 944 Each academically high-performing school district may provide up
 945 to 2 days of virtual instruction as part of the required 180
 946 actual teaching days or the equivalent on an hourly basis each
 947 school year, as specified by rules of the State Board of
 948 Education. Virtual instruction that is conducted in accordance
 949 with the plan approved by the department, is teacher-developed,
 950 and is aligned with the standards for enrolled courses complies

Page 38 of 138

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hb5101-00

HB 5101

2023

951 with s. 1011.60(2). The day or days must be indicated on the
 952 calendar approved by the school board. The district shall submit
 953 a plan for each day of virtual instruction to the department for
 954 approval, in a format prescribed by the department, with
 955 assurances of alignment to statewide student standards as
 956 described in s. 1003.41 before the start of each school year.

957 (j) Those statutes relating to instructional materials,
 958 except that s. 1006.37, relating to the requisition of state-
 959 adopted materials from the depository under contract with the
 960 publisher, and s. 1006.40(3)(b), relating to the purchase ~~use of~~
 961 ~~50 percent of the instructional materials allocation~~, shall be
 962 eligible for exemption.

963 Section 21. Subsection (7) of section 1004.935, Florida
 964 Statutes, is amended to read:

965 1004.935 Adults with Disabilities Workforce Education
 966 Program.—

967 (7) Funds for the scholarship shall be provided from the
 968 appropriation from the school district's Workforce Development
 969 Fund in the General Appropriations Act for students who reside
 970 in the Hardee County School District, the DeSoto County School
 971 District, the Manatee County School District, or the Sarasota
 972 County School District. The scholarship amount granted for an
 973 eligible student with a disability shall be equal to the cost
 974 per unit of a full-time equivalent adult general education
 975 student, multiplied by the adult general education funding

Page 39 of 138

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hb5101-00

HB 5101

2023

976 factor, and multiplied by the comparable wage factor ~~district~~
 977 ~~cost differential~~ pursuant to the formula required by s.
 978 1011.80(7)(a) for the district in which the student resides.

979 Section 22. Section 1006.041, Florida Statutes, is created
 980 to read:

981 1006.041 Mental health assistance program.—Each school
 982 district must implement a school-based mental health assistance
 983 program that includes training classroom teachers and other
 984 school staff in detecting and responding to mental health issues
 985 and connecting children, youth, and families who may experience
 986 behavioral health issues with appropriate services.

987 (1) Each school district must develop, and submit to the
 988 district school board for approval, a detailed plan outlining
 989 the components and planned expenditures of the district's mental
 990 health assistance program. The plan must include all district
 991 schools, including charter schools, unless a charter school
 992 elects to submit a plan independently from the school district.
 993 A charter school plan must comply with all of the provisions of
 994 this section and must be approved by the charter school's
 995 governing body and provided to the charter school's sponsor.

996 (2) A plan required under subsection (1) must be focused
 997 on a multitiered system of supports to deliver evidence-based
 998 mental health care assessment, diagnosis, intervention,
 999 treatment, and recovery services to students with one or more
 1000 mental health or co-occurring substance abuse diagnoses and to

Page 40 of 138

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hb5101-00

HB 5101

2023

1001 students at high risk of such diagnoses. The provision of these
 1002 services must be coordinated with a student's primary mental
 1003 health care provider and with other mental health providers
 1004 involved in the student's care. At a minimum, the plan must
 1005 include all of the following components:

1006 (a) Direct employment of school-based mental health
 1007 services providers to expand and enhance school-based student
 1008 services and to reduce the ratio of students to staff in order
 1009 to better align with nationally recommended ratio models. The
 1010 providers shall include, but are not limited to, certified
 1011 school counselors, school psychologists, school social workers,
 1012 and other licensed mental health professionals. The plan must
 1013 also identify strategies to increase the amount of time that
 1014 school-based student services personnel spend providing direct
 1015 services to students, which may include the review and revision
 1016 of district staffing resource allocations based on school or
 1017 student mental health assistance needs.

1018 (b) Contracts or interagency agreements with one or more
 1019 local community behavioral health providers or providers of
 1020 Community Action Team services to provide a behavioral health
 1021 staff presence and services at district schools. Services may
 1022 include, but are not limited to, mental health screenings and
 1023 assessments, individual counseling, family counseling, group
 1024 counseling, psychiatric or psychological services, trauma-
 1025 informed care, mobile crisis services, and behavior

Page 41 of 138

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hb5101-00

HB 5101

2023

1026 modification. These behavioral health services may be provided
 1027 on or off the school campus and may be supplemented by
 1028 telehealth as defined in s. 456.47(1).

1029 (c) Policies and procedures, including contracts with
 1030 service providers, which will ensure that:

1031 1. Students referred to a school-based or community-based
 1032 mental health service provider for mental health screening for
 1033 the identification of mental health concerns and students at
 1034 risk for mental health disorders are assessed within 15 days
 1035 after referral. School-based mental health services must be
 1036 initiated within 15 days after identification and assessment,
 1037 and support by community-based mental health service providers
 1038 for students who are referred for community-based mental health
 1039 services must be initiated within 30 days after the school or
 1040 district makes a referral.

1041 2. Parents of a student receiving services under this
 1042 subsection are provided information about other behavioral
 1043 health services available through the student's school or local
 1044 community-based behavioral health services providers. A school
 1045 may meet this requirement by providing information about and
 1046 Internet addresses for web-based directories or guides for local
 1047 behavioral health services.

1048 3. Individuals living in a household with a student
 1049 receiving services under this subsection are provided
 1050 information about behavioral health services available through

Page 42 of 138

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hb5101-00

HB 5101

2023

1051 other delivery systems or payors for which such individuals may
 1052 qualify, if such services appear to be needed or enhancements in
 1053 such individuals' behavioral health would contribute to the
 1054 improved well-being of the student.

1055 (d) Strategies or programs to reduce the likelihood of at-
 1056 risk students developing social, emotional, or behavioral health
 1057 problems, depression, anxiety disorders, suicidal tendencies, or
 1058 substance use disorders.

1059 (e) Strategies to improve the early identification of
 1060 social, emotional, or behavioral problems or substance use
 1061 disorders, to improve the provision of early intervention
 1062 services, and to assist students in dealing with trauma and
 1063 violence.

1064 (f) Procedures to assist a mental health services provider
 1065 or a behavioral health provider as described in paragraph (a) or
 1066 paragraph (b), respectively, or a school resource officer or
 1067 school safety officer who has completed mental health crisis
 1068 intervention training in attempting to verbally de-escalate a
 1069 student's crisis situation before initiating an involuntary
 1070 examination pursuant to s. 394.463. Such procedures must include
 1071 strategies to de-escalate a crisis situation for a student with
 1072 a developmental disability as defined in s. 393.063.

1073 (g) Policies of the school district which must require
 1074 that in a student crisis situation, school or law enforcement
 1075 personnel must make a reasonable attempt to contact a mental

Page 43 of 138

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hb5101-00

HB 5101

2023

1076 health professional who may initiate an involuntary examination
 1077 pursuant to s. 394.463, unless the child poses an imminent
 1078 danger to themselves or others, before initiating an involuntary
 1079 examination pursuant to s. 394.463. Such contact may be in
 1080 person or through telehealth. The mental health professional may
 1081 be available to the school district either by a contract or
 1082 interagency agreement with the managing entity, one or more
 1083 local community-based behavioral health providers, or the local
 1084 mobile response team, or be a direct or contracted school
 1085 district employee.

1086 (3) Each school district shall submit its approved plan,
 1087 including approved plans of each charter school in the district,
 1088 to the Department of Education by August 1 of each fiscal year.

1089 (4) Annually by September 30, each school district shall
 1090 submit to the Department of Education a report on its program
 1091 outcomes and expenditures for the previous fiscal year that, at
 1092 a minimum, must include the total number of each of the
 1093 following:

1094 (a) Students who receive screenings or assessments.

1095 (b) Students who are referred to school-based or
 1096 community-based providers for services or assistance.

1097 (c) Students who receive school-based or community-based
 1098 interventions, services, or assistance.

1099 (d) School-based and community-based mental health
 1100 providers, including licensure type.

Page 44 of 138

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hb5101-00

HB 5101

2023

1101 (e) Contract-based or interagency agreement-based
 1102 collaborative efforts or partnerships with community-based
 1103 mental health programs, agencies, or providers.

1104 Section 23. Paragraph (b) of subsection (6) of section
 1105 1006.07, Florida Statutes, is amended to read:

1106 1006.07 District school board duties relating to student
 1107 discipline and school safety.—The district school board shall
 1108 provide for the proper accounting for all students, for the
 1109 attendance and control of students at school, and for proper
 1110 attention to health, safety, and other matters relating to the
 1111 welfare of students, including:

1112 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 1113 school superintendent shall establish policies and procedures
 1114 for the prevention of violence on school grounds, including the
 1115 assessment of and intervention with individuals whose behavior
 1116 poses a threat to the safety of the school community.

1117 (b) Mental health coordinator.—Each district school board
 1118 shall identify a mental health coordinator for the district. The
 1119 mental health coordinator shall serve as the district's primary
 1120 point of contact regarding the district's coordination,
 1121 communication, and implementation of student mental health
 1122 policies, procedures, responsibilities, and reporting,
 1123 including:

1124 1. Coordinating with the Office of Safe Schools,
 1125 established pursuant to s. 1001.212.

Page 45 of 138

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hb5101-00

HB 5101

2023

1126 2. Maintaining records and reports regarding student
 1127 mental health as it relates to the mental health assistance
 1128 program under s. 1006.041 ~~school safety and the mental health~~
 1129 ~~assistance allocation under s. 1011.62(14).~~

1130 3. Facilitating the implementation of school district
 1131 policies relating to the respective duties and responsibilities
 1132 of the school district, the superintendent, and district school
 1133 principals.

1134 4. Coordinating with the school safety specialist on the
 1135 staffing and training of threat assessment teams and
 1136 facilitating referrals to mental health services, as
 1137 appropriate, for students and their families.

1138 5. Coordinating with the school safety specialist on the
 1139 training and resources for students and school district staff
 1140 relating to youth mental health awareness and assistance.

1141 6. Reviewing annually the school district's policies and
 1142 procedures related to student mental health for compliance with
 1143 state law and alignment with current best practices and making
 1144 recommendations, as needed, for amending such policies and
 1145 procedures to the superintendent and the district school board.

1146 Section 24. Section 1006.12, Florida Statutes, is amended
 1147 to read:

1148 1006.12 Safe-school officers at each public school.—For
 1149 the protection and safety of school personnel, property,
 1150 students, and visitors, each district school board and school

Page 46 of 138

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hb5101-00

HB 5101

2023

1151 district superintendent shall partner with law enforcement
 1152 agencies or security agencies to establish ~~or assign~~ one or more
 1153 safe-school officers at each school facility within the
 1154 district, including charter schools. A district school board
 1155 must collaborate with charter school governing boards to
 1156 facilitate charter school access to all safe-school officer
 1157 options available under this section. The school district may
 1158 implement any combination of the options in subsections (1)-(4)
 1159 to best meet the needs of the school district and charter
 1160 schools.

1161 (1) SCHOOL RESOURCE OFFICER.—A school district may
 1162 establish school resource officer programs through a cooperative
 1163 agreement with law enforcement agencies.

1164 (a) School resource officers shall undergo criminal
 1165 background checks, drug testing, and a psychological evaluation
 1166 and be certified law enforcement officers, as defined in s.
 1167 943.10(1), who are employed by a law enforcement agency as
 1168 defined in s. 943.10(4). The powers and duties of a law
 1169 enforcement officer shall continue throughout the employee's
 1170 tenure as a school resource officer.

1171 (b) School resource officers shall abide by district
 1172 school board policies and shall consult with and coordinate
 1173 activities through the school principal, but shall be
 1174 responsible to the law enforcement agency in all matters
 1175 relating to employment, subject to agreements between a district

Page 47 of 138

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hb5101-00

HB 5101

2023

1176 school board and a law enforcement agency. Activities conducted
 1177 by the school resource officer which are part of the regular
 1178 instructional program of the school shall be under the direction
 1179 of the school principal.

1180 (2) SCHOOL SAFETY OFFICER.—A school district may
 1181 commission one or more school safety officers for the protection
 1182 and safety of school personnel, property, and students within
 1183 the school district. The district school superintendent may
 1184 recommend, and the district school board may appoint, one or
 1185 more school safety officers.

1186 (a) School safety officers shall undergo criminal
 1187 background checks, drug testing, and a psychological evaluation
 1188 and be law enforcement officers, as defined in s. 943.10(1),
 1189 certified under chapter 943 and employed by either a law
 1190 enforcement agency or by the district school board. If the
 1191 officer is employed by the district school board, the district
 1192 school board is the employing agency for purposes of chapter
 1193 943, and must comply with that chapter.

1194 (b) A school safety officer has and shall exercise the
 1195 power to make arrests for violations of law on district school
 1196 board property or on property owned or leased by a charter
 1197 school under a charter contract, as applicable, and to arrest
 1198 persons, whether on or off such property, who violate any law on
 1199 such property under the same conditions that deputy sheriffs are
 1200 authorized to make arrests. A school safety officer has the

Page 48 of 138

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hb5101-00

HB 5101

2023

1201 authority to carry weapons when performing his or her official
1202 duties.

1203 (c) School safety officers must complete mental health
1204 crisis intervention training using a curriculum developed by a
1205 national organization with expertise in mental health crisis
1206 intervention. The training shall improve officers' knowledge and
1207 skills as first responders to incidents involving students with
1208 emotional disturbance or mental illness, including de-escalation
1209 skills to ensure student and officer safety.

1210 (d) A district school board may enter into mutual aid
1211 agreements with one or more law enforcement agencies as provided
1212 in chapter 23. A school safety officer's salary may be paid
1213 jointly by the district school board and the law enforcement
1214 agency, as mutually agreed to.

1215 (3) SCHOOL GUARDIAN.—At the school district's or the
1216 charter school governing board's discretion, as applicable,
1217 pursuant to s. 30.15, a school district or charter school
1218 governing board may participate in the Coach Aaron Feis Guardian
1219 Program to meet the requirement of establishing a safe-school
1220 officer. The following individuals may serve as a school
1221 guardian, in support of school-sanctioned activities for
1222 purposes of s. 790.115, upon satisfactory completion of the
1223 requirements under s. 30.15(1)(k) and certification by a
1224 sheriff:

1225 (a) A school district employee or personnel, as defined

Page 49 of 138

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hb5101-00

HB 5101

2023

1226 under s. 1012.01, or a charter school employee, as provided
1227 under s. 1002.33(12)(a), who volunteers to serve as a school
1228 guardian in addition to his or her official job duties; or

1229 (b) An employee of a school district or a charter school
1230 who is hired for the specific purpose of serving as a school
1231 guardian.

1232 (4) SCHOOL SECURITY GUARD.—A school district or charter
1233 school governing board may contract with a security agency as
1234 defined in s. 493.6101(18) to employ as a school security guard
1235 an individual who holds a Class "D" and Class "G" license
1236 pursuant to chapter 493, provided the following training and
1237 contractual conditions are met:

1238 (a) An individual who serves as a school security guard,
1239 for purposes of satisfying the requirements of this section,
1240 must:

1241 1. Demonstrate completion of 144 hours of required
1242 training pursuant to s. 30.15(1)(k)2.

1243 2. Pass a psychological evaluation administered by a
1244 psychologist licensed under chapter 490 and designated by the
1245 Department of Law Enforcement and submit the results of the
1246 evaluation to the sheriff's office, school district, or charter
1247 school governing board, as applicable. The Department of Law
1248 Enforcement is authorized to provide the sheriff's office,
1249 school district, or charter school governing board with mental
1250 health and substance abuse data for compliance with this

Page 50 of 138

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hb5101-00

HB 5101

2023

1251 paragraph.

1252 3. Submit to and pass an initial drug test and subsequent
1253 random drug tests in accordance with the requirements of s.
1254 112.0455 and the sheriff's office, school district, or charter
1255 school governing board, as applicable.

1256 4. Successfully complete ongoing training, weapon
1257 inspection, and firearm qualification on at least an annual
1258 basis and provide documentation to the sheriff's office, school
1259 district, or charter school governing board, as applicable.

1260 (b) The contract between a security agency and a school
1261 district or a charter school governing board regarding
1262 requirements applicable to school security guards serving in the
1263 capacity of a safe-school officer for purposes of satisfying the
1264 requirements of this section shall define the entity or entities
1265 responsible for training and the responsibilities for
1266 maintaining records relating to training, inspection, and
1267 firearm qualification.

1268 (c) School security guards serving in the capacity of a
1269 safe-school officer pursuant to this subsection are in support
1270 of school-sanctioned activities for purposes of s. 790.115, and
1271 must aid in the prevention or abatement of active assailant
1272 incidents on school premises.

1273 (5) NOTIFICATION.—The district school superintendent or
1274 charter school administrator, or a respective designee, shall
1275 notify the county sheriff and the Office of Safe Schools

Page 51 of 138

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hb5101-00

HB 5101

2023

1276 immediately after, but no later than 72 hours after:

1277 (a) A safe-school officer is dismissed for misconduct or
1278 is otherwise disciplined.

1279 (b) A safe-school officer discharges his or her firearm in
1280 the exercise of the safe-school officer's duties, other than for
1281 training purposes.

1282 (6) CRISIS INTERVENTION TRAINING.—

1283 (a) Each safe-school officer who is also a sworn law
1284 enforcement officer shall complete mental health crisis
1285 intervention training using a curriculum developed by a national
1286 organization with expertise in mental health crisis
1287 intervention. The training must improve the officer's knowledge
1288 and skills as a first responder to incidents involving students
1289 with emotional disturbance or mental illness, including de-
1290 escalation skills to ensure student and officer safety.

1291 (b) Each safe-school officer who is not a sworn law
1292 enforcement officer shall receive training to improve the
1293 officer's knowledge and skills necessary to respond to and de-
1294 escalate incidents on school premises.

1295 (7) LIMITATIONS.—An individual must satisfy the background
1296 screening, psychological evaluation, and drug test requirements
1297 and be approved by the sheriff before participating in any
1298 training required by s. 30.15(1)(k), which may be conducted only
1299 by a sheriff.

1300 (8) EXEMPTION.—Any information that would identify whether

Page 52 of 138

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hb5101-00

HB 5101

2023

1301 a particular individual has been appointed as a safe-school
 1302 officer pursuant to this section held by a law enforcement
 1303 agency, school district, or charter school is exempt from s.
 1304 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 1305 subsection is subject to the Open Government Sunset Review Act
 1306 in accordance with s. 119.15 and shall stand repealed on October
 1307 2, 2023, unless reviewed and saved from repeal through
 1308 reenactment by the Legislature.

1309
 1310 If a district school board, through its adopted policies,
 1311 procedures, or actions, denies a charter school access to any
 1312 safe-school officer options pursuant to this section, the school
 1313 district must provide ~~assign~~ a school resource officer or school
 1314 safety officer to the charter school. Under such circumstances,
 1315 the charter school's share of the costs of the school resource
 1316 officer or school safety officer shall be provided to the school
 1317 district and may not exceed the amount allocated by ~~the safe~~
 1318 ~~school allocation funds provided to the charter school for safe-~~
 1319 ~~school officers pursuant to s. 1011.62(12) and shall be retained~~
 1320 ~~by the school district.~~

1321 Section 25. Subsection (3) of section 1006.1493, Florida
 1322 Statutes, is amended to read:

1323 1006.1493 Florida Safe Schools Assessment Tool.—

1324 (3) The Office of Safe Schools shall make the FSSAT
 1325 available no later than May 1 of each year.

Page 53 of 138

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hb5101-00

HB 5101

2023

1326 (a) The office must provide annual training to each
 1327 district's school safety specialist and other appropriate school
 1328 district personnel on the assessment of physical site security
 1329 and completing the FSSAT.

1330 (b) Each school district must annually report to the
 1331 office by October 15 that all public schools within the school
 1332 district have completed the FSSAT.

1333 Section 26. Paragraph (c) is added to subsection (3) of
 1334 section 1006.28, Florida Statutes, to read:

1335 1006.28 Duties of district school board, district school
 1336 superintendent; and school principal regarding K-12
 1337 instructional materials.—

1338 (3) DISTRICT SCHOOL SUPERINTENDENT.—

1339 (c) Annually by July 1, each district school
 1340 superintendent shall certify to the Commissioner of Education
 1341 that the district school board has approved a comprehensive
 1342 staff development plan that supports fidelity of implementation
 1343 of instructional materials programs, including verification that
 1344 training was provided, that the materials are being implemented
 1345 as designed, and that core reading materials and reading
 1346 intervention materials used in kindergarten through grade 5 meet
 1347 the requirements of s. 1001.215(8). Such instructional
 1348 materials, as evaluated and identified pursuant to s.
 1349 1001.215(4), may be purchased by school districts without
 1350 undergoing the adoption procedures in s. 1006.40(4)(b).

Page 54 of 138

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hb5101-00

HB 5101

2023

1351 Section 27. Section 1006.40, Florida Statutes, is amended
1352 to read:

1353 1006.40 Purchase ~~Use~~ of instructional materials
1354 ~~allocation; instructional materials, library books, and~~
1355 ~~reference books; repair of books.-~~

1356 (1) On or before July 1 each year, ~~the commissioner shall~~
1357 ~~certify to~~ each district school superintendent shall certify to
1358 the Commissioner of Education the estimated allocation of state
1359 funds for instructional materials, ~~computed pursuant to the~~
1360 ~~provisions of s. 1011.67~~ for the ensuing fiscal year.

1361 (2) Each district school board must purchase current
1362 instructional materials to provide each student in kindergarten
1363 through grade 12 with a major tool of instruction in core
1364 courses of the subject areas of mathematics, language arts,
1365 science, social studies, reading, and literature. Such purchase
1366 must be made within the first 3 years after the effective date
1367 of the adoption cycle unless a district school board or a
1368 consortium of school districts has implemented an instructional
1369 materials program pursuant to s. 1006.283.

1370 (3)(a) Except for a school district or a consortium of
1371 school districts that implements an instructional materials
1372 program pursuant to s. 1006.283, each district school board
1373 shall ~~use the annual allocation only for the purchase of~~
1374 instructional materials that align with state standards and are
1375 included on the state-adopted list, ~~except as otherwise~~

Page 55 of 138

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hb5101-00

HB 5101

2023

1376 ~~authorized in paragraphs (b) and (c).~~

1377 (b) Up to 50 percent of the amount the school district has
1378 budgeted for instructional materials ~~annual allocation~~ may be
1379 used for:

1380 1. The purchase of library and reference books and
1381 nonprint materials.

1382 2. The purchase of other materials having intellectual
1383 content which assist in the instruction of a subject or course.
1384 These materials may be available in bound, unbound, kit, or
1385 package form and may consist of hardbacked or softbacked
1386 textbooks, novels, electronic content, consumables, learning
1387 laboratories, manipulatives, electronic media, computer
1388 courseware or software, and other commonly accepted
1389 instructional tools as prescribed by district school board rule.

1390 3. The repair and renovation of textbooks and library
1391 books and replacements for items which were part of previously
1392 purchased instructional materials.

1393 ~~(c) District school boards may use 100 percent of that~~
1394 ~~portion of the annual allocation designated for the purchase of~~
1395 ~~instructional materials for kindergarten, and 75 percent of that~~
1396 ~~portion of the annual allocation designated for the purchase of~~
1397 ~~instructional materials for first grade, to purchase materials~~
1398 ~~not on the state-adopted list.~~

1399 (c)(d) Any materials purchased pursuant to this section
1400 must be:

Page 56 of 138

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hb5101-00

HB 5101

2023

1401 1. Free of pornography and material prohibited under s.
 1402 847.012.

1403 2. Suited to student needs and their ability to comprehend
 1404 the material presented.

1405 3. Appropriate for the grade level and age group for which
 1406 the materials are used or made available.

1407 (4) Each district school board is responsible for the
 1408 content of all materials used in a classroom or otherwise made
 1409 available to students. Each district school board shall adopt
 1410 rules, and each district school superintendent shall implement
 1411 procedures, that:

1412 (a) Maximize student use of the district-approved
 1413 instructional materials.

1414 (b) Provide a process for public review of, public comment
 1415 on, and the adoption of materials, including those used to
 1416 provide instruction required by s. 1003.42, which satisfies the
 1417 requirements of s. 1006.283(2)(b)8., 9., and 11.

1418 ~~(5) District school boards may issue purchase orders~~
 1419 ~~subsequent to February 1 in an aggregate amount which does not~~
 1420 ~~exceed 20 percent of the current year's allocation, and~~
 1421 ~~subsequent to April 1 in an aggregate amount which does not~~
 1422 ~~exceed 90 percent of the current year's allocation, for the~~
 1423 ~~purpose of expediting the delivery of instructional materials~~
 1424 ~~which are to be paid for from the ensuing year's allocation.~~
 1425 ~~This subsection does not apply to a district school board or a~~

Page 57 of 138

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hb5101-00

HB 5101

2023

1426 ~~consortium of school districts that implements an instructional~~
 1427 ~~materials program pursuant to s. 1006.283.~~

1428 ~~(6) In any year in which the total instructional materials~~
 1429 ~~allocation for a school district has not been expended or~~
 1430 ~~obligated prior to June 30, the district school board shall~~
 1431 ~~carry forward the unobligated amount and shall add it to the~~
 1432 ~~next year's allocation.~~

1433 (5)(7) A district school board or a consortium of school
 1434 districts that implements an instructional materials program
 1435 pursuant to s. 1006.283 may ~~use the annual allocation to~~
 1436 purchase instructional materials not on the state-adopted list.
 1437 However, instructional materials purchased pursuant to this
 1438 section which are not included on the state-adopted list must
 1439 meet the criteria of s. 1006.31(2), align with state standards
 1440 adopted by the State Board of Education pursuant to s. 1003.41,
 1441 and be consistent with course expectations based on the
 1442 district's comprehensive plan for student progression and course
 1443 descriptions adopted in state board rule.

1444 Section 28. Paragraph (b) of subsection (13), paragraph
 1445 (n) of subsection (21), subsection (23), paragraph (b) of
 1446 subsection (24), and subsection (25) of section 1007.271,
 1447 Florida Statutes, are amended to read:

1448 1007.271 Dual enrollment programs.—
 1449 (13)
 1450 (b) Each public postsecondary institution eligible to

Page 58 of 138

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hb5101-00

HB 5101

2023

1451 participate in the dual enrollment program pursuant to s.
 1452 1011.62(1)(h) ~~s. 1011.62(1)(i)~~ must enter into a home education
 1453 articulation agreement with each home education student seeking
 1454 enrollment in a dual enrollment course and the student's parent.
 1455 By August 1 of each year, the eligible postsecondary institution
 1456 shall complete and submit the home education articulation
 1457 agreement to the Department of Education. The home education
 1458 articulation agreement must include, at a minimum:

1459 1. A delineation of courses and programs available to
 1460 dually enrolled home education students. Courses and programs
 1461 may be added, revised, or deleted at any time by the
 1462 postsecondary institution. Any course or program limitations may
 1463 not exceed the limitations for other dually enrolled students.

1464 2. The initial and continued eligibility requirements for
 1465 home education student participation, not to exceed those
 1466 required of other dually enrolled students. A high school grade
 1467 point average may not be required for home education students
 1468 who demonstrate achievement of college-level communication and
 1469 computation skills as provided under s. 1008.30(1) or (2);
 1470 however, home education student eligibility requirements for
 1471 continued enrollment in dual enrollment courses must include the
 1472 maintenance of the minimum postsecondary grade point average
 1473 established by the postsecondary institution.

1474 3. The student's responsibilities for providing his or her
 1475 own transportation.

Page 59 of 138

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hb5101-00

HB 5101

2023

1476 4. A copy of the statement on transfer guarantees
 1477 developed by the Department of Education under subsection (15).

1478 (21) Each district school superintendent and each public
 1479 postsecondary institution president shall develop a
 1480 comprehensive dual enrollment articulation agreement for the
 1481 respective school district and postsecondary institution. The
 1482 superintendent and president shall establish an articulation
 1483 committee for the purpose of developing the agreement. Each
 1484 state university president may designate a university
 1485 representative to participate in the development of a dual
 1486 enrollment articulation agreement. A dual enrollment
 1487 articulation agreement shall be completed and submitted annually
 1488 by the postsecondary institution to the Department of Education
 1489 on or before August 1. The agreement must include, but is not
 1490 limited to:

1491 (n) A funding provision that delineates costs incurred by
 1492 each entity.

1493 1. School districts shall pay public postsecondary
 1494 institutions the standard tuition rate per credit hour from
 1495 funds provided in the Florida Education Finance Program when
 1496 dual enrollment course instruction takes place on the
 1497 postsecondary institution's campus and the course is taken
 1498 during the fall or spring term. When dual enrollment is provided
 1499 on the high school site by postsecondary institution faculty,
 1500 the school district shall reimburse the costs associated with

Page 60 of 138

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hb5101-00

HB 5101

2023

1501 the postsecondary institution's proportion of salary and
 1502 benefits to provide the instruction. When dual enrollment course
 1503 instruction is provided on the high school site by school
 1504 district faculty, the school district is not responsible for
 1505 payment to the postsecondary institution. A postsecondary
 1506 institution may enter into an agreement with the school district
 1507 to authorize teachers to teach dual enrollment courses at the
 1508 high school site or the postsecondary institution. A school
 1509 district may not deny a student access to dual enrollment unless
 1510 the student is ineligible to participate in the program subject
 1511 to provisions specifically outlined in this section.

1512 2. School districts shall pay for the cost of
 1513 instructional materials for public high school students who are
 1514 earning credit toward high school graduation under the dual
 1515 enrollment program.

1516 3.2- Subject to annual appropriation in the General
 1517 Appropriations Act, a public postsecondary institution shall
 1518 receive an amount of funding equivalent to the standard tuition
 1519 rate per credit hour for each dual enrollment course taken by a
 1520 student during the summer term.

1521 (23) District school boards and Florida College System
 1522 institutions may enter into additional dual enrollment
 1523 articulation agreements with state universities for the purposes
 1524 of this section. School districts may also enter into dual
 1525 enrollment articulation agreements with eligible independent

Page 61 of 138

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hb5101-00

HB 5101

2023

1526 colleges and universities pursuant to s. 1011.62(1)(h) ~~or~~
 1527 ~~1011.62(1)(i)~~. By August 1 of each year, the district school
 1528 board and the Florida College System institution shall complete
 1529 and submit the dual enrollment articulation agreement with the
 1530 state university or an eligible independent college or
 1531 university, as applicable, to the Department of Education.

1532 (24)

1533 (b) Each public postsecondary institution eligible to
 1534 participate in the dual enrollment program pursuant to s.
 1535 1011.62(1)(h) ~~or 1011.62(1)(i)~~ must enter into a private school
 1536 articulation agreement with each eligible private school in its
 1537 geographic service area seeking to offer dual enrollment courses
 1538 to its students, including, but not limited to, students with
 1539 disabilities. By August 1 of each year, the eligible
 1540 postsecondary institution shall complete and submit the private
 1541 school articulation agreement to the Department of Education.
 1542 The private school articulation agreement must include, at a
 1543 minimum:

1544 1. A delineation of courses and programs available to the
 1545 private school student. The postsecondary institution may add,
 1546 revise, or delete courses and programs at any time.

1547 2. The initial and continued eligibility requirements for
 1548 private school student participation, not to exceed those
 1549 required of other dual enrollment students.

1550 3. The student's responsibilities for providing his or her

Page 62 of 138

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hb5101-00

HB 5101

2023

1551 own transportation.

1552 4. A provision clarifying that the private school will
1553 award appropriate credit toward high school completion for the
1554 postsecondary course under the dual enrollment program.

1555 5. A provision expressing that costs associated with
1556 tuition and fees, including registration, and laboratory fees,
1557 will not be passed along to the student.

1558 (25) For students with disabilities, a postsecondary
1559 institution eligible to participate in dual enrollment pursuant
1560 to s. 1011.62(1)(h) ~~s. 1011.62(1)(i)~~ shall include in its dual
1561 enrollment articulation agreement, services and resources that
1562 are available to students with disabilities who register in a
1563 dual enrollment course at the eligible institution and provide
1564 information regarding such services and resources to the Florida
1565 Center for Students with Unique Abilities. The Department of
1566 Education shall provide to the center the Internet website link
1567 to dual enrollment articulation agreements specific to students
1568 with disabilities. The center shall include in the information
1569 that it is responsible for disseminating to students with
1570 disabilities and their parents pursuant to s. 1004.6495, dual
1571 enrollment articulation agreements and opportunities for
1572 meaningful campus experience through dual enrollment.

1573 Section 29. Paragraph (b) of subsection (5) of section
1574 1008.25, Florida Statutes, is amended to read:

1575 1008.25 Public school student progression; student

Page 63 of 138

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hb5101-00

HB 5101

2023

1576 support; coordinated screening and progress monitoring;
1577 reporting requirements.—

1578 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

1579 (b) A Voluntary Prekindergarten Education Program student
1580 who exhibits a substantial deficiency in early literacy skills
1581 in accordance with the standards under s. 1002.67(1)(a) and
1582 based upon the results of the administration of the final
1583 coordinated screening and progress monitoring under subsection
1584 (8) shall be referred to the local school district and may be
1585 eligible to receive intensive reading interventions before
1586 participating in kindergarten. ~~Such intensive reading~~
1587 ~~interventions shall be paid for using funds from the district's~~
1588 ~~evidence-based reading instruction allocation in accordance with~~
1589 ~~s. 1011.62(8).~~

1590 Section 30. Paragraph (d) of subsection (5) of section
1591 1008.345, Florida Statutes, is amended to read:

1592 1008.345 Implementation of state system of school
1593 improvement and education accountability.—

1594 (5) The commissioner shall annually report to the State
1595 Board of Education and the Legislature and recommend changes in
1596 state policy necessary to foster school improvement and
1597 education accountability. The report shall include:

1598 (d) Based upon a review of each school district's reading
1599 instruction plan submitted pursuant to s. 1003.4201 ~~←~~
1600 ~~1011.62(8)~~, intervention and support strategies used by school

Page 64 of 138

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hb5101-00

HB 5101

2023

1601 districts that were effective in improving the reading
 1602 performance of students, as indicated by student performance
 1603 data, who are identified as having a substantial reading
 1604 deficiency pursuant to s. 1008.25(5)(a).
 1605
 1606 School reports shall be distributed pursuant to this subsection
 1607 and s. 1001.42(18)(c) and according to rules adopted by the
 1608 State Board of Education.
 1609 Section 31. Subsections (2), (3), and (5) of section
 1610 1008.365, Florida Statutes, are amended to read:
 1611 1008.365 Reading Achievement Initiative for Scholastic
 1612 Excellence Act.—
 1613 (2) The Reading Achievement Initiative for Scholastic
 1614 Excellence (RAISE) Program is established within the Department
 1615 of Education to provide instructional supports to school
 1616 districts, school administrators, and instructional personnel in
 1617 implementing:
 1618 (a) Evidence-based reading instruction proven to
 1619 accelerate progress of students exhibiting a reading deficiency.
 1620 (b) Differentiated instruction based on screening,
 1621 diagnostic, progress monitoring, or student assessment data to
 1622 meet students' specific reading needs.
 1623 (c) Explicit and systematic reading strategies to develop
 1624 phonemic awareness, phonics, fluency, vocabulary, and
 1625 comprehension with more extensive opportunities for guided

Page 65 of 138

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hb5101-00

HB 5101

2023

1626 ~~practice, error correction, and feedback and interventions in~~
 1627 ~~order to improve student reading achievement.~~
 1628 (3) The department shall establish at least 20 literacy
 1629 support regions and regional support teams, at the direction of
 1630 a regional literacy support director appointed by the
 1631 Commissioner of Education, to assist schools with improving low
 1632 reading scores as provided in this section.
 1633 (a) A regional literacy support director must successfully
 1634 demonstrate competence on the evidence-based strategies
 1635 identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and have
 1636 the experience and credentials necessary, as determined by the
 1637 department, to:
 1638 1. Effectively monitor student reading growth and
 1639 achievement data;
 1640 2. Oversee districtwide and schoolwide professional
 1641 development and planning to establish evidence-based practices
 1642 among school administrators and instructional personnel;
 1643 3. Evaluate implementation of evidence-based practices;
 1644 and
 1645 4. Manage a regional support team.
 1646 (b) A regional support team shall report to its regional
 1647 literacy support director and must consist of individuals who:
 1648 1. Successfully demonstrate competence on the evidence-
 1649 based strategies identified pursuant to s. 1001.215(7) ~~s.~~
 1650 ~~1001.215(8);~~

Page 66 of 138

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hb5101-00

HB 5101

2023

1651 2. Have substantial experience in literacy coaching and
 1652 monitoring student progress data in reading; and
 1653 3. Have received training necessary to assist with the
 1654 delivery of professional development and site-based supports,
 1655 including modeling evidence-based practices and providing
 1656 feedback to instructional personnel.
 1657 (5) The department shall provide progress monitoring data
 1658 to regional support teams regarding the implementation of
 1659 supports. Such supports must include:
 1660 (a) Professional development, aligned to evidence-based
 1661 strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~,
 1662 for appropriate instructional personnel and school
 1663 administrators identified by the regional support team.
 1664 (b) Assistance with implementing:
 1665 1. Data-informed instructional decisionmaking using
 1666 progress monitoring and other appropriate data.
 1667 2. Selection and consistent, coordinated use of
 1668 scientifically researched and evidence-based high-quality
 1669 instructional materials and supplemental materials as identified
 1670 by the Just Read, Florida! Office pursuant to s. 1001.215(8).
 1671 3. Reading instruction in other core subject area
 1672 curricula, with an emphasis on civic literacy.
 1673 4. A multitiered system of supports in order to provide
 1674 students effective interventions and identify students who may
 1675 require an evaluation for special educational services,

Page 67 of 138

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hb5101-00

HB 5101

2023

1676 including identifying characteristics of conditions that affect
 1677 phonological processing, such as dyslexia.
 1678 (c) Evaluating a school's improvement plan for alignment
 1679 with the school district's K-12 ~~comprehensive~~ reading
 1680 instruction plan under s. 1003.4201 ~~s. 1011.62(8)(d)~~ and the
 1681 school district's allocation of resources as required by s.
 1682 1008.25(3)(a). If the regional support team determines that the
 1683 school district's reading instruction plan does not address the
 1684 school's need to improve student outcomes, the regional literacy
 1685 support director, the district school superintendent, or his or
 1686 her designee, and the director of the Just Read, Florida! Office
 1687 shall convene a meeting to rectify the deficiencies of the
 1688 reading instruction plan.
 1689 Section 32. Subsection (1) of section 1008.44, Florida
 1690 Statutes, is amended to read:
 1691 1008.44 CAPE Industry Certification Funding List.—
 1692 (1) The State Board of Education shall adopt, at least
 1693 annually, based upon recommendations by the Commissioner of
 1694 Education, the CAPE Industry Certification Funding List that
 1695 assigns additional full-time equivalent membership to
 1696 certifications identified in the Master Credentials List under
 1697 s. 445.004(4) that meets a statewide, regional, or local demand,
 1698 and courses that lead to such certifications, in accordance with
 1699 s. 1011.62(1)(n) ~~s. 1011.62(1)(e)~~. Additional full-time
 1700 equivalent membership funding for regional and local demand

Page 68 of 138

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hb5101-00

HB 5101

2023

1701 certifications and courses that lead to such certifications may
 1702 only be earned in those areas with regional or local demand as
 1703 identified by the Credentials Review Committee. The CAPE
 1704 Industry Certification Funding List may include the following
 1705 certificates, certifications, and courses:

1706 (a) CAPE industry certifications identified as credentials
 1707 of value that meet the framework of quality under s. 445.004(4),
 1708 that must be applied in the distribution of funding to school
 1709 districts under s. 1011.62(1)(n) ~~s. 1011.62(1)(e)~~. The CAPE
 1710 Industry Certification Funding List shall incorporate by
 1711 reference the industry certifications on the career pathways
 1712 list approved for the Florida Gold Seal CAPE Scholars award.

1713 (b) CAPE Digital Tool certificates under s. 1003.4203(3)
 1714 that do not articulate for college credit. The certificates
 1715 shall be made available to students in elementary school and
 1716 middle school grades and, if earned by a student, shall be
 1717 eligible for additional full-time equivalent membership under s.
 1718 1011.62(1)(n)1. ~~s. 1011.62(1)(e)1.~~

1719 (c) CAPE ESE Digital Tool certificates, workplace industry
 1720 certifications, and OSHA industry certifications for students
 1721 with disabilities under s. 1003.4203(2). Such certificates and
 1722 certifications shall, if earned by a student, be eligible for
 1723 additional full-time equivalent membership under s.
 1724 1011.62(1)(n)1. ~~s. 1011.62(1)(e)1.~~

1725 (d) CAPE Innovation Courses that combine academic and

Page 69 of 138

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hb5101-00

HB 5101

2023

1726 career performance outcomes with embedded industry
 1727 certifications under s. 1003.4203(5)(a). Such courses shall, if
 1728 completed by a student, be eligible for additional full-time
 1729 equivalent membership under s. 1011.62(1)(n)1. ~~s.~~
 1730 ~~1011.62(1)(e)1.~~

1731 (e) CAPE Acceleration Industry Certifications that
 1732 articulate for 15 or more college credit hours under s.
 1733 1003.4203(5)(b). Such certifications shall, if successfully
 1734 completed, be eligible for additional full-time equivalent
 1735 membership under s. 1011.62(1)(n)1. ~~s. 1011.62(1)(e)1.~~

1736 (f) The Commissioner of Education shall conduct a review
 1737 of the methodology used to determine additional full-time
 1738 equivalent membership weights assigned in s. 1011.62(1)(n) ~~s.~~
 1739 ~~1011.62(1)(e)~~ and, if necessary, recommend revised weights. The
 1740 weights must factor in the prioritization of critical shortages
 1741 of labor market demand and middle-level to high-level wage
 1742 earning outcomes as identified by the Credentials Review
 1743 Committee under s. 445.004. The results of the review and the
 1744 commissioner's recommendations must be submitted to the
 1745 Governor, the President of the Senate, and the Speaker of the
 1746 House of Representatives no later than December 1, 2021.

1747 Section 33. Paragraph (a) of subsection (2) and paragraph
 1748 (b) of subsection (3) of section 1010.20, Florida Statutes, are
 1749 amended to read:

1750 1010.20 Cost accounting and reporting for school

Page 70 of 138

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hb5101-00

HB 5101

2023

1751 districts.—

1752 (2) COST REPORTING.—

1753 (a) Each district shall report on a district-aggregate

1754 basis expenditures for inservice training pursuant to s.

1755 1011.62(3) and for categorical programs as provided in s.

1756 1011.62(12) e. 1011.62(6).

1757 (3) PROGRAM EXPENDITURE REQUIREMENTS.—

1758 (b) Funds for inservice training established in s.

1759 1011.62(3) and for categorical programs established in s.

1760 1011.62(12) e. 1011.62(6) shall be expended for the costs of the

1761 identified programs as provided by law and in accordance with

1762 the rules of the State Board of Education.

1763 Section 34. Subsection (4) of section 1011.60, Florida

1764 Statutes, is amended to read:

1765 1011.60 Minimum requirements of the Florida Education

1766 Finance Program.—Each district which participates in the state

1767 appropriations for the Florida Education Finance Program shall

1768 provide evidence of its effort to maintain an adequate school

1769 program throughout the district and shall meet at least the

1770 following requirements:

1771 (4) SALARY SCHEDULES.—Expend funds for salaries in

1772 accordance with a salary schedule or schedules adopted by the

1773 school board in accordance with the provisions of law and rules

1774 of the State Board of Education.

1775 (a) The minimum base salary reported on a performance

Page 71 of 138

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hb5101-00

HB 5101

2023

1776 salary schedule as defined in s. 1012.22(1)(c)1.d. for a full-

1777 time classroom teacher as defined in s. 1012.01(2)(a) and a

1778 certified prekindergarten teacher funded in the Florida

1779 Education Finance Program shall be at least \$47,500 or the

1780 maximum amount achievable by the district school board based on

1781 the amount of the school district's Florida Education Finance

1782 Program funds as provided in the General Appropriations Act.

1783 (b) Expenditures for salaries of instructional personnel

1784 must include compensation based on employee performance

1785 demonstrated under s. 1012.34.

1786 Section 35. Subsection (5) of section 1011.61, Florida

1787 Statutes, is amended to read:

1788 1011.61 Definitions.—Notwithstanding the provisions of s.

1789 1000.21, the following terms are defined as follows for the

1790 purposes of the Florida Education Finance Program:

1791 (5) The "Florida Education Finance Program" includes all

1792 programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,

1793 and 1011.685 e. 1011.62.

1794 Section 36. Paragraphs (g) through (t) subsection (1) of

1795 section 1011.62, Florida Statutes, are redesignated as

1796 paragraphs (f) through (s), respectively, present paragraphs

1797 (d), (e), (f), and (s) of subsection (1), subsections (2) and

1798 (3), paragraph (a) of subsection (4), subsection (5), and

1799 present subsections (6) through (9) and (11) through (17) are

1800 amended, and a new paragraph (e) is added to subsection (1) and

Page 72 of 138

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hb5101-00

HB 5101

2023

1801 new subsections (6) through (8) and subsections (12) and (14)
1802 are added to that section, to read:

1803 1011.62 Funds for operation of schools.—If the annual
1804 allocation from the Florida Education Finance Program to each
1805 district for operation of schools is not determined in the
1806 annual appropriations act or the substantive bill implementing
1807 the annual appropriations act, it shall be determined as
1808 follows:

1809 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1810 OPERATION.—The following procedure shall be followed in
1811 determining the annual allocation to each district for
1812 operation:

1813 ~~(d) Annual allocation calculation.—~~

1814 ~~1. The Department of Education is authorized and directed~~
1815 ~~to review all district programs and enrollment projections and~~
1816 ~~calculate a maximum total weighted full-time equivalent student~~
1817 ~~enrollment for each district for the K-12 FEFP.~~

1818 ~~2. Maximum enrollments calculated by the department shall~~
1819 ~~be derived from enrollment estimates used by the Legislature to~~
1820 ~~calculate the FEFP. If two or more districts enter into an~~
1821 ~~agreement under the provisions of s. 1001.42(4) (d), after the~~
1822 ~~final enrollment estimate is agreed upon, the amount of FTE~~
1823 ~~specified in the agreement, not to exceed the estimate for the~~
1824 ~~specific program as identified in paragraph (c), may be~~
1825 ~~transferred from the participating districts to the district~~

Page 73 of 138

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hb5101-00

HB 5101

2023

1826 ~~providing the program.~~

1827 ~~3. As part of its calculation of each district's maximum~~
1828 ~~total weighted full-time equivalent student enrollment, the~~
1829 ~~department shall establish separate enrollment ceilings for each~~
1830 ~~of two program groups. Group 1 shall be composed of basic~~
1831 ~~programs for grades K-3, grades 4-8, and grades 9-12. Group 2~~
1832 ~~shall be composed of students in exceptional student education~~
1833 ~~programs support levels IV and V, English for Speakers of Other~~
1834 ~~Languages programs, and all career programs in grades 9-12.~~

1835 ~~a. For any calculation of the FEFP, the enrollment ceiling~~
1836 ~~for group 1 shall be calculated by multiplying the actual~~
1837 ~~enrollment for each program in the program group by its~~
1838 ~~appropriate program weight.~~

1839 ~~b. The weighted enrollment ceiling for group 2 programs~~
1840 ~~shall be calculated by multiplying the enrollment for each~~
1841 ~~program by the appropriate program weight as provided in the~~
1842 ~~General Appropriations Act. The weighted enrollment ceiling for~~
1843 ~~program group 2 shall be the sum of the weighted enrollment~~
1844 ~~ceilings for each program in the program group, plus the~~
1845 ~~increase in weighted full-time equivalent student membership~~
1846 ~~from the prior year for clients of the Department of Children~~
1847 ~~and Families and the Department of Juvenile Justice.~~

1848 ~~c. If, for any calculation of the FEFP, the weighted~~
1849 ~~enrollment for program group 2, derived by multiplying actual~~
1850 ~~enrollments by appropriate program weights, exceeds the~~

Page 74 of 138

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hb5101-00

HB 5101

2023

1851 ~~enrollment ceiling for that group, the following procedure shall~~
 1852 ~~be followed to reduce the weighted enrollment for that group to~~
 1853 ~~equal the enrollment ceiling.~~

1854 ~~(I) The weighted enrollment ceiling for each program in~~
 1855 ~~the program group shall be subtracted from the weighted~~
 1856 ~~enrollment for that program derived from actual enrollments.~~

1857 ~~(II) If the difference calculated under sub-sub-~~
 1858 ~~subparagraph (I) is greater than zero for any program, a~~
 1859 ~~reduction proportion shall be computed for the program by~~
 1860 ~~dividing the absolute value of the difference by the total~~
 1861 ~~amount by which the weighted enrollment for the program group~~
 1862 ~~exceeds the weighted enrollment ceiling for the program group.~~

1863 ~~(III) The reduction proportion calculated under sub-sub-~~
 1864 ~~subparagraph (II) shall be multiplied by the total amount of the~~
 1865 ~~program group's enrollment over the ceiling as calculated under~~
 1866 ~~sub-sub-subparagraph (I).~~

1867 ~~(IV) The prorated reduction amount calculated under sub-~~
 1868 ~~sub-subparagraph (III) shall be subtracted from the program's~~
 1869 ~~weighted enrollment to produce a revised program weighted~~
 1870 ~~enrollment.~~

1871 ~~(V) The prorated reduction amount calculated under sub-~~
 1872 ~~sub-subparagraph (III) shall be divided by the appropriate~~
 1873 ~~program weight, and the result shall be added to the revised~~
 1874 ~~program weighted enrollment computed in sub-sub-subparagraph~~
 1875 ~~(IV).~~

Page 75 of 138

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hb5101-00

HB 5101

2023

1876 ~~(d)(e)~~ Funding model for exceptional student education
 1877 programs.~~The funding model for exceptional student education~~
 1878 programs shall include all of the following:

1879 1.1.a. For programs for exceptional students in The
 1880 funding model uses basic, at-risk, support levels IV and V as
 1881 established in paragraph (c), the funding model shall include
 1882 program for exceptional students and career Florida Education
 1883 Finance Program cost factors, and a guaranteed allocation for
 1884 exceptional student education programs.

1885 a. Exceptional education cost factors are determined by
 1886 using a matrix of services to document the services that each
 1887 support level IV and support level V exceptional student will
 1888 receive. The nature and intensity of the services indicated on
 1889 the matrix shall be consistent with the services described in
 1890 each exceptional student's individual educational plan. ~~The~~
 1891 ~~Department of Education shall review and revise the descriptions~~
 1892 ~~of the services and supports included in the matrix of services~~
 1893 ~~for exceptional students and shall implement those revisions~~
 1894 ~~before the beginning of the 2012-2013 school year.~~

1895 b. In order to generate funds using one of the two
 1896 weighted cost factors, a matrix of services must be completed at
 1897 the time of the student's initial placement into an exceptional
 1898 student education program and at least once every 3 years by
 1899 personnel who have received approved training. Nothing listed in
 1900 the matrix shall be construed as limiting the services a school

Page 76 of 138

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hb5101-00

HB 5101

2023

1901 district must provide in order to ensure that exceptional
 1902 students are provided a free, appropriate public education.
 1903 ~~e. Students identified as exceptional, in accordance with~~
 1904 ~~chapter 6A-6, Florida Administrative Code, who do not have a~~
 1905 ~~matrix of services as specified in sub-subparagraph b. shall~~
 1906 ~~generate funds on the basis of full-time equivalent student~~
 1907 ~~membership in the Florida Education Finance Program at the same~~
 1908 ~~funding level per student as provided for basic students.~~
 1909 ~~Additional funds for these exceptional students will be provided~~
 1910 ~~through the guaranteed allocation designated in subparagraph 2.~~
 1911 2. For students identified as exceptional in accordance
 1912 with chapter 6A-6, Florida Administrative Code, who do not have
 1913 a matrix of services as specified in subparagraph 1. and for
 1914 students who are gifted in grades kindergarten * through 8, the
 1915 funding model shall include the funds generated on the basis of
 1916 full-time equivalent student membership in the Florida Education
 1917 Finance Program at the same funding level per student as
 1918 provided for a basic student and additional funds provided by
 1919 the exceptional student education guaranteed allocation
 1920 established pursuant to subsection (8).
 1921 (e) Calculation of additional full-time equivalent
 1922 membership for small school district exceptional student
 1923 education.-An additional value per full-time equivalent student
 1924 membership is provided to school districts with a full-time
 1925 equivalent student membership of fewer than 10,000 and fewer

Page 77 of 138

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hb5101-00

HB 5101

2023

1926 than three full-time equivalent students in exceptional student
 1927 education support levels IV and V. The Department of Education
 1928 shall set the amount of the additional value based on documented
 1929 evidence of the difference between the cost of the school
 1930 district's exceptional student education support levels IV and V
 1931 services and the applicable Florida Education Finance Program
 1932 funds appropriated in the General Appropriations Act. The total
 1933 statewide value may not exceed a value per weighted full-time
 1934 equivalent student as specified in the General Appropriations
 1935 Act. The additional value for an eligible school district shall
 1936 not exceed three full-time equivalent students for each of the
 1937 exceptional student education support levels IV and V ~~there is~~
 1938 ~~created a guaranteed allocation to provide these students with a~~
 1939 ~~free appropriate public education, in accordance with e.,~~
 1940 ~~1001.42(4)(1) and rules of the State Board of Education, which~~
 1941 ~~shall be allocated initially to each school district in the~~
 1942 ~~amount provided in the General Appropriations Act. These funds~~
 1943 ~~shall be supplemental to the funds appropriated for the basic~~
 1944 ~~funding level, and the amount allocated for each school district~~
 1945 ~~shall be recalculated during the year, based on actual student~~
 1946 ~~membership from FTE surveys. Upon recalculation, if the~~
 1947 ~~generated allocation is greater than the amount provided in the~~
 1948 ~~General Appropriations Act, the total shall be prorated to the~~
 1949 ~~level of the appropriation based on each district's share of the~~
 1950 ~~total recalculated amount. These funds shall be used to provide~~

Page 78 of 138

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hb5101-00

HB 5101

2023

1951 ~~special education and related services for exceptional students~~
 1952 ~~and students who are gifted in grades K through 8. A district's~~
 1953 ~~expenditure of funds from the guaranteed allocation for students~~
 1954 ~~in grades 9 through 12 who are gifted may not be greater than~~
 1955 ~~the amount expended during the 2006-2007 fiscal year for gifted~~
 1956 ~~students in grades 9 through 12.~~

1957 ~~(f) Supplemental academic instruction allocation.—~~

1958 ~~1. There is created the supplemental academic instruction~~
 1959 ~~allocation to provide supplemental academic instruction to~~
 1960 ~~students in kindergarten through grade 12.~~

1961 ~~2. The supplemental academic instruction allocation shall~~
 1962 ~~be provided annually in the Florida Education Finance Program as~~
 1963 ~~specified in the General Appropriations Act. These funds are in~~
 1964 ~~addition to the funds appropriated on the basis of FTE student~~
 1965 ~~membership in the Florida Education Finance Program and shall be~~
 1966 ~~included in the total potential funds of each district.~~
 1967 ~~Beginning with the 2018-2019 fiscal year, each school district~~
 1968 ~~that has a school earning a grade of "D" or "F" pursuant to s.~~
 1969 ~~1008.34 must use that school's portion of the supplemental~~
 1970 ~~academic instruction allocation to implement intervention and~~
 1971 ~~support strategies for school improvement pursuant to s. 1008.33~~
 1972 ~~and for salary incentives pursuant to s. 1012.2315(3) or salary~~
 1973 ~~supplements pursuant to s. 1012.22(1)(c)5.c. that are provided~~
 1974 ~~through a memorandum of understanding between the collective~~
 1975 ~~bargaining agent and the school board that addresses the~~

Page 79 of 138

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hb5101-00

HB 5101

2023

1976 ~~selection, placement, and expectations of instructional~~
 1977 ~~personnel and school administrators. For all other schools, the~~
 1978 ~~school district's use of the supplemental academic instruction~~
 1979 ~~allocation may include, but is not limited to, the use of a~~
 1980 ~~modified curriculum; reading instruction; after-school~~
 1981 ~~instruction; tutoring; mentoring; a reduction in class size;~~
 1982 ~~extended school year; intensive skills development in summer~~
 1983 ~~school; dropout prevention programs as defined in ss. 1003.52~~
 1984 ~~and 1003.53(1)(a), (b), and (c); and other methods of improving~~
 1985 ~~student achievement. Supplemental academic instruction may be~~
 1986 ~~provided to a student in any manner and at any time during or~~
 1987 ~~beyond the regular 180-day term identified by the school as~~
 1988 ~~being the most effective and efficient way to best help that~~
 1989 ~~student progress from grade to grade and to graduate.~~

1990 ~~2. The supplemental academic instruction allocation shall~~
 1991 ~~consist of a base amount that has a workload adjustment based on~~
 1992 ~~changes in unweighted FTE. The supplemental academic instruction~~
 1993 ~~allocation shall be recalculated during the fiscal year. Upon~~
 1994 ~~recalculation of funding for the supplemental academic~~
 1995 ~~instruction allocation, if the total allocation is greater than~~
 1996 ~~the amount provided in the General Appropriations Act, the~~
 1997 ~~allocation shall be prorated to the level provided to support~~
 1998 ~~the appropriation, based on each district's share of the total.~~

1999 ~~4. Funding on the basis of FTE membership beyond the 180-~~
 2000 ~~day regular term shall be provided in the FEFP only for students~~

Page 80 of 138

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hb5101-00

HB 5101

2023

2001 ~~enrolled in juvenile justice education programs or in education~~
 2002 ~~programs for juveniles placed in secure facilities or programs~~
 2003 ~~under s. 985.19. Funding for instruction beyond the regular 180-~~
 2004 ~~day school year for all other K-12 students shall be provided~~
 2005 ~~through the supplemental academic instruction allocation and~~
 2006 ~~other state, federal, and local fund sources with ample~~
 2007 ~~flexibility for schools to provide supplemental instruction to~~
 2008 ~~assist students in progressing from grade to grade and~~
 2009 ~~graduating.~~

2010 (r) ~~(s)~~ Determination of the basic amount for current
 2011 operation.—The basic amount for current operation to be included
 2012 in the Florida Education Finance Program for kindergarten
 2013 through grade 12 for each district shall be the product of the
 2014 following:

2015 1. The full-time equivalent student membership in each
 2016 program, multiplied by

2017 2. The cost factor for each program, adjusted for the
 2018 maximum as provided by paragraph (c), multiplied by

2019 3. The comparable wage factor ~~district cost differential~~,
 2020 multiplied by

2021 4. The base student allocation.

2022 (2) DETERMINATION OF COMPARABLE WAGE FACTOR ~~DISTRICT COST~~
 2023 ~~DIFFERENTIALS.~~—

2024 (a) The Commissioner of Education shall annually compute
 2025 for each district the current year's comparable wage factor

Page 81 of 138

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hb5101-00

HB 5101

2023

2026 ~~district cost differential~~. The comparable wage factor ~~district~~
 2027 ~~cost differential~~ shall be calculated by adding each district's
 2028 price level index as published in the Florida Price Level Index
 2029 for the most recent 3 years and dividing the resulting sum by 3.
 2030 The result for each district shall be multiplied by 0.008 and to
 2031 the resulting product shall be added 0.200; the sum thus
 2032 obtained shall be the comparable wage factor ~~cost differential~~
 2033 for that district for that year.

2034 (b) The comparable wage factor for each school district is
 2035 used in the calculation of the basic amount for current
 2036 operation pursuant to subsection (1) if the comparable wage
 2037 factor is greater than 1.000.

2038 (c) The limitation authorized in paragraph (b) applies to
 2039 any categorical funding provided in the Florida Education
 2040 Finance Program that has a calculation methodology that includes
 2041 the comparable wage factor.

2042 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—
 2043 Of the amount computed in subsection (1) ~~subsections (1) and~~
 2044 ~~(2)~~, a percentage of the basic amount for current operation ~~base~~
 2045 ~~student allocation per full-time equivalent student~~ or other
 2046 funds shall be expended for educational training programs as
 2047 determined by the district school board as provided in s.
 2048 1012.98.

2049 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 2050 Legislature shall prescribe the aggregate required local effort

Page 82 of 138

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hb5101-00

HB 5101

2023

2051 for all school districts collectively as an item in the General
 2052 Appropriations Act for each fiscal year. The amount that each
 2053 district shall provide annually toward the cost of the Florida
 2054 Education Finance Program for kindergarten through grade 12
 2055 programs shall be calculated as follows:

2056 (a) Estimated taxable value calculations.—

2057 1.a. Not later than 2 working days before July 19, the
 2058 Department of Revenue shall certify to the Commissioner of
 2059 Education its most recent estimate of the taxable value for
 2060 school purposes in each school district and the total for all
 2061 school districts in the state for the current calendar year
 2062 based on the latest available data obtained from the local
 2063 property appraisers. The value certified shall be the taxable
 2064 value for school purposes for that year, and no further
 2065 adjustments shall be made, except those made pursuant to
 2066 paragraphs (c) and (d), or an assessment roll change required by
 2067 final judicial decisions as specified in paragraph (13) (b)
 2068 ~~(15) (b)~~. Not later than July 19, the Commissioner of Education
 2069 shall compute a millage rate, rounded to the next highest one
 2070 one-thousandth of a mill, which, when applied to 96 percent of
 2071 the estimated state total taxable value for school purposes,
 2072 would generate the prescribed aggregate required local effort
 2073 for that year for all districts. The Commissioner of Education
 2074 shall certify to each district school board the millage rate,
 2075 computed as prescribed in this subparagraph, as the minimum

Page 83 of 138

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hb5101-00

HB 5101

2023

2076 millage rate necessary to provide the district required local
 2077 effort for that year.

2078 b. The General Appropriations Act shall direct the
 2079 computation of the statewide adjusted aggregate amount for
 2080 required local effort for all school districts collectively from
 2081 ad valorem taxes to ensure that no school district's revenue
 2082 from required local effort millage will produce more than 90
 2083 percent of the district's total Florida Education Finance
 2084 Program calculation as calculated and adopted by the
 2085 Legislature, and the adjustment of the required local effort
 2086 millage rate of each district that produces more than 90 percent
 2087 of its total Florida Education Finance Program entitlement to a
 2088 level that will produce only 90 percent of its total Florida
 2089 Education Finance Program entitlement in the July calculation.

2090 2. On the same date as the certification in sub-
 2091 subparagraph 1.a., the Department of Revenue shall certify to
 2092 the Commissioner of Education for each district:

2093 a. Each year for which the property appraiser has
 2094 certified the taxable value pursuant to s. 193.122(2) or (3), if
 2095 applicable, since the prior certification under sub-subparagraph
 2096 1.a.

2097 b. For each year identified in sub-subparagraph a., the
 2098 taxable value certified by the appraiser pursuant to s.
 2099 193.122(2) or (3), if applicable, since the prior certification
 2100 under sub-subparagraph 1.a. This is the certification that

Page 84 of 138

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hb5101-00

HB 5101

2023

2101 reflects all final administrative actions of the value
2102 adjustment board.

2103 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
2104 Legislature shall prescribe in the General Appropriations Act,
2105 pursuant to s. 1011.71(1), the rate of nonvoted current
2106 operating discretionary millage that shall be used to calculate
2107 a discretionary millage compression supplement. If the
2108 prescribed millage generates an amount of funds per unweighted
2109 full-time equivalent student ~~FTE~~ for the district that is less
2110 than the state average, the district shall receive an amount per
2111 full-time equivalent student ~~FTE~~ that, when added to the funds
2112 per full-time equivalent student ~~FTE~~ generated by the designated
2113 levy, shall equal the state average.

2114 (6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-
2115 funded discretionary contribution is created to fund the
2116 nonvoted discretionary millage for operations pursuant to s.
2117 1011.71(1) and (3) for developmental research schools (lab
2118 schools) established in s. 1002.32 and the Florida Virtual
2119 School established in s. 1002.37.

2120 (a) To calculate the state-funded discretionary
2121 contribution for lab schools, multiply the maximum allowable
2122 nonvoted discretionary millage for operations pursuant to s.
2123 1011.71(1) and (3) by the value of 96 percent of the current
2124 year's taxable value for school purposes for the school district
2125 in which the lab school is located; divide the result by the

Page 85 of 138

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hb5101-00

HB 5101

2023

2126 total full-time equivalent membership of the school district;
2127 and multiply the result by the full-time equivalent membership
2128 of the lab school. The amount obtained shall be appropriated in
2129 the General Appropriations Act to the Lab School Trust Fund
2130 established pursuant to s. 1002.32(9).

2131 (b) To calculate the state-funded discretionary
2132 contribution for the Florida Virtual School, multiply the
2133 maximum allowable nonvoted discretionary millage for operations
2134 pursuant to s. 1011.71(1) and (3) by the value of 96 percent of
2135 the current year's taxable value for school purposes for the
2136 state; divide the result by the total full-time equivalent
2137 membership of the state; and multiply the result by the full-
2138 time equivalent membership of the Florida Virtual School.

2139 (7) SUPPLEMENTAL ACADEMIC AND SUPPORT SERVICES
2140 ALLOCATION.—There is created the supplemental academic and
2141 support services allocation to assist school districts in
2142 providing academic enrichment activities and services that are
2143 in addition to instruction provided in the classroom and that
2144 must be designed to increase the academic achievement of
2145 students in grades kindergarten through 12. Supplemental
2146 academic and support services may be provided to a student in a
2147 manner and at any time during or beyond the regular 180-day term
2148 identified by the school district as being the most effective
2149 and efficient way to best help the student progress from grade
2150 to grade and graduate from high school.

Page 86 of 138

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hb5101-00

HB 5101

2023

2151 (a)1. District-managed turnaround schools as identified in
 2152 s. 1008.33(4)(a), schools that earn three consecutive grades
 2153 below a "C," as identified in s. 1008.33(4)(b)3., and schools
 2154 that have improved to a "C" and are no longer in turnaround
 2155 status, as identified in s. 1008.33(4)(c), must use their
 2156 portion of the supplemental academic and support services
 2157 allocation to implement the intervention and support strategies
 2158 identified in the turnaround plan submitted pursuant to s.
 2159 1008.33.

2160 2. Services funded by the allocation may include, but are
 2161 not limited to, tutorial and afterschool programs, student
 2162 counseling, nutrition education, parental counseling, and an
 2163 extended school day and school year. In addition, services may
 2164 include models that develop a culture that encourages students
 2165 to complete high school and to attend college or career
 2166 training, set high academic expectations, and inspire character
 2167 development.

2168 3. A school district may enter into a formal agreement
 2169 with a nonprofit organization that has tax-exempt status under
 2170 s. 501(c)3 of the Internal Revenue Code to implement an
 2171 integrated student support service model that provides students
 2172 and families with access to wrap-around services, including, but
 2173 not limited to, health services, after-school programs, drug
 2174 prevention programs, college and career readiness programs, and
 2175 food and clothing banks.

Page 87 of 138

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hb5101-00

HB 5101

2023

2176 (b) For all other schools, the school district's use of
 2177 the supplemental academic and support services allocation may
 2178 include, but is not limited to, the use of a modified curriculum
 2179 and instructional materials; reading instruction; after-school
 2180 instruction; tutoring; mentoring; extended school year;
 2181 intensive skills development in summer school; dropout
 2182 prevention programs as defined in ss. 1003.52 and 1003.53(1)(a),
 2183 (b), and (c); and other supplemental academic enrichment
 2184 activities and services designed to improve student achievement.
 2185 These funds are in addition to the basic amount for current
 2186 operations in the Florida Education Finance Program as
 2187 determined in subsection (1).

2188 (c) For fiscal year 2023-2024, the supplemental academic
 2189 and support services allocation shall consist of a base amount
 2190 as specified in the General Appropriations Act. Beginning in
 2191 fiscal year 2024-2025, the supplemental academic and support
 2192 services allocation shall consist of the base amount that
 2193 includes a workload adjustment based on changes in the
 2194 unweighted full-time equivalent membership. The allocation shall
 2195 be recalculated during the fiscal year pursuant to s.
 2196 1001.62(1)(a). If the recalculated amount is greater than the
 2197 amount provided in the General Appropriations Act, the
 2198 allocation shall be prorated to the level provided to support
 2199 the appropriation, based on each school district's proportionate
 2200 share of the total allocation.

Page 88 of 138

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hb5101-00

HB 5101

2023

2201 (d) Funding on the basis of full-time equivalent
 2202 membership beyond the 180-day regular term shall be provided in
 2203 the Florida Education Finance Program only for students enrolled
 2204 in juvenile justice education programs or in education programs
 2205 for juveniles placed in secure facilities or programs pursuant
 2206 to s. 985.19. Funding for instruction beyond the regular 180-day
 2207 school year for all other kindergarten through grade 12 students
 2208 shall be provided through the supplemental academic and support
 2209 services allocation and other state, federal, and local funding
 2210 sources with flexibility for schools to provide supplemental
 2211 academic and support services to assist students in grades
 2212 kindergarten through 12.

2213 (8) EXCEPTIONAL STUDENT EDUCATION GUARANTEED ALLOCATION.—
 2214 The exceptional student education guaranteed allocation is
 2215 created to fund the additional costs of programs for exceptional
 2216 students specified in subparagraph (1)(d)2. and shall be
 2217 supplemental to the funds appropriated in the Florida Education
 2218 Finance Program for the basic student funding level.

2219 (a) The amount of each school district's exceptional
 2220 student education guaranteed allocation shall be the greater of
 2221 either the school district's prior year exceptional student
 2222 education guaranteed allocation funds per eligible full-time
 2223 equivalent student or the exceptional student education
 2224 guaranteed allocation factor as specified in the General
 2225 Appropriations Act multiplied by the school district's total

Page 89 of 138

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hb5101-00

HB 5101

2023

2226 number of eligible full-time equivalent students.

2227 (b) The exceptional student education guaranteed
 2228 allocation shall be recalculated during the fiscal year based on
 2229 actual full-time equivalent student membership. If the
 2230 recalculated amount is greater than the amount provided in the
 2231 General Appropriations Act, the total shall be prorated to the
 2232 level of the appropriation based on each school district's share
 2233 of the total recalculated allocation amount.

2234 ~~(6) CATEGORICAL FUNDS.—~~

2235 ~~(a) In addition to the basic amount for current operations~~
 2236 ~~for the FEFP as determined in subsection (1), the Legislature~~
 2237 ~~may appropriate categorical funding for specified programs,~~
 2238 ~~activities, or purposes.~~

2239 ~~(b) If a district school board finds and declares in a~~
 2240 ~~resolution adopted at a regular meeting of the school board that~~
 2241 ~~the funds received for any of the following categorical~~
 2242 ~~appropriations are urgently needed to maintain school board~~
 2243 ~~specified academic classroom instruction or improve school~~
 2244 ~~safety, the school board may consider and approve an amendment~~
 2245 ~~to the school district operating budget transferring the~~
 2246 ~~identified amount of the categorical funds to the appropriate~~
 2247 ~~account for expenditure.~~

2248 ~~1. Funds for student transportation.~~

2249 ~~2. Funds for instructional materials if all instructional~~
 2250 ~~material purchases necessary to provide updated materials that~~

Page 90 of 138

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hb5101-00

HB 5101

2023

2251 ~~are aligned with applicable state standards and course~~
 2252 ~~descriptions and that meet statutory requirements of content and~~
 2253 ~~learning have been completed for that fiscal year, but no sooner~~
 2254 ~~than March 1. Funds available after March 1 may be used to~~
 2255 ~~purchase computers and device hardware for student instruction~~
 2256 ~~that comply with the requirements of s. 1001.20(4)(a)1.b.~~
 2257 ~~3. Funds for the guaranteed allocation as provided in~~
 2258 ~~subparagraph (1)(c)2.~~
 2259 ~~4. Funds for the supplemental academic instruction~~
 2260 ~~allocation as provided in paragraph (1)(f).~~
 2261 ~~5. Funds for the federally connected student supplement as~~
 2262 ~~provided in subsection (10).~~
 2263 ~~6. Funds for class size reduction as provided in s.~~
 2264 ~~1011.685.~~
 2265 ~~(c) Each district school board shall include in its annual~~
 2266 ~~financial report to the Department of Education the amount of~~
 2267 ~~funds the school board transferred from each of the categorical~~
 2268 ~~funds identified in this subsection and the specific academic~~
 2269 ~~classroom instruction or school safety need for which the~~
 2270 ~~transferred funds were expended. The Department of Education~~
 2271 ~~shall provide instructions and specify the format to be used in~~
 2272 ~~submitting this required information as a part of the district~~
 2273 ~~annual financial report. The Department of Education shall~~
 2274 ~~submit a report to the Legislature that identifies by district~~
 2275 ~~and by categorical fund the amount transferred and the specific~~

Page 91 of 138

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hb5101-00

HB 5101

2023

2276 ~~academic classroom activity or school safety need for which the~~
 2277 ~~funds were expended.~~
 2278 ~~(7) DETERMINATION OF SPARSITY SUPPLEMENT.~~
 2279 ~~(a) Annually, in an amount to be determined by the~~
 2280 ~~Legislature through the General Appropriations Act, there shall~~
 2281 ~~be added to the basic amount for current operation of the FFP~~
 2282 ~~qualified districts a sparsity supplement which shall be~~
 2283 ~~computed as follows:~~
 2284

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

 2285
 2286
 2287 ~~except that districts with a sparsity index of 1,000 or less~~
 2288 ~~shall be computed as having a sparsity index of 1,000, and~~
 2289 ~~districts having a sparsity index of 7,308 and above shall be~~
 2290 ~~computed as having a sparsity factor of zero. A qualified~~
 2291 ~~district's full-time equivalent student membership shall equal~~
 2292 ~~or be less than that prescribed annually by the Legislature in~~
 2293 ~~the appropriations act. The amount prescribed annually by the~~
 2294 ~~Legislature shall be no less than 17,000, but no more than~~
 2295 ~~30,000.~~
 2296 ~~(b) The district sparsity index shall be computed by~~

Page 92 of 138

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hb5101-00

HB 5101

2023

2297 ~~dividing the total number of full-time equivalent students in~~
 2298 ~~all programs in the district by the number of senior high school~~
 2299 ~~centers in the district, not in excess of three, which centers~~
 2300 ~~are approved as permanent centers by a survey made by the~~
 2301 ~~Department of Education. For districts with a full-time~~
 2302 ~~equivalent student membership of at least 20,000, but no more~~
 2303 ~~than 30,000, the index shall be computed by dividing the total~~
 2304 ~~number of full-time equivalent students in all programs by the~~
 2305 ~~number of permanent senior high school centers in the district,~~
 2306 ~~not in excess of four.~~
 2307 ~~(c) If the sparsity supplement calculated in paragraphs~~
 2308 ~~(a) and (b) for an eligible district is less than \$100 per full-~~
 2309 ~~time equivalent student, the district's supplement shall be~~
 2310 ~~increased to \$100 per FTE or to the minimum amount per FTE~~
 2311 ~~designated in the General Appropriations Act.~~
 2312 ~~(d) Each district's allocation of sparsity supplement~~
 2313 ~~funds shall be adjusted in the following manner:~~
 2314 ~~1. A maximum discretionary levy per FTE value for each~~
 2315 ~~district shall be calculated by dividing the value of each~~
 2316 ~~district's maximum discretionary levy by its FTE student count.~~
 2317 ~~2. A state average discretionary levy value per FTE shall~~
 2318 ~~be calculated by dividing the total maximum discretionary levy~~
 2319 ~~value for all districts by the state total FTE student count.~~
 2320 ~~3. A total potential funds per FTE for each district shall~~
 2321 ~~be calculated by dividing the total potential funds, not~~

Page 93 of 138

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

hb5101-00

HB 5101

2023

2322 ~~including Florida School Recognition Program funds and the~~
 2323 ~~minimum guarantee funds, for each district by its FTE student~~
 2324 ~~count.~~
 2325 ~~4. A state average total potential funds per FTE shall be~~
 2326 ~~calculated by dividing the total potential funds, not including~~
 2327 ~~Florida School Recognition Program funds and the minimum~~
 2328 ~~guarantee funds, for all districts by the state total FTE~~
 2329 ~~student count.~~
 2330 ~~5. For districts that have a levy value per FTE as~~
 2331 ~~calculated in subparagraph 1, higher than the state average~~
 2332 ~~calculated in subparagraph 2, a sparsity wealth adjustment~~
 2333 ~~shall be calculated as the product of the difference between the~~
 2334 ~~state average levy value per FTE calculated in subparagraph 2,~~
 2335 ~~and the district's levy value per FTE calculated in subparagraph~~
 2336 ~~1, and the district's FTE student count and 1. However, no~~
 2337 ~~district shall have a sparsity wealth adjustment that, when~~
 2338 ~~applied to the total potential funds calculated in subparagraph~~
 2339 ~~3, would cause the district's total potential funds per FTE to~~
 2340 ~~be less than the state average calculated in subparagraph 4.~~
 2341 ~~6. Each district's sparsity supplement allocation shall be~~
 2342 ~~calculated by adding the amount calculated as specified in~~
 2343 ~~paragraphs (a) and (b) and the wealth adjustment amount~~
 2344 ~~calculated in this paragraph.~~
 2345 ~~(8) EVIDENCE BASED READING INSTRUCTION ALLOCATION.~~
 2346 ~~(a) The evidence-based reading instruction allocation is~~

Page 94 of 138

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hb5101-00

HB 5101

2023

2347 ~~created to provide comprehensive reading instruction to students~~
 2348 ~~in prekindergarten through grade 12.~~

2349 ~~(b) Intensive reading instruction for students who have~~
 2350 ~~reading deficiencies must include evidence-based reading~~
 2351 ~~instruction proven to accelerate progress of students exhibiting~~
 2352 ~~a reading deficiency; differentiated instruction based on~~
 2353 ~~screening, diagnostic, progress monitoring, or student~~
 2354 ~~assessment data to meet students' specific reading needs;~~
 2355 ~~explicit and systematic reading strategies to develop phonemic~~
 2356 ~~awareness, phonics, fluency, vocabulary, and comprehension, with~~
 2357 ~~more extensive opportunities for guided practice, error~~
 2358 ~~correction, and feedback; and the coordinated integration of~~
 2359 ~~civic literacy, science, and mathematics text reading, text~~
 2360 ~~discussion, and writing in response to reading.~~

2361 ~~(c) Funds for comprehensive, evidence based reading~~
 2362 ~~instruction shall be allocated annually to each school district~~
 2363 ~~in the amount provided in the General Appropriations Act. Each~~
 2364 ~~eligible school district shall receive the same minimum amount~~
 2365 ~~as specified in the General Appropriations Act, and any~~
 2366 ~~remaining funds shall be distributed to eligible school~~
 2367 ~~districts based on each school district's proportionate share of~~
 2368 ~~K-12 base funding.~~

2369 ~~(d) Funds allocated under this subsection must be used to~~
 2370 ~~provide a system of comprehensive reading instruction to~~
 2371 ~~students enrolled in the prekindergarten-12 programs and certain~~

Page 95 of 138

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hb5101-00

HB 5101

2023

2372 ~~students who exhibit a substantial deficiency in early literacy,~~
 2373 ~~which may include the following:~~

2374 ~~1. Additional time per day of evidence-based intensive~~
 2375 ~~reading instruction to students, which may be delivered during~~
 2376 ~~or outside of the regular school day.~~

2377 ~~2. Kindergarten through grade 12 evidence-based intensive~~
 2378 ~~reading interventions.~~

2379 ~~3. Highly qualified reading coaches, who must be endorsed~~
 2380 ~~in reading, to specifically support teachers in making~~
 2381 ~~instructional decisions based on student data, and improve~~
 2382 ~~teacher delivery of effective reading instruction, intervention,~~
 2383 ~~and reading in the content areas based on student need.~~

2384 ~~4. Professional development to help instructional~~
 2385 ~~personnel and certified prekindergarten teachers funded in the~~
 2386 ~~Florida Education Finance Program earn a certification, a~~
 2387 ~~credential, an endorsement, or an advanced degree in~~
 2388 ~~scientifically researched and evidence-based reading~~
 2389 ~~instruction.~~

2390 ~~5. Summer reading camps, using only teachers or other~~
 2391 ~~district personnel who possess a micro-credential as specified~~
 2392 ~~in s. 1003.485 or are certified or endorsed in reading~~
 2393 ~~consistent with s. 1008.25(7)(b)3., for all students in~~
 2394 ~~kindergarten through grade 5 who demonstrate a reading~~
 2395 ~~deficiency as determined by district and state assessments.~~

2396 ~~6. Scientifically researched and evidence-based~~

Page 96 of 138

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hb5101-00

HB 5101

2023

2397 ~~supplemental instructional materials as identified by the Just~~
 2398 ~~Read, Florida! Office pursuant to s. 1001.215(8).~~
 2399 ~~7. Incentives for instructional personnel and certified~~
 2400 ~~prekindergarten teachers funded in the Florida Education Finance~~
 2401 ~~Program who possess a reading certification or endorsement or~~
 2402 ~~micro-credential as specified in s. 1003.485 and provide~~
 2403 ~~educational support to improve student literacy.~~
 2404 ~~8. Tutoring in reading.~~
 2405 ~~(e)1. Annually, by a date determined by the Department of~~
 2406 ~~Education, each school district shall submit a comprehensive~~
 2407 ~~reading plan approved by the applicable district school board,~~
 2408 ~~charter school governing board, or lab school board of trustees,~~
 2409 ~~for the specific use of the evidence-based reading instruction~~
 2410 ~~allocation, based upon a root-cause analysis. The State Regional~~
 2411 ~~Literacy Director may assist in the development of the plan. The~~
 2412 ~~department shall provide a plan format. A district school board~~
 2413 ~~may use the format developed by the department or a format~~
 2414 ~~developed by the district school board.~~
 2415 ~~2. Intensive reading interventions must be delivered by~~
 2416 ~~instructional personnel who possess the micro-credential as~~
 2417 ~~provided in s. 1003.485 or are certified or endorsed in reading~~
 2418 ~~and must incorporate evidence-based strategies identified by the~~
 2419 ~~Just Read, Florida! Office pursuant to s. 1001.215(8).~~
 2420 ~~Instructional personnel who possess a micro-credential as~~
 2421 ~~specified in s. 1003.485 and are delivering intensive reading~~

Page 97 of 138

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hb5101-00

HB 5101

2023

2422 ~~interventions must be supervised by an individual certified or~~
 2423 ~~endorsed in reading. For the purposes of this subsection, the~~
 2424 ~~term "supervision" means the ability to communicate by way of~~
 2425 ~~telecommunication with or physical presence of the certified or~~
 2426 ~~endorsed personnel for consultation and direction of the actions~~
 2427 ~~of the personnel with the micro-credential.~~
 2428 ~~3. By July 1 of each year, the department shall release to~~
 2429 ~~each school district its allocation of appropriated funds. The~~
 2430 ~~department shall evaluate the implementation of each district~~
 2431 ~~plan, including conducting site visits and collecting specific~~
 2432 ~~data on expenditures and reading improvement results. By~~
 2433 ~~February 1 of each year, the department shall report its~~
 2434 ~~findings to the Legislature and the State Board of Education,~~
 2435 ~~including any recommendations for improving implementation of~~
 2436 ~~evidence-based reading and intervention strategies in~~
 2437 ~~classrooms.~~
 2438
 2439 ~~For purposes of this subsection, the term "evidence-based" means~~
 2440 ~~demonstrating a statistically significant effect on improving~~
 2441 ~~student outcomes or other relevant outcomes as provided in 20~~
 2442 ~~U.S.C. s. 8101(21)(A)(i).~~
 2443 ~~(9) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE~~
 2444 ~~JUSTICE EDUCATION PROGRAMS.—~~
 2445 ~~(a) The total kindergarten through grade 12 ~~K-12~~ weighted~~
 2446 ~~full-time equivalent student membership in juvenile justice~~

Page 98 of 138

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

hb5101-00

HB 5101

2023

2447 education programs in each school district shall be multiplied
 2448 by the amount of the state average class-size-reduction factor
 2449 multiplied by the comparable wage factor for the school district
 2450 established in subsection (2) district's cost differential. An
 2451 amount equal to the sum of this calculation shall be allocated
 2452 in the Florida Education Finance Program ~~FTE~~ to each school
 2453 district to supplement other sources of funding for students in
 2454 juvenile justice education programs.

2455 (b) Funds allocated under this subsection shall be used to
 2456 provide the juvenile justice education programs pursuant to s.
 2457 1003.52 and may be used to pay for the high school equivalency
 2458 examination fees for juvenile justice students who pass the high
 2459 school equivalency examination in full, or in part, while in a
 2460 juvenile justice education program, the industry credentialing
 2461 testing fees for such students, and the costs associated with
 2462 such juvenile justice students enrolled in career and technical
 2463 education courses that lead to industry-recognized
 2464 certifications.

2465 (11) QUALITY ASSURANCE GUARANTEE.—The Legislature may
 2466 annually in the General Appropriations Act determine a
 2467 percentage increase in funds per kindergarten through grade 12
 2468 ~~K-12~~ unweighted full-time equivalent student ~~FTE~~ as a minimum
 2469 guarantee to each school district. The guarantee shall be
 2470 calculated from prior year base funding per unweighted full-time
 2471 equivalent ~~FTE~~ student which shall include the adjusted full-

Page 99 of 138

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hb5101-00

HB 5101

2023

2472 time equivalent ~~FTE~~ dollars as provided in subsection (13) ~~(15)~~,
 2473 quality guarantee funds, and actual nonvoted discretionary local
 2474 effort from taxes. From the base funding per unweighted full-
 2475 time equivalent student ~~FTE~~, the increase shall be calculated
 2476 for the current year. The current year funds from which the
 2477 guarantee shall be determined shall include the adjusted full-
 2478 time equivalent ~~FTE~~ dollars as provided in subsection (13) ~~(15)~~
 2479 and potential nonvoted discretionary local effort from taxes. A
 2480 comparison of current year funds per unweighted full-time
 2481 equivalent student ~~FTE~~ to prior year funds per unweighted full-
 2482 time equivalent student ~~FTE~~ shall be computed. For those school
 2483 districts which have less than the legislatively assigned
 2484 percentage increase, funds shall be provided to guarantee the
 2485 assigned percentage increase in funds per unweighted full-time
 2486 equivalent ~~FTE~~ student. Should appropriated funds be less than
 2487 the sum of this calculated amount for all districts, the
 2488 commissioner shall prorate each district's allocation. This
 2489 provision shall be implemented to the extent specifically
 2490 funded.

2491 (12) CATEGORICAL FUNDS.—

2492 (a) If a district school board finds and declares in a
 2493 resolution adopted at a regular meeting of the school board that
 2494 the funds received for any of the categorical programs
 2495 established in subsections (5), (6), (7), and (8) are urgently
 2496 needed to maintain school board-specified academic classroom

Page 100 of 138

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hb5101-00

HB 5101

2023

2497 instruction or improve school safety, the school district may
 2498 consider and approve an amendment to the school district's
 2499 operating budget by transferring the identified amount of the
 2500 categorical funds to the appropriate account for expenditure.
 2501 (b) Each school district shall include in its annual
 2502 financial report to the department the amount of funds the
 2503 school board transferred from each of the categorical funds
 2504 identified in this subsection and the specific academic
 2505 classroom instruction or school safety need for which the
 2506 transferred funds were expended. The department shall provide
 2507 instructions and specify the format to be used in submitting
 2508 this required information as part of the district annual
 2509 financial report. The department shall annually submit a report
 2510 to the Legislature that identifies by school district and by
 2511 categorical fund the amount transferred and the specific
 2512 academic classroom activity or school safety need for which the
 2513 funds were expended.
 2514 ~~(12) SAFE SCHOOLS ALLOCATION. A safe schools allocation is~~
 2515 ~~created to provide funding to assist school districts in their~~
 2516 ~~compliance with ss. 1006.07-1006.12, with priority given to~~
 2517 ~~safe-school officers pursuant to s. 1006.12. Each school~~
 2518 ~~district shall receive a minimum safe schools allocation in an~~
 2519 ~~amount provided in the General Appropriations Act. Of the~~
 2520 ~~remaining balance of the safe schools allocation, one third~~
 2521 ~~shall be allocated to school districts based on the most recent~~

Page 101 of 138

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hb5101-00

HB 5101

2023

2522 ~~official Florida Crime Index provided by the Department of Law~~
 2523 ~~Enforcement and two-thirds shall be allocated based on each~~
 2524 ~~school district's proportionate share of the state's total~~
 2525 ~~unweighted full-time equivalent student enrollment. Each school~~
 2526 ~~district must report to the Department of Education by October~~
 2527 ~~15 that all public schools within the school district have~~
 2528 ~~completed the school security risk assessment using the Florida~~
 2529 ~~Safe Schools Assessment Tool developed pursuant to s. 1006.1493.~~
 2530 ~~If a district school board is required by s. 1006.12 to assign a~~
 2531 ~~school resource officer or school safety officer to a charter~~
 2532 ~~school, the charter school's share of costs for such officer may~~
 2533 ~~not exceed the amount of funds allocated to the charter school~~
 2534 ~~under this subsection.~~
 2535 ~~(13) MENTAL HEALTH ASSISTANCE ALLOCATION. The mental~~
 2536 ~~health assistance allocation is created to provide funding to~~
 2537 ~~assist school districts in establishing or expanding school-~~
 2538 ~~based mental health care, train educators and other school staff~~
 2539 ~~in detecting and responding to mental health issues, and connect~~
 2540 ~~children, youth, and families who may experience behavioral~~
 2541 ~~health issues with appropriate services. These funds shall be~~
 2542 ~~allocated annually in the General Appropriations Act or other~~
 2543 ~~law to each eligible school district. Each school district shall~~
 2544 ~~receive a minimum of \$100,000, with the remaining balance~~
 2545 ~~allocated based on each school district's proportionate share of~~
 2546 ~~the state's total unweighted full-time equivalent student~~

Page 102 of 138

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

hb5101-00

HB 5101

2023

2547 ~~enrollment. Charter schools that submit a plan separate from the~~
 2548 ~~school district are entitled to a proportionate share of~~
 2549 ~~district funding. The allocated funds may not supplant funds~~
 2550 ~~that are provided for this purpose from other operating funds~~
 2551 ~~and may not be used to increase salaries or provide bonuses.~~
 2552 ~~School districts are encouraged to maximize third-party health~~
 2553 ~~insurance benefits and Medicaid claiming for services, where~~
 2554 ~~appropriate.~~

2555 ~~(a) Before the distribution of the allocation:~~

2556 ~~1. The school district must develop and submit a detailed~~
 2557 ~~plan outlining the local program and planned expenditures to the~~
 2558 ~~district school board for approval. This plan must include all~~
 2559 ~~district schools, including charter schools, unless a charter~~
 2560 ~~school elects to submit a plan independently from the school~~
 2561 ~~district pursuant to subparagraph 2.~~

2562 ~~2. A charter school may develop and submit a detailed plan~~
 2563 ~~outlining the local program and planned expenditures to its~~
 2564 ~~governing body for approval. After the plan is approved by the~~
 2565 ~~governing body, it must be provided to the charter school's~~
 2566 ~~sponsor.~~

2567 ~~(b) The plans required under paragraph (a) must be focused~~
 2568 ~~on a multitiered system of supports to deliver evidence-based~~
 2569 ~~mental health care assessment, diagnosis, intervention,~~
 2570 ~~treatment, and recovery services to students with one or more~~
 2571 ~~mental health or co-occurring substance abuse diagnoses and to~~

Page 103 of 138

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

hb5101-00

HB 5101

2023

2572 ~~students at high risk of such diagnoses. The provision of these~~
 2573 ~~services must be coordinated with a student's primary mental~~
 2574 ~~health care provider and with other mental health providers~~
 2575 ~~involved in the student's care. At a minimum, the plan must~~
 2576 ~~include the following elements:~~

2577 ~~1. Direct employment of school-based mental health~~
 2578 ~~services providers to expand and enhance school-based student~~
 2579 ~~services and to reduce the ratio of students to staff in order~~
 2580 ~~to better align with nationally recommended ratio models. These~~
 2581 ~~providers include, but are not limited to, certified school~~
 2582 ~~counselors, school psychologists, school social workers, and~~
 2583 ~~other licensed mental health professionals. The plan also must~~
 2584 ~~identify strategies to increase the amount of time that school-~~
 2585 ~~based student services personnel spend providing direct services~~
 2586 ~~to students, which may include the review and revision of~~
 2587 ~~district staffing resource allocations based on school or~~
 2588 ~~student mental health assistance needs.~~

2589 ~~2. Contracts or interagency agreements with one or more~~
 2590 ~~local community behavioral health providers or providers of~~
 2591 ~~Community Action Team services to provide a behavioral health~~
 2592 ~~staff presence and services at district schools. Services may~~
 2593 ~~include, but are not limited to, mental health screenings and~~
 2594 ~~assessments, individual counseling, family counseling, group~~
 2595 ~~counseling, psychiatric or psychological services, trauma-~~
 2596 ~~informed care, mobile crisis services, and behavior~~

Page 104 of 138

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

hb5101-00

HB 5101

2023

2597 ~~modification. These behavioral health services may be provided~~
2598 ~~on or off the school campus and may be supplemented by~~
2599 ~~telehealth.~~

2600 ~~3. Policies and procedures, including contracts with~~
2601 ~~service providers, which will ensure that:~~

2602 ~~a. Students referred to a school-based or community-based~~
2603 ~~mental health service provider for mental health screening for~~
2604 ~~the identification of mental health concerns and students at~~
2605 ~~risk for mental health disorders are assessed within 15 days of~~
2606 ~~referral. School-based mental health services must be initiated~~
2607 ~~within 15 days after identification and assessment, and support~~
2608 ~~by community-based mental health service providers for students~~
2609 ~~who are referred for community-based mental health services must~~
2610 ~~be initiated within 30 days after the school or district makes a~~
2611 ~~referral.~~

2612 ~~b. Parents of a student receiving services under this~~
2613 ~~subsection are provided information about other behavioral~~
2614 ~~health services available through the student's school or local~~
2615 ~~community-based behavioral health services providers. A school~~
2616 ~~may meet this requirement by providing information about and~~
2617 ~~Internet addresses for web-based directories or guides for local~~
2618 ~~behavioral health services.~~

2619 ~~c. Individuals living in a household with a student~~
2620 ~~receiving services under this subsection are provided~~
2621 ~~information about behavioral health services available through~~

Page 105 of 138

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

hb5101-00

HB 5101

2023

2622 ~~other delivery systems or payors for which such individuals may~~
2623 ~~qualify, if such services appear to be needed or enhancements in~~
2624 ~~these individuals' behavioral health would contribute to the~~
2625 ~~improved well-being of the student.~~

2626 ~~4. Strategies or programs to reduce the likelihood of at-~~
2627 ~~risk students developing social, emotional, or behavioral health~~
2628 ~~problems, depression, anxiety disorders, suicidal tendencies, or~~
2629 ~~substance use disorders.~~

2630 ~~5. Strategies to improve the early identification of~~
2631 ~~social, emotional, or behavioral problems or substance use~~
2632 ~~disorders, to improve the provision of early intervention~~
2633 ~~services, and to assist students in dealing with trauma and~~
2634 ~~violence.~~

2635 ~~6. Procedures to assist a mental health services provider~~
2636 ~~or a behavioral health provider as described in subparagraph 1.~~
2637 ~~or subparagraph 2., respectively, or a school resource officer~~
2638 ~~or school safety officer who has completed mental health crisis~~
2639 ~~intervention training in attempting to verbally de-escalate a~~
2640 ~~student's crisis situation before initiating an involuntary~~
2641 ~~examination pursuant to s. 394.463. Such procedures must include~~
2642 ~~strategies to de-escalate a crisis situation for a student with~~
2643 ~~a developmental disability as that term is defined in s.~~
2644 ~~393.063.~~

2645 ~~7. Policies of the school district which must require that~~
2646 ~~in a student crisis situation, school or law enforcement~~

Page 106 of 138

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hb5101-00

HB 5101

2023

2647 ~~personnel must make a reasonable attempt to contact a mental~~
 2648 ~~health professional who may initiate an involuntary examination~~
 2649 ~~pursuant to s. 394.463, unless the child poses an imminent~~
 2650 ~~danger to themselves or others, before initiating an involuntary~~
 2651 ~~examination pursuant to s. 394.463. Such contact may be in~~
 2652 ~~person or using telehealth as defined in s. 456.47. The mental~~
 2653 ~~health professional may be available to the school district~~
 2654 ~~either by contracts or interagency agreements with the managing~~
 2655 ~~entity, one or more local community behavioral health providers,~~
 2656 ~~or the local mobile response team or be a direct or contracted~~
 2657 ~~school district employee.~~
 2658 ~~(c) School districts shall submit approved plans,~~
 2659 ~~including approved plans of each charter school in the district,~~
 2660 ~~to the commissioner by August 1 of each fiscal year.~~
 2661 ~~(d) Beginning September 30, 2019, and annually by~~
 2662 ~~September 30 thereafter, each school district shall submit to~~
 2663 ~~the Department of Education a report on its program outcomes and~~
 2664 ~~expenditures for the previous fiscal year that, at a minimum,~~
 2665 ~~must include the number of each of the following:~~
 2666 ~~1. Students who receive screenings or assessments.~~
 2667 ~~2. Students who are referred to either school-based or~~
 2668 ~~community-based providers for services or assistance.~~
 2669 ~~3. Students who receive either school-based or community-~~
 2670 ~~based interventions, services, or assistance.~~
 2671 ~~4. School-based and community-based mental health~~

Page 107 of 138

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hb5101-00

HB 5101

2023

2672 ~~providers, including licensure type, paid for from funds~~
 2673 ~~provided through the allocation.~~
 2674 ~~5. Contract-based collaborative efforts or partnerships~~
 2675 ~~with community mental health programs, agencies, or providers.~~
 2676 ~~(14) TEACHER SALARY INCREASE ALLOCATION. The Legislature~~
 2677 ~~may annually provide in the Florida Education Finance Program a~~
 2678 ~~teacher salary increase allocation to assist school districts in~~
 2679 ~~their recruitment and retention of classroom teachers and other~~
 2680 ~~instructional personnel. The amount of the allocation shall be~~
 2681 ~~specified in the General Appropriations Act.~~
 2682 ~~(a) Each school district shall receive an allocation based~~
 2683 ~~on the school district's proportionate share of the base FEFP~~
 2684 ~~allocation. Each school district shall provide each charter~~
 2685 ~~school within its district its proportionate share calculated~~
 2686 ~~pursuant to s. 1002.33(17)(b). If a district school board has~~
 2687 ~~not received its allocation due to its failure to submit an~~
 2688 ~~approved district salary distribution plan, the district school~~
 2689 ~~board must still provide each charter school that has submitted~~
 2690 ~~a salary distribution plan within its district its proportionate~~
 2691 ~~share of the allocation.~~
 2692 ~~(b) Allocation funds are restricted in use as follows:~~
 2693 ~~1. Each school district and charter school shall use its~~
 2694 ~~share of the allocation to increase the minimum base salary for~~
 2695 ~~full-time classroom teachers, as defined in s. 1012.01(2)(a),~~
 2696 ~~plus certified prekindergarten teachers funded in the Florida~~

Page 108 of 138

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hb5101-00

HB 5101

2023

2697 ~~Education Finance Program, to at least \$47,500, or to the~~
 2698 ~~maximum amount achievable based on the allocation and as~~
 2699 ~~specified in the General Appropriations Act. The term "minimum~~
 2700 ~~base salary" means the lowest annual base salary reported on the~~
 2701 ~~salary schedule for a full-time classroom teacher. No full-time~~
 2702 ~~classroom teacher shall receive a salary less than the minimum~~
 2703 ~~base salary as adjusted by this subparagraph. This subparagraph~~
 2704 ~~does not apply to substitute teachers.~~

2705 ~~2. In addition, each school district shall use its share~~
 2706 ~~of the allocation to provide salary increases, as funding~~
 2707 ~~permits, for the following personnel:~~

2708 ~~a. Full-time classroom teachers, as defined in s.~~
 2709 ~~1012.01(2)(a), plus certified prekindergarten teachers funded in~~
 2710 ~~the Florida Education Finance Program, who did not receive an~~
 2711 ~~increase or who received an increase of less than 2 percent~~
 2712 ~~under subparagraph 1. or as specified in the General~~
 2713 ~~Appropriations Act. This subparagraph does not apply to~~
 2714 ~~substitute teachers.~~

2715 ~~b. Other full-time instructional personnel as defined in~~
 2716 ~~s. 1012.01(2)(b)-(d).~~

2717 ~~3. A school district or charter school may use funds~~
 2718 ~~available after the requirements of subparagraph 1. are met to~~
 2719 ~~provide salary increases pursuant to subparagraph 2.~~

2720 ~~4. A school district or charter school shall maintain the~~
 2721 ~~minimum base salary achieved for classroom teachers provided~~

Page 109 of 138

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hb5101-00

HB 5101

2023

2722 ~~under subparagraph 1. and may not reduce the salary increases~~
 2723 ~~provided under subparagraph 2. in any subsequent fiscal year,~~
 2724 ~~unless specifically authorized in the General Appropriations~~
 2725 ~~Act.~~

2726 ~~(c) Before distributing allocation funds received pursuant~~
 2727 ~~to paragraph (a), each school district and each charter school~~
 2728 ~~shall develop a salary distribution plan that clearly delineates~~
 2729 ~~the planned distribution of funds pursuant to paragraph (b) in~~
 2730 ~~accordance with modified salary schedules, as necessary, for the~~
 2731 ~~implementation of this subsection.~~

2732 ~~1. Each school district superintendent and each charter~~
 2733 ~~school administrator must submit its proposed salary~~
 2734 ~~distribution plan to the district school board or the charter~~
 2735 ~~school governing body, as appropriate, for approval.~~

2736 ~~2. Each school district shall submit the approved district~~
 2737 ~~salary distribution plan and the approved salary distribution~~
 2738 ~~plan for each charter school in the district to the department~~
 2739 ~~by October 1 of each fiscal year.~~

2740 ~~(d) In a format specified by the department, provide as~~
 2741 ~~follows:~~

2742 ~~1. By December 1, each school district shall provide a~~
 2743 ~~preliminary report to the department that includes a detailed~~
 2744 ~~summary explaining the school district's planned expenditure of~~
 2745 ~~the entire allocation for the district received pursuant to~~
 2746 ~~paragraph (a), the amount of the increase to the minimum base~~

Page 110 of 138

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hb5101-00

HB 5101

2023

2747 ~~salary for classroom teachers pursuant to paragraph (b), and the~~
 2748 ~~school district's salary schedule for the prior fiscal year and~~
 2749 ~~the fiscal year in which the base salary is increased. Each~~
 2750 ~~charter school governing board shall submit the information~~
 2751 ~~required under this subparagraph to the district school board~~
 2752 ~~for inclusion in the school district's preliminary report to the~~
 2753 ~~department.~~

2754 ~~2. By February 1, the department shall submit to the~~
 2755 ~~Governor, the President of the Senate, and the Speaker of the~~
 2756 ~~House of Representatives a statewide report on the planned~~
 2757 ~~expenditure of the teacher salary increase allocation, which~~
 2758 ~~includes the detailed summary provided by each school district~~
 2759 ~~and charter school.~~

2760 ~~3. By August 1, each school district shall provide a final~~
 2761 ~~report to the department with the information required in~~
 2762 ~~subparagraph 1. for the prior fiscal year. Each charter school~~
 2763 ~~governing board shall submit the information required under this~~
 2764 ~~subparagraph to the district school board for inclusion in the~~
 2765 ~~school district's final report to the department.~~

2766 ~~(c) Although district school boards and charter school~~
 2767 ~~governing boards are not precluded from bargaining over wages,~~
 2768 ~~the teacher salary increase allocation must be used solely to~~
 2769 ~~comply with the requirements of this section. A district school~~
 2770 ~~board or charter school governing board that is unable to meet~~
 2771 ~~the reporting requirements specified in paragraph (c) or~~

Page 111 of 138

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hb5101-00

HB 5101

2023

2772 ~~paragraph (d) due to a collective bargaining impasse must~~
 2773 ~~provide written notification to the department or the district~~
 2774 ~~school board, as applicable, detailing the reasons for the~~
 2775 ~~impasse with a proposed timeline and details for a resolution.~~

2776 (13)(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 2777 FOR CURRENT OPERATION.—The total annual state allocation to each
 2778 district for current operation for the Florida Education Finance
 2779 Program ~~FEFP~~ shall be distributed periodically in the manner
 2780 prescribed in the General Appropriations Act.

2781 (a) If the funds appropriated for current operation of the
 2782 Florida Education Finance Program ~~FEFP~~ are not sufficient to pay
 2783 the state requirement in full, the department shall prorate the
 2784 available state funds to each district in the following manner:

2785 1. Determine the percentage of proration by dividing the
 2786 sum of the total amount for current operation, as provided in
 2787 this paragraph for all districts collectively, and the total
 2788 district required local effort into the sum of the state funds
 2789 available for current operation and the total district required
 2790 local effort.

2791 2. Multiply the percentage so determined by the sum of the
 2792 total amount for current operation as provided in this paragraph
 2793 and the required local effort for each individual district.

2794 3. From the product of such multiplication, subtract the
 2795 required local effort of each district; and the remainder shall
 2796 be the amount of state funds allocated to the district for

Page 112 of 138

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hb5101-00

HB 5101

2023

2797 current operation. However, no calculation subsequent to the
 2798 appropriation shall result in negative state funds for any
 2799 district.

2800 (14) STATE-FUNDED DISCRETIONARY SUPPLEMENT.—

2801 (a) The state-funded discretionary supplement is created
 2802 to fund the nonvoted discretionary millage for operations
 2803 pursuant to s. 1011.71(1) and (3) for students awarded a Family
 2804 Empowerment Scholarship in accordance with s. 1002.394. To
 2805 calculate the state-funded discretionary supplement for
 2806 inclusion in the amount of the scholarship funding:

2807 1. For fiscal year 2023-2024, multiply the maximum
 2808 allowable nonvoted discretionary millage for operations pursuant
 2809 to s. 1011.71(1) and (3) by the value of 96 percent of the
 2810 current year's taxable value for school purposes for the school
 2811 district where the student is reported for purposes of the
 2812 Florida Education Finance Program; divide the result by the
 2813 school district's total unweighted full-time equivalent
 2814 membership; and multiply the result by the total unweighted
 2815 full-time equivalent membership associated with the number of
 2816 Family Empowerment Scholarship students included in the school
 2817 district's total unweighted full-time equivalent membership. A
 2818 base amount as specified in the General Appropriations Act shall
 2819 be added to this amount for purposes of calculating the total
 2820 amount of the supplement.

2821 2. Beginning in fiscal year 2024-2025 and thereafter,

Page 113 of 138

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hb5101-00

HB 5101

2023

2822 multiply the maximum allowable nonvoted discretionary millage
 2823 for operations pursuant to s. 1011.71(1) and (3) by the value of
 2824 96 percent of the current year's taxable value for school
 2825 purposes for the school district where the student is reported
 2826 for purposes of the Florida Education Finance Program; divide
 2827 the result by the school district's total unweighted full-time
 2828 equivalent membership; and multiply the result by the total
 2829 unweighted full-time equivalent membership associated with the
 2830 number of Family Empowerment Scholarship students. The prior
 2831 year's base amount shall be adjusted based on changes in the
 2832 eligible number of unweighted full-time equivalent membership
 2833 associated with the number of Family Empowerment Scholarship
 2834 students.

2835 (b) The state-funded discretionary supplement may not be
 2836 recalculated based on changes in the full-time equivalent
 2837 membership pursuant to paragraph (1)(a) and may not be included
 2838 in the provisions of subsection (13).

2839 ~~(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL~~
 2840 ~~EFFORT. Calculations required in this section shall be based on~~
 2841 ~~95 percent of the taxable value for school purposes for fiscal~~
 2842 ~~years prior to the 2010-2011 fiscal year.~~

2843 ~~(17) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—~~
 2844 ~~The turnaround school supplemental services allocation is~~
 2845 ~~created to provide district managed turnaround schools, as~~
 2846 ~~identified in s. 1008.33(4)(a), schools that earn three~~

Page 114 of 138

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hb5101-00

HB 5101

2023

2847 ~~consecutive grades below a "C," as identified in s.~~
 2848 ~~1008.33(4)(b)3., and schools that have improved to a "C" and are~~
 2849 ~~no longer in turnaround status, as identified in s.~~
 2850 ~~1008.33(4)(c), with funds to offer services designed to improve~~
 2851 ~~the overall academic and community welfare of the schools'~~
 2852 ~~students and their families.~~

2853 ~~(a)1. Services funded by the allocation may include, but~~
 2854 ~~are not limited to, tutorial and after school programs, student~~
 2855 ~~counseling, nutrition education, parental counseling, and an~~
 2856 ~~extended school day and school year. In addition, services may~~
 2857 ~~include models that develop a culture that encourages students~~
 2858 ~~to complete high school and to attend college or career~~
 2859 ~~training, set high academic expectations, and inspire character~~
 2860 ~~development.~~

2861 ~~2. A school district may enter into a formal agreement~~
 2862 ~~with a nonprofit organization that has tax-exempt status under~~
 2863 ~~s. 501(c)(3) of the Internal Revenue Code to implement an~~
 2864 ~~integrated student support service model that provides students~~
 2865 ~~and families with access to wrap-around services, including, but~~
 2866 ~~not limited to, health services, after-school programs, drug~~
 2867 ~~prevention programs, college and career readiness programs, and~~
 2868 ~~food and clothing banks.~~

2869 ~~(b) Before distribution of the allocation, the school~~
 2870 ~~district shall develop and submit a plan for implementation to~~
 2871 ~~its school board for approval no later than August 1 of each~~

Page 115 of 138

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hb5101-00

HB 5101

2023

2872 ~~fiscal year.~~

2873 ~~(e) At a minimum, the plan required under paragraph (b)~~
 2874 ~~must:~~

2875 ~~1. Establish comprehensive support services that develop~~
 2876 ~~family and community partnerships;~~

2877 ~~2. Establish clearly defined and measurable high academic~~
 2878 ~~and character standards;~~

2879 ~~3. Increase parental involvement and engagement in the~~
 2880 ~~child's education;~~

2881 ~~4. Describe how instructional personnel will be~~
 2882 ~~identified, recruited, retained, and rewarded;~~

2883 ~~5. Provide professional development that focuses on~~
 2884 ~~academic rigor, direct instruction, and creating high academic~~
 2885 ~~and character standards;~~

2886 ~~6. Provide focused instruction to improve student academic~~
 2887 ~~proficiency, which may include additional instruction time~~
 2888 ~~beyond the normal school day or school year; and~~

2889 ~~7. Include a strategy for continuing to provide services~~
 2890 ~~after the school is no longer in turnaround status by virtue of~~
 2891 ~~achieving a grade of "C" or higher.~~

2892 ~~(d) Each school district shall submit its approved plans~~
 2893 ~~to the commissioner by September 1 of each fiscal year.~~

2894 ~~(e) Subject to legislative appropriation, each school~~
 2895 ~~district's allocation must be based on the unweighted FTE~~
 2896 ~~student enrollment at the eligible schools and a per-FTE funding~~

Page 116 of 138

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hb5101-00

HB 5101

2023

2897 ~~amount of \$500 or as provided in the General Appropriations Act.~~
 2898 ~~The supplement provided in the General Appropriations Act shall~~
 2899 ~~be based on the most recent school grades and shall serve as a~~
 2900 ~~proxy for the official calculation. Once school grades are~~
 2901 ~~available for the school year immediately preceding the fiscal~~
 2902 ~~year coinciding with the appropriation, the supplement shall be~~
 2903 ~~recalculated for the official participating schools as part of~~
 2904 ~~the subsequent FEFP calculation. The commissioner may prepare a~~
 2905 ~~preliminary calculation so that districts may proceed with~~
 2906 ~~timely planning and use of the funds. If the calculated funds~~
 2907 ~~for the statewide allocation exceed the funds appropriated, the~~
 2908 ~~allocation of funds to each school district must be prorated~~
 2909 ~~based on each school district's share of the total unweighted~~
 2910 ~~FTE student enrollment for the eligible schools.~~

2911 ~~(f) Subject to legislative appropriation, each school~~
 2912 ~~shall remain eligible for the allocation for a maximum of 4~~
 2913 ~~continuous fiscal years while implementing a turnaround option~~
 2914 ~~pursuant to c. 1008.33(4). In addition, a school that improves~~
 2915 ~~to a grade of "C" or higher shall remain eligible to receive the~~
 2916 ~~allocation for a maximum of 2 continuous fiscal years after~~
 2917 ~~exiting turnaround status.~~

2918 Section 37. Section 1011.622, Florida Statutes, is amended
 2919 to read:

2920 1011.622 Adjustments for students without a Florida
 2921 student identification number.—The Florida Education Finance

Page 117 of 138

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hb5101-00

HB 5101

2023

2922 Program funding calculations, including the calculations
 2923 authorized in ss. 1011.62, ~~1011.67~~, 1011.68, and 1011.685, shall
 2924 include funding for a student only when all of the student's
 2925 records are reported to the Department of Education under a
 2926 Florida student identification number. The State Board of
 2927 Education may adopt rules pursuant to ss. 120.536(1) and 120.54
 2928 to implement this section.

2929 Section 38. Section 1011.67, Florida Statutes, is
 2930 repealed.

2931 Section 39. Paragraph (d) of subsection (1) of section
 2932 1011.68, Florida Statutes, is amended to read:

2933 1011.68 Funds for student transportation.—The annual
 2934 allocation to each district for transportation to public school
 2935 programs, including charter schools as provided in s.
 2936 1002.33(17)(b), of students in membership in kindergarten
 2937 through grade 12 and in migrant and exceptional student programs
 2938 below kindergarten shall be determined as follows:

2939 (1) Subject to the rules of the State Board of Education,
 2940 each district shall determine the membership of students who are
 2941 transported:

2942 (d) By reason of being career, dual enrollment, or
 2943 students with disabilities transported from one school center to
 2944 another to participate in an instructional program or service;
 2945 or students with disabilities, transported from one designation
 2946 to another in the state, provided one designation is a school

Page 118 of 138

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hb5101-00

HB 5101

2023

2947 center and provided the student's individual educational plan
 2948 (IEP) identifies the need for the instructional program or
 2949 service and transportation to be provided by the school
 2950 district. A "school center" is defined as a public school
 2951 center, Florida College System institution, state university, or
 2952 other facility rented, leased, or owned and operated by the
 2953 school district or another public agency. A "dual enrollment
 2954 student" is defined as a public school student in membership in
 2955 both a public secondary school program and a Florida College
 2956 System institution or a state university program under a written
 2957 agreement to partially fulfill ss. 1003.435 and 1007.23 and
 2958 earning full-time equivalent membership under s. 1011.62(1)(h)
 2959 ~~s. 1011.62(1)(i)~~.

2960 Section 40. Subsection (4) of section 1011.69, Florida
 2961 Statutes, is amended to read:

2962 1011.69 Equity in School-Level Funding Act.—

2963 ~~(4) The following funds are excluded from the school-level~~
 2964 ~~allocation under this section: Funds appropriated in the General~~
 2965 ~~Appropriations Act for supplemental academic instruction to be~~
 2966 ~~used for the purposes described in s. 1011.62(1)(f).~~

2967 Section 41. Subsection (1) of section 1011.71, Florida
 2968 Statutes, is amended to read:

2969 1011.71 District school tax.—

2970 (1) If the district school tax is not provided in the
 2971 General Appropriations Act or the substantive bill implementing

Page 119 of 138

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hb5101-00

HB 5101

2023

2972 the General Appropriations Act, each district school board
 2973 desiring to participate in the state allocation of funds for
 2974 current operation as prescribed by s. 1011.62(13) ~~s. 1011.62(15)~~
 2975 shall levy on the taxable value for school purposes of the
 2976 district, exclusive of millage voted under s. 9(b) or s. 12,
 2977 Art. VII of the State Constitution, a millage rate not to exceed
 2978 the amount certified by the commissioner as the minimum millage
 2979 rate necessary to provide the district required local effort for
 2980 the current year, pursuant to s. 1011.62(4)(a)1. In addition to
 2981 the required local effort millage levy, each district school
 2982 board may levy a nonvoted current operating discretionary
 2983 millage. The Legislature shall prescribe annually in the
 2984 appropriations act the maximum amount of millage a district may
 2985 levy.

2986 Section 42. Paragraph (b) of subsection (3) of section
 2987 1011.84, Florida Statutes, is amended to read:

2988 1011.84 Procedure for determining state financial support
 2989 and annual apportionment of state funds to each Florida College
 2990 System institution district.—The procedure for determining state
 2991 financial support and the annual apportionment to each Florida
 2992 College System institution district authorized to operate a
 2993 Florida College System institution under the provisions of s.
 2994 1001.61 shall be as follows:

2995 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

2996 (b) The apportionment to each Florida College System

Page 120 of 138

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hb5101-00

HB 5101

2023

2997 institution from the Florida College System Program Fund shall
 2998 be determined annually in the General Appropriations Act. In
 2999 determining each college's apportionment, the Legislature shall
 3000 consider the following components:

3001 1. Base budget, which includes the state appropriation to
 3002 the Florida College System Program Fund in the current year plus
 3003 the related student tuition and out-of-state fees assigned in
 3004 the current General Appropriations Act.

3005 2. The cost-to-continue allocation, which consists of
 3006 incremental changes to the base budget, including salaries,
 3007 price levels, and other related costs allocated through a
 3008 funding model approved by the Legislature which may recognize
 3009 differing economic factors arising from the individual
 3010 educational approaches of the various Florida College System
 3011 institutions, including, but not limited to:

3012 a. Direct Instructional Funding, including class size,
 3013 faculty productivity factors, average faculty salary, ratio of
 3014 full-time to part-time faculty, costs of programs, and
 3015 enrollment factors.

3016 b. Academic Support, including small colleges factor,
 3017 multicampus factor, and enrollment factor.

3018 c. Student Services Support, including headcount of
 3019 students as well as FTE count and enrollment factors.

3020 d. Library Support, including volume and other
 3021 materials/audiovisual requirements.

Page 121 of 138

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hb5101-00

HB 5101

2023

3022 e. Special Projects.

3023 f. Operations and Maintenance of Plant, including square
 3024 footage and utilization factors.

3025 g. Comparable wage factor ~~District Cost Differential~~.

3026 3. Students enrolled in a recreation and leisure program
 3027 and students enrolled in a lifelong learning program who may not
 3028 be counted as full-time equivalent enrollments for purposes of
 3029 enrollment workload adjustments.

3030 4. Operating costs of new facilities adjustments, which
 3031 shall be provided, from funds available, for each new facility
 3032 that is owned by the college and is recommended in accordance
 3033 with s. 1013.31.

3034 5. New and improved program enhancements, which shall be
 3035 determined by the Legislature.

3036 Student fees in the base budget plus student fee revenues
 3037 generated by increases in fee rates shall be deducted from the
 3038 sum of the components determined in subparagraphs 1.-5. The
 3039 amount remaining shall be the net annual state apportionment to
 3040 each college.

3042 Section 43. Paragraph (c) of subsection (1) of section
 3043 1012.22, Florida Statutes, is amended to read:

3044 1012.22 Public school personnel; powers and duties of the
 3045 district school board.—The district school board shall:

3046 (1) Designate positions to be filled, prescribe

Page 122 of 138

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hb5101-00

HB 5101

2023

3047 qualifications for those positions, and provide for the
 3048 appointment, compensation, promotion, suspension, and dismissal
 3049 of employees as follows, subject to the requirements of this
 3050 chapter:

3051 (c) Compensation and salary schedules.—

3052 1. Definitions.—As used in this paragraph:

3053 a. "Adjustment" means an addition to the base salary
 3054 schedule that is not a bonus and becomes part of the employee's
 3055 permanent base salary and shall be considered compensation under
 3056 s. 121.021(22).

3057 b. "Grandfathered salary schedule" means the salary
 3058 schedule or schedules adopted by a district school board before
 3059 July 1, 2014, pursuant to subparagraph 4.

3060 c. "Instructional personnel" means instructional personnel
 3061 as defined in s. 1012.01(2) (a)-(d), excluding substitute
 3062 teachers.

3063 d. "Performance salary schedule" means the salary schedule
 3064 or schedules adopted by a district school board pursuant to
 3065 subparagraph 5.

3066 e. "Salary schedule" means the schedule or schedules used
 3067 to provide the base salary for district school board personnel.

3068 f. "School administrator" means a school administrator as
 3069 defined in s. 1012.01(3)(c).

3070 g. "Supplement" means an annual addition to the base
 3071 salary for the term of the negotiated supplement as long as the

Page 123 of 138

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hb5101-00

HB 5101

2023

3072 employee continues his or her employment for the purpose of the
 3073 supplement. A supplement does not become part of the employee's
 3074 continuing base salary but shall be considered compensation
 3075 under s. 121.021(22).

3076 2. Cost-of-living adjustment.—A district school board may
 3077 provide a cost-of-living salary adjustment if the adjustment:

3078 a. Does not discriminate among comparable classes of
 3079 employees based upon the salary schedule under which they are
 3080 compensated.

3081 b. Does not exceed 50 percent of the annual adjustment
 3082 provided to instructional personnel rated as effective.

3083 3. Advanced degrees.—A district school board may not use
 3084 advanced degrees in setting a salary schedule for instructional
 3085 personnel or school administrators hired on or after July 1,
 3086 2011, unless the advanced degree is held in the individual's
 3087 area of certification and is only a salary supplement.

3088 4. Grandfathered salary schedule.—

3089 a. The district school board shall adopt a salary schedule
 3090 or salary schedules to be used as the basis for paying all
 3091 school employees hired before July 1, 2014. Instructional
 3092 personnel on annual contract as of July 1, 2014, shall be placed
 3093 on the performance salary schedule adopted under subparagraph 5.
 3094 Instructional personnel on continuing contract or professional
 3095 service contract may opt into the performance salary schedule if
 3096 the employee relinquishes such contract and agrees to be

Page 124 of 138

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hb5101-00

HB 5101

2023

3097 employed on an annual contract under s. 1012.335. Such an
 3098 employee shall be placed on the performance salary schedule and
 3099 may not return to continuing contract or professional service
 3100 contract status. Any employee who opts into the performance
 3101 salary schedule may not return to the grandfathered salary
 3102 schedule.

3103 b. In determining the grandfathered salary schedule for
 3104 instructional personnel, a district school board must base a
 3105 portion of each employee's compensation upon performance
 3106 demonstrated under s. 1012.34 and shall provide differentiated
 3107 pay for both instructional personnel and school administrators
 3108 based upon district-determined factors, including, but not
 3109 limited to, additional responsibilities, school demographics,
 3110 critical shortage areas, and level of job performance
 3111 difficulties.

3112 5. Performance salary schedule.—By July 1, 2014, the
 3113 district school board shall adopt a performance salary schedule
 3114 that provides annual salary adjustments for instructional
 3115 personnel and school administrators based upon performance
 3116 determined under s. 1012.34. Employees hired on or after July 1,
 3117 2014, or employees who choose to move from the grandfathered
 3118 salary schedule to the performance salary schedule shall be
 3119 compensated pursuant to the performance salary schedule once
 3120 they have received the appropriate performance evaluation for
 3121 this purpose.

Page 125 of 138

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hb5101-00

HB 5101

2023

3122 a. Base salary.—The base salary shall be established as
 3123 follows:

3124 (I) The base salary for instructional personnel or school
 3125 administrators who opt into the performance salary schedule
 3126 shall be the salary paid in the prior year, including
 3127 adjustments only.

3128 (II) Instructional personnel or school administrators new
 3129 to the district, returning to the district after a break in
 3130 service without an authorized leave of absence, or appointed for
 3131 the first time to a position in the district in the capacity of
 3132 instructional personnel or school administrator shall be placed
 3133 on the performance salary schedule. ~~Beginning July 1, 2021, and~~
 3134 ~~Until such time as the minimum base salary as defined in s.~~
 3135 ~~1011.60(4)(a) s. 1011.62(14)~~ equals or exceeds \$47,500, the
 3136 annual increase to the minimum base salary shall not be less
 3137 than 150 percent of the largest adjustment made to the salary of
 3138 an employee on the grandfathered salary schedule. Thereafter,
 3139 the annual increase to the minimum base salary shall not be less
 3140 than 75 percent of the largest adjustment for an employee on the
 3141 grandfathered salary schedule.

3142 b. Salary adjustments.—Salary adjustments for highly
 3143 effective or effective performance shall be established as
 3144 follows:

3145 (I) The annual salary adjustment under the performance
 3146 salary schedule for an employee rated as highly effective must

Page 126 of 138

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hb5101-00

HB 5101

2023

3147 be at least 25 percent greater than the highest annual salary
 3148 adjustment available to an employee of the same classification
 3149 through any other salary schedule adopted by the district.

3150 (II) The annual salary adjustment under the performance
 3151 salary schedule for an employee rated as effective must be equal
 3152 to at least 50 percent and no more than 75 percent of the annual
 3153 adjustment provided for a highly effective employee of the same
 3154 classification.

3155 (III) A salary schedule shall not provide an annual salary
 3156 adjustment for an employee who receives a rating other than
 3157 highly effective or effective for the year.

3158 c. Salary supplements.—In addition to the salary
 3159 adjustments, each district school board shall provide for salary
 3160 supplements for activities that must include, but are not
 3161 limited to:

3162 (I) Assignment to a Title I eligible school.

3163 (II) Assignment to a school that earned a grade of "F" or
 3164 three consecutive grades of "D" pursuant to s. 1008.34 such that
 3165 the supplement remains in force for at least 1 year following
 3166 improved performance in that school.

3167 (III) Certification and teaching in critical teacher
 3168 shortage areas. Statewide critical teacher shortage areas shall
 3169 be identified by the State Board of Education under s. 1012.07.
 3170 However, the district school board may identify other areas of
 3171 critical shortage within the school district for purposes of

Page 127 of 138

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hb5101-00

HB 5101

2023

3172 this sub-sub-subparagraph and may remove areas identified by the
 3173 state board which do not apply within the school district.

3174 (IV) Assignment of additional academic responsibilities.

3175
 3176 If budget constraints in any given year limit a district school
 3177 board's ability to fully fund all adopted salary schedules, the
 3178 performance salary schedule shall not be reduced on the basis of
 3179 total cost or the value of individual awards in a manner that is
 3180 proportionally greater than reductions to any other salary
 3181 schedules adopted by the district. Any compensation for
 3182 longevity of service awarded to instructional personnel who are
 3183 on any other salary schedule must be included in calculating the
 3184 salary adjustments required by sub-subparagraph b.

3185 Section 44. Section 1012.44, Florida Statutes, is amended
 3186 to read:

3187 1012.44 Qualifications for certain persons providing
 3188 speech-language services.—The State Board of Education shall
 3189 adopt rules for speech-language services to school districts
 3190 that qualify for additional full-time equivalent membership
 3191 under s. 1011.62(1)(e) the sparsity supplement as described in
 3192 s. 1011.62(7). These services may be provided by baccalaureate
 3193 degree level persons for a period of 3 years. The rules shall
 3194 authorize the delivery of speech-language services by
 3195 baccalaureate degree level persons under the direction of a
 3196 certified speech-language pathologist with a master's degree or

Page 128 of 138

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hb5101-00

HB 5101

2023

3197 higher.

3198 Section 45. Subsections (1) and (4) of section 1012.584,
3199 Florida Statutes, are amended to read:

3200 1012.584 Continuing education and inservice training for
3201 youth mental health awareness and assistance.—

3202 (1) ~~Beginning with the 2019-2019 school year,~~ The
3203 Department of Education shall establish an evidence-based youth
3204 mental health awareness and assistance training program to help
3205 school personnel identify and understand the signs of emotional
3206 disturbance, mental illness, and substance use disorders and
3207 provide such personnel with the skills to help a person who is
3208 developing or experiencing an emotional disturbance, mental
3209 health, or substance use problem.

3210 (4) Each school district shall notify all school personnel
3211 who have received training pursuant to this section of mental
3212 health services that are available in the school district, and
3213 the individual to contact if a student needs services. The term
3214 "mental health services" includes, but is not limited to,
3215 community mental health services, health care providers, and
3216 services provided under ss. 1006.04 and 1006.041 ~~ss. 1006.04 and~~
3217 ~~1011.62(13)~~.

3218 Section 46. Paragraph (b) of subsection (2) of section
3219 1012.586, Florida Statutes, is amended to read:

3220 1012.586 Additions or changes to certificates; duplicate
3221 certificates; reading endorsement pathways.—

Page 129 of 138

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hb5101-00

HB 5101

2023

3222 (2)

3223 (b) As part of adopting a pathway pursuant to paragraph
3224 (a), the department shall review the competencies for the
3225 reading endorsement and subject area examinations for educator
3226 certificates identified pursuant to s. 1012.585(3) (f) for
3227 alignment with evidence-based instructional and intervention
3228 strategies rooted in the science of reading and identified
3229 pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and recommend changes
3230 to the State Board of Education. Recommended changes must
3231 address identification of the characteristics of conditions such
3232 as dyslexia, implementation of evidence-based classroom
3233 instruction and interventions, including evidence-based reading
3234 instruction and interventions specifically for students with
3235 characteristics of dyslexia, and effective progress monitoring.
3236 By July 1, 2023, each school district reading endorsement add-on
3237 program must be resubmitted for approval by the department
3238 consistent with this paragraph.

3239 Section 47. Section 1012.71, Florida Statutes, is amended
3240 to read:

3241 1012.71 The Florida Teachers Classroom Supply Assistance
3242 Program.—

3243 (1) For purposes of the Florida Teachers Classroom Supply
3244 Assistance Program, the term "classroom teacher" means a
3245 certified teacher employed by a public school district or a
3246 public charter school in that district on or before September 1

Page 130 of 138

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hb5101-00

HB 5101

2023

3247 of each year whose full-time or job-share responsibility is the
 3248 classroom instruction of students in prekindergarten through
 3249 grade 12, including full-time media specialists and certified
 3250 school counselors serving students in prekindergarten through
 3251 grade 12, who are funded through the Florida Education Finance
 3252 Program. A "job-share" classroom teacher is one of two teachers
 3253 whose combined full-time equivalent employment for the same
 3254 teaching assignment equals one full-time classroom teacher.

3255 (2) The amount of funds per classroom teacher for the
 3256 Florida Teachers Classroom Supply Assistance Program shall be
 3257 specified ~~The Legislature,~~ in the General Appropriations Act,
 3258 ~~shall determine funding for the Florida Teachers Classroom~~
 3259 ~~Supply Assistance Program. Classroom teachers shall use the~~
 3260 ~~funds appropriated are for classroom teachers~~ to purchase, on
 3261 behalf of the school district or charter school, classroom
 3262 materials and supplies for the public school students assigned
 3263 to them and may not be used to purchase equipment. The funds
 3264 ~~appropriated~~ shall be used to supplement the materials and
 3265 supplies otherwise available to classroom teachers. ~~From the~~
 3266 ~~funds appropriated for the Florida Teachers Classroom Supply~~
 3267 ~~Assistance Program, the Commissioner of Education shall~~
 3268 ~~calculate an amount for each school district based upon each~~
 3269 ~~school district's proportionate share of the state's total~~
 3270 ~~unweighted FTE student enrollment and shall disburse the funds~~
 3271 ~~to the school districts by July 15.~~

Page 131 of 138

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hb5101-00

HB 5101

2023

3272 (3) ~~From the funds allocated to each school district and~~
 3273 ~~any funds received from local contributions for the Florida~~
 3274 ~~Teachers Classroom Supply Assistance Program, the district~~
 3275 ~~school board shall calculate an identical amount for each~~
 3276 ~~classroom teacher who is estimated to be employed by the school~~
 3277 ~~district or a charter school in the district on September 1 of~~
 3278 ~~each year, which is that teacher's proportionate share of the~~
 3279 ~~total amount allocated to the district from state funds and~~
 3280 ~~funds received from local contributions. A job-share classroom~~
 3281 ~~teacher may receive a prorated share of the amount provided to a~~
 3282 ~~full-time classroom teacher. For a classroom teachers teacher~~
 3283 determined eligible on July 1, the district school board and
 3284 each charter school board ~~shall~~ may provide such classroom
 3285 ~~teachers the teacher~~ with their amount as specified in the
 3286 General Appropriations Act ~~his or her total proportionate share~~
 3287 ~~by August 1. For classroom teachers based on the estimate of the~~
 3288 ~~number of teachers who will be employed on September 1. For a~~
 3289 ~~classroom teacher~~ determined eligible after July 1, the district
 3290 school board and each charter school board shall provide such
 3291 classroom teachers with their amount as specified in the General
 3292 Appropriations Act ~~the teacher with his or her total~~
 3293 ~~proportionate share~~ by September 30. A job-share classroom
 3294 teacher may receive a prorated share of the amount provided to a
 3295 full-time classroom teacher ~~The proportionate share may be~~
 3296 ~~provided by any means determined appropriate by the district~~

Page 132 of 138

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hb5101-00

HB 5101

2023

3297 ~~school board or charter school board, including, but not limited~~
 3298 ~~to, direct deposit, check, debit card, or purchasing card. If a~~
 3299 ~~debit card is used, an identifier must be placed on the front of~~
 3300 ~~the debit card which clearly indicates that the card has been~~
 3301 ~~issued for the Florida Teachers Classroom Supply Assistance~~
 3302 ~~Program. Expenditures under the program are not subject to state~~
 3303 ~~or local competitive bidding requirements. Funds received by a~~
 3304 ~~classroom teacher do not affect wages, hours, or terms and~~
 3305 ~~conditions of employment and, therefore, are not subject to~~
 3306 ~~collective bargaining. Any classroom teacher may decline receipt~~
 3307 ~~of or return the funds without explanation or cause.~~

3308 (4) The Department of Education shall administer a
 3309 competitive procurement through which eligible classroom
 3310 teachers may purchase classroom materials and supplies.
 3311 Annually, by September 1, each school district shall submit to
 3312 the department:

3313 (a) The name of each eligible classroom teacher.
 3314 (b) The proportionate share of the amount as specified in
 3315 the General Appropriations Act for each eligible job-share
 3316 classroom teacher.
 3317 (c) The name and Master School Identification Number of
 3318 the school in which the eligible classroom teacher is assigned.
 3319 (d) Any other information necessary for the administration
 3320 of the program as determined by the department.

3321 (5)(4) Each classroom teacher must sign a statement

Page 133 of 138

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hb5101-00

HB 5101

2023

3322 ~~acknowledging receipt of the funds, keep receipts for no less~~
 3323 ~~than 4 years to show that funds expended meet the requirements~~
 3324 ~~of this section, and return any unused funds to the district~~
 3325 ~~school board at the end of the regular school year. Any unused~~
 3326 ~~funds that are returned to the district school board shall be~~
 3327 ~~deposited into the school advisory council account of the school~~
 3328 ~~at which the classroom teacher returning the funds was employed~~
 3329 ~~when that teacher received the funds were made available to the~~
 3330 ~~classroom teacher. If the school does not have a school advisory~~
 3331 ~~council, the funds shall be expended for classroom materials and~~
 3332 ~~supplies as determined by the school principal or deposited into~~
 3333 ~~the Florida Teachers Classroom Supply Assistance Program account~~
 3334 ~~of the school district in which a charter school is sponsored,~~
 3335 ~~as applicable.~~

3336 ~~(5) The statement must be signed and dated by each~~
 3337 ~~classroom teacher before receipt of the Florida Teachers~~
 3338 ~~Classroom Supply Assistance Program funds and shall include the~~
 3339 ~~wording: "I, ...(name of teacher)..., am employed by the~~
 3340 ~~...County District School Board or by the ...Charter School as~~
 3341 ~~a full-time classroom teacher. I acknowledge that Florida~~
 3342 ~~Teachers Classroom Supply Assistance Program funds are~~
 3343 ~~appropriated by the Legislature for the sole purpose of~~
 3344 ~~purchasing classroom materials and supplies to be used in the~~
 3345 ~~instruction of students assigned to me. In accepting custody of~~
 3346 ~~these funds, I agree to keep the receipts for all expenditures~~

Page 134 of 138

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hb5101-00

HB 5101

2023

3347 ~~for no less than 4 years. I understand that if I do not keep the~~
 3348 ~~receipts, it will be my personal responsibility to pay any~~
 3349 ~~federal taxes due on these funds. I also agree to return any~~
 3350 ~~unexpended funds to the district school board at the end of the~~
 3351 ~~regular school year for deposit into the school advisory council~~
 3352 ~~account of the school where I was employed at the time I~~
 3353 ~~received the funds or for deposit into the Florida Teachers~~
 3354 ~~Classroom Supply Assistance Program account of the school~~
 3355 ~~district in which the charter school is sponsored, as~~
 3356 ~~applicable."~~

3357 ~~(6) The Department of Education and district school boards~~
 3358 ~~may, and are encouraged to, enter into public private~~
 3359 ~~partnerships in order to increase the total amount of Florida~~
 3360 ~~Teachers Classroom Supply Assistance Programs funds available to~~
 3361 ~~classroom teachers.~~

3362 Section 48. Section 1012.715, Florida Statutes, is created
 3363 to read:

3364 1012.715 Heroes in the classroom sign-on bonus.—

3365 (1) PURPOSE.—Subject to legislative appropriation, the
 3366 Department of Education shall provide a one-time sign-on bonus,
 3367 as provided in the General Appropriations Act, to honorably
 3368 discharged or retired military veterans and retired first
 3369 responders, as defined in s. 112.1815(1), who commit to joining
 3370 the teaching profession as a full-time classroom teacher. An
 3371 honorably discharged or retired military veteran or retired

Page 135 of 138

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hb5101-00

HB 5101

2023

3372 first responder may receive an additional bonus for teaching a
 3373 course in a high-demand teacher need area, as identified by the
 3374 department pursuant to paragraph (3)(e).

3375 (2) ELIGIBILITY.—To be eligible to receive a sign-on
 3376 bonus, an applicant must be an honorably discharged or retired
 3377 military veteran or retired first responder and provide the
 3378 following to the department:

3379 (a) Documentation of his or her honorable discharge or
 3380 retirement.

3381 (b) Documentation that he or she was not subject to any
 3382 disciplinary action during the last 5 years of his or her
 3383 employment as a servicemember in the United States Armed Forces
 3384 or as a first responder. The term "disciplinary action" includes
 3385 suspensions, dismissals, and involuntary demotions that were
 3386 associated with disciplinary actions.

3387 (c) A copy of his or her professional certificate or
 3388 temporary certificate issued pursuant to s. 1012.56(7).

3389 (d) Documentation that he or she agrees to maintain
 3390 employment with the school district or charter school for a
 3391 minimum of 2 consecutive school years upon receipt of the sign-
 3392 on bonus. An individual who accepts a sign-on bonus pursuant to
 3393 this section but fails to maintain his or her employment
 3394 pursuant to this paragraph must reimburse the department the
 3395 amount of the sign-on bonus in a manner prescribed by the
 3396 department.

Page 136 of 138

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hb5101-00

HB 5101

2023

3397 (3) DEPARTMENT OF EDUCATION RESPONSIBILITIES.—The
 3398 department shall distribute bonuses pursuant to this section
 3399 and, at a minimum, must:
 3400 (a) Establish a method for determining the estimated
 3401 number of eligible honorably discharged or retired military
 3402 veterans and retired first responders to be hired in the
 3403 applicable fiscal year.
 3404 (b) Establish additional minimum criteria necessary for an
 3405 individual to be eligible for a sign-on bonus.
 3406 (c) Establish an estimated cost to the department for
 3407 developing and administering the bonus program.
 3408 (d) Establish a method for an individual to reimburse the
 3409 department if he or she receives the sign-on bonus but does not
 3410 maintain employment for the required consecutive 2-year period.
 3411 (e) Identify courses that are in high-demand teacher need
 3412 areas in which honorably discharged or retired military veterans
 3413 or retired first responders may teach to be eligible for an
 3414 additional bonus.
 3415 (4) SCHOOL DISTRICT RESPONSIBILITIES.—A school district
 3416 that employs an eligible honorably discharged or retired
 3417 military veteran or retired first responder must:
 3418 (a) Provide any necessary information requested by the
 3419 department.
 3420 (b) In a manner established by the department, notify the
 3421 eligible honorably discharged or retired military veteran or

Page 137 of 138

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hb5101-00

HB 5101

2023

3422 retired first responder that employment may impact his or her
 3423 pension from a previous employer.
 3424 (5) RULEMAKING.—The State Board of Education may adopt
 3425 rules to implement this section.
 3426 Section 49. This act shall take effect July 1, 2023.

Page 138 of 138

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hb5101-00



825760

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Perry) recommended the following:

Senate Substitute for Amendment (154606) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (d) and (f) of subsection (2) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and



825760

records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

(f) At least every 3 years, conduct operational audits of the accounts and records of state agencies, state universities, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, ~~and~~ the Florida School for the Deaf and the Blind, and the Florida School for Competitive Academics.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Paragraph (a) of subsection (1) of section 110.1228, Florida Statutes, is amended to read:

110.1228 Participation by small counties, small municipalities, and district school boards located in small counties.—

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

(a) "District school board" means a district school board located in a small county or a district school board that receives funding pursuant to s. 1011.62(1)(f) ~~s. 1011.62(7)~~.

Section 3. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:



825760

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Governors or the designee of the board for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. Within the classification and pay plans established by the Board of Trustees for the Florida School for Competitive Academics of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

Section 4. Subsection (6) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of



825760

Children and Families or the Agency for Persons with
Disabilities.—

(6) Notwithstanding the provisions of s. 1001.42(4)(m), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (17) ~~(6)~~ and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 5. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is ~~shall be~~ deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is ~~shall be~~ deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is ~~shall be~~ deemed to be the public employer with respect to all employees of the community college. The district school board is



825760

~~shall be~~ deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind is ~~shall be~~ deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Board of Trustees of the Florida School for Competitive Academics is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for Competitive Academics. The Governor is ~~shall be~~ deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 6. Subsection (6) is added to section 1000.04, Florida Statutes, to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 education system.—Florida's Early Learning-20 education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The Florida School for Competitive Academics is a component of the delivery of public education within Florida's Early Learning-20 education system.

Section 7. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:



825760

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, the Board of Trustees for the Florida School for Competitive Academics, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, the Florida School for Competitive Academics, or the Florida College System institution, the office must ~~shall~~ conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and



825760

shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 8. Subsections (8) through (12) of section 1001.215, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and subsections (1), (3), (4), and (6) and present subsection (7) of that section are amended, to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(1) Provide training to reading coaches and school administrators on the evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ for purposes of implementation, modeling, and classroom observations to support professional growth and inform performance evaluations of instructional personnel.

(3) Work with the Lastinger Center for Learning at the University of Florida to develop training for K-12 teachers, reading coaches, and school administrators on effective content-area-specific reading strategies; the coordinated integration of content-rich curriculum from other core subject areas into reading instruction, with an emphasis on civic literacy; and evidence-based reading strategies identified pursuant to subsection (7) ~~(8)~~ to improve student reading performance. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Develop and provide access to sequenced, content-rich



825760

curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills, including student attainment of the Next Generation Sunshine State Standards for social studies, science, and the arts. The office shall, as part of the adoption cycle for English Language Arts instructional materials, assist in evaluating elementary grades instructional materials submitted for adoption consideration in order to identify those materials that are closely aligned to the content and evidence-based strategies identified pursuant to subsection (7) ~~(8)~~ and incorporate professional development to implement such strategies.

(6) Provide technical assistance to school districts in the development and implementation of district plans required under s. 1003.4201 ~~for use of the evidence-based reading instruction allocation provided in s. 1011.62(8)~~ and annually review and approve such plans.

~~(7) Review, evaluate, and provide technical assistance to school districts' implementation of the comprehensive reading plan required in s. 1011.62(8).~~

Section 9. Notwithstanding the expiration date in section 8 of chapter 2022-157, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted and amended to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television and radio stations qualified by the



825760

Corporation for Public Broadcasting or public colleges and universities that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 10. Subsection (21) 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



825760

powers and perform all duties listed below:

(21) EDUCATIONAL EMERGENCY. ~~Negotiate special provisions of its contract with the appropriate bargaining units~~ To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address. ~~The negotiations shall result in a memorandum of understanding that addresses~~ the selection, placement, compensation, and expectations of instructional personnel and provide ~~provides~~ principals with the autonomy described in s. 1012.28(8). For purposes of this subsection, an educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F." Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

(a) Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.

(b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.

Section 11. Paragraph (h) is added to subsection (2) of section 1001.43, Florida Statutes, to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following



825760

supplemental powers and duties as authorized by this code or
State Board of Education rule.

(2) FISCAL MANAGEMENT.—The district school board may adopt
policies providing for fiscal management of the school district
with respect to school purchasing, facilities, nonstate revenue
sources, budgeting, fundraising, and other activities relating
to the fiscal management of district resources, including, but
not limited to, the policies governing:

(h) Assessment of a kindergarten through grade 12 student
fee for voluntary, noncredit summer school enrollment in basic
program courses. The amount of any student fee shall be based on
the ability of the student to pay such fee as determined by
district school board policy.

Section 12. Paragraphs (e) through (h) of subsection (9) of
section 1002.32, Florida Statutes, are redesignated as
paragraphs (d) through (g), respectively, and present paragraphs
(a) and (d) of that subsection are amended, to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter
lab school, shall be provided as follows:

(a) Each lab school shall receive state funds for operating
purposes as provided in ~~be allocated its proportional share of
operating funds from~~ the Florida Education Finance Program as
defined provided in s. 1011.61(5) ~~s. 1011.62~~ based on the county
in which the lab school is located and as specified in the
General Appropriations Act.

1. The nonvoted required local effort millage established
pursuant to s. 1011.71(1) ~~ad valorem millage~~ that would
otherwise be required for lab schools shall be allocated from



825760

state funds.

2. An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each lab school through a state-funded discretionary contribution established pursuant to s. 1011.62(6)
~~The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school in operation as of September 1, 2013, with a permanent high school center shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.~~

~~(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from~~



825760

~~state funds in the General Appropriations Act to the Lab School Trust Fund.~~

Section 13. Section 1002.351, Florida Statutes, is created to read:

1002.351 The Florida School for Competitive Academics.—

(1) ESTABLISHMENT.—There is established the Florida School for Competitive Academics. The school shall be located in Alachua County and is a state-supported public school for Florida residents in grades 6-12. The primary purpose of the school is to provide a rigorous academic curriculum, and the secondary purpose is to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics. The school may admit students in grades 6-12 beginning in the 2024-2025 school year.

(2) MISSION.—

(a) The mission of the Florida School for Competitive Academics is to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

(b) To assist in the recruitment of students, the Florida School for Competitive Academics must be included in the school choice online portal established under s. 1001.10(10). The portal must include information about the opportunity for parents to submit their child's educational records to the Florida School for Competitive Academics for consideration for admission.



825760

(3) BOARD OF TRUSTEES.—

(a) 1. The Florida School for Competitive Academics shall be governed by a board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, shall be appointed to 4-year terms beginning July 1, 2023, and three members shall be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair shall be elected by the board.

2. No more than one employee of the school may serve on the board of trustees as a member or as chair.

(b) Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(c) The board of trustees is a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members are public officers who bear fiduciary responsibility for the Florida School for Competitive Academics.

(d) The board of trustees is a body corporate with all the powers of a body corporate and with such authority as is needed for the proper operation and improvement of the Florida School for Competitive Academics. Title to any gift, donation, or bequest received by the board of trustees must vest in the board of trustees. Title to all other property and other assets of the Florida School for Competitive Academics must vest in the State Board of Education, but the board of trustees has complete jurisdiction over the management of the school.

(e) The board of trustees has the full power and authority



825760

to:

1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for Competitive Academics. Such rules must be submitted to the State Board of Education for approval or disapproval. After a rule is approved by the State Board of Education, the rule must be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

2. Appoint a principal, administrators, teachers, and other employees.

3. Remove principals, administrators, teachers, and other employees at the board's discretion.

4. Determine eligibility of students and procedures for admission.

5. Provide for the proper keeping of accounts and records and for budgeting of funds.

6. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.

7. Recommend to the Legislature for the school to become a residential public school.

8. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, in accordance with chapter



825760

216 and ss. 1011.56 and 1013.60, to the Department of Education for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all purchases to be in accordance with chapter 287 except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.

4. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics, who shall be school employees, including the personnel.

5. Ensure that the Florida School for Competitive Academics complies with s. 1013.351 concerning the coordination of planning between the Florida School for Competitive Academics and local governing bodies.

6. Ensure that the Florida School for Competitive Academics complies with s. 112.061 concerning per diem and travel expenses.

7. Adopt a master plan that specifies the objectives of the Florida School for Competitive Academics. The plan must be for a period of 5 years and must be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the President of the Senate and the Speaker of the House of Representatives.

(4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees



825760

shall provide for the content and custody of student and employee personnel records. Student records are subject to s. 1002.22. Employee records are subject to s. 1012.31.

(5) PERSONNEL.—

(a) The Florida School for Competitive Academics Board of Trustees shall require all employees and applicants for employment to undergo background screening as provided in s. 1012.32 as a condition of employment and continued employment. Members of the board of trustees must also undergo background screening in accordance with the relevant provisions of s. 1012.32. An individual may not be employed as an employee or contract personnel of the school or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(b) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida School for Competitive Academics. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. Classroom teachers employed by the school must be certified pursuant to chapter 1012.

3. Each person employed by the board of trustees in an academic, administrative, or instructional capacity with the Florida School for Competitive Academics is entitled to a contract as provided by rules of the board of trustees.



825760

4. All employees, except temporary, seasonal, and student employees, may be provided Florida Retirement System benefits from the school through operational costs.

(6) FUNDING.—

(a) The Florida School for Competitive Academics shall receive state funds for operating purposes as provided in the General Appropriations Act.

(b) In addition to the funds provided in the General Appropriations Act, the Florida School for Competitive Academics may receive other funds from grants and donations.

(7) AUDITS.—The Auditor General shall conduct audits of the accounts and records of the Florida School for Competitive Academics as provided in s. 11.45. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

(8) EXEMPTION FROM STATUTES.—

(a) The Florida School for Competitive Academics is exempt from all statutes in chapters 1000-1013. However, the Florida School for Competitive Academics shall be in compliance with the following statutes in chapters 1000-1013:

1. This section.

2. Those statutes pertaining to the student assessment program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including, but not limited to, s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.



825760

(b) Additionally, the Florida School for Competitive Academics shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1006.12, relating to safe-school officers.
4. Section 1006.07(7), relating to threat assessment teams.
5. Section 1006.07(9), relating to school environmental safety incident reporting.
6. Section 1006.07(10), relating to reporting of involuntary examinations.
7. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
8. Section 1006.07(6)(d), relating to adopting active assailant response plans.
9. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
10. Section 1012.584, relating to youth mental health awareness and assistance training.
11. Section 1003.4282, relating to requirements for a standard high school diploma.
12. Section 1003.03(1), relating to class size maximums.
- 13.a. Section 1011.61, relating to instructional hours requirements.

b. Notwithstanding sub-subparagraph a., the school may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

(c) For purposes of this subsection:

1. The duties assigned to a district school superintendent



825760

533 apply to the director of the Florida School for Competitive
534 Academics.

535 2. The duties assigned to a district school board apply to
536 the board of trustees.

537 Section 14. Paragraphs (e) and (f) of subsection (3) of
538 section 1002.37, Florida Statutes, are amended to read:

539 1002.37 The Florida Virtual School.—

540 (3) Funding for the Florida Virtual School shall be
541 provided as follows:

542 (e) The comparable wage factor ~~district cost differential~~
543 as provided in s. 1011.62(2) shall be established as 1.000.

544 (f) The Florida Virtual School shall receive state funds
545 for operating purposes as provided in the General Appropriations
546 Act. The calculation to determine the amount of state funds
547 includes: the sum of the basic amount for current operations
548 established in s. 1011.62(1)(s), the discretionary millage
549 compression supplement established in s. 1011.62(5) ~~base Florida~~
550 ~~Education Finance Program funding~~, the state-funded
551 discretionary contribution established in s. 1011.62(6), and a
552 per-full-time equivalent share of the discretionary millage
553 ~~compression supplement, the exceptional student education~~
554 guaranteed allocation established in s. 1011.62(8), and the
555 mental health assistance allocation established in s.

556 1011.62(13) the instructional materials allocation, the
557 ~~evidence-based reading instruction allocation, the mental health~~
558 ~~assistance allocation, and the teacher salary increase~~
559 ~~allocation. For the purpose of calculating the state-funded~~
560 ~~discretionary contribution, multiply the maximum allowable~~
561 ~~nonvoted discretionary millage for operations pursuant to s.~~



825760

~~1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. Funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.~~

Section 15. Subsection (12) of section 1002.394, Florida Statutes, as amended by chapter 2023-16, Laws of Florida, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3) (a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6) (1)2. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3) (a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1) (c)1., plus a per-full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7) (a), and (16), as funded in the General Appropriations Act, ~~except for the exceptional student education guaranteed allocation established pursuant to s. 1011.62(1) (c).~~

2. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be



825760

awarded to an eligible student who is enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3. The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation, the department shall transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

4. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An



825760

organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.

5. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3)(a) which has a balance in excess of \$24,000.

(b)1. Scholarships for students determined eligible pursuant to paragraph (3)(b) are established for up to 26,500 students annually beginning in the 2022-2023 school year. Beginning in the 2023-2024 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 3.0 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the



825760

preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d) ~~s. 1011.62(1)(c)1. and (c)1.e.,~~ plus a per full-time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established, as ~~funded in the General Appropriations Act, except that for the exceptional student education guaranteed allocation, as provided in s. 1011.62(8) s. 1011.62(1)(c)1.e. and 2.,~~ the funds must be



825760

allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the all categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must provide the department with the documentation necessary to verify the student's participation.

7. Upon receiving the documentation, the department shall release, from state funds only, the student's scholarship funds to the organization, to be deposited into the student's account in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the



825760

scholarship is in force.

8. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

9. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

10. An organization may not transfer any funds to an account of a student determined to be eligible pursuant to paragraph (3)(b) which has a balance in excess of \$50,000.

11. Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

Section 16. Paragraph (e) of subsection (1) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(e) Each school district shall:

1. Provide to the department by each October 1, a copy of each contract and the amount paid per unweighted full-time equivalent virtual student for services procured pursuant to subparagraphs (c)1. and 2.



825760

2. Expend any difference in the amount of funds per unweighted full-time equivalent virtual student allocated to the school district pursuant to subsection (6) and the amount paid per unweighted full-time equivalent virtual student by the school district for a contract executed pursuant to subparagraph (c)1. or subparagraph (c)2. on acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.

3. Provide to the department by September 1 of each year an itemized list of items acquired in subparagraph 2.

4. Limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction pursuant to paragraph (c) to no more than those that can be funded from state Florida Education Finance Program funds ~~50 percent of the total enrolled full-time equivalent virtual students residing inside the school district providing the virtual instruction. This subparagraph applies to any virtual instruction contract or agreement that is entered into for the first time after June 30, 2021. However, a school district may not enroll more full-time equivalent virtual students residing outside of the school district than the total number of reported full-time equivalent students residing inside the school district.~~

(6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the



825760

Florida Education Finance Program shall include the sum of the basic amount for current operations established in ~~base Florida Education Finance Program pursuant to~~ s. 1011.62(1)(s) and all categorical programs except for the categorical programs established in ss. 1011.62(7), (12), and (14), 1011.68, and 1011.685 ~~pursuant to ss. 1011.62(1)(f), (7), and (13); 1011.68; 1011.685; and 1012.71~~. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

Section 17. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The department, in collaboration with the Just Read, Florida! Office, shall adopt minimum standards for courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development, consistent with the evidence-based content and strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~. The course standards must be reviewed as part of any review of subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas conducted pursuant to s. 1012.586. Each course must also provide resources containing strategies that allow students with disabilities and other



825760

special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

Section 18. Paragraph (b) of subsection (3) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—
(3)

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

Section 19. Paragraph (a) of subsection (17) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(17)(a) Distribute the school readiness program funds as allocated in the General Appropriations Act to the eligible providers using the following methodology:

1. For each county in the early learning coalition, multiply the cost of care by care level as provided in s. 1002.90 by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).



825760

2. If a county enacted a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the provider reimbursement rates for that county by the adjustment factor specified in the General Appropriations Act.

3. Apply the weight established pursuant to s. 1002.90 for each provider type to calculate the minimum provider reimbursement rates by care level.

4. Multiply the weighted provider reimbursement rates by 22 percent to determine the amount of the school readiness allocation an early learning coalition is eligible to retain pursuant to s. 1002.89(4).

Each early learning coalition with approved minimum provider reimbursement rates for the infant to age 5 care levels that are higher than the minimum provider reimbursement rates established in this subsection may continue to implement its approved minimum provider reimbursement rates until the rates established in this subsection exceed its approved rates.

Section 20. Paragraph (a) of subsection (1) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL READINESS PROGRAM FUNDING.—Funding for the school readiness program shall be used by the early learning coalitions in accordance with this part and the General Appropriations Act.

(a) *School readiness program allocation.*—If the annual allocation for the school readiness program is not determined in



825760

the General Appropriations Act or the substantive bill implementing the General Appropriations Act, it shall be determined as follows:

1. For each county in the early learning coalition, the total school readiness eligible population, as adopted by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), shall be multiplied by the county's comparable wage factor ~~district cost differential~~ provided in s. 1011.62(2).

2. If a county passed a local ordinance before January 1, 2022, that establishes the county's staff-to-children ratio for licensed child care facilities below the ratio established in s. 402.305(4), multiply the product calculated in subparagraph 1. by the adjustment factor specified in the General Appropriations Act.

3. Each county's school readiness allocation shall be based on the county's proportionate share of the total adjusted eligible school readiness population.

Section 21. Paragraph (c) of subsection (1) of section 1002.995, Florida Statutes, is amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department shall:

(c) Subject to the appropriation of funds by the Legislature, provide incentives to school readiness personnel who meet the requirements of s. 1002.88(1)(e) and prekindergarten instructors who meet the requirements specified in s. 1002.55, s. 1002.61, or s. 1002.63 and who possess a reading certification or endorsement or a literacy micro-credential as specified in s. 1003.485 and teach students in the



825760

school readiness program or the voluntary prekindergarten education program or work in the child care or early learning setting.

Section 22. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to any individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.

2. Determine the number of FTE students which exceeds the maximum for each grade group.

3. Multiply the total number of FTE students which exceeds the maximum for each grade group by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.

4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the comparable wage factor ~~district cost differential~~ in the 2014-2015 fiscal year and thereafter.

5. Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in



825760

subparagraphs 3. and 4.

Section 23. Section 1003.4201, Florida Statutes, is created to read:

1003.4201 Comprehensive system of reading instruction.—Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.

(1) Each school district must develop, and submit to the district school board for approval, a detailed reading instruction plan that outlines the components of the district's comprehensive system of reading instruction. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) (a) Components of the reading instruction plan may include the following:

1. Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.

2. Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data collected pursuant to s. 1008.25(8) and improve classroom teacher delivery of effective reading instruction, reading



825760

intervention, and reading in the content areas based on student need.

3. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

4. Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.

5. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.

6. Tutoring in reading.

(b) Each school district must include in its reading instruction plan the planned school year expenditures for each component of such plan.

(3) Each school district shall submit its approved reading instruction plan, including approved reading instruction plans for each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) The department shall evaluate the implementation of each school district reading instruction plan, including conducting site visits and collecting specific data on reading



825760

improvement results.

(5) By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based intensive reading and intervention strategies in the classroom.

(6) For purposes of this section, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).

Section 24. Paragraphs (g) and (h) of subsection (4) of section 1003.485, Florida Statutes, are amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(g) Develop a micro-credential that requires teachers to demonstrate competency to:

1. Diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student;

2. Use evidence-based instructional and intervention practices, including strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~; and

3. Effectively use progress monitoring and intervention materials.

(h) Administer the early literacy micro-credential program established under this section, which must include components on content, student learning, pedagogy, and professional development and must build on a strong foundation of



825760

scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies, as identified by the Just Read, Florida! Office, pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~.

1. At a minimum, the micro-credential curriculum must be designed specifically for instructional personnel in prekindergarten through grade 3 based upon the strategies and techniques identified in s. 1002.59 and address foundational literacy skills of students in grades 4 through 12.

2. The micro-credential must be competency based and designed for eligible instructional personnel to complete the credentialing process in no more than 60 hours, in an online format. The micro-credential may be delivered in an in-person format. Eligible instructional personnel may receive the micro-credential once competency is demonstrated even if it is prior to the completion of 60 hours.

3. The micro-credential must be available by December 31, 2022, at no cost, to instructional personnel as defined in s. 1012.01(2); prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and child care personnel as defined in ss. 402.302(3) and 1002.88(1)(e).

Section 25. Paragraphs (g) and (j) of subsection (2) of section 1003.621, Florida Statutes, are 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



825760

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:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1003.4201 ~~s. 1011.62(8)(c)~~, relating to the requirement for a comprehensive system of reading instruction plan. ~~A district that is exempt from submitting a comprehensive reading plan shall be deemed approved to receive the evidence-based reading instruction allocation.~~ Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.

(j) Those statutes relating to instructional materials,



825760

except that s. 1006.37, relating to the requisition of state-adopted materials from the depository under contract with the publisher, and s. 1006.40(3)(b), relating to the purchase ~~use of~~ ~~50 percent of the~~ instructional materials ~~allocation~~, shall be eligible for exemption.

Section 26. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the comparable wage factor ~~district cost differential~~ pursuant to the formula required by s. 1011.80(7)(a) for the district in which the student resides.

Section 27. Section 1006.041, Florida Statutes, is created to read:

1006.041 Mental health assistance program.—Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.



825760

(1) Each school district must develop, and submit to the district school board for approval, a detailed plan outlining the components and planned expenditures of the district's mental health assistance program. The plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district. A charter school plan must comply with all of the provisions of this section and must be approved by the charter school's governing body and provided to the charter school's sponsor.

(2) A plan required under subsection (1) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plan must include all of the following components:

(a) Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. The providers shall include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan must also identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision



825760

of district staffing resource allocations based on school or student mental health assistance needs.

(b) Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth as defined in s. 456.47(1).

(c) Policies and procedures, including contracts with service providers, which will ensure that:

1. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days after referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

2. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school



825760

may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.

3. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in such individuals' behavioral health would contribute to the improved well-being of the student.

(d) Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

(e) Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

(f) Procedures to assist a mental health services provider or a behavioral health provider as described in paragraph (a) or paragraph (b), respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as defined in s. 393.063.

(g) Policies of the school district which must require that



825760

in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or through telehealth. The mental health professional may be available to the school district either by a contract or interagency agreement with the managing entity, one or more local community-based behavioral health providers, or the local mobile response team, or be a direct or contracted school district employee.

(3) Each school district shall submit its approved plan, including approved plans of each charter school in the district, to the Department of Education by August 1 of each fiscal year.

(4) Annually by September 30, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the total number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred to school-based or community-based providers for services or assistance.

(c) Students who receive school-based or community-based interventions, services, or assistance.

(d) School-based and community-based mental health providers, including licensure type.

(e) Contract-based or interagency agreement-based collaborative efforts or partnerships with community-based



825760

mental health programs, agencies, or providers.

Section 28. Paragraph (b) of subsection (6) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(b) *Mental health coordinator*.—Each district school board shall identify a mental health coordinator for the district. The mental health coordinator shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting, including:

1. Coordinating with the Office of Safe Schools, established pursuant to s. 1001.212.

2. Maintaining records and reports regarding student mental health as it relates to the mental health assistance program under s. 1006.041 and school safety ~~and the mental health assistance allocation under s. 1011.62(14).~~

3. Facilitating the implementation of school district policies relating to the respective duties and responsibilities



825760

of the school district, the superintendent, and district school principals.

4. Coordinating with the school safety specialist on the staffing and training of threat assessment teams and facilitating referrals to mental health services, as appropriate, for students and their families.

5. Coordinating with the school safety specialist on the training and resources for students and school district staff relating to youth mental health awareness and assistance.

6. Reviewing annually the school district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending such policies and procedures to the superintendent and the district school board.

Section 29. Subsection (3) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(3) The Office of Safe Schools shall make the FSSAT available no later than May 1 of each year.

(a) The office must provide annual training to each district's school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

(b) Each school district must annually report to the office by October 15 that all public schools within the school district have completed the FSSAT.

Section 30. Paragraph (c) is added to subsection (3) of section 1006.28, Florida Statutes, and paragraph (a) of subsection (1) of that section, is amended, to read:



825760

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DEFINITIONS.—

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

1. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked 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 of mathematics, language arts, social studies, science, reading, and literature.

2. "Instructional materials" has the same meaning as in s. 1006.29(2).

3. "Library media center" means any collection of books, ebooks, periodicals, and videos maintained and accessible on the site of a school, including classrooms.

(3) DISTRICT SCHOOL SUPERINTENDENT.—

(c) Annually by August 1, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided, that the materials are being implemented as designed, and that core reading materials and reading intervention materials used in kindergarten through grade 5 meet the requirements of s. 1001.215(8). Such instructional



825760

materials, as evaluated and identified pursuant to s.
1001.215(4), may be purchased by school districts without
undergoing the adoption procedures in s. 1006.40(4)(b).

Section 31. Section 1006.40, Florida Statutes, is amended
to read:

1006.40 Purchase ~~Use of instructional materials allocation;~~
~~instructional materials, library books, and reference books;~~
~~repair of books.-~~

(1) On or before July 1 each year, ~~the commissioner shall~~
~~certify to~~ each district school superintendent shall certify to
the Commissioner of Education the estimated allocation of state
funds for instructional materials, ~~computed pursuant to the~~
~~provisions of s. 1011.67~~ for the ensuing fiscal year.

(2) Each district school board must purchase current
instructional materials to provide 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. Such purchase
must be made within the first 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.

(3)(a) Except for a school district or a consortium of
school districts that implements an instructional materials
program pursuant to s. 1006.283, each district school board
shall ~~use the annual allocation only for the purchase of~~
instructional materials that align with state standards and are
included on the state-adopted list, ~~except as otherwise~~
~~authorized in paragraphs (b) and (c).~~



825760

(b) Up to 50 percent of the amount the school district has budgeted for instructional materials ~~annual allocation~~ may be used for:

1. The purchase of library and reference books and nonprint materials.

2. The purchase of other materials having intellectual content which assist in the instruction of a subject or course. These materials may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, novels, electronic content, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule.

3. The repair and renovation of textbooks and library books and replacements for items which were part of previously purchased instructional materials.

~~(c) District school boards may use 100 percent of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and 75 percent of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the state-adopted list.~~

(c) ~~(d)~~ Any materials purchased pursuant to this section must be:

1. Free of pornography and material prohibited under s. 847.012.

2. Suited to student needs and their ability to comprehend the material presented.

3. Appropriate for the grade level and age group for which



825760

the materials are used or made available.

(4) Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:

(a) Maximize student use of the district-approved instructional materials.

(b) Provide a process for public review of, public comment on, and the adoption of materials, including those used to provide instruction required by s. 1003.42, which satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.

~~(5) District school boards may issue purchase orders subsequent to February 1 in an aggregate amount which does not exceed 20 percent of the current year's allocation, and subsequent to April 1 in an aggregate amount which does not exceed 90 percent of the current year's allocation, for the purpose of expediting the delivery of instructional materials which are to be paid for from the ensuing year's allocation. This subsection does not apply to a district school board or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283.~~

~~(6) In any year in which the total instructional materials allocation for a school district has not been expended or obligated prior to June 30, the district school board shall carry forward the unobligated amount and shall add it to the next year's allocation.~~

~~(5)(7)~~ A district school board or a consortium of school districts that implements an instructional materials program



825760

pursuant to s. 1006.283 may ~~use the annual allocation to~~
purchase instructional materials not on the state-adopted list.
However, instructional materials purchased pursuant to this
section which are not included on the state-adopted list must
meet the criteria of s. 1006.31(2), align with state standards
adopted by the State Board of Education pursuant to s. 1003.41,
and be consistent with course expectations based on the
district's comprehensive plan for student progression and course
descriptions adopted in state board rule.

Section 32. Paragraph (n) of subsection (21) of section
1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(21) Each district school superintendent and each public
postsecondary institution president shall develop a
comprehensive dual enrollment articulation agreement for the
respective school district and postsecondary institution. The
superintendent and president shall establish an articulation
committee for the purpose of developing the agreement. Each
state university president may designate a university
representative to participate in the development of a dual
enrollment articulation agreement. A dual enrollment
articulation agreement shall be completed and submitted annually
by the postsecondary institution to the Department of Education
on or before August 1. The agreement must include, but is not
limited to:

(n) A funding provision that delineates costs incurred by
each entity.

1. School districts shall pay public postsecondary
institutions the standard tuition rate per credit hour from



825760

funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction. When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution. A postsecondary institution may enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

2. School districts shall pay for the cost of instructional materials for public high school students who are earning credit toward high school graduation under the dual enrollment program.

3.2. Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.

Section 33. Paragraph (b) of subsection (5) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting



825760

requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. ~~Such intensive reading interventions shall be paid for using funds from the district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).~~

Section 34. Paragraph (d) of subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(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 shall include:

(d) Based upon a review of each school district's reading instruction plan submitted pursuant to s. 1003.4201 ~~s. 1011.62(8)~~, 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).



825760

School reports 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 35. Subsections (2), (3), and (5) of section 1008.365, Florida Statutes, are amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.—

(2) The Reading Achievement Initiative for Scholastic Excellence (RAISE) Program is established within the Department of Education to provide instructional supports to school districts, school administrators, and instructional personnel in implementing:

(a) Evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency.

(b) Differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs.

(c) Explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension with more extensive opportunities for guided practice, error correction, and feedback ~~and interventions in order to improve student reading achievement.~~

(3) The department shall establish at least 20 literacy support regions and regional support teams, at the direction of a regional literacy support director appointed by the Commissioner of Education, to assist schools with improving low reading scores as provided in this section.

(a) A regional literacy support director must successfully demonstrate competence on the evidence-based strategies



825760

identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ and have the experience and credentials necessary, as determined by the department, to:

1. Effectively monitor student reading growth and achievement data;
2. Oversee districtwide and schoolwide professional development and planning to establish evidence-based practices among school administrators and instructional personnel;
3. Evaluate implementation of evidence-based practices; and
4. Manage a regional support team.

(b) A regional support team shall report to its regional literacy support director and must consist of individuals who:

1. Successfully demonstrate competence on the evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~;
2. Have substantial experience in literacy coaching and monitoring student progress data in reading; and
3. Have received training necessary to assist with the delivery of professional development and site-based supports, including modeling evidence-based practices and providing feedback to instructional personnel.

(5) The department shall provide progress monitoring data to regional support teams regarding the implementation of supports. Such supports must include:

- (a) Professional development, aligned to evidence-based strategies identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~, for appropriate instructional personnel and school administrators identified by the regional support team.

(b) Assistance with implementing:



825760

1. Data-informed instructional decisionmaking using progress monitoring and other appropriate data.

2. Selection and consistent, coordinated use of scientifically researched and evidence-based high-quality instructional materials and supplemental materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

3. Reading instruction in other core subject area curricula, with an emphasis on civic literacy.

4. A multitiered system of supports in order to provide students effective interventions and identify students who may require an evaluation for special educational services, including identifying characteristics of conditions that affect phonological processing, such as dyslexia.

(c) Evaluating a school's improvement plan for alignment with the school district's K-12 ~~comprehensive~~ reading instruction plan under s. 1003.4201 ~~s. 1011.62(8)(d)~~ and the school district's allocation of resources as required by s. 1008.25(3)(a). If the regional support team determines that the school district's reading instruction plan does not address the school's need to improve student outcomes, the regional literacy support director, the district school superintendent, or his or her designee, and the director of the Just Read, Florida! Office shall convene a meeting to rectify the deficiencies of the reading instruction plan.

Section 36. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1010.20, Florida Statutes, are amended to read:

1010.20 Cost accounting and reporting for school districts.—



825760

(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) ~~s. 1011.62(6)~~.

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(17) ~~s. 1011.62(6)~~ shall be expended for the costs of the identified programs as provided by law and in accordance with the rules of the State Board of Education.

Section 37. Section 1011.58, Florida Statutes, is created to read:

1011.58 Procedures for legislative budget requests for the Florida School for Competitive Academics.—

(1)(a) The legislative budget request of the Florida School for Competitive Academics established in s. 1002.351 must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget request of the Department of Education.

(b) The Florida School for Competitive Academics shall submit its legislative budget request to the Department of Education for review and approval. The school must create and submit to the department an implementation plan before the department may approve the budget request.

(c) Subsequent to the Department of Education's approval, the Commissioner of Education shall include the Florida School for Competitive Academics in the department's legislative budget request to the State Board of Education, the Governor, and the



825760

Legislature. The legislative budget request and the
appropriation for the Florida School for Competitive Academics
must be a separate identifiable sum in the public schools budget
entity of the Department of Education.

(d) The annual appropriation for the school shall be
distributed monthly, without using the Florida Education Finance
Program, in payments as nearly equal as possible. Appropriations
for textbooks, instructional technology, and school buses may be
released and distributed as necessary to serve the instructional
program for the students. Transportation of students shall be
provided by the school consistent with the requirements of
subpart E. of part I of chapter 1006 and s. 1012.45.

(2) The school shall submit its fixed capital outlay
request to the Department of Education for review and approval
in accordance with s. 1002.36(4)(f)1. Subsequent to the
department's approval, the school's request must be included
within the department's public education capital outlay
legislative budget request.

Section 38. Section 1011.59, Florida Statutes, is created
to read:

1011.59 Florida School for Competitive Academics; board of
trustees; management flexibility.-

(1) Notwithstanding ss. 216.031, 216.181, and 216.262 and
pursuant to s. 216.351, but subject to any guidelines imposed in
the General Appropriations Act, funds for the operation of the
Florida School for Competitive Academics shall be requested and
appropriated within budget entities, program components, program
categories, lump sums, or special categories. Funds appropriated
to the Florida School for Competitive Academics for each program



825760

category, lump sum, or special category may be transferred to traditional categories for expenditure by the board of trustees of the school. The board of trustees shall develop an annual operating budget that allocates funds by program component and traditional expenditure category.

(2) Notwithstanding s. 216.181 and pursuant to s. 216.351, but subject to any requirements imposed in the General Appropriations Act, a lump-sum plan is not required to implement the special categories, program categories, or lump-sum appropriations. Upon release of the special categories, program categories, or lump-sum appropriations to the board of trustees, the Chief Financial Officer shall, upon the request of the board of trustees, transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees shall maintain records to account for the original appropriation.

(3) Notwithstanding ss. 216.031, 216.181, 216.251, and 216.262 and pursuant to s. 216.351, but subject to any requirements imposed in the General Appropriations Act, the board of trustees shall establish the authorized positions and may amend such positions within the total funds authorized annually in the General Appropriations Act.

(4) Notwithstanding s. 216.301, all unexpended funds appropriated for the Florida School for Competitive Academics shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 39. Subsection (5) of section 1011.61, Florida Statutes, is amended to read:



825760

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(5) The “Florida Education Finance Program” includes all programs and costs as provided in ss. 1003.03, 1011.62, 1011.68, and 1011.685 ~~s. 1011.62~~.

Section 40. Paragraph (e) of subsection (1) of section 1011.62, Florida Statutes, is redesignated as paragraph (d), present paragraphs (c) through (f) and (s) of subsection (1) and subsections (2), (3), (5) through (9), and (11) through (17) are amended, and new paragraphs (e) and (f) are added to subsection (1) and new subsections (6) through (8) and (16) through (18) are added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The cost factor for secondary career education programs must be greater than the cost factor for ~~and~~ basic programs grade 9 through 12 ~~shall be equal~~. The Commissioner of Education shall



825760

specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.

4. English for Speakers of Other Languages.

~~(d) Annual allocation calculation.—~~

~~1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.~~

~~2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.~~



825760

~~3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.~~

~~a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.~~

~~b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Families and the Department of Juvenile Justice.~~

~~c. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:~~

~~(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment~~



825760

~~for that program derived from actual enrollments.~~

~~(II) If the difference calculated under sub-sub-
subparagraph (I) is greater than zero for any program, a
reduction proportion shall be computed for the program by
dividing the absolute value of the difference by the total
amount by which the weighted enrollment for the program group
exceeds the weighted enrollment ceiling for the program group.~~

~~(III) The reduction proportion calculated under sub-sub-
subparagraph (II) shall be multiplied by the total amount of the
program group's enrollment over the ceiling as calculated under
sub-sub-subparagraph (I).~~

~~(IV) The prorated reduction amount calculated under sub-
sub-subparagraph (III) shall be subtracted from the program's
weighted enrollment to produce a revised program weighted
enrollment.~~

~~(V) The prorated reduction amount calculated under sub-sub-
subparagraph (III) shall be divided by the appropriate program
weight, and the result shall be added to the revised program
weighted enrollment computed in sub-sub-subparagraph (IV).~~

~~(d)(e) Funding model for exceptional student education
programs.The funding model for exceptional student education
programs shall include all of the following:~~

~~1.1.a. For programs for exceptional students in The funding
model uses basic, at-risk, support levels IV and V as
established in paragraph (c), the funding model shall include
program for exceptional students and career Florida Education
Finance Program cost factors, and a guaranteed allocation for
exceptional student education programs.~~

~~a. Exceptional education cost factors are determined by~~



825760

using a matrix of services to document the services that each support level IV and support level V exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. ~~The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.~~

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

~~e. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students.~~

~~Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.~~

2. For students identified as exceptional in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in subparagraph 1. and for students who are gifted in grades kindergarten & through 8, the



825760

funding model shall include the funds generated on the basis of full-time equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for a basic student and additional funds provided by the exceptional student education guaranteed allocation established pursuant to subsection (8).

(e) Calculation of additional full-time equivalent membership for small school district exceptional student education.—An additional value per full-time equivalent student membership is provided to school districts with a full-time equivalent student membership of fewer than 10,000 and fewer than three full-time equivalent students in exceptional student education support levels IV and V. The Department of Education shall set the amount of the additional value based on documented evidence of the difference between the cost of the school district's exceptional student education support levels IV and V services and the applicable Florida Education Finance Program funds appropriated in the General Appropriations Act. The total statewide value may not exceed a value per weighted full-time equivalent student as specified in the General Appropriations Act. The additional value for an eligible school district shall not exceed three full-time equivalent students for each of the exceptional student education support levels IV and V ~~there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(1) and rules of the State Board of Education, which shall be allocated initially to each school district in the amount provided in the General Appropriations Act. These funds shall be supplemental to the funds appropriated for the basic~~



825760

~~funding level, and the amount allocated for each school district shall be recalculated during the year, based on actual student membership from FTE surveys. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation based on each district's share of the total recalculated amount. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. A district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.~~

(f) Small district factor.—An additional value per full-time equivalent student membership is provided to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students which is in a fiscally constrained county as described in s. 218.67(1). The amount of the additional value shall be specified in the General Appropriations Act.

~~(f) Supplemental academic instruction allocation.—~~

~~1. There is created the supplemental academic instruction allocation to provide supplemental academic instruction to students in kindergarten through grade 12.~~

~~2. The supplemental academic instruction allocation shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds are in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be~~



825760

~~included in the total potential funds of each district.
Beginning with the 2018-2019 fiscal year, each school district
that has a school earning a grade of "D" or "F" pursuant to s.
1008.34 must use that school's portion of the supplemental
academic instruction allocation to implement intervention and
support strategies for school improvement pursuant to s. 1008.33
and for salary incentives pursuant to s. 1012.2315(3) or salary
supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
through a memorandum of understanding between the collective
bargaining agent and the school board that addresses the
selection, placement, and expectations of instructional
personnel and school administrators. For all other schools, the
school district's use of the supplemental academic instruction
allocation may include, but is not limited to, the use of a
modified curriculum; reading instruction; after-school
instruction; tutoring; mentoring; a reduction in class size;
extended school year; intensive skills development in summer
school; dropout prevention programs as defined in ss. 1003.52
and 1003.53(1)(a), (b), and (c); and other methods of improving
student achievement. Supplemental academic instruction may be
provided to a student in any manner and at any time during or
beyond the regular 180-day term identified by the school as
being the most effective and efficient way to best help that
student progress from grade to grade and to graduate.~~

~~3. The supplemental academic instruction allocation shall
consist of a base amount that has a workload adjustment based on
changes in unweighted FTE. The supplemental academic instruction
allocation shall be recalculated during the fiscal year. Upon
recalculation of funding for the supplemental academic~~



825760

~~instruction allocation, if the total allocation is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each district's share of the total.~~

~~4. Funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction allocation and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.~~

(s) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The comparable wage factor ~~district cost differential~~, multiplied by

4. The base student allocation.

(2) DETERMINATION OF COMPARABLE WAGE FACTOR ~~DISTRICT COST DIFFERENTIALS.~~—



825760

(a) The Commissioner of Education shall annually compute for each district the current year's comparable wage factor ~~district cost differential~~. The comparable wage factor ~~district cost differential~~ shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the comparable wage factor ~~cost differential~~ for that district for that year.

(b) The comparable wage factor for each school district is used in the calculation of the basic amount for current operation pursuant to subsection (1) if the comparable wage factor is greater than 1.000.

(c) The limitation authorized in paragraph (b) applies to any categorical funding provided in the Florida Education Finance Program that has a calculation methodology that includes the comparable wage factor.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsection (1) ~~subsections (1) and (2)~~, a percentage of the basic amount for current operation ~~base student allocation per full-time equivalent student~~ or other funds shall be expended for educational training programs as determined by the district school board as provided in s. 1012.98.

(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), the rate of nonvoted current operating discretionary millage that shall be used to calculate



825760

a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted full-time equivalent student FTE for the district that is less than the state average, the district shall receive an amount per full-time equivalent student FTE that, when added to the funds per full-time equivalent student FTE generated by the designated levy, shall equal the state average.

(6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-funded discretionary contribution is created to fund the nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) for developmental research schools (lab schools) established in s. 1002.32 and the Florida Virtual School established in s. 1002.37.

(a) To calculate the state-funded discretionary contribution for lab schools, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district in which the lab school is located; divide the result by the total full-time equivalent membership of the school district; and multiply the result by the full-time equivalent membership of the lab school. The amount obtained shall be appropriated in the General Appropriations Act to the Lab School Trust Fund established pursuant to s. 1002.32(9).

(b) To calculate the state-funded discretionary contribution for the Florida Virtual School, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the



825760

state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the Florida Virtual School.

(7) EDUCATIONAL ENRICHMENT ALLOCATION.—

(a) The educational enrichment allocation is created to assist school districts in providing educational enrichment activities and services that support and increase the academic achievement of students in grades kindergarten through 12. Educational enrichment activities and services may be provided in a manner and at any time during or beyond the regular 180-day term identified by the school district as being the most effective and efficient way to best help the student progress from grade to grade and graduate from high school. For fiscal year 2023-2024, the educational enrichment allocation shall consist of a base amount as specified in the General Appropriations Act. Beginning in fiscal year 2024-2025, the educational enrichment allocation shall consist of the base amount that includes a workload adjustment based on changes in the unweighted full-time equivalent membership.

(b) For district-managed turnaround schools as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), a supplemental amount shall be added to their educational enrichment allocation for purposes of implementing the intervention and support strategies identified in the turnaround plan submitted pursuant to s. 1008.33.

1. The supplemental amount shall be based on the unweighted



825760

full-time equivalent student enrollment at the eligible schools and a per full-time equivalent funding amount of \$500 or as provided in the General Appropriations Act.

2. Services funded by the allocation may include, but are not limited to, tutorial and afterschool programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

3. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(c) The educational enrichment allocation, to include the supplemental amount, shall be recalculated during the fiscal year pursuant to paragraph (1)(a). If the recalculated amount is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each school district's proportionate share of the total allocation.

(d) Funding on the basis of full-time equivalent membership beyond the 180-day regular term shall be provided in the Florida Education Finance Program only for students enrolled in juvenile



825760

justice education programs or in education programs for
juveniles placed in secure facilities or programs pursuant to s.
985.19. Funding for instruction beyond the regular 180-day
school year for all other kindergarten through grade 12 students
shall be provided through the educational enrichment allocation
and other state, federal, and local funding sources with
flexibility for schools to provide educational enrichment
activities and services to assist students in grades
kindergarten through 12.

(8) EXCEPTIONAL STUDENT EDUCATION GUARANTEED ALLOCATION.—

The exceptional student education guaranteed allocation is
created to fund the additional costs of programs for exceptional
students specified in subparagraph (1)(d)2. and shall be
supplemental to the funds appropriated in the Florida Education
Finance Program for the basic student funding level.

(a) The amount of each school district's exceptional
student education guaranteed allocation shall be the greater of
either the school district's prior year exceptional student
education guaranteed allocation funds per eligible full-time
equivalent student or the exceptional student education
guaranteed allocation factor as specified in the General
Appropriations Act multiplied by the school district's total
number of eligible full-time equivalent students.

(b) The exceptional student education guaranteed allocation
shall be recalculated during the fiscal year based on actual
full-time equivalent student membership. If the recalculated
amount is greater than the amount provided in the General
Appropriations Act, the total shall be prorated to the level of
the appropriation based on each school district's share of the



825760

total recalculated allocation amount.

~~(6) CATEGORICAL FUNDS.—~~

~~(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.~~

~~(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:~~

~~1. Funds for student transportation.~~

~~2. Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase computers and device hardware for student instruction that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3. Funds for the guaranteed allocation as provided in subparagraph (1)(c)2.~~

~~4. Funds for the supplemental academic instruction allocation as provided in paragraph (1)(f).~~

~~5. Funds for the federally connected student supplement as~~



825760

~~provided in subsection (10).~~

~~6. Funds for class size reduction as provided in s.
1011.685.~~

~~(c) Each district school board shall include in its annual
financial report to the Department of Education the amount of
funds the school board transferred from each of the categorical
funds identified in this subsection and the specific academic
classroom instruction or school safety need for which the
transferred funds were expended. The Department of Education
shall provide instructions and specify the format to be used in
submitting this required information as a part of the district
annual financial report. The Department of Education shall
submit a report to the Legislature that identifies by district
and by categorical fund the amount transferred and the specific
academic classroom activity or school safety need for which the
funds were expended.~~

~~(7) DETERMINATION OF SPARSITY SUPPLEMENT.—~~

~~(a) Annually, in an amount to be determined by the
Legislature through the General Appropriations Act, there shall
be added to the basic amount for current operation of the FEPP
qualified districts a sparsity supplement which shall be
computed as follows:~~

~~Sparsity Factor = 1101.8918 — 0.1101~~

~~2700 + district
sparsity
index~~



825760

~~except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 30,000.~~

~~(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education. For districts with a full-time equivalent student membership of at least 20,000, but no more than 30,000, the index shall be computed by dividing the total number of full-time equivalent students in all programs by the number of permanent senior high school centers in the district, not in excess of four.~~

~~(c) If the sparsity supplement calculated in paragraphs (a) and (b) for an eligible district is less than \$100 per full-time equivalent student, the district's supplement shall be increased to \$100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act.~~

~~(d) Each district's allocation of sparsity supplement funds~~



825760

~~shall be adjusted in the following manner:~~

~~1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.~~

~~2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.~~

~~3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for each district by its FTE student count.~~

~~4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for all districts by the state total FTE student count.~~

~~5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.~~

~~6. Each district's sparsity supplement allocation shall be~~



825760

~~calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.~~

~~(8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—~~

~~(a) The evidence-based reading instruction allocation is created to provide comprehensive reading instruction to students in prekindergarten through grade 12.~~

~~(b) Intensive reading instruction for students who have reading deficiencies must include evidence-based reading instruction proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the coordinated integration of civic literacy, science, and mathematics-text reading, text discussion, and writing in response to reading.~~

~~(c) Funds for comprehensive, evidence-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.~~

~~(d) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to~~



825760

~~students enrolled in the prekindergarten-12 programs and certain students who exhibit a substantial deficiency in early literacy, which may include the following:~~

~~1. Additional time per day of evidence-based intensive reading instruction to students, which may be delivered during or outside of the regular school day.~~

~~2. Kindergarten through grade 12 evidence-based intensive reading interventions.~~

~~3. Highly qualified reading coaches, who must be endorsed in reading, to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.~~

~~4. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.~~

~~5. Summer reading camps, using only teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 5 who demonstrate a reading deficiency as determined by district and state assessments.~~

~~6. Scientifically researched and evidence-based supplemental instructional materials as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~

~~7. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance~~



825760

~~Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.~~

~~8. Tutoring in reading.~~

~~(c)1. Annually, by a date determined by the Department of Education, each school district shall submit a comprehensive reading plan approved by the applicable district school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation, based upon a root-cause analysis. The State Regional Literacy Director may assist in the development of the plan. The department shall provide a plan format. A district school board may use the format developed by the department or a format developed by the district school board.~~

~~2. Intensive reading interventions must be delivered by instructional personnel who possess the micro-credential as provided in s. 1003.485 or are certified or endorsed in reading and must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).~~

~~Instructional personnel who possess a micro-credential as specified in s. 1003.485 and are delivering intensive reading interventions must be supervised by an individual certified or endorsed in reading. For the purposes of this subsection, the term "supervision" means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.~~

~~3. By July 1 of each year, the department shall release to each school district its allocation of appropriated funds. The~~



825760

~~department shall evaluate the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature and the State Board of Education, including any recommendations for improving implementation of evidence-based reading and intervention strategies in classrooms.~~

~~For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i).~~

(9) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE JUSTICE EDUCATION PROGRAMS.—

(a) The total kindergarten through grade 12 K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor multiplied by the comparable wage factor for the school district established in subsection (2) district's cost differential. An amount equal to the sum of this calculation shall be allocated in the Florida Education Finance Program FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(b) Funds allocated under this subsection shall be used to provide the juvenile justice education programs pursuant to s. 1003.52 and may be used to pay for the high school equivalency examination fees for juvenile justice students who pass the high



825760

school equivalency examination in full, or in part, while in a
juvenile justice education program, the industry credentialing
testing fees for such students, and the costs associated with
such juvenile justice students enrolled in career and technical
education courses that lead to industry-recognized
certifications.

(11) QUALITY ASSURANCE GUARANTEE.—The Legislature may
annually in the General Appropriations Act determine a
percentage increase in funds per kindergarten through grade 12
K-12 unweighted full-time equivalent student FTE as a minimum
guarantee to each school district. The guarantee shall be
calculated from prior year base funding per unweighted full-time
equivalent FTE student which shall include the adjusted full-
time equivalent FTE dollars as provided in subsection (15),
quality guarantee funds, and actual nonvoted discretionary local
effort from taxes. From the base funding per unweighted full-
time equivalent student FTE, the increase shall be calculated
for the current year. The current year funds from which the
guarantee shall be determined shall include the adjusted full-
time equivalent FTE dollars as provided in subsection (15) and
potential nonvoted discretionary local effort from taxes. A
comparison of current year funds per unweighted full-time
equivalent student FTE to prior year funds per unweighted full-
time equivalent student FTE shall be computed. For those school
districts which have less than the legislatively assigned
percentage increase, funds shall be provided to guarantee the
assigned percentage increase in funds per unweighted full-time
equivalent FTE student. Should appropriated funds be less than
the sum of this calculated amount for all districts, the



825760

commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with ss. 1006.07-1006.12, with priority given to safe-school officers pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, one-third shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. ~~Each school district must report to the Department of Education by October 15 that all public schools within the school district have completed the school security risk assessment using the Florida Safe Schools Assessment Tool developed pursuant to s. 1006.1493.~~ If a district school board is required by s. 1006.12 to assign a school resource officer or school safety officer to a charter school, the charter school's share of costs for such officer may not exceed the amount of funds allocated to the charter school under this subsection.

(13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in their implementation of their establishing ~~or expanding~~ school-based mental health assistance program pursuant to s. 1006.041 ~~care; train educators and other school~~



825760

~~staff in detecting and responding to mental health issues; and~~
~~connect children, youth, and families who may experience~~
~~behavioral health issues with appropriate services.~~ These funds
shall be allocated annually in the General Appropriations Act or
other law to each eligible school district. Each school district
shall receive a minimum of \$100,000, with the remaining balance
allocated based on each school district's proportionate share of
the state's total unweighted full-time equivalent student
enrollment. ~~Charter schools that submit a plan separate from the~~
~~school district are entitled to a proportionate share of~~
~~district funding. The allocated funds may not supplant funds~~
~~that are provided for this purpose from other operating funds~~
~~and may not be used to increase salaries or provide bonuses.~~
~~School districts are encouraged to maximize third-party health~~
~~insurance benefits and Medicaid claiming for services, where~~
~~appropriate.~~

~~(a) Before the distribution of the allocation:~~

~~1. The school district must develop and submit a detailed~~
~~plan outlining the local program and planned expenditures to the~~
~~district school board for approval. This plan must include all~~
~~district schools, including charter schools, unless a charter~~
~~school elects to submit a plan independently from the school~~
~~district pursuant to subparagraph 2.~~

~~2. A charter school may develop and submit a detailed plan~~
~~outlining the local program and planned expenditures to its~~
~~governing body for approval. After the plan is approved by the~~
~~governing body, it must be provided to the charter school's~~
~~sponsor.~~

~~(b) The plans required under paragraph (a) must be focused~~



825760

~~on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:~~

~~1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.~~

~~2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior~~



825760

~~modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.~~

~~3. Policies and procedures, including contracts with service providers, which will ensure that:~~

~~a. Students referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and students at risk for mental health disorders are assessed within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.~~

~~b. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.~~

~~c. Individuals living in a household with a student receiving services under this subsection are provided information about behavioral health services available through other delivery systems or payors for which such individuals may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.~~



825760

~~4. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.~~

~~5. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.~~

~~6. Procedures to assist a mental health services provider or a behavioral health provider as described in subparagraph 1. or subparagraph 2., respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as that term is defined in s. 393.063.~~

~~7. Policies of the school district which must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or using telehealth as defined in s. 456.47. The mental health professional may be available to the school district either by contracts or interagency agreements with the managing~~



825760

~~entity, one or more local community behavioral health providers, or the local mobile response team or be a direct or contracted school district employee.~~

~~(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.~~

~~(d) Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:~~

~~1. Students who receive screenings or assessments.~~

~~2. Students who are referred to either school-based or community-based providers for services or assistance.~~

~~3. Students who receive either school-based or community-based interventions, services, or assistance.~~

~~4. School-based and community-based mental health providers, including licensure type, paid for from funds provided through the allocation.~~

~~5. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.~~

(14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL SALARY INCREASE ALLOCATION.—The Legislature may annually apportion an amount of funds provided ~~provide~~ in the Florida Education Finance Program to assist school districts and charter schools in their compliance with the requirement that the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), and certified prekindergarten teachers funded in the Florida Education Finance Program is at least



825760

~~\$47,500 a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount and distribution methodology for the funding of the allocation shall be specified in the General Appropriations Act.~~

~~(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17) (b). If a district school board has not received its allocation due to its failure to submit an approved district salary distribution plan, the district school board must still provide each charter school that has submitted a salary distribution plan within its district its proportionate share of the allocation.~~

~~(b) Allocation funds are restricted in use as follows:~~

~~1. Each school district and charter school shall use its share of the allocation to increase the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, to at least \$47,500, or to the maximum amount achievable based on the allocation and as specified in the General Appropriations Act. The term "minimum base salary" means the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. No full-time classroom teacher shall receive a salary less than the minimum base salary as adjusted by this subparagraph. This subparagraph does not apply to substitute teachers.~~

~~2. In addition, each school district shall use its share of~~



825760

~~the allocation to provide salary increases, as funding permits,
for the following personnel:~~

~~a. Full-time classroom teachers, as defined in s.
1012.01(2) (a), plus certified prekindergarten teachers funded in
the Florida Education Finance Program, who did not receive an
increase or who received an increase of less than 2 percent
under subparagraph 1. or as specified in the General
Appropriations Act. This subparagraph does not apply to
substitute teachers.~~

~~b. Other full-time instructional personnel as defined in s.
1012.01(2) (b) -- (d).~~

~~3. A school district or charter school may use funds
available after the requirements of subparagraph 1. are met to
provide salary increases pursuant to subparagraph 2.~~

~~4. A school district or charter school shall maintain the
minimum base salary achieved for classroom teachers provided
under subparagraph 1. and may not reduce the salary increases
provided under subparagraph 2. in any subsequent fiscal year,
unless specifically authorized in the General Appropriations
Act.~~

~~(c) Before distributing allocation funds received pursuant
to paragraph (a), each school district and each charter school
shall develop a salary distribution plan that clearly delineates
the planned distribution of funds pursuant to paragraph (b) in
accordance with modified salary schedules, as necessary, for the
implementation of this subsection.~~

~~1. Each school district superintendent and each charter
school administrator must submit its proposed salary
distribution plan to the district school board or the charter~~



825760

~~school governing body, as appropriate, for approval.~~

~~2. Each school district shall submit the approved district salary distribution plan and the approved salary distribution plan for each charter school in the district to the department by October 1 of each fiscal year.~~

~~(d) In a format specified by the department, provide as follows:~~

~~1. By December 1, each school district shall provide a preliminary report to the department that includes a detailed summary explaining the school district's planned expenditure of the entire allocation for the district received pursuant to paragraph (a), the amount of the increase to the minimum base salary for classroom teachers pursuant to paragraph (b), and the school district's salary schedule for the prior fiscal year and the fiscal year in which the base salary is increased. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's preliminary report to the department.~~

~~2. By February 1, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide report on the planned expenditure of the teacher salary increase allocation, which includes the detailed summary provided by each school district and charter school.~~

~~3. By August 1, each school district shall provide a final report to the department with the information required in subparagraph 1. for the prior fiscal year. Each charter school governing board shall submit the information required under this~~



825760

~~subparagraph to the district school board for inclusion in the school district's final report to the department.~~

~~(c) Although district school boards and charter school governing boards are not precluded from bargaining over wages, the teacher salary increase allocation must be used solely to comply with the requirements of this section. A district school board or charter school governing board that is unable to meet the reporting requirements specified in paragraph (c) or paragraph (d) 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.~~

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the Florida Education Finance Program ~~FEFP~~ shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) If the funds appropriated for current operation of the Florida Education Finance Program, including funds appropriated pursuant to subsection (18) ~~FEFP~~ are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the



825760

total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation. However, no calculation subsequent to the appropriation shall result in negative state funds for any district.

(16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.—

(a) The state-funded discretionary supplement is created to fund the nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) for students awarded a Family Empowerment Scholarship in accordance with s. 1002.394. To calculate the state-funded discretionary supplement for inclusion in the amount of the scholarship funding:

1. For fiscal year 2023-2024, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district where the student is reported for purposes of the Florida Education Finance Program as appropriated in the General Appropriations Act; divide the result by the school district's total unweighted full-time equivalent membership as appropriated in the General Appropriations Act; and multiply the result by the total unweighted full-time equivalent membership associated with the number of Family Empowerment Scholarship students included in the school district's total unweighted full-time equivalent membership. A base amount as specified in the General Appropriations Act shall be added to this amount for purposes of



825760

calculating the total amount of the supplement.

2. Beginning in fiscal year 2024-2025 and thereafter,
multiply the maximum allowable nonvoted discretionary millage
for operations pursuant to s. 1011.71(1) and (3) by the value of
96 percent of the current year's taxable value for school
purposes for the school district where the student is reported
for purposes of the Florida Education Finance Program as
appropriated in the General Appropriations Act; divide the
result by the school district's total unweighted full-time
equivalent membership as appropriated in the General
Appropriations Act; and multiply the result by the total
unweighted full-time equivalent membership associated with the
number of Family Empowerment Scholarship students. The prior
year's base amount shall be adjusted based on changes in the
eligible number of unweighted full-time equivalent membership
associated with the number of Family Empowerment Scholarship
students.

(b) The state-funded discretionary supplement shall be
recalculated during the fiscal year pursuant to paragraph
(1)(a). If the recalculated amount is greater than the amount
provided in the General Appropriations Act, the allocation shall
be prorated to the level provided to support the appropriation,
based on each school district's proportionate share of the total
allocation.

(17) CATEGORICAL FUNDS.—

(a) If a district school board determines that some or all
of the funds received for any of the categorical programs
established in this section are needed to maintain or enhance
school board-specified academic classroom instruction, maintain



825760

or expand career and technical education instruction, or improve school safety, the school district may consider and approve an amendment to the school district's operating budget by transferring the identified amount of the categorical funds to the appropriate account for expenditure.

(b) Each school district shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction, maintain or expand career and technical education instruction, or school safety need for which the transferred funds were expended. The department shall provide instructions and specify the format to be used in submitting this required information as part of the district annual financial report. The department shall annually submit a report to the Legislature which identifies by school district and by categorical fund the amount transferred and the specific academic classroom activity, the maintained or expanded career and technical education instruction, or the school safety need for which the funds were expended.

(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—

(a) The educational enrollment stabilization program is created to provide supplemental state funds as needed to maintain the stability of the operations of public schools in each school district and to protect districts, including charter schools, from financial instability as a result of changes in full-time equivalent student enrollment throughout the school year. This program shall be implemented to the extent funds are available.



825760

(b) The Legislature may annually appropriate funds in the General Appropriations Act to the Department of Education for this program. The Department of Education shall use funds as appropriated to ensure that, based on each recalculation of the Florida Education Finance Program pursuant to paragraph (1)(a), a school district's funds per unweighted full-time equivalent student is not less than the greater of either the school district's funds per unweighted full-time equivalent student as appropriated in the General Appropriations Act or the school district's funds per unweighted full-time equivalent student as recalculated based upon the receipt of the certified taxable value for school purposes pursuant to s. 1011.62(4).

~~(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL EFFORT. Calculations required in this section shall be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.~~

~~(17) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION. The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as identified in s. 1008.33(4)(a), schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3., and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(c), with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.~~

~~(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an~~



825760

~~extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.~~

~~2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.~~

~~(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year.~~

~~(c) At a minimum, the plan required under paragraph (b) must:~~

~~1. Establish comprehensive support services that develop family and community partnerships;~~

~~2. Establish clearly defined and measurable high academic and character standards;~~

~~3. Increase parental involvement and engagement in the child's education;~~

~~4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;~~

~~5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic~~



825760

~~and character standards;~~

~~6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and~~

~~7. Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.~~

~~(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.~~

~~(e) Subject to legislative appropriation, each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.~~

~~(f) Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to~~



825760

~~s. 1008.33(4). In addition, a school that improves to a grade of "C" or higher shall remain eligible to receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status.~~

Section 41. Section 1011.622, Florida Statutes, is amended to read:

1011.622 Adjustments for students without a Florida student identification number.—The Florida Education Finance Program funding calculations, including the calculations authorized in ss. 1011.62, ~~1011.67~~, 1011.68, and 1011.685, shall include funding for a student only when all of the student's records are reported to the Department of Education under a Florida student identification number. The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 42. Section 1011.67, Florida Statutes, is repealed.

Section 43. Subsection (4) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

~~(4) The following funds are excluded from the school-level allocation under this section: Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f).~~

Section 44. Paragraph (b) of subsection (3) of section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida



825760

College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(b) The apportionment to each Florida College System institution from the Florida College System Program Fund shall be determined annually in the General Appropriations Act. In determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various Florida College System institutions, including, but not limited to:

a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other



825760

materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. Comparable wage factor ~~District Cost Differential~~.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.

Section 45. Section 1012.44, Florida Statutes, is amended to read:

1012.44 Qualifications for certain persons providing speech-language services.—The State Board of Education shall adopt rules for speech-language services to school districts that qualify for additional full-time equivalent membership under s. 1011.62(1)(f) ~~the sparsity supplement as described in s. 1011.62(7)~~. These services may be provided by baccalaureate



825760

degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher.

Section 46. Subsections (1) and (4) of section 1012.584, Florida Statutes, are amended to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) ~~Beginning with the 2018-2019 school year,~~ The Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1006.041 ~~ss. 1006.04 and 1011.62(13)~~.

Section 47. 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.—



825760

(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)(f) for alignment with evidence-based instructional and intervention strategies rooted in the science of reading and identified pursuant to s. 1001.215(7) ~~s. 1001.215(8)~~ 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 48. Section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(1) For purposes of the Florida Teachers Classroom Supply Assistance Program, the term "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through



825760

grade 12, who are funded through the Florida Education Finance Program. A "job-share" classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

(2) The amount of funds per classroom teacher for the Florida Teachers Classroom Supply Assistance Program shall be specified ~~The Legislature,~~ in the General Appropriations Act, ~~shall determine funding for the Florida Teachers Classroom Supply Assistance Program. Classroom teachers shall use the funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Classroom Supply Assistance Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district's proportionate share of the state's total unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.~~

(3) ~~From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is estimated to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher's proportionate share of the total amount allocated to the district from state funds and~~



825760

~~funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. For a classroom teachers teacher determined eligible on July 1, the district school board and each charter school board shall ~~may~~ provide such classroom teachers ~~the teacher~~ with their amount as specified in the General Appropriations Act ~~his or her total proportionate share~~ by August 1. For classroom teachers based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide such classroom teachers with their amount as specified in the General Appropriations Act ~~the teacher with his or her total proportionate share~~ by September 30. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher ~~The proportionate share may be provided by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.~~~~

(4) The Department of Education shall administer a



825760

competitive procurement through which eligible classroom teachers may purchase classroom materials and supplies. Annually, by September 1, each school district shall submit to the department:

(a) The name of each eligible classroom teacher.

(b) The proportionate share of the amount as specified in the General Appropriations Act for each eligible job-share classroom teacher.

(c) The name and Master School Identification Number of the school in which the eligible classroom teacher is assigned.

(d) Any other information necessary for the administration of the program as determined by the department.

(5) ~~(4)~~ Each classroom teacher must ~~sign a statement acknowledging receipt of the funds,~~ keep receipts for no less than 4 years to show that funds expended meet the requirements of this section, ~~and return any unused funds to the district school board at the end of the regular school year.~~ Any unused funds ~~that are returned to the district school board~~ shall be deposited into the school advisory council account of the school at which the classroom teacher ~~returning the funds~~ was employed when ~~that teacher received the funds~~ were made available to the classroom teacher. If the school does not have a school advisory council, the funds shall be expended for classroom materials and supplies as determined by the school principal ~~or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored,~~ as applicable.

~~(5) The statement must be signed and dated by each classroom teacher before receipt of the Florida Teachers~~



825760

~~Classroom Supply Assistance Program funds and shall include the wording: "I, ... (name of teacher) ..., am employed by the County District School Board or by the Charter School as a full-time classroom teacher. I acknowledge that Florida Teachers Classroom Supply Assistance Program funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep the receipts for all expenditures for no less than 4 years. I understand that if I do not keep the receipts, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unexpended funds to the district school board at the end of the regular school year for deposit into the school advisory council account of the school where I was employed at the time I received the funds or for deposit into the Florida Teachers Classroom Supply Assistance Program account of the school district in which the charter school is sponsored, as applicable."~~

~~(6) The Department of Education and district school boards may, and are encouraged to, enter into public-private partnerships in order to increase the total amount of Florida Teachers Classroom Supply Assistance Programs funds available to classroom teachers.~~

Section 49. Section 1012.715, Florida Statutes, is created to read:

1012.715 Heroes in the classroom sign-on bonus.—

(1) PURPOSE.—Subject to legislative appropriation, the Department of Education shall provide a one-time sign-on bonus,



825760

as provided in the General Appropriations Act, to honorably discharged or retired military veterans and retired first responders, as defined in s. 112.1815(1), who commit to joining the teaching profession as a full-time classroom teacher. An honorably discharged or retired military veteran or retired first responder may receive an additional bonus for teaching a course in a high-demand teacher need area, as identified by the department pursuant to paragraph (3) (e).

(2) ELIGIBILITY.—To be eligible to receive a sign-on bonus, an applicant must be an honorably discharged or retired military veteran or retired first responder and provide the following to the department:

(a) Documentation of his or her honorable discharge or retirement.

(b) Documentation that he or she was not subject to any disciplinary action during the last 5 years of his or her employment as a servicemember in the United States Armed Forces or as a first responder. The term "disciplinary action" includes suspensions, dismissals, and involuntary demotions that were associated with disciplinary actions.

(c) A copy of his or her professional certificate or temporary certificate issued pursuant to s. 1012.56(7).

(d) Documentation that he or she agrees to maintain employment with the school district or charter school for a minimum of 2 consecutive school years upon receipt of the sign-on bonus. An individual who accepts a sign-on bonus pursuant to this section but fails to maintain his or her employment pursuant to this paragraph must reimburse the department the amount of the sign-on bonus in a manner prescribed by the



825760

department.

(3) DEPARTMENT OF EDUCATION RESPONSIBILITIES.—The department shall distribute bonuses pursuant to this section and, at a minimum, must:

(a) Establish a method for determining the estimated number of eligible honorably discharged or retired military veterans and retired first responders to be hired in the applicable fiscal year.

(b) Establish additional minimum criteria necessary for an individual to be eligible for a sign-on bonus.

(c) Establish an estimated cost to the department for developing and administering the bonus program.

(d) Establish a method for an individual to reimburse the department if he or she receives the sign-on bonus but does not maintain employment for the required consecutive 2-year period.

(e) Identify courses that are in high-demand teacher need areas in which honorably discharged or retired military veterans or retired first responders may teach to be eligible for an additional bonus.

(4) SCHOOL DISTRICT RESPONSIBILITIES.—A school district that employs an eligible honorably discharged or retired military veteran or retired first responder must:

(a) Provide any necessary information requested by the department.

(b) In a manner established by the department, notify the eligible honorably discharged or retired military veteran or retired first responder that employment may impact his or her pension from a previous employer.

(5) RULEMAKING.—The State Board of Education may adopt



825760

rules to implement this section.

Section 50. The Division of Law Revision is directed to revise the title of subpart D. of part I of chapter 1011, Florida Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes, to read "Florida School for the Deaf and the Blind and Florida School for Competitive Academics: Preparation, Adoption, and Implementation of Budgets" to conform to the amendments made by this act.

Section 51. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.;
revising the duties of the Auditor General to conform
to changes made by the act; amending s. 110.1228,
F.S.; conforming a cross-reference; amending s.
216.251, F.S.; providing the manner of setting
salaries for positions within the Florida School for
Competitive Academics; amending s. 402.22, F.S.;
conforming a cross-reference; amending s. 447.203,
F.S.; revising the definition of the terms "public
employer" or "employer" to include the Florida School
for Competitive Academics for purposes of part II of
ch. 447, F.S.; making technical changes; amending s.
1000.04, F.S.; revising the components of the delivery
of public education within the Florida Early Learning-



825760

3110 20 education system to include the Florida School for
3111 Competitive Academics; amending s. 1001.20, F.S.;
3112 revising the powers of the Department of Education's
3113 Office of Inspector General to conform to changes made
3114 by the act; amending s. 1001.215, F.S.; revising
3115 duties of the Just Read, Florida! Office; reenacting
3116 and amending s. 1001.26(1), F.S.; requiring the
3117 department to provide funds to certain radio stations;
3118 amending s. 1001.42, F.S.; providing an exemption from
3119 collective bargaining requirements under specified
3120 circumstances; amending s. 1001.43, F.S.; authorizing
3121 district school boards to adopt policies for an
3122 enrollment fee for specified summer courses; providing
3123 fee requirements; amending s. 1002.32, F.S.; revising
3124 funding requirements for developmental research
3125 schools; conforming provisions to changes made by the
3126 act; creating s. 1002.351, F.S.; providing for the
3127 establishment of the Florida School for Competitive
3128 Academics; providing for the purpose and mission of
3129 the school; requiring the school to be included in a
3130 certain online portal; requiring the portal to include
3131 information for parents on submitting educational
3132 records for admission purposes; providing for the
3133 appointment of the board of trustees; prescribing the
3134 powers and duties of the board of trustees; providing
3135 sovereign immunity to the board of trustees;
3136 specifying the board's duties regarding the
3137 maintenance of student and employee records; providing
3138 requirements regarding background screening of school



825760

3139 personnel; specifying duties of the board regarding
3140 personnel; requiring the Auditor General to conduct
3141 audits of the school; authorizing the department's
3142 Office of Inspector General to conduct investigations,
3143 as appropriate; exempting the school from specified
3144 requirements in the Florida Early Learning-20
3145 Education Code; providing exceptions; specifying
3146 applicability of certain provisions of law; amending
3147 s. 1002.37, F.S.; revising funding requirements for
3148 the Florida Virtual School; conforming provisions to
3149 changes made by the act; amending s. 1002.394, F.S.;
3150 revising funding requirements for the Family
3151 Empowerment Scholarship Program; conforming cross-
3152 references and provisions to changes made by the act;
3153 amending s. 1002.45, F.S.; revising the enrollment
3154 limitation on certain students; conforming cross-
3155 references and provisions to changes made by the act;
3156 amending ss. 1002.59, 1002.71, 1002.84, and 1002.89,
3157 F.S.; conforming provisions and cross-references to
3158 changes made by the act; amending s. 1002.995, F.S.;
3159 revising eligibility requirements for providing
3160 incentives to school readiness personnel; amending s.
3161 1003.03, F.S.; conforming a provision to changes made
3162 by the act; creating s. 1003.4201, F.S.; requiring
3163 school districts to implement a system of
3164 comprehensive reading instruction for specified
3165 students that includes a specified plan; providing
3166 plan requirements; providing school district and
3167 department requirements; defining the term "evidence-



825760

3168 based"; amending ss. 1003.485, 1003.621, and 1004.935,
3169 F.S.; conforming provisions and cross-references to
3170 changes made by the act; creating s. 1006.041, F.S.;
3171 requiring school districts to implement a school-based
3172 mental health assistance program for specified
3173 students that includes a specified plan; providing
3174 plan and school district requirements; amending s.
3175 1006.07, F.S.; conforming provisions to changes made
3176 by the act; amending s. 1006.1493, F.S.; requiring
3177 school districts to annually report specified
3178 information relating to the Florida Safe Schools
3179 Assessment Tool to the Office of Safe Schools;
3180 amending s. 1006.28, F.S.; defining the term "library
3181 media center"; requiring district school
3182 superintendents to annually certify specified
3183 information to the Commissioner of Education;
3184 exempting certain instructional materials from
3185 specified procedures; amending s. 1006.40, F.S.;
3186 revising requirements for the instructional materials
3187 allocation and the purchase of instructional
3188 materials; conforming provisions to changes made by
3189 the act; amending s. 1007.271, F.S.; requiring school
3190 districts to pay for the cost of specified
3191 instructional materials; amending ss. 1008.25 and
3192 1008.345, F.S.; conforming provisions and cross-
3193 references to changes made by the act; amending s.
3194 1008.365, F.S.; revising requirements for the Reading
3195 Achievement Initiative for Scholastic Excellence
3196 Program; conforming cross-references; amending s.



825760

3197 1010.20, F.S.; conforming cross-references; creating
3198 s. 1011.58, F.S.; prescribing procedures for the
3199 Florida School for Competitive Academics submission of
3200 legislative budget requests; requiring the school to
3201 submit an implementation plan to the department;
3202 requiring the Commissioner of Education to include the
3203 school in the department's legislative budget request,
3204 subject to specified conditions; requiring the school
3205 to submit its fixed capital outlay request to the
3206 department; creating s. 1011.59, F.S.; prescribing
3207 procedures and requirements governing the request and
3208 the appropriation of funds for the operation of the
3209 Florida School for Competitive Academics; requiring
3210 the school's board of trustees to develop an annual
3211 operating budget; requiring the Chief Financial
3212 Officer to transfer or reallocate funds, subject to
3213 specified conditions; requiring the board to establish
3214 authorized positions within funds appropriated to the
3215 school; providing for the carryforward of any
3216 unexpended funds; amending s. 1011.61, F.S.;
3217 conforming cross-references; amending s. 1011.62,
3218 F.S.; revising provisions relating to the Florida
3219 Education Finance Program; revising the calculation of
3220 the cost factor for secondary career education
3221 programs, the annual allocation to each school
3222 district, and the funding model for exceptional
3223 student education programs; creating the calculation
3224 of additional full-time equivalent membership for
3225 small school district exceptional student education



825760

3226 and the small district factor; providing requirements
3227 for such calculation and factor; deleting the
3228 supplemental academic instruction allocation; renaming
3229 the "district cost differential" as the "comparable
3230 wage factor"; revising the calculation of such factor;
3231 creating the state-funded discretionary contribution;
3232 providing requirements for such contribution; creating
3233 the educational enrichment allocation and the
3234 exceptional student education guaranteed allocation;
3235 providing requirements for such allocations; deleting
3236 the categorical funds, determination of sparsity
3237 supplement, evidence-based reading instruction
3238 allocation, requirements for computation of prior year
3239 district required local effort, and turnaround school
3240 supplemental services allocation; revising the
3241 calculation of the supplemental allocation for
3242 juvenile justice education programs; revising
3243 requirements for the safe schools allocation and the
3244 mental health assistance allocation; renaming the
3245 teacher salary increase allocation as the classroom
3246 teacher and other instructional personnel salary
3247 increase; revising the requirements for such funding;
3248 creating the state-funded discretionary supplement,
3249 the categorical funds, and the educational enrollment
3250 stabilization program; providing requirements for the
3251 supplement, funds, and program; deleting the
3252 calculations for the computation of prior year
3253 district required local effort and the turnaround
3254 school supplemental services allocation; conforming



825760

3255 provisions and cross-references to changes made by the
3256 act; amending s. 1011.622, F.S.; conforming a cross-
3257 reference; repealing s. 1011.67, F.S., relating to
3258 funds for instructional materials; amending ss.
3259 1011.69, 1011.84, 1012.44, 1012.584, and 1012.586,
3260 F.S.; conforming provisions and cross-references to
3261 changes made by the act; amending s. 1012.71, F.S.;
3262 revising provisions for the calculation of Florida
3263 Teachers Classroom Supply Assistance Program funds;
3264 deleting provisions relating to the distribution of
3265 program funds; requiring the department to administer
3266 a competitive procurement through which eligible
3267 classroom teachers may purchase classroom materials
3268 and supplies; requiring school districts to provide
3269 certain information to the department annually by a
3270 specified date; deleting a requirement that classroom
3271 teachers sign a specified statement; revising
3272 requirements for unused funds; creating s. 1012.715,
3273 F.S.; requiring the department to provide a one-time
3274 sign-on bonus to honorably discharged and retired
3275 military veterans and retired first responders who
3276 join the teaching profession; providing eligibility
3277 criteria; providing for an additional bonus under
3278 certain circumstances; providing department and school
3279 district responsibilities; authorizing the State Board
3280 of Education to adopt rules; providing a directive to
3281 the Division of Law Revision; providing an effective
3282 date.

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 Appropriations

BILL: HB 5303

INTRODUCER: Health Care Appropriations Subcommittee and Representative Garrison

SUBJECT: Biomedical Research

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Howard	Sadberry	AP	Favorable

I. Summary:

HB 5303 conforms law to the General Appropriations Act (GAA) proposed by the House of Representatives for Fiscal Year 2023-2024. The bill:

- Expands those cancer centers eligible for funding pursuant to the Casey DeSantis Cancer Research Program (DeSantis program) to include cancer centers designated by the National Cancer Institute as a comprehensive cancer center with at least one geographic site in Florida.
- Adds qualified uses to cancer research funding.
- Exempts \$37,771,257 from the annual allocation fraction calculation for participating cancer centers in the DeSantis program and distributes those funds to participating cancer centers using the proportion as determined by the calculation.
- Eliminates authorization for the endowed research chair contained within the Bankhead-Coley Cancer Research Program.
- Expands eligible programs for funding from the Biomedical Research Trust Fund to include “other cancer research initiatives as appropriated by the Legislature.”

The bill takes effect on July 1, 2023.

II. Present Situation:

Cancer is the general name for a group of more than 100 diseases. Although there are many kinds of cancer, all cancers start because abnormal cells grow out of control. Untreated cancers can cause serious illness and death. Cancer affects one in three people in the United States.¹

About 1,958,310 new cancer cases are expected to be diagnosed in 2023 in the United States, with approximately 162,410 of those occurring in Florida. In 2023, about 609,820 Americans are

¹ American Cancer Society, *What is Cancer*, available at: <http://www.cancer.org/cancer/cancerbasics/what-is-cancer> (last visited March 9, 2023).

expected to die of cancer, almost 1,670 people per day.² Cancer is the second most common cause of death in the United States, exceeded only by heart disease, accounting for nearly one of every four deaths. The National Cancer Institute estimates that approximately 17 million Americans with a history of cancer were alive on June 11, 2019. Some of these individuals were cancer free, while others still had evidence of cancer and may have been undergoing treatment.³

Cancer is the second leading cause of death in Florida.⁴ Florida has the second-highest number of newly-diagnosed cancer cases in the U.S., despite being the fourth-largest state in terms of population. According to the American Cancer Society, breast cancer is the most common cancer for women in the United States.⁵ In 2019, the year for which the most recent statistics are available, breast cancer was the third leading cause of cancer-related death in Florida.⁶

The National Cancer Institute

The National Cancer Institute (NCI) is the federal government's principal agency for cancer research and training.⁷ One function of the NCI is to designate cancer centers by recognizing an institution for the type and breadth of research conducted in addition to the leadership and resources that the cancer center offers. Such designation is nationally recognized as a marker of high-quality cancer care and research. The NCI designates institutions as:⁸

- Comprehensive Cancer Centers – focused on substantial transdisciplinary research that bridges all cancer-related research areas;
- Cancer Centers – focused on one research area such as clinical, prevention, cancer control or population science research; or
- Basic Laboratory Cancer Centers - focused on laboratory research and work collaboratively with other institutions.

Currently, there are two NCI-designed comprehensive cancer centers in Florida: Mayo Clinic Cancer Center Jacksonville, Florida, (in addition to facilities in Arizona and Minnesota); and, H. Lee Moffitt Cancer Center. A third, University of Miami Sylvester Comprehensive Cancer

² American Cancer Society, *Incidence Drops for Cervical Cancer Drop but Rises for Prostate Cancer*, available at: <https://www.cancer.org/latest-news/facts-and-figures-2023.html#:~:text=Cancer%20continues%20to%20be%20the,about%201%2C670%20deaths%20a%20day> (last visited March 18, 2023).

³ American Cancer Society, *Cancer Facts and Figures 2023*, available at: <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2023/2023-cancer-facts-and-figures.pdf> (last visited March 9, 2023).

⁴ Florida Vital Statistics, *Annual Report 2021- Deaths*, available at: <http://www.flpublichealth.com/Vsbook/PDF/2021/VSCOMP.pdf> (last visited March 9, 2023).

⁵ American Cancer Society, *Key Statistics for Breast Cancer*, available at: <https://www.cancer.org/cancer/breast-cancer/about/how-common-is-breast-cancer.html#:~:text=Trends%20in%20breast%20cancer%20deaths&text=The%20chance%20that%20a%20woman,decline%20of%2043%25%20through%202020> (last visited March 18, 2023).

⁶ Florida Statewide Cancer Registry, Florida Cancer Data System, *Number of Cancer Deaths by Sex, Race and Age Group, Florida 2019*, available at: [https://fcds.med.miami.edu/downloads/FloridaAnnualCancerReport/2019/Table_No_T15_\(2019\).pdf](https://fcds.med.miami.edu/downloads/FloridaAnnualCancerReport/2019/Table_No_T15_(2019).pdf).

⁷ National Cancer Institute, *National Cancer Institute Overview and Mission*, available at: <https://www.cancer.gov/about-nci/overview> (last visited March 18, 2023).

⁸ National Cancer Institute, *NCI-Designated Cancer Centers*, available at: <https://www.cancer.gov/research/infrastructure/cancer-centers> (last visited March 18, 2023).

Center, is an NCI-designated cancer center.⁹ The University of Florida Shands Cancer Hospital is currently in process of applying for NCI designation.

The Casey DeSantis Cancer Research Program

In 2014, the Legislature created the Florida Consortium of National Cancer Institute Centers Program, renamed the Casey DeSantis Cancer Research Program (DeSantis program) in 2022.¹⁰ Established to: enhance the quality and competitiveness of cancer care in Florida; further a statewide biomedical research strategy directly responsive to the health needs of Florida's citizens; and, capitalize on potential educational opportunities available to students, the program funds Florida-based,¹¹ NCI-designated cancer centers according to a statutory formula.¹²

A participating cancer center's annual allocation is determined by multiplying the funds appropriated for the DeSantis program in the General Appropriations Act by an allocation fraction calculation determined by the Department of Health (DOH).¹³ The DOH must calculate a participating cancer center's allocation fraction on or before September 15 each year using a specific statutory formula.¹⁴ The program sets a floor of funding at \$16 million in cases where a participating cancer center's allocation equals less. The difference is made up using funds proportionally redistributed from other participating cancer centers' allocations.¹⁵

A participating cancer center's allocation fraction calculation is determined by DOH using a tier-weighted formula that factors in a cancer center's reportable cancer cases; peer-review costs; and biomedical education and training.¹⁶ The tier designations that weight DOH's annual allocation calculation are based on the participating cancer center's NCI-designation status. The program's three tier designations are:¹⁷

- Tier 1: Florida-based NCI-designated comprehensive cancer centers;
- Tier 2: Florida-based NCI-designated cancer centers; and
- Tier 3: Florida-based cancer centers seeking NCI-designation as well as meeting additional criteria related to their research and biomedical education.

Currently, three cancer centers participate in the program:

- H. Lee Moffitt Cancer Center, which is an NCI-designated comprehensive cancer center;
- Sylvester Comprehensive Cancer Center at the University of Miami, which is an NCI-designated cancer center; and
- The University of Florida Health Cancer Center, which is pursuing an NCI-designation.

⁹ National Cancer Institute, *NCI-Designated Cancer Centers*, "Find a Cancer Centers" directory, available at: <https://www.cancer.gov/research/infrastructure/cancer-centers/find> (last visited March 18, 2023).

¹⁰ Section 381.915, F.S.

¹¹ "Florida-based" means that a cancer center's actual or sought designated status is or would be recognized by the NCI as primarily located in Florida and not in another state. Section 381.915(3)(c), F.S.

¹² Section 381.915(6), F.S. Distributions pursuant to the DeSantis program are subject to annual appropriation by the Legislature.

¹³ *Id.*

¹⁴ Section 381.915(3), F.S.,

¹⁵ *Supra*, note 12.

¹⁶ Section 381.915(5), F.S.

¹⁷ Section 381.915(4), F.S.

During the 2022 Legislative Session, the Legislature appropriated an additional \$37,771,257 to the DeSantis program, bringing the total appropriation to \$100 million. The funds were required to be excluded from the statutory distribution formula and be distributed in the same proportion as required to be allocated to each participating cancer center under the allocation fraction calculation.¹⁸

Participating cancer centers are required to work with DOH to prepare and submit a report to the Cancer Control and Research Advisory Council which includes specific metrics relating to cancer mortality and external funding for cancer-related research in the state. If a participating cancer center does not endorse this report or produce an equivalent independent report, the cancer center shall be suspended from the DeSantis program for one year. Among other elements, the report must include an analysis of specific trending age-adjusted cancer mortality rates in the state for: lung cancer; pancreatic cancer; sarcoma; melanoma; leukemia and myelodysplastic syndromes; and, brain cancer.

Biomedical Research in Florida

The Biomedical Research Trust Fund consists of funds appropriated by the Legislature for the James and Esther King Biomedical Research Program, the Casey DeSantis Cancer Research Program (DeSantis program), and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program (Bankhead-Coley program) as specified in ss. 215.5602, 381.915, and 381.922, F.S., respectively. Currently, \$37.3 million is annually appropriated from the Biomedical Research Trust Fund for these programs.

Created in 2006, the Bankhead-Coley program within the DOH funds research grants for progress towards cures for cancer that attract new talent and increase participation in clinical trials. Emphasis is given to efforts that significantly expand cancer research capacity in the state.¹⁹

One element of the Bankhead-Coley program, endowments to cancer research institutions, are provided to establish a funded research chair that will attract and retain a promising researcher in order to serve as a catalyst to attract other national grant-producing researchers to the state. The endowments are contingent upon funding in the General Appropriations Act (GAA). The purpose of the endowment is to provide secure funding for at least seven years to attract an experienced and promising researcher whose continued employment for this period is not contingent upon grant awards associated with time-limited research projects.²⁰

The research institution that receives an endowed chair must submit an annual report to the Governor, the President of the Senate and Speaker of the House of Representatives describing the research program and the responsibilities of the endowed chair. Upon final selection of the researcher, or if a replacement is needed for the original endowed chair, the research institution must notify the Chairs of the Appropriations Committees of the Senate and House of

¹⁸ Section 29 of Chapter 2022-157, Laws of Florida.

¹⁹ Section 381.922(2), F.S.

²⁰ Section 381.322(4), F.S.

Representatives of the name of the researcher and specific information about the endowment budget and research responsibilities.²¹

In Fiscal Year 2022-2023, the Legislature appropriated \$6 million from the General Revenue Fund, of which \$1 million is nonrecurring, for the endowed chair in the Bankhead-Coley program.

Florida Cancer Innovation Fund

On February 1, 2023, Governor Ron DeSantis, released the “Framework for Freedom” proposed budget for Fiscal Year 2023-2024 and included the establishment of the Florida Cancer Innovation Fund within the Biomedical Research Trust Fund to support innovative cancer research in the state.

According to the Governor’s proposed budget document:²²

Florida takes a comprehensive approach in implementing cancer control efforts to reduce the disparities, morbidity and mortality associated with this disease. The efforts in Florida are guided by several collaborations such as The Florida Cancer Plan, The Biomedical Research Advisory Council's Strategic Research and Goals, State Cancer Councils, The Florida Comprehensive Cancer Control Program, and Region Cancer Control Collaborative Strategic Plans. Funding cancer research initiatives is a priority for Florida, with state funding levels reaching a record level of \$149.4 million in Fiscal Year 2022-2023.

Even though Florida has made progress with its efforts, there is room for improvement in multiple areas and for multiple cancer types. The Florida Cancer Innovation Fund will fund grants to support emerging research and trends and promising practices that can be replicated and expanded upon in Florida.

III. Effect of Proposed Changes:

The bill expands the Casey DeSantis Cancer Research Program to include an NCI-designated comprehensive cancer center with at least one geographic site in Florida as an entity that may qualify for funding according to the statutory formula. The bill clarifies that a consortium that has achieved NCI-designation, or is in the process of doing, must be Florida-based to qualify for Tier 3 weight in the calculation for the formula. A consortium must achieve the NCI designation by June 30, 2024, to continue participation in the program. The bill adds breast cancer to the types of cancer included in the mortality rate report produced by participating cancer centers.

²¹ *Id.*

²² Governor Ron DeSantis, *Framework for Freedom Budget*, HEALTH > COMMUNITY PUBLIC HEALTH (Program) > COMMUNITY HEALTH PROMOTION > FLORIDA CANCER INNOVATION FUND, available at: [http://frameworkforfreedombudget.com/web%20forms/Budget/BudgetIssueDetail.aspx?p=Cancer%20Innovation&AgencyTitle=HEALTH%20%3E%20COMMUNITY%20PUBLIC%20HEALTH%20\(Program\)%20%3E%20COMMUNITY%20HEALTH%20PROMOTION%20%3E%20&si=64200100&pc=1602000000&icd=6200140&title=FLORIDA%20CANCER%20INNOVATION%20FUND](http://frameworkforfreedombudget.com/web%20forms/Budget/BudgetIssueDetail.aspx?p=Cancer%20Innovation&AgencyTitle=HEALTH%20%3E%20COMMUNITY%20PUBLIC%20HEALTH%20(Program)%20%3E%20COMMUNITY%20HEALTH%20PROMOTION%20%3E%20&si=64200100&pc=1602000000&icd=6200140&title=FLORIDA%20CANCER%20INNOVATION%20FUND) (last visited March 18, 2023).

The bill excludes from the allocation fraction calculation \$37,771,257 out of the total annual appropriation for the DeSantis program in the GAA. Those funds shall be distributed to participating cancers centers using the proportion as determined by the calculation.

Contained within the Bankhead-Coley program is a separately funded endowed research chair. The bill eliminates authorization for this research chair.

The bill authorizes funding for “other cancer research initiatives as appropriated by the Legislature” within the Biomedical Research Trust Fund.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

HB 5303 expands the Casey DeSantis Cancer Research Program to include participation from an NCI-designated comprehensive center with at least one geographical site in

Florida requires additional funding to ensure current cancer center participants in the DeSantis program are not negatively impacted by including a new cancer center. The estimated cost of including a new cancer center is approximately \$27.5 million.

The additional funding of \$37,771,257 provided during Fiscal Year 2022-2023 will continue to be excluded from the statutory distribution formula and will be distributed in the same proportion as required to be allocated to each participating cancer center in s. 381.915, Florida Statutes.

The removal of the endowed cancer research chair in the Bankhead-Coley program will result in the elimination of \$5 million in recurring funds. Funds may be used to support expansion of the DeSantis program.

The expansion of eligible programs for funding from the Biomedical Research Trust Fund to include “other cancer research initiatives” will result in additional recurring funds of \$20 million.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.435, 381.915, and 381.922.

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.

HB 5303

2023

1 A bill to be entitled
 2 An act relating to biomedical research; amending s.
 3 20.435, F.S.; expanding the uses of the Biomedical
 4 Research Trust Fund; amending s. 381.915, F.S.;
 5 revising a definition; authorizing a specified amount
 6 from the total appropriated funds for the Casey
 7 DeSantis Cancer Research Program to be distributed to
 8 participating cancer centers; requiring a report for
 9 specified statewide cancer statistics to include
 10 breast cancer; amending s. 381.922, F.S.; removing a
 11 certain award of an endowment for a specified program;
 12 providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (a) of subsection (7) of section
 17 20.435, Florida Statutes, is amended to read:
 18 20.435 Department of Health; trust funds.—The following
 19 trust funds shall be administered by the Department of Health:
 20 (7) Biomedical Research Trust Fund.
 21 (a) Funds to be credited to the trust fund shall consist
 22 of funds appropriated by the Legislature. Funds shall be used
 23 for the purposes of the James and Esther King Biomedical
 24 Research Program, the Casey DeSantis Cancer Research Program,
 25 ~~and~~ the William G. "Bill" Bankhead, Jr., and David Coley Cancer

Page 1 of 8

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

hb5303-00

HB 5303

2023

26 Research Program as specified in ss. 215.5602, ~~288.955~~, 381.915,
 27 and 381.922, and other cancer research initiatives as
 28 appropriated by the Legislature. The trust fund is exempt from
 29 the service charges imposed by s. 215.20.
 30 Section 2. Subsections (7), (8), and (9) of section
 31 381.915, Florida Statutes, are renumbered as subsections (8),
 32 (9), and (10), respectively, subsection (2), paragraph (b) of
 33 subsection (3), subsection (4), and paragraph (a) of present
 34 subsection (7) are amended, and a new subsection (7) is added to
 35 that section, to read:
 36 381.915 Casey DeSantis Cancer Research Program.—
 37 (2) The Casey DeSantis Cancer Research Program is
 38 established to enhance the quality and competitiveness of cancer
 39 care in this state, further a statewide biomedical research
 40 strategy directly responsive to the health needs of Florida's
 41 citizens, and capitalize on the potential educational
 42 opportunities available to its students. The department shall
 43 make payments to ~~Florida-based~~ cancer centers recognized by the
 44 National Cancer Institute (NCI) at the National Institutes of
 45 Health as NCI-designated cancer centers or NCI-designated
 46 comprehensive cancer centers, and cancer centers working toward
 47 achieving NCI designation. The department shall distribute funds
 48 to participating cancer centers on a quarterly basis during each
 49 fiscal year for which an appropriation is made.
 50 (3) On or before September 15 of each year, the department

Page 2 of 8

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hb5303-00

HB 5303

2023

51 shall calculate an allocation fraction to be used for
 52 distributing funds to participating cancer centers. On or before
 53 the final business day of each quarter of the state fiscal year,
 54 the department shall distribute to each participating cancer
 55 center one-fourth of that cancer center's annual allocation
 56 calculated under subsection (6). The allocation fraction for
 57 each participating cancer center is based on the cancer center's
 58 tier-designated weight under subsection (4) multiplied by each
 59 of the following allocation factors: number of reportable cases,
 60 peer-review costs, and biomedical education and training. As
 61 used in this section, the term:

62 (b) "Cancer center" means a comprehensive center with at
 63 least one geographic site in the state, a freestanding center
 64 located in the state, a center situated within an academic
 65 institution, or a Florida-based formal research-based consortium
 66 under centralized leadership that has achieved NCI designation
 67 or is prepared to achieve NCI designation by June 30, 2024 ~~July~~
 68 ~~1, 2019~~.

69 (4) Tier designations and corresponding weights within the
 70 Casey DeSantis Cancer Research Program are as follows:

71 (a) Tier 1: ~~Florida-based~~ NCI-designated comprehensive
 72 cancer centers, which shall be weighted at 1.5.

73 (b) Tier 2: ~~Florida-based~~ NCI-designated cancer centers,
 74 which shall be weighted at 1.25.

75 (c) Tier 3: ~~Florida-based~~ Cancer centers seeking

Page 3 of 8

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hb5303-00

HB 5303

2023

76 designation as either a NCI-designated cancer center or NCI-
 77 designated comprehensive cancer center, which shall be weighted
 78 at 1.0.

79 1. A cancer center shall meet the following minimum
 80 criteria to be considered eligible for Tier 3 designation in any
 81 given fiscal year:

82 a. Conducting cancer-related basic scientific research and
 83 cancer-related population scientific research;

84 b. Offering and providing the full range of diagnostic and
 85 treatment services on site, as determined by the Commission on
 86 Cancer of the American College of Surgeons;

87 c. Hosting or conducting cancer-related interventional
 88 clinical trials that are registered with the NCI's Clinical
 89 Trials Reporting Program;

90 d. Offering degree-granting programs or affiliating with
 91 universities through degree-granting programs accredited or
 92 approved by a nationally recognized agency and offered through
 93 the center or through the center in conjunction with another
 94 institution accredited by the Commission on Colleges of the
 95 Southern Association of Colleges and Schools;

96 e. Providing training to clinical trainees, medical
 97 trainees accredited by the Accreditation Council for Graduate
 98 Medical Education or the American Osteopathic Association, and
 99 postdoctoral fellows recently awarded a doctorate degree; and

100 f. Having more than \$5 million in annual direct costs

Page 4 of 8

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hb5303-00

HB 5303

2023

101 associated with their total NCI peer-reviewed grant funding.

102 2. The General Appropriations Act or accompanying
103 legislation may limit the number of cancer centers which shall
104 receive Tier 3 designations or provide additional criteria for
105 such designation.

106 3. A cancer center's participation in Tier 3 may not
107 extend beyond June 30, 2024.

108 4. A cancer center that qualifies as a designated Tier 3
109 center under the criteria provided in subparagraph 1. by July 1,
110 2014, is authorized to pursue NCI designation as a cancer center
111 or a comprehensive cancer center until June 30, 2024.

112 (7) The amount of \$37,771,257 from the total funds
113 appropriated in the General Appropriations Act for the Casey
114 DeSantis Cancer Research Program shall be excluded from the
115 annual allocation fraction calculation under subsection (5). The
116 excluded amount shall be distributed to participating cancer
117 centers in the same proportion as determined by the allocation
118 fraction calculation.

119 (8)(7) Beginning July 1, 2017, and every 3 years
120 thereafter, the department, in conjunction with participating
121 cancer centers, shall submit a report to the Cancer Control and
122 Research Advisory Council on specific metrics relating to cancer
123 mortality and external funding for cancer-related research in
124 the state. If a cancer center does not endorse this report or
125 produce an equivalent independent report, the cancer center

Page 5 of 8

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hb5303-00

HB 5303

2023

126 shall be suspended from the program for 1 year. The report must
127 include:

128 (a) An analysis of trending age-adjusted cancer mortality
129 rates in the state, which must include, at a minimum, overall
130 age-adjusted mortality rates for cancer statewide and age-
131 adjusted mortality rates by age group, geographic region, and
132 type of cancer, which must include, at a minimum:

- 133 1. Lung cancer.
- 134 2. Pancreatic cancer.
- 135 3. Sarcoma.
- 136 4. Melanoma.
- 137 5. Leukemia and myelodysplastic syndromes.
- 138 6. Brain cancer.
- 139 7. Breast cancer.

140 Section 3. Subsection (4) of section 381.922, Florida
141 Statutes, is amended to read:

142 381.922 William G. "Bill" Bankhead, Jr., and David Coley
143 Cancer Research Program.—

144 ~~(4) In order to attract and retain experienced research~~
145 ~~talent and attendant national grant-producing researchers to~~
146 ~~integrated cancer research and care institutions in this state,~~
147 ~~the Department of Health shall award endowments to integrated~~
148 ~~cancer research and care institutions for establishing a funded~~
149 ~~research chair, pursuant to the General Appropriations Act,~~
150 ~~specifying an appropriation for this purpose. Funding for the~~

Page 6 of 8

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hb5303-00

HB 5303

2023

151 ~~endowed chairs must be independent of funds appropriated~~
 152 ~~pursuant to s. 215.5602(12). The purpose of the endowment is to~~
 153 ~~provide secure funding for at least 7 years to attract an~~
 154 ~~experienced and promising researcher whose continued employment~~
 155 ~~for this period is not contingent upon grant awards associated~~
 156 ~~with time-limited research projects. In addition, the~~
 157 ~~Legislature intends for a research chair to specialize in a~~
 158 ~~cancer related research field that will facilitate coordination~~
 159 ~~among research institutions within the state and attract other~~
 160 ~~promising researchers and funding to the state.~~

161 ~~(a) Upon selection of an endowed research chair, the~~
 162 ~~institution shall notify the chairs of the appropriations~~
 163 ~~committees of the Senate and the House of Representatives. An~~
 164 ~~institution funded pursuant to this subsection shall provide to~~
 165 ~~the Governor, the President of the Senate, and the Speaker of~~
 166 ~~the House of Representatives an annual progress report by~~
 167 ~~December 15 that must, at a minimum, provide the research~~
 168 ~~chair's name; the amount of the endowment fund used for the~~
 169 ~~chair's salary; research responsibilities; the percentage of~~
 170 ~~time devoted to research if the chair also serves as a member of~~
 171 ~~the faculty; research progress; progress toward achieving the~~
 172 ~~goals of this program; endowment expenditures; balance, interest~~
 173 ~~rate, and interest earned on the endowment; and the amount of~~
 174 ~~federal or private grants or donations generated, if any, as a~~
 175 ~~result of the research chair's efforts.~~

Page 7 of 8

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hb5303-00

HB 5303

2023

176 ~~(b) If an institution must replace an endowed research~~
 177 ~~chair, the endowment must cease funding expenses associated with~~
 178 ~~the endowed research chair, other than reasonable costs for~~
 179 ~~recruitment, until a replacement chair has been retained. While~~
 180 ~~the endowed research chair is vacant, the endowment must~~
 181 ~~continue to earn interest and all earnings must be added to the~~
 182 ~~balance of the endowment. A vacancy tolls the 7-year timeframe~~
 183 ~~for the endowed research chair.~~

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

Page 8 of 8

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hb5303-00

The Florida Senate

APPEARANCE RECORD

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

4/25/2023

Meeting Date

Appropriations

Committee

HB 5303

Bill Number or Topic

Amendment Barcode (if applicable)

Name LAYNE SMITH

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Address 4500 SAN PABLO Rd.

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City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

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something of value for my appearance
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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 Appropriations

BILL: SB 7046

INTRODUCER: Regulated Industries Committee

SUBJECT: Licensing Fee Relief

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Kraemer	Imhof		RI Submitted as Committee Bill
1. Davis	Sadberry	AP	Favorable

I. Summary:

SB 7046 requires the Department of Business and Professional Regulation (DBPR) to waive certain license application and license fees until July 1, 2025.

Under the bill, the following fees must be waived during Fiscal Year 2023-2024 and Fiscal Year 2024-2025:

- 50 percent of the initial licensing fee for an applicant applying for an initial license for a profession, up to \$200 per year per license.
- 50 percent of a licensee's license renewal fee, up to \$200 per year per license.

The bill provides that waived fees may not include any applicable unlicensed activity fees or background check fees.

The above provisions expire July 1, 2025.

The bill appropriates \$50 million in nonrecurring funds from the General Revenue Fund to the DBPR's Professional Regulation Trust Fund for the 2023-2024 fiscal year. Any unexpected balance of funds from this appropriations remaining on June 30, 2024, must revert and is appropriated to the DBPR for the 2024-2025 fiscal year for the same purpose. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Background information about the DBPR and the professions it regulates is provided below.

Organization of the DBPR

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has the following 11 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

The Florida Athletic Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.¹ The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.²

Powers and Duties of the DBPR

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.”³ The chapter also provides the procedural and administrative framework for those divisions and the professional boards within the DBPR.⁴ The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”⁵ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁶

However, “neither the [DBPR] nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those desiring to engage in a profession or occupation from finding employment.⁷

¹ Section 548.003(1), F.S.

² See Parts I and III of ch. 450, F.S.

³ Section 455.01(6), F.S.

⁴ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel of the DBPR. See s. 455.221(1), F.S.

⁵ Section 455.201(2), F.S.

⁶ *Id.*

⁷ Section 455.201(4)(b), F.S.

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.⁸ When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.⁹

License Fees

Section 455.219, F.S., requires each board within the DBPR to determine by rule the amount of license fees for its profession, based upon DBPR-prepared long-range estimates of the revenue required for the DBPR and the boards to implement all laws relating to regulated professions. Renewal fees may be imposed for a two-year (biennial) or four-year license, if authorized by the DBPR.¹⁰

If the DBPR determines, based on the long-range estimates, that a profession’s trust fund moneys exceed the amount required to cover the necessary functions of its board, or the DBPR when there is no board, the DBPR may adopt rules to waive license renewal fees for that profession for a period not to exceed two years, as determined by the DBPR.¹¹ Each board, or the DBPR when there is no board, must ensure license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by DBPR rule, with advice of the applicable board. The initial licensing fees generally range from \$30¹² to \$600.¹³ The renewal license fees generally range from \$5¹⁴ to \$400.¹⁵

Certain professions also require background checks, which requires a separate fee to an outside contractor.

License Fee Waivers

Under s. 455.213, F.S., the DBPR must waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran or his or her spouse at the time of discharge, if he or she applies to the DBPR for a license within 60 months after being honorably discharged from any branch of the United States Armed Forces.

Section 455.219, F.S., requires the DBPR, or the applicable board, to waive the initial licensing fee, upon appropriate documentation to support eligibility for the waiver, for:

- A member of the Armed Services of the United States who has served on active duty;
- The spouse of a member of the Armed Services of the United States who was married to the member during a period of active duty;

⁸ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

⁹ Section 455.01(4) and (5), F.S.

¹⁰ See s. 455.203(1), F.S.

¹¹ See s. 455.219(1), F.S. If retired professionals apply for and meet the requirements for issuance of a limited license, and their employers certify no monetary compensation for professional services will be paid to the applicant, the application fee and all licensure fees must be waived. See s. 455.214, F.S.

¹² Fla Admin. Code R. 61G1-17.002 [2020] Interior Designer.

¹³ Fla Admin. Code R. 61G7-5.001 [2018] Employee Leasing Company Controlling Person.

¹⁴ Fla Admin. Code R. 61G19-10.001 [2022] Building Code Professionals.

¹⁵ Fla Admin. Code R. 61-19.005 [2018] Talent Agents.

- The surviving spouse of a member of the Armed Services of the United States who at the time of death was serving on active duty; or
- A low-income individual¹⁶ upon application by the individual in a format prescribed by the DBPR.

The DBPR or applicable board must process an application for a fee waiver within 30 days of receiving it from the applicant.

Unlicensed Activity Fees

Section 455.2281, F.S. requires the DBPR to impose, upon initial licensure and each subsequent renewal, an unlicensed activity fee of \$5 per licensee, to combat unlicensed activity, unless the profession's unlicensed fee account balance is more than twice the total of unlicensed activity enforcement expenditures in the prior two years.

Division of Certified Public Accounting

In Fiscal Year 2021-2022, there were 38,541 active licensees in the DBPR's Division of Certified Public Accounting.¹⁷

Division of Professions

In Fiscal Year 2021-2022, in the DBPR's Division of Professions, which regulates all licensees, there were 937,960 active licensees (of which 38,541 were licensed accountants; 66,936 were licensed engineers, and 345,026 were real estate-related licensees), including:¹⁸

- Accountants (CPAs);
- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Engineers;
- Geologists;
- Home inspectors;

¹⁶ The term "low-income individual" means a person whose household income, before taxes, is at or below 130 percent of the federal poverty guidelines prescribed for the family's household size by the United States Department of Health and Human Services; enrollment in a state or federal public assistance program that requires participants to be at or below 130 percent of the federal poverty guidelines to qualify, serves as proof of meeting these guidelines.

¹⁷ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2021-2022*, at 18, at <http://www.myfloridialicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%202021-22.pdf> (last visited Apr. 12, 2023).

¹⁸ *Id.*

- Harbor pilots (pilot commissioners);
- Landscape architects;
- Mold-related services;
- Real estate appraisers;
- Real estate (brokers/associates)
- Talent agencies; and
- Veterinarians.

Division of Real Estate

In Fiscal Year 2021-2022, there were 345,026 active licensees in the DBPR's Division of Real Estate.¹⁹

III. Effect of Proposed Changes:

The bill requires the DBPR to waive, for licenses for professions subject to ch. 455, F.S., the following fees during Fiscal Year 2023-2024 and Fiscal Year 2024-2025:

- 50 percent of the initial licensing fee for an applicant applying for an initial license, with such waiver limited to a maximum of \$200 per year per license.
- 50 percent of a licensee's license renewal fee, with such waiver limited to a maximum of \$200 per year per license.

The bill provides that waived fees may not include any applicable unlicensed activity fees²⁰ or background check fees. The requirement to waive the above fees expires July 1, 2025.

The bill provides an appropriation for the licensing fees that may be waived, in the sum of \$50 million in nonrecurring funds from the General Revenue Fund to the DBPR to be deposited into the Professional Regulation Trust Fund for the 2023-2024 fiscal year. Any unexpected balance of funds from this appropriations remaining on June 30, 2024, must revert and is appropriated to the DBPR for the 2024-2025 fiscal year for the same purpose

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁹ *Id.*

²⁰ Upon initial licensure and each subsequent renewal, the DBPR is required to impose an unlicensed activity fee of \$5 per licensee, to combat unlicensed activity, unless the unlicensed fee account balance is more than twice the total of unlicensed activity enforcement expenditures in the prior two years. See s. 455.2281, F.S.

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:

During Fiscal Years 2023-2024 and 2024-2025, applicants and licensees for professions regulated by the DBPR will have the benefit of a reduction in application fees and license renewal fee that would otherwise be payable.

C. Government Sector Impact:

The bill provides an appropriation for the licensing fees that may be waived, in the sum of \$50 million in nonrecurring funds from the General Revenue Fund to the DBPR to be deposited into the Professional Regulation Trust Fund for Fiscal Year 2023-2024. Any unexpended balance of funds remaining on June 30, 2024, will revert and is appropriated to the DBPR for Fiscal Year 2024-2025 for the same purpose.

The appropriation provided in the bill will offset the loss of revenue from license fee waivers authorized in the bill.

To date, no analysis by the DBPR of the impact of the bill on their respective operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 455.213 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Regulated Industries

580-03460-23

20237046__

A bill to be entitled

An act relating to licensing fee relief; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to waive a portion of the initial license application fee and the renewal fee for certain licenses; providing a maximum waiver; providing for expiration; providing an appropriation; providing for the disposition of any unexpended balance; providing an effective date.

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

Section 1. Subsection (15) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(15) For the 2023-2024 and 2024-2025 fiscal years, the department shall waive 50 percent of the initial licensing fee for an applicant applying for an initial license for a profession under this chapter, with such waiver limited to a maximum of \$200 per year per license. The department shall waive 50 percent of a licensee's license renewal fee for a profession under this chapter, with such waiver limited to a maximum of \$200 per year per license. Such fee waivers shall not include any applicable unlicensed activity or background check fees. This subsection expires July 1, 2025.

Section 2. For the 2023-2024 fiscal year, the sum of \$50 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Business and Professional Regulation to be deposited into the Professional Regulation

Page 1 of 2

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580-03460-23

20237046__

Trust Fund to implement this act. Any unexpended balance of funds from this appropriation remaining on June 30, 2024, shall revert and is appropriated to the Department of Business and Professional Regulation for the 2024-2025 fiscal year for the same purpose.

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

Page 2 of 2

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

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 Appropriations

BILL: SB 7058

INTRODUCER: Finance and Tax Committee

SUBJECT: Internal Revenue Code

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Gross	Babin		FT Submitted as Committee Bill
1.	Gross	Sadberry	AP	Favorable

I. Summary:

SB 7058 updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2023. By adopting the updated code, Florida recognizes the changes made to the code.

The Revenue Estimating Conference analyzed a proposal identical to the bill and determined that it would result in no change to General Revenue Fund receipts.

The bill takes effect upon becoming law and operates retroactively to January 1, 2023.

II. Present Situation:

Florida imposes a 5.5 percent tax on the taxable income of corporations and financial institutions doing business in Florida.¹ A corporation calculates its taxable income for Florida tax purposes by starting with its taxable income determined for federal tax purposes.² Additional adjustments are then made to determine the corporation's Florida taxable income. By starting with federal taxable income, Florida eases the administrative burden on Florida taxpayers.

Florida maintains its relationship with the federal Internal Revenue Code by each year adopting the federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

Because Florida relies on federal taxable income to determine Florida taxable income, changes to the calculation of federal taxable income will affect the calculation of Florida taxable income and may increase or decrease Florida tax receipts if Florida adopts the most recent federal Internal

¹ Sections 220.11(2) and 220.63(2), F.S.

² See generally s. 220.13(2), F.S.

Revenue Code. In some instances, Florida has adopted the new federal Internal Revenue Code, but excluded some changes.

Inflation Reduction Act

The Inflation Reduction Act of 2022 (Act) made changes to the code, which in part, are aimed at increasing revenue through tax policy, reducing costs on individuals and the federal government through drug price negotiations, and creating or bolstering policies to incentivize investments in clean energy products and manufacturing through tax credits and program funding.³

To raise revenue, the Act imposes a new corporate alternative minimum tax (CAMT) of 15 percent, effective in taxable years beginning after December 31, 2022, on corporations whose average annual adjusted financial statement income exceeds \$1 billion over a three-year period. Subject corporations are required to calculate tax owed using two methods; a regular tax calculation and a CAMT calculation. The larger amount must be remitted.

Florida's corporate income tax code includes an alternative minimum tax and it subjected certain taxpayers to tax at a rate of 3.3 percent, rather than 5.5 percent.⁴ Florida's alternative minimum tax, which is not operative, was connected to the obsolete federal alternative minimum tax that was repealed in 2017.⁵ The adoption of the Internal Revenue Code as contemplated by the bill would not impose the new federal CAMT in Florida.⁶

III. Effect of Proposed Changes:

The bill updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2023. By adopting the updated code, Florida recognizes the changes made to the code.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to spend funds, reduce counties' or municipalities' authority to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

³ Pub. L. No. 117-169. See H.R.5376 - 117th Congress (2021-2022): Inflation Reduction Act of 2022. (2022). <https://www.congress.gov/bill/117th-congress/house-bill/5376> (last visited Mar. 16, 2023).

⁴ Section 220.11(4), F.S.

⁵ Section 12001, Pub. L. No. 115-97.

⁶ Email correspondence, the Florida Department of Revenue, (Sept. 15, 2022) (on file with the Committee on Finance and Tax).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable. The bill does not create or increase state taxes or fees. Thus, Art. VII, s. 19 of the Florida Constitution does not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference analyzed a proposal identical to the bill and determined that it would result in no change to General Revenue Fund receipts in Fiscal Year 2023-2024 or throughout the forecast period.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 220.03 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Finance and Tax

593-03940-23

20237058__

A bill to be entitled

An act relating to the Internal Revenue Code; amending s. 220.03, F.S.; revising the date of adoption of the Internal Revenue Code and other federal income tax statutes for purposes of the state corporate income tax; providing retroactive operation; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2023 ~~2022~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2023 ~~2022~~. However, if subsection (3) is implemented, the

Page 1 of 2

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

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meaning of a term shall be taken at the time the term is applied under this code.

Section 2. The amendment made by this act to s. 220.03, Florida Statutes, operates retroactively to January 1, 2023.

Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

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

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 Appropriations

BILL: CS/SB 7062

INTRODUCER: Appropriations Committee and Finance and Tax Committee

SUBJECT: Taxation

DATE: April 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Babin</u>	<u>Babin</u>		FT Submitted as Committee Bill
1.	<u>Babin</u>	<u>Sadberry</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7062:

- Permanently exempts the sale of the following products from sales and use tax:
 - Machinery and equipment used to produce renewable natural gas.
 - Machinery and equipment used to store electrical energy of at least 5 megawatts.
 - Baby and toddler products.
 - Diapers and incontinence products.
 - Oral hygiene products.
 - Firearm safety devices.
 - Sales of taxable services by small private investigative services.
- Provides a 28-day “back-to-school” sales tax holiday over two separate time periods, from July 24, 2023, through August 06, 2023, and January 01, 2024, through January 14, 2024, for certain clothing, school supplies, learning aids and puzzles, and personal computers.
- Provides a 14-day “disaster preparedness” sales tax holiday from May 27, 2023, through June 09, 2023, for specified disaster preparedness items, supplies necessary for the evacuation of pets, and common household consumable items.
- Provides a 3-month “Freedom Summer” sales tax holiday from May 29, 2023, through September 04, 2023, for specified admissions, boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, residential pool supplies, children’s toys, and children’s athletic equipment.
- Provides a 7-day “Tool Time” sales tax holiday from September 2, 2023, through September 8, 2023, for specified tools and safety equipment.
- Provides a 1-year sales tax exemption on the sale of:

- Specified ENERGY STAR appliances.
- Gas ranges and cooktops.
- Increases the Strong Families Tax Credit limit from \$10 million to \$20 million.
- Provides an additional \$150 million in tax credits for brownfield rehabilitation for use in Fiscal Years 2023-2024 through 2027-2028.
- Authorizes counties to impose the local food and beverage sales tax in cities that impose the municipal resort tax if approved by referendum.
- Creates a corporate income tax credit for the installation of graywater systems on residential property.
- Creates a corporate income and insurance premium tax credit for the rehabilitation of historic real property in Florida.
- Distributes \$27.5 million for 2 fiscal years to the Florida Agricultural Promotion Campaign Trust Fund, from which it will be further distributed to the Florida Thoroughbred Breeders' Association and two thoroughbred racing tracks within Florida to be used to promote thoroughbred breeding and thoroughbred racing in Florida.
- Provides a credit against pari-mutuel taxes and fees for permit holders that conduct thoroughbred racing.
- Exempts certain portions of Small Business Administration loans from documentary stamp tax and intangible personal property tax.
- Exempts certain notes by alarm system contractors from documentary stamp tax.
- Permanently increases the sales tax dealer collection allowance from a maximum of \$30 per return to \$45 per return.
- Prohibits special assessments on agricultural lands.
- Requires several local taxes, when renewed or increased by referendum, to be placed on the ballot in a general election held within 48 months before the effective date of the renewed or increased tax, and prohibits them from being placed on the ballot more than once during that time period.
- Clarifies that the ad valorem exemption for disabled veterans may be transferred to other properties at the discretion of the disabled veteran or his or her surviving spouse.
- Expands the ad valorem refund for disabled veterans who purchase a new homestead in Florida after receiving the exemption on an existing homestead to no longer require the veteran to have been receiving the exemption on an existing homestead.
- Expands the homestead exemption for surviving spouses of first responders killed in the line of duty to include surviving spouses of federal law enforcement officers.
- Clarifies that parsonages, burial grounds, and tombs, when owned by a public house of worship, are used for religious purposes, and thus, are not subject to ad valorem tax.
- Amends the ad valorem exemption for educational property to include property under a 98-year lease by an educational institution and property leased by an educational institution and used by it for educational purposes if the property was owned by the educational institution and received the exemption for at least 10 consecutive years in the past.
- Amends the ad valorem property value and percentage thresholds below which a property appraiser is not authorized to appeal changes made by the value adjustment board.
- Amends the automatic property tax refund provision for residential property rendered uninhabitable to not apply when the damage was caused by an event resulting in a federal disaster area declaration or a state of emergency.

- Freezes local communications services tax rates in place on January 1, 2023, until January 1, 2026.
- Increases the number of counties authorized to use up to 10 percent of their tourist development tax revenues to fund public safety needs caused by increased tourism.
- Delays the imposition of the natural gas fuel tax from January 1, 2024, until January 1, 2026.
- Clarifies that when calculating the penalty for underpayment with regard to corporate income tax, a taxpayer's donation to a tax donation program is included as a payment of tax.

The bill reduces revenues in total by \$1,142.4 million, which is the sum of \$419.7 million (recurring), and \$722.7 million (pure nonrecurring in Fiscal Year 2023-2024 and reductions resulting from nonrecurring impacts in future years). **See Section V. Fiscal Impact Statement for additional information.**

Except as otherwise provided, the bill takes effect July 1, 2023.

II. Present Situation:

Overview of Florida Sales and Use Tax

Florida levies a 6 percent tax on the sale or rental of most items of tangible personal property,¹ admissions,² transient rentals,³ and a limited number of services, as well as a 5.5 percent tax on commercial leases.⁴ Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁵

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.⁶ A surtax applies to “all transactions ... subject to the state tax ... on sales, use, services, rentals, admissions, and other transactions”⁷ The discretionary sales surtax rates vary by county in a range of 0.5 to 1.5 percent.⁸

Overview of Florida Property Tax

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.⁹ The property appraiser annually determines the “just value”¹⁰ of

¹ Section 212.05(1)(a)1.a., F.S.

² Section 212.04(1)(b), F.S.

³ Section 212.03(1)(a), F.S.

⁴ Section 212.031, F.S.

⁵ Section 212.07(2), F.S.

⁶ Section 212.055, F.S.

⁷ Section 212.054(2)(a), F.S.

⁸ FLA. DEP'T OF REVENUE, *Discretionary Sales Surtax Information for Calendar Year 2023*, available at https://floridarevenue.com/Forms_library/current/dr15dss.pdf (last visited Apr. 15, 2023).

⁹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

¹⁰ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing

property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."¹¹ Property tax bills are mailed in November of each year based on the previous January 1 valuation.¹² Taxes are due by March 31 of the following year,¹³ but taxpayers receive a discount if they pay early.¹⁴

The Florida Constitution prohibits the state from levying ad valorem taxes¹⁵ and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.¹⁶

Overview of Florida Corporate Income Tax

Florida levies a 5.5 percent tax on certain income of corporations and financial institutions doing business in Florida.¹⁷ Florida utilizes the taxable income determined for federal income tax purposes as a starting point to determine the total amount of Florida corporate income tax due.¹⁸ This means that a corporation paying taxes in Florida generally receives the same benefits from deductions allowed when determining taxable income for federal tax purposes as it does when determining taxable income for state taxation purposes.

Florida provides various tax benefits for certain corporate activities. These tax benefits take the form of subtractions, which reduce the amount of income that is ultimately subject to tax, exemptions, which prohibit taxation on certain levels of income, and tax credits, which are a dollar-for-dollar reduction of a corporation's tax liability.

Overview of Florida Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums, a 1 percent tax on annuity premiums; and a 1.6 percent tax on self-insurers.¹⁹ In addition, some insurers pay a retaliatory tax to the extent the insurer's state of domicile would impose a greater tax burden than Florida imposes.

The bill contains several unrelated issues. Thus, the present situation for each issue included in the bill is described below in Section III, Effect of Proposed Changes.

buyer would pay a willing seller for the property in an arm's-length transaction. *See, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

¹¹ See ss. 192.001(2) and (16), F.S.

¹² Section 197.322, F.S.; *see also* FLA. DEP'T OF REVENUE, Florida Property Tax Calendar, *available at* <https://floridarevenue.com/property/Documents/taxcalendar.pdf> (last visited Apr. 15, 2023).

¹³ Section 197.162, F.S.

¹⁴ Section 197.162, F.S.; *see also* FLA. DEP'T OF REVENUE, Tax Collector Calendar, *available at* <https://floridarevenue.com/property/Documents/tccalendar.pdf> (last visited Apr. 15, 2023).

¹⁵ FLA. CONST. art. VII, s. 1(a).

¹⁶ *See* FLA. CONST. art. VII, s. 4.

¹⁷ Section 220.11(2), F.S.

¹⁸ Section 220.12, F.S.

¹⁹ Section 624.509, F.S., and s. 624.4621, F.S.

III. Effect of Proposed Changes:

Section 1 – Special Assessments on Nonresidential Farm Buildings

Present situation

Agricultural lands are those used primarily for bona fide agricultural purposes such as horticulture, viticulture, forestry, and farming.²⁰ Property appraisers are required to annually classify all land as either agricultural or nonagricultural.²¹ Lands classified as agricultural are assessed based on current use rather than its highest and best use, often resulting in lower assessed values.²²

Only the area of the land used for agricultural purposes benefits from the agricultural classification.²³ Maintaining a dwelling on part of the lands used for agricultural purposes does not in itself preclude an agricultural classification.²⁴ When agricultural property contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately.²⁵

Counties are authorized to levy special assessments;²⁶ however, they are prohibited from levying special assessments for the provision of fire protection services on a nonresidential farm building with a just value equal to or less than \$10,000.²⁷

Proposed change

The bill amends s. 125.0104, F.S., to prohibit special assessments on lands classified as agricultural.

Sections 2-7 – Local Tax Referenda; Tourist Development Tax Revenue Uses

Present situation

Counties and municipalities have authority to levy a variety of optional taxes conditioned upon approval of a majority of electors voting in a referendum.

Presently, the referenda approving the local taxes amended in the bill are held at general elections.²⁸ A general election is an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.²⁹ Current law is silent on the timing of referenda to reauthorize existing taxes, and permits referenda to occur at *any* general election. The taxes addressed in the bill are described below.

²⁰ Section 193.461, F.S.

²¹ Section 193.461(1), F.S.

²² FLA. CONST. art. VII, s. 4(a).

²³ Section 193.461(3)(b), F.S.

²⁴ Section 193.461(3)(c), F.S.

²⁵ Section 193.461(3)(d), F.S.

²⁶ Section 125.01(1)(r), F.S.

²⁷ Section 125.01(1)(r), F.S.

²⁸ Sections 125.0104(6)(a), 125.0108(5), 125.901(1), 200.091, 212.055(10), 336.021(4)(a)2., and 336.025(1)(b), F.S.

²⁹ Section 97.021(17), F.S.

Tourist Development Tax – Counties may levy five separate taxes – known as “tourist development taxes” or “TDTs” – on transient rental transactions.³⁰ The maximum tax rate varies from a minimum of 3 percent to a maximum of 6 percent.³¹ The “base” TDT may be levied at the rate of 1 or 2 percent.³² The levy of the base 1 or 2 percent TDT must be approved by a countywide referendum,³³ and additional TDT levies must be authorized by a vote of the county’s governing authority or by voter approval of a countywide referendum.³⁴

The uses of TDT revenue are specified in statute and generally relate directly to tourism.³⁵ One specified use allows counties bordering the Gulf of Mexico or the Atlantic Ocean to use up to 10 percent of the tax to reimburse expenses incurred in providing public safety services needed to address impacts related to increased tourism and visitors to an area. The county cannot impose the tourist impact tax, and it must:

1. Generate a minimum of \$10 million in annual proceeds from the TDT;
2. Have at least three municipalities; and
3. Have an estimated population of less than 225,000, excluding inmate population.³⁶

Okaloosa, Bay, and Walton counties currently meet the requirements necessary to use funds in the manner described above. Okaloosa’s April 1, 2022, population less inmates was 214,335. This is 31,472 more than Bay and 136,041 more than Walton.³⁷

Tourist Impact Tax – Counties containing a designated area of critical state concern³⁸ are authorized to create land authorities by ordinance³⁹ to “equitably deal with the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas.”⁴⁰ Any county creating a land authority may levy a tourist impact tax.⁴¹ The tax must be approved by referendum.⁴²

³⁰ Section 125.0104(3)(a)1., F.S., considers “transient rental” to be the rental or lease of any accommodation for a term of 6 months or less.

³¹ Section 125.0104, F.S.

³² Section 125.0104(3)(c), F.S. Sixty-two counties levy the original tourist development tax, all at a rate of 2 percent. OFF. OF ECON. & DEMOGRAPHIC RESCH., *2022 Local Financial Information Handbook* at 247-48, available at <http://edr.state.fl.us/Content/local-government/reports/lgfih22.pdf> (last visited Apr. 13, 2023).

³³ Section 125.0104(6), F.S.

³⁴ Section 125.0104(3)(d), F.S.

³⁵ See Section 125.0104(5), F.S.

³⁶ Section 125.0104(5)(c), F.S.

³⁷ Bureau of Economic and Business Research, University of Florida, *Florida Estimates of Population, 2022*, available at <http://edr.state.fl.us/Content/population-demographics/data/Estimates2022.pdf> (last visited April 25, 2023).

³⁸ The Areas of Critical State Concern Program, which was created by the Florida Environmental Land and Water Management Act of 1972, is intended to “protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.” FLA. DEP’T OF ECON. OPPORTUNITY, *Areas of Critical State Concern Program*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Apr. 13, 2023).

³⁹ Section 380.0663(1), F.S.

⁴⁰ Section 380.0661(1), F.S.

⁴¹ Section 125.0108(1)(a), F.S.

⁴² Section 125.0108(5), F.S.

Children's Services – In 1986, the Legislature authorized Florida counties to create children's services councils as countywide special districts to fund children's services throughout the county.⁴³ The county governing body must obtain approval, by a majority vote of those electors voting on the question, to levy ad valorem taxes to fund children's services. The levy may not exceed 0.5 mills.⁴⁴

Discretionary Sales Surtax – Counties are authorized to levy a discretionary sales surtax on transactions subject to state sales tax.⁴⁵ A referendum to adopt or amend a discretionary sales surtax must be held at a general election.⁴⁶ Current law does not specify when a referendum to reauthorize an existing sales surtax must occur.

Ninth-Cent Fuel Tax and Local Option Fuel Tax – Counties may levy a ninth-cent fuel tax (1 cent on every net gallon of motor and diesel fuel sold within a county) if approved by extraordinary vote of its governing board or by voter referendum.⁴⁷

Counties also may levy other local option fuel taxes which include a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within a county, and a tax of 1 to 5 cents on every net gallon of motor fuel (excluding diesel) sold within a county.⁴⁸ The latter tax on motor fuel may be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.⁴⁹

All impositions of the ninth-cent fuel tax or the local option fuel tax must be levied before October 1 of each year to be effective January 1 of the following year.⁵⁰

Proposed change

In general, the bill requires that the reenactment or increase of a currently levied tax must appear on the ballot in a general election within the 48 months preceding the effective date of the reenacted or increased tax, and the question may only appear on the ballot once during that 48-month period. This exact requirement is amended into ss. 125.0104, F.S., (the Tourist Development Tax), 125.0108, F.S., (the Tourist Impact Tax), 125.901, F.S., (Children's Services Tax), 212.055, F.S., (Discretionary Sales Surtaxes), 336.021, F.S., (Ninth-cent Fuel tax), and 336.025, F.S., (Local Option Fuel Tax).

The bill also amends s. 125.0104(5)(c), F.S., to increase the 225,000 population threshold to 275,000, and to allow this use of funds by fiscally constrained counties that border the Gulf of Mexico or Atlantic Ocean.

⁴³ Chapter 86-197, Laws of Fla.; s. 125.901(1), F.S. Ten counties currently have children's services councils organized as independent special districts. See FLA. DEP'T OF ECON. OPPORTUNITY, *Official List of Special Districts Online*, available at <https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts>, Special Purpose Totals and Statutory Authority (PDF) (last visited Apr. 13, 2023).

⁴⁴ Section 125.901(3)(b), F.S.

⁴⁵ Section 212.054, F.S.

⁴⁶ Section 212.055(10), F.S.

⁴⁷ Section 336.021(1)(a), F.S.

⁴⁸ Section 336.025, F.S.

⁴⁹ Section 336.025(1)(b), F.S.

⁵⁰ Section 336.025(1)(a)-(b), F.S.

The bill would allow the continued use of funds by Okaloosa, Bay, and Walton counties, and extend such use to Gulf, Franklin, Wakulla, Taylor, Dixie, and Levy.

Sections 8 and 9 – Totally and Permanently Disabled Veteran and Surviving Spouse Homestead Property Tax Exemption – Transfers to New Property

Present situation

Florida provides a complete property tax exemption for the homestead property of:

- A veteran who was honorably-discharged with a total and permanent service-connected disability.
- A surviving spouse of a veteran who died from service-connected causes while on active duty.
- A surviving spouse of first responder who died in the line of duty.⁵¹

An exemption granted to a totally and permanently disabled veteran or a surviving spouse of veteran or first responder who died in the line of duty may be transferred to new property.⁵² If a veteran who has been granted the exemption passes away, the exemption carries over to his or her spouse and continues so long as the spouse holds title to the homestead property, permanently resides thereon, and does not remarry.⁵³ In these “carry over” situations, the amount exempted may be transferred to a new homestead if the first property is sold, the newly acquired property is established as a homestead, and the surviving spouse does not remarry.⁵⁴

Situations have been reported involving property appraisers who prohibited a taxpayer from transferring their exemptions to new property.

Proposed change

The bill amends s. 196.081, F.S., to clarify throughout that veterans and surviving spouses receiving a homestead exemption are entitled to transfer the exemption to a new property.

The bill provides that these amendments are remedial and clarifying and do not provide a basis for an assessment or refund of taxes paid.

Sections 10 and 11 – Homestead Property Tax Exemption for Totally and Permanently Disabled Veterans and Surviving Spouses – Refunds and Federal Law Enforcement

Present situation

Newly Purchased Homesteads – Property is valued and its exemptions are determined as of January 1 each year.⁵⁵ Thus, in the year of purchase, a purchaser of realty typically receives only the exemptions that the seller was entitled to on January 1. However, for veterans who are

⁵¹ See s. 196.081, F.S.

⁵² See s. 196.081, F.S.

⁵³ Section 196.081(3), (4)(b), and (6)(b), F.S.

⁵⁴ Section 196.081(3), (4)(b), and (6)(b), F.S.

⁵⁵ Section 192.042, F.S.

currently receiving the homestead exemption for a totally and permanently disabled veteran, the veteran can receive a refund of property taxes that he or she paid on the newly purchased homestead in the year of purchase.⁵⁶ If the veteran had not been receiving the exemption on a prior homestead as of January 1 of the purchase year, the veteran is not entitled to this refund treatment.

Federal Law Enforcement Officers – For purposes of the exemption that applies to the homestead property of a surviving spouse of a first responder who died in the line of duty, “first responder” does not include federal law enforcement officers.⁵⁷

Permanent Residency Requirement – The Florida Constitution grants the Legislature broad authority with regard to all taxes other than property tax.⁵⁸ With regard to property tax, the Legislature is limited to exercising the express authority included within the Florida Constitution.

With regard to the exemption for surviving spouses of veterans who died from service-connected causes while on active duty, the statute makes the exemption contingent on the veteran being a permanent resident of Florida on January 1 of the year in which he or she died.⁵⁹ This residency requirement is not included in the constitutional authority to grant this exemption.⁶⁰

In 2020, the Second District Court of Appeal ruled that the permanent residency requirement violated the Florida Constitution.⁶¹

Proposed change

Newly Purchased Homesteads. – The bill amends s. 196.081, F.S., to allow totally and permanently disabled veterans or their surviving spouses who acquire property between January 1 and November 1 to receive a prorated refund of taxes paid in the year of acquisition if he or she applies for and receives an ad valorem tax exemption for totally and permanently disabled veterans in the subsequent tax year. The property owner must have qualified as having had a service-connected total and permanent disability as of January 1 of the year of acquisition but will no longer be required to have actually received the exemption on a prior homestead.

Federal Law Enforcement Officers. – The bill amends s. 196.081, F.S., to revise the definition of “first responder” to include federal law enforcement officers as defined in s. 901.1505(1), F.S.⁶² This revision expands both the ad valorem tax exemption for surviving spouses of first

⁵⁶ Section 196.081(1)(b)1., F.S.

⁵⁷ “First responder” is defined as a law enforcement or correctional officer as defined in s. 943.10, F.S.; a firefighter as defined in s. 633.102, F.S.; or an emergency medical technician or paramedic as defined in s. 401.23, F.S.

⁵⁸ FLA. CONST. art VII, s. 1(a).

⁵⁹ Section 196.081(4), F.S.

⁶⁰ See FLA. CONST. art. VII, s. (6)(f)1.

⁶¹ See *Dep’t of Revenue v. Bell*, 290 So. 3d 1060 (Fla. 2nd DCA 2020).

⁶² Section 901.1505(1), F.S., provides that the term “federal law enforcement officer” means “a person who is employed by the Federal Government as a full-time law enforcement officer as defined by the applicable provisions of the United States Code, who is empowered to effect an arrest for violations of the United States Code, who is authorized to carry firearms in the performance of her or his duties, and who has received law enforcement training equivalent to that prescribed in s. 943.13.”

responders who died in the line of duty and the ad valorem tax exemption for first responders rendered totally and permanently disabled in the line of duty to include federal law enforcement officers. The bill does not otherwise substantively amend the requirements to receive those tax exemptions.

Permanent Residency Requirement – The bill amends s. 196.081, F.S., to remove the permanent residency requirement ruled unconstitutional by the Second District Court of Appeals.

Sections 12 and 13 – Ad Valorem Exemption for Religious Property

Present situation

Property used predominantly for educational, literary, scientific, religious, or charitable purposes is exempt from property tax.⁶³ In determining whether the property is predominantly used for an exempt purpose, the property appraiser must consider the nature and extent of the qualifying activity compared to other activities performed by the organization owning the property, and the availability of the property for use by charitable or other qualifying entities.⁶⁴ Only the portions of the property used predominantly for an exempt purpose may be exempt from ad valorem taxation.

Proposed change

The bill amends s. 196.196, F.S., to clarify that property owned by a house of public worship and used as a parsonage, burial ground, or tomb is used for a religious purpose. The bill provides that the change is remedial and clarifying and does not provide a basis for a tax assessment or a refund of tax.

Section 14 – Ad Valorem Exemption for Educational Property

Present situation

Property used for educational purposes is exempt from property tax in Florida.⁶⁵ In order to be exempt, the property generally has to be both owned by an educational institution and used for educational purposes by the educational institution.⁶⁶

The exemption also covers several additional educational situations:

- Certain workshops that provide rehabilitation and retraining of disabled persons;
- Certain portions of property used by college fraternities and sororities;
- The use of property by certain public fairs and expositions;
- Situations where the property used for educational purposes and the educational institution are owned by the same persons; and

⁶³ Sections 196.196(2) and 196.198, F.S. *See also* s. 196.1978, F.S. (providing that certain property used to provide affordable housing is property used for a charitable purpose).

⁶⁴ Section 196.196(1)(a)-(b), F.S.

⁶⁵ Section 196.198, F.S.

⁶⁶ Section 196.198, F.S.

- Property owned by a non-profit entity but used for educational purposes by a 501(c)(3) educational institution that uses the property under a ground lease or other contractual arrangement to provide education for students prekindergarten through grade 8.⁶⁷

Proposed change

The bill amends s. 196.198, F.S., to exempt property used for educational purposes when:

- The educational property is leased by an educational institution under a 98-year lease for a nominal amount.
- The property is leased and used by an educational institution for educational purposes, the educational institution received the exemption for any 10 consecutive years, and the educational institution is responsible for the taxes, ongoing maintenance, and expenses.

Sections 15 and 16 – Ad Valorem Tax Refunds for Damaged Property

Present situation

Florida provides refunds of property taxes paid with respect to residences rendered uninhabitable for at least 30 days by a catastrophic event.⁶⁸ Affected property owners must pay the tax bill when it comes due, but then may apply for a refund of proportionate share of taxes paid with respect to the time that their residence was uninhabitable.⁶⁹

The current definition of “catastrophic event” is broad enough to encompass both a localized event such as a fire or flood that renders a single structure uninhabitable, as well as a large scale natural disaster such as a hurricane that damages multiple properties and may significantly affect the budgets of the state and local governments.

The current provisions were passed in 2022 and became effective January 1, 2023.⁷⁰

Proposed change

The bill amends s. 197.319, F.S., primarily making clarifying changes.

The bill makes one substantive change to the statute. The bill redefines “catastrophic event” to exclude an event that results in a federal disaster or state of emergency declaration under s. 252.36, F.S., which relates to the emergency management powers of the Governor.

These changes first apply to the 2024 property tax roll.

⁶⁷ Section 196.198, F.S.

⁶⁸ Section 197.319, F.S.

⁶⁹ See generally s. 197.319, F.S.

⁷⁰ Section 14, ch. 2022-97, Laws of Fla.

Sections 17-19 – Small Business Administration Loan Exemption – Documentary Stamp Tax and Intangible Tax

Present situation

Florida levies a documentary stamp tax on certain documents executed, delivered, or recorded in Florida. The most common examples are documents that transfer an interest in Florida real property, such as deeds; and mortgages and written obligations to pay money, such as promissory notes.⁷¹

The tax on deeds and other documents related to real property is 70 cents per \$100,⁷² and the tax on written obligations to pay money is 35 cents per \$100.⁷³ The tax levied on written obligations to pay money may not exceed \$2,450.⁷⁴

Chapter 199, F.S., imposes a non-recurring, one-time intangible personal property tax on obligations for the payment of money secured by liens on Florida real property.⁷⁵ The rate for the intangible tax is 2 mills for each dollar of the just valuation of all notes, bonds, and other obligations for payment of money which are secured by mortgage, deed, or other lien.⁷⁶

504 Loan Program – The United States Small Business Administration (SBA) provides long-term, fixed-rate financing through their 504 Loan Program for small, for-profit companies looking to invest in major fixed assets but who need assistance with funding. The loan program offers loans of up to \$5.5 million⁷⁷ that can be used for buildings, land, or machinery and equipment necessary to promote business growth or spur job creation.⁷⁸

The program is normally structured requiring 10 percent of the capital from the owner,⁷⁹ 50 percent from a traditional loan,⁸⁰ and 40 percent from the 504 Loan.⁸¹ The program uses Certified Development Companies, which are nonprofit corporations that help organize the 504 Loan process and serve as intermediaries for companies, banks, and the SBA.⁸²

As part of the 504 loan process, the 40 percent loan is initially structured as an “interim” or “bridge” loan through a separate bank, which is either the same bank issuing the 50 percent traditional loan or a different bank. In either case, both the 50 percent traditional loan and the 40

⁷¹ FLA. DEP’T OF REVENUE, *Florida Documentary Stamp Tax*, available at https://floridarevenue.com/taxes/taxesfees/pages/doc_stamp.aspx (last visited Apr. 14, 2023).

⁷² Section 201.02(1)(a), F.S.

⁷³ Sections 201.07 and 201.08(1)(b), F.S.

⁷⁴ Section 201.08(1)(a), F.S.

⁷⁵ Section 199.133(1), F.S.

⁷⁶ Section 199.133(1), F.S.

⁷⁷ 15 U.S.C. s. 696(2).

⁷⁸ U.S. SMALL BUS. ADMIN., *504 Loans*, <https://www.sba.gov/funding-programs/loans/504-loans> (last visited April 14, 2023).

⁷⁹ 15 U.S.C. s. 696 (3)(C)(iv).

⁸⁰ 15 U.S.C. s. 696(3)(B)(ii).

⁸¹ U.S. SMALL BUS. ADMIN., *504 Loan Program*, available at <https://www.sba.gov/brand/assets/sba/sba-lenders/504-Loan-Fact-Sheet-Borrower-Version.pdf> (last visited April 14, 2023).

⁸² U.S. SMALL BUS. ADMIN., *504 Loan Program*, available at <https://www.sba.gov/brand/assets/sba/sba-lenders/504-Loan-Fact-Sheet-Borrower-Version.pdf> (last visited April 14, 2023).

percent SBA loan are subject to documentary stamp tax and non-recurring intangibles tax, based on the value of the loans.

When the SBA finalizes the transaction, the treatment of the 40 percent interim loan differs depending on whether interim loan is held by the same bank as the traditional 50 percent loan or another bank. When the 40 percent interim loan is held by the same bank as the 50 percent traditional loan, the SBA will merely assume the 40 percent traditional loan. Under this treatment, documentary stamp tax and intangibles tax is only due on any increased amount of fees that is added to the transaction by the SBA. However, when the 40 percent traditional loan is by a different bank than the 50 percent traditional loan, the SBA requires a new loan to be executed and that new loan will add any additional fees added by the SBA. When the new loan is executed, the entire amount – both the portion that was the 40 percent interim loan that was already subjected to tax, and the new fee portion – is subject to tax.

Alarm System Contractors -- Some alarm system contractors have promissory notes executed when installing a new alarm system into real property. Such promissory notes are subject to documentary stamp tax.

Proposed change

The bill amends ss. 199.145 and 201.08, F.S., to exempt from documentary stamp tax and intangible personal property tax that portion of an interim loan upon which taxes have already been paid when the federal government takes over the loan.

The bill amends s. 201.08, F.S., to exempt from documentary stamp tax non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of \$3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system, as defined in s. 489.505.

Section 20 – Local Communications Services Tax Rate Freeze

Present situation

Florida imposes communications services tax on the sale of communications services in Florida.⁸³ The tax applies to communications services such as telephone service, cable television service, and direct-to-home satellite service. The tax is comprised of both a state tax⁸⁴ and a local tax⁸⁵. The state tax rate is generally 4.92 percent,⁸⁶ except for direct-to-home satellite service, which has a unique tax structure.

With regard to the local communications services tax:

- Charter counties and municipalities may levy a rate of up to 5.1 percent for municipalities and charter counties that have not chosen to levy permit fees, and at a rate of up to 4.98 percent for municipalities and charter counties that have chosen to levy permit fees; and

⁸³ Section 202.12, F.S.

⁸⁴ Section 202.12, F.S.

⁸⁵ Section 202.19, F.S.

⁸⁶ Section 202.12(1)(a) and (b), F.S.

- Noncharter counties may levy a rate of up to 1.6 percent.⁸⁷

Under s. 202.19(5), F.S., any discretionary sales surtax levied by a county or school board under s. 212.055, F.S., is imposed as a local communications services tax. This surtax is added to the adopted local rate at the respective conversion rate, as determined in accordance with methodology and chart in s. 202.20(3), F.S. The total local communications services tax rate is the total adopted rate plus the local option tax (at the converted rate), if applicable. The total local rate varies by jurisdiction.

Proposed change

The bill revises s. 202.19, F.S., to prohibit any local communications services tax rate in effect as of January 1, 2023, from being increased before January 1, 2026.

The bill also provides that any increases to discretionary sales tax, levied pursuant to s. 212.055, F.S., may not be added to the local communications services tax under s. 202.19, F.S., before January 1, 2026.

Sections 21-23 – Natural Gas Fuel Tax Delay

Present situation

In 2013, the Legislature established a fuel tax for natural gas when sold as a fuel for a motor vehicle. The decal fee imposed on “alternative fuel” vehicles was simultaneously repealed.⁸⁸ The bill repealed related provisions, including s. 206.877, F.S. (motor vehicles fueled by liquefied petroleum gas or compressed natural gas), and s. 206.89, F.S. (licensure of retailers of alternative fuel); and it amended and relocated various provisions to the new part V of the chapter.

The bill delayed the imposition of the newly established tax until December 31, 2018, and exempted from the sales and use tax natural gas and natural gas fuel when placed into the fuel system of a motor vehicle.⁸⁹ Thereafter, a person operating as a natural gas fuel retailer was required to pay a tax on all natural gas fuel purchases⁹⁰ and report monthly to the Department of Revenue.⁹¹

Beginning January 1, 2019, the following taxes were to be imposed on natural gas fuel:

- An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.
- An additional tax of 1 cent upon each motor fuel equivalent gallon⁹² of natural gas fuel, which is designated as the “ninth-cent fuel tax.”

⁸⁷ Section 202.19, F.S.

⁸⁸ Chapter 2013-198, Laws of Fla., codified in Part V of ch. 206, F.S.

⁸⁹ Section 212.08(4)(a)2., F.S. (2022).

⁹⁰ Section 206.9952(8), F.S. (2013).

⁹¹ The method for determining the tax rate imposed was originally created in s. 206.996(1), F.S., with an effective date of February 2019.

⁹² “Motor fuel equivalent gallon” is defined in s. 206.9951(1), F.S., to mean the volume of natural gas fuel it takes to equal the energy content of one gallon of motor fuel. Section 206.9955, F.S., currently defines the motor fuel equivalent gallon for compressed natural gas, liquefied natural gas, and liquefied petroleum gas.

- An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the “local option fuel tax.”
- An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the “State Comprehensive Enhanced Transportation System (SCETS) Tax,” at a rate determined by statute.⁹³
- An additional tax on each motor fuel equivalent gallon of natural gas fuel “for the privilege of selling natural gas fuel” at a rate determined by statute.⁹⁴

In 2018, the Legislature:

- Delayed until January 1, 2024, imposition of the natural gas fuel taxes described above, as well as a natural gas fuel retailer’s obligation to report monthly to the Department of Revenue.
- Made a correction to the formulas used by the Department of Revenue to determine the annual tax rates for SCETS and the additional fuel tax, which was necessary to properly perform the calculations.
- Extended the expiration date of the \$200 penalty against a person acting as a natural gas retailer without a license from December 31, 2018, to December 31, 2023.
- Extended the effective date of the 25 percent penalty to January 1, 2019, to January 1, 2024.⁹⁵

Proposed change

The bill delays from January 1, 2024, to January 1, 2026, the imposition of natural gas fuel taxes, calculations required to be made by the Department of Revenue to set the annual tax rate for SCETS and the additional tax, and a retailer’s obligation to report monthly. Monthly reporting must begin February 2026, rather than February 2024.

The bill extends the current expiration date from December 31, 2023, to December 31, 2025, for the penalty imposed on a person who acts as a natural gas retailer but does not hold proper licensure. The bill also makes the 25 percent penalty against a retailer who acts without a retailer license effective January 1, 2026, rather than January 1, 2024.

⁹³ Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30. Section 206.9955(2)(d), F.S. (2013).

⁹⁴ Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is calculated by adjusting the initially established tax rate of 9.2 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30. Section 206.9955(2)(e)1., F.S. (2013).

⁹⁵ Chapter 2018-118, Laws of Fla.

Section 24 – Permanent Sales Tax Exemptions

Electrical Energy Storage Machinery and Equipment

Present situation

Current law exempts from the sales and use tax purchases of machinery and equipment used at a fixed location for specific purposes. For example, machinery and equipment used in the production of electrical or steam energy, to increase the output of new or expanding businesses performing spaceport activities, and for machinery and equipment used under federal procurement contracts.⁹⁶ Most recently, machinery and equipment necessary to produce electrical or steam energy resulting from the burning of hydrogen or green hydrogen was exempted, as well as machinery and equipment necessary to produce green hydrogen.⁹⁷

Proposed change

The bill amends s. 212.08(5)(c), F.S., to exempt from sales tax the purchase of machinery and equipment used at a fixed location and necessary for the storage of electrical energy in an amount of at least 5 megawatts.

Renewable Natural Gas Machinery and Equipment

Present situation

Renewable natural gas is essentially made from biogas (the gaseous product of the decomposition of organic matter) that has been processed to purity standards and can be used as transportation fuel or liquefied natural gas. However, to fuel vehicles, the biogas must be processed to a higher purity standard resulting in the renewable gas having a higher content of methane than raw biogas, which makes it comparable to conventional natural gas. This makes the renewable natural gas suitable in applications that require pipeline-quality gas such as vehicles.⁹⁸

Three main sources of biogas are landfills, livestock operations, and wastewater treatment sites. In landfills, the digestion process takes place in the ground rather than in an anaerobic digester, which is a series of processes in which microorganisms break down biodegradable material in the absence of oxygen.⁹⁹ As of 2021, there were 548 operational landfill gas projects in the country. At livestock operations, animal manure is collected and run through an anaerobic digester to stabilize and optimize methane production. The result is biogas that can be processed into renewable natural gas and used to fuel gas vehicles or produce electricity. As of 2022, there are 331 livestock farms utilizing anaerobic digester systems in the country, including three in Florida.¹⁰⁰ At wastewater treatment plants, biogas is produced by digesting the solids removed in the wastewater treatment process.

⁹⁶ See s. 212.08(5), F.S.

⁹⁷ Section 212.08(7)(ppp), F.S.

⁹⁸ U.S. DEP'T OF ENERGY, *Alternative Fuels Data Center, Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html. (last visited Apr. 15, 2023).

⁹⁹ U.S. DEP'T OF ENERGY, *Alternative Fuels Data Center, Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html. (last visited Apr. 15, 2023).

¹⁰⁰ U.S. ENV'T PROT. AGENCY, *Livestock Anaerobic Digester Database*, <https://www.epa.gov/agstar/livestock-anaerobic-digester-database> (last visited Apr. 15, 2023).

Proposed change

The bill amends s. 212.08, F.S., to exempt from the sales and use tax the sale of machinery and equipment used at a fixed location for the production, storage, transportation, compression, or blending of renewable natural gas.

The bill defines “renewable natural gas” as an anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater, which may be used as transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline. The bill specifies that any reference to natural gas in ch. 212, F.S., includes renewable natural gas.

The bill provides that purchasers of machinery and equipment qualifying for this exemption must furnish the vendor with an affidavit stating that the item or items to be exempted are for the production, storage, transportation, compression, or blending of renewable natural gas. Purchasers with self-accrual authority¹⁰¹ are not required to provide an affidavit; however, the purchaser must maintain all documentation necessary to prove the exempt status of purchases.

A person furnishing a false affidavit to the vendor in order to evade payment of the sales tax is liable for payment of the tax plus a mandatory penalty of 200 percent of the tax. A violation of this section is a third degree felony.¹⁰²

Baby and Toddler Products***Present situation***

The sale of baby and toddler products is subject to Florida sales and use tax.

Proposed change

The bill amends s. 212.08, F.S., to exempt from sales and use tax the sale of:

- Baby cribs, including baby playpens and baby play yards.
- Baby strollers.
- Baby safety gates.
- Baby monitors.
- Child safety cabinet locks and latches and electrical socket covers.

¹⁰¹ Section 212.183, F.S. The Department of Revenue is authorized to provide by rule for self-accrual of the sales tax under one or more of the following seven circumstances: where authorized by law for holders of direct pay permits; where tangible personal property is subject to tax on a prorated basis, and the proration factor is based upon characteristics of the purchaser; where the taxable status of types of tangible personal property will be known only upon use; for commercial renters where the purchaser rents from a number of independent property owners who, apart from rentals to the purchaser in question, would otherwise not be obligated to register as dealers; where the purchaser makes purchases in excess of \$10 million per year of tangible personal property in any county; when the purchaser makes purchases of promotional materials defined in s. 212.06(11), F.S., and at the time of purchase, the purchaser does not know whether the materials will be exported outside the state; and for commercial rentals where the purchaser, who is required to remit sales tax electronically pursuant to s. 213.755, F.S., rents from a number of independent property owners.

¹⁰² Section 212.085, F.S. A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

- Bicycle child carrier seats and trailers designed for carrying young children, including any adaptors and accessories for these seats and trailers.
- Baby exercisers, jumpers, bouncer seats and swings.
- Breast pumps, bottle sterilizers, baby bottles and nipples, pacifiers, and teething rings.
- Baby wipes.
- Changing tables and changing pads.
- Children's diapers, including single-use diapers, reusable diapers, and reusable diaper inserts.
- Baby and toddler clothing, apparel, and shoes, primarily intended for and marketed for children age 5 or younger. Baby and toddler clothing size 5T and smaller and baby and toddler shoes size 13T and smaller are presumed to be primarily intended for and marketed for children age 5 or younger.

Diapers and Incontinence Products

Present situation

Diapers and incontinence products are generally subject to sales and use tax in Florida. However, diapers for children and adults, diaper bags, and diaper inserts have been temporarily exempted from sales tax during certain sales tax holidays.¹⁰³ Additionally, children's diapers including single-use diapers, reusable diapers, and reusable diaper inserts are currently exempt from sales tax until June 30, 2023.¹⁰⁴

Some medical products are among the items exempt from sales and use tax.¹⁰⁵ Such products include ostomy pouches, catheters, and mastectomy pads.¹⁰⁶ Common household remedies used in the cure, mitigation, treatment, or prevention of illness or disease, such as alcohol wipes, bandages, and gauze, are also exempt from sales and use tax.¹⁰⁷ Certain products relating to infants are exempt, including baby food, formulas, and teething lotion.¹⁰⁸

Of the 45 states that impose a sales tax,¹⁰⁹ California, Colorado, Connecticut, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia do not subject the sale of diapers to state sales tax.¹¹⁰ North Dakota exempts diapers used for incontinence, but not baby diapers.¹¹¹

¹⁰³ See, e.g., FLA. DEP'T OF REVENUE, *2022 Back-to-School Sales Tax Holiday Tax Information Publication*, 4, available at https://floridarevenue.com/taxes/tips/Documents/TIP_22A01-08.pdf (last visited Apr. 15, 2023).

¹⁰⁴ Chapter 2022-97, s. 50, Laws of Fla.

¹⁰⁵ Section 212.08(2)(a), F.S.

¹⁰⁶ The Department of Business and Professional Regulation is responsible for prescribing and approving a list of common household remedies, which is then certified by the Department of Revenue. See FLA. DEP'T OF REVENUE, *Nontaxable Medical Items and Grocery List*, 2, available at https://floridarevenue.com/Forms_library/current/dr46nt.pdf (last visited Mar. 8, 2023).

¹⁰⁷ *Id.* at 1.

¹⁰⁸ *Id.* at 3.

¹⁰⁹ Alaska, Delaware, Montana, New Hampshire, and Oregon do not levy a state sales tax. See TAX FOUND., *State and Local Sales Tax Rates, 2020*, available at <https://files.taxfoundation.org/20200115132659/State-and-Local-Sales-Tax-Rates-2020.pdf> (last visited Mar. 8, 2023).

¹¹⁰ NAT'L DIAPER BANK NETWORK, *Diaper Tax*, <https://nationaldiaperbanknetwork.org/diaper-tax/> (last visited Apr. 15, 2023).

¹¹¹ *Id.*

Proposed change

The bill amends s. 212.08, F.S., to exempt from sales and use tax the sale for human use of diapers, incontinence undergarments, incontinence pads, and incontinence liners.

Oral Hygiene Products***Present situation***

The sale of oral hygiene products is subject to sales tax in Florida.

Proposed change

The bill amends s. 212.08, F.S., to exempt from sales tax the sale of oral hygiene products. “Oral hygiene products” is defined to mean electric and manual toothbrushes, toothpaste, dental floss, dental picks, oral irrigators, and mouthwash.

Firearm Safety Devices***Present situation***

The sale of firearm safety devices is subject to sales tax in Florida.

Proposed change

The bill amends s. 212.08, F.S., to exempt from sales tax the sale of a firearm safe, firearm lockbox, firearm case, or other device that is designed to be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means. Also exempt is a firearm trigger lock or firearm cable lock that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device and that is designed to be unlocked only by means of a key, a combination, or other similar means.

Small Private Investigative Agencies***Present situation***

Effective September 1, 1992, the following services were made and continue to be subject to the sales and use tax:

- Charges for detective, burglar protection, and other protection services;
- Nonresidential cleaning; and
- Nonresidential building pest control services.¹¹²

The Division of Licensing within the Department of Agriculture and Consumer Services oversees the regulation of licensing of private investigative services.¹¹³ As of December 31, 2022, the Division has issued 2,689 private investigative agency licenses and 7,136 private investigator licenses.¹¹⁴

¹¹² Chapter 92-319, Laws of Fla. and section 212.05(1)(i)1., F.S.

¹¹³ Chapter 493, F.S.

¹¹⁴ Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports* (as of March 31, 2023), available at https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf (last visited Apr. 25, 2023).

A “private investigator” is defined as any individual who, for consideration, advertises as providing or performs private investigation.¹¹⁵ A “private investigative agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations.¹¹⁶ Private investigation is defined as an investigation to obtain information on any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation thereof.¹¹⁷

Any person, firm, company, partnership, or corporation that engages in business as a private investigative agency must have a Class “A” license.¹¹⁸ To become a private investigator in Florida, a Class “C” Private Investigator license is required.¹¹⁹ In order to obtain a Class “C” license, an applicant must have two years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of private investigative work that provides equivalent experience, certain college coursework, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency.¹²⁰

Proposed change

The bill exempts from the sales tax private investigation services provided by a small private investigative agency.

The bill defines a “small private investigative agency” as a private investigator licensed under s. 493.6201, F.S., which:

- Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employment leasing arrangement; and
- During the previous calendar year, sold less than \$150,000 in private investigation services otherwise subject to sales tax.

The exemption may not apply in the first calendar year that an agency conducts taxable sales.

¹¹⁵ Section 493.6101(16), F.S.

¹¹⁶ Section 493.6101(15), F.S.

¹¹⁷ Section 493.6101(17), F.S.

¹¹⁸ Section 493.6201(1), F.S.

¹¹⁹ Section 493.6201(5), F.S.

¹²⁰ Section 493.6203(4), F.S.

Section 25 – Property Appraiser Appeals of Value Adjustment Board Decisions

Present situation

The property appraiser may appeal a decision of the VAB in circuit court if one of the following criteria are met:

- The property appraiser determines and affirmatively asserts in any legal proceeding that there is a specific constitutional or statutory violation, or a specific violation of administrative rules, in the decision of the VAB;
- There is a variance from the property appraiser's assessed value in excess of the following:
 - 15 percent variance from any assessment of \$50,000 or less;
 - 10 percent variance from any assessment in excess of \$50,000 but not in excess of \$500,000;
 - 7.5 percent variance from any assessment in excess of \$500,000 but not in excess of \$1 million; or
 - 5 percent variance from any assessment in excess of \$1 million; or
- There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the VAB in its decisions.¹²¹

Proposed change

The bill amends s. 194.036, F.S., to adjust the variance between initial assessment and VAB decision required to allow a property appraiser to appeal the decision of the VAB. The changes provided by the bill are as follows:

- 20 percent variance from any assessment of \$250,000 or less;
- 15 percent variance from any assessment in excess of \$250,000 but not in excess of \$1,000,000;
- 7.5 percent variance from any assessment in excess of \$1,000,000 but not in excess of \$2.5 million; or
- 5 percent variance from any assessment in excess of \$2.5 million.

Section 26 – Municipal Resort Tax and Local Food and Beverage Tax

Present situation

In 1967, Florida authorized the municipal resort tax.¹²² The law authorized cities and towns meeting certain population requirements located within counties also meeting certain population requirements to levy the tax.¹²³ The tax could be levied on rentals of hotel rooms and similar accommodations, and it could also be levied on sales of food and certain beverages.¹²⁴

The municipal resort tax continues to be levied today in the cities of Bal Harbour, Surfside, and Miami Beach, all of which are located within Miami-Dade County.

¹²¹ Section 194.036, F.S.

¹²² Chapter 67-930, Laws of Fla.

¹²³ Section 1, ch. 67-930, Laws of Fla.

¹²⁴ Section 1, ch. 67-930, Laws of Fla.

Florida has since authorized counties to levy the local option food and beverage tax.¹²⁵ The local option food and beverage tax consists of two taxes: a 2 percent tax on the sale of food, beverages, and alcoholic beverages sold in hotels and motels, and a 1 percent tax on the sale of food, beverages, and alcoholic beverages sold at an establishment licensed by the state to sell alcoholic beverages on site.¹²⁶

The local option food and beverage tax may not be levied in a city or town that levies the municipal resort tax.¹²⁷

Proposed change

The bill authorizes the imposition of the 1 percent local option food and beverage tax in a city or town that levies the municipal resort tax if the levy is approved by referendum in the city or town.

Section 27 – Sales Tax Dealer Collection Allowance Permanent Increase

Present situation

Businesses that sell tangible personal property and services that are subject to the Florida sales tax are required to collect the sales tax on the sale and to remit their collections.¹²⁸ These businesses are generally referred to as dealers and are required to file returns,¹²⁹ and maintain books and records to evidence past sales,¹³⁰ which records are subject to audit by the Department of Revenue.¹³¹

For maintaining records and properly reporting and remitting sales tax, dealers are authorized to retain from collected sales tax an amount equal to 2.5 percent of collections on the first \$1,200 dollars of collected sales tax, which equates to a maximum of \$30 per return.

Proposed change

The bill amends s. 212.12, F.S., to simplify the calculation of collection allowance by removing reference to a percentage of collected taxes and replaces that calculation with a collection allowance equal to a maximum of \$45 per return.

¹²⁵ Section 212.0306, F.S.

¹²⁶ Section 212.0306(1), F.S.

¹²⁷ Section 212.0306(2)(d), F.S.

¹²⁸ See generally s. 212.06, F.S.

¹²⁹ See s. 212.11, F.S.

¹³⁰ See s. 212.13, F.S.

¹³¹ See s. 212.13, F.S.

Sections 28-32 – Promotion of Florida Thoroughbred Breeding and Racing

Present situation

Florida has a significant presence of thoroughbred horse operations. Florida produces 9 percent of the annual thoroughbred foal crop in North America.¹³² At certain times of the year, Florida has in excess of 15,000 thoroughbreds-in-training located in training centers within Florida.¹³³

In general, gambling is illegal in Florida.¹³⁴ Chapter 849, F.S., prohibits keeping a gambling house,¹³⁵ running a lottery,¹³⁶ or the manufacture, sale, lease, play, or possession of slot machines.¹³⁷ However, a few gaming activities are authorized by law and regulated by the state, including pari-mutuel¹³⁸ wagering at licensed horse tracks.¹³⁹

Pari-mutuel wagering is a system of betting on races in which the winners divide the total amount bet in proportion to the sums that they wagered and with regard to the odds assigned to the outcomes, after deducting management expenses and taxes.¹⁴⁰ The total amount bet by pari-mutuel wager is known as “handle.”¹⁴¹

Wagering can take place on live races that are occurring at the physical track where the gaming patron is located, and patrons can also participate in pari-mutuel wagering on “off-premises” races that are being conducted elsewhere. Wagering on “off-premises” races is known as “intertrack wagering.”¹⁴²

Horse tracks that race thoroughbreds – known as thoroughbred permitholders – are subject to certain taxes and fees, including:

- A 0.5 percent tax on handle for live thoroughbred horse races.¹⁴³
- A 2.4 percent tax on handle for intertrack wagering.¹⁴⁴
- Daily license fees of \$100 per horserace.¹⁴⁵
- An admissions tax of 15 percent of the admissions charge for entrance to the permitholder’s facility.¹⁴⁶

¹³² FLA. THOROUGHBRED BREEDERS’ AND OWNERS’ ASS’N, *Florida-bred Incentives*, <https://www.ftboa.com/Racing/Florida-bred-Incentives> (last visited April 14, 2023).

¹³³ THE FLA. THOROUGHBRED BREEDERS’ AND OWNERS’ ASS’N, *Florida-bred Incentives*, <https://www.ftboa.com/Racing/Florida-bred-Incentives> (last visited April 14, 2023).

¹³⁴ See s. 849.08, F.S.

¹³⁵ See s. 849.01, F.S.

¹³⁶ See s. 849.09, F.S.

¹³⁷ Section 849.16, F.S.

¹³⁸ “Pari-mutuel” is defined in Florida law as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes. See s. 550.002(22), F.S.

¹³⁹ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

¹⁴⁰ Section 550.002(21), F.S.

¹⁴¹ Section 550.002(12), F.S.

¹⁴² Section 550.002(16), F.S.

¹⁴³ Section 550.09515(2)(a), F.S.

¹⁴⁴ Section 550.09515(5), F.S.

¹⁴⁵ Section 550.0951(1)(a), F.S.

¹⁴⁶ Section 550.0951(2), F.S.

- Additional amounts taxed under the provisions listed above when races are transmitted from a Florida track.¹⁴⁷

In 2020, Congress passed the Horseracing Integrity and Safety Act of 2020 (HISA) within the Consolidated Appropriations Act of 2021.¹⁴⁸ The HISA resulted in the creation of the Horseracing Integrity and Safety Authority (the Authority), which was created for the purposes of developing and implementing a horseracing anti-doping and medication control program and racetrack safety program.¹⁴⁹ The funding for the Authority is to come from assessments for racing activities within each state.¹⁵⁰

Proposed change

The bill creates a credit for permitholders that conduct thoroughbred racing. The credit is equal to the amount paid by the permitholder in the prior fiscal year for its share of the assessments imposed by the Authority. The credit may be taken against the taxes and fees imposed under ss. 550.0951, 550.09515, and 550.3551(3), F.S., less certain other statutory credits.

The bill also amends s. 212.20, F.S., to distribute \$27.5 million of Florida sales tax receipts to the Florida Agricultural Promotional Campaign Trust Fund.

The bill creates section 571.265, F.S., relating to the promotion of Florida thoroughbred breeding and racing. The bill requires that the \$27.5 million distribution be used by the Department of Agriculture and Consumer Services to encourage breeding thoroughbred racehorses and the conducting of thoroughbred racing at thoroughbred tracks in Florida.

The bill requires that the funds be distributed as follows:

- \$5 million to the Florida Thoroughbred Breeders' Association, Inc., to be used for:
 - Purses or purse supplements for Florida-bred or Florida-sired horses that participate in Florida thoroughbred races.
 - Awards to breeders of Florida-bred horses that win, place, or show in Florida thoroughbred races.
 - Awards to owners of stallions who sired Florida-bred horses that win Florida thoroughbred stakes races, if the stallions are registered with the association as Florida stallions.
 - Other racing incentives connected to Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races in Florida.
 - Awards administration.
 - Promotion of the Florida thoroughbred breeding industry.
- \$5 million to Tampa Bay Downs, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facilities and for the maintenance and operation of that facility, pursuant to an agreement with its local majority horsemen's group.
- \$15 million to Gulfstream Park Racing Association, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facility and for the maintenance and

¹⁴⁷ See s. 550.3551, F.S.

¹⁴⁸ Pub. L. No. 116-260.

¹⁴⁹ Section 1203, Pub. L. No. 116-260.

¹⁵⁰ *Id.*

operation of its facilities, pursuant to an agreement with the Florida Horsemen's Benevolent and Protective Association, Inc.

- \$2.5 million dollars to be distributed as follows:
 - \$2 million dollars to Gulfstream Park Racing Association, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder's pari-mutuel facility, pursuant to a written agreement filed with the department establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the Florida Horsemen's Benevolent and Protective Association, Inc.
 - \$500,000 to Tampa Bay Downs, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder's pari-mutuel facility, pursuant to a written agreement filed with the department establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the local majority horsemen's group at the permitholder's pari-mutuel facility.

On or before the first day of the August following each fiscal year in which a recipient under this section received or used funds pursuant to this section, each such recipient must submit a report to the Department of Agriculture and Consumer Services detailing how all funds were used in the prior fiscal year.

These provisions of the bill are repealed on July 1, 2026, unless reviewed and saved from repeal by the Legislature.

Sections 33, 35-36, 39 and 42 – Main Street Historic Tourism and Revitalization Corporate Income and Insurance Premium Tax Credit

Present situation

National Register of Historic Places

The National Register of Historic Places,¹⁵¹ under the National Park Service, is “part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”¹⁵² The program reviews property nominations and lists eligible properties in the National Register; offers guidance on evaluating, documenting, and listing historic places; and helps qualified historic properties receive preservation benefits and incentives.¹⁵³

Properties listed in the National Register are eligible for federal preservation tax credits. A 20 percent income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service,

¹⁵¹ 54 U.S.C. s. 3021.

¹⁵² U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV., *National Register of Historic Places, What is the National Register of Historic Places?*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Apr. 15, 2023).

¹⁵³ U.S. DEP’T OF THE INTERIOR, NAT’L PARK SERV., *National Register of Historic Places, What is the National Register of Historic Places?*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Apr. 15, 2023).

to be certified historic structures.¹⁵⁴ The National Parks Service reports that each year, “approximately 1,200 projects are approved, leveraging nearly \$6 billion annually in private investment in the rehabilitation of historic buildings across the country.”¹⁵⁵

In Florida, there are more than 1,700 properties and districts listed on the National Register. Nominations for those properties must be submitted to the National Park Service through the Florida Department of State’s Division of Resources, following a review and recommendation by the Florida National Register Review Board.¹⁵⁶ The cumulative total of “Qualified Rehabilitation Expenses” (the value of items that can be written off by developers on their federal tax bill) for Florida projects over the most recent five-year period (Fiscal Year 2017-2021) is \$161 million, resulting in \$32.2 million in federal tax credits.¹⁵⁷

Main Street America

Main Street America, a program under the National Main Street Center,¹⁵⁸ is a network of grassroots organizations that “revitalizes older and historic commercial districts to build vibrant neighborhoods and thriving economies.”¹⁵⁹ The program offers community-based revitalization initiatives to transform downtowns. In order to be designated as either an affiliate or accredited member of Main Street America, a community must first become a member of the National Main Street Center and meet certain requirements.¹⁶⁰ Main Street America has coordinating programs that are organized at the state, county, and city level which partner with the National Main Street Center to provide support and training to Main Street America communities.

Florida has two coordinating programs: Florida Main Street America located in Tallahassee and Orlando Main Street located in Orlando.¹⁶¹ Florida Main Street is administered by the Division of Historical Resources (division) under the Florida Department of State.¹⁶² Forty-five Florida

¹⁵⁴ U.S. DEP’T OF THE INTERIOR, NAT’L PARK SERV., *Technical Preservation Services*, <https://www.nps.gov/tps/tax-incentives.htm> (last visited Apr. 15, 2023).

¹⁵⁵ U.S. DEP’T OF THE INTERIOR, NAT’L PARK SERV., *Historic Preservation Tax Incentives, About the Incentives*, <https://www.nps.gov/subjects/taxincentives/about.htm> (last visited Apr. 9, 2023).

¹⁵⁶ FLA. DEP’T OF STATE, Div. of Hist. Res., *National Register of Historic Places*, <https://dos.myflorida.com/historical/preservation/national-register/> (last visited Apr. 16, 2023).

¹⁵⁷ U.S. DEP’T OF THE INTERIOR, NAT’L PARK SERV., *Federal Tax Incentives for Rehabilitating Historic Buildings, Annual Report for Fiscal Year 2021*, available at <https://www.nps.gov/subjects/taxincentives/upload/report-2021-annual.pdf> (last visited Apr. 9, 2023).

¹⁵⁸ The National Main Street Center was established in 1980 as a program of the National Trust for Historic Preservation as a way to address issues facing aging and historic downtowns. The Center launched the Main Street America program in 2015. See MAIN STREET AMERICA, *About Us*, <https://www.mainstreet.org/aboutus> (last visited Apr. 16, 2023).

¹⁵⁹ MAIN STREET AMERICA, *About Us*, <https://www.mainstreet.org/aboutus> (last visited Apr. 16, 2023).

¹⁶⁰ MAIN STREET AMERICA, *Main Street America Designation*, available at [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main Street America Tier System Overview - 2021 July Update.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main%20Street%20America%20Tier%20System%20Overview%20-%202021%20July%20Update.pdf) (last visited Apr. 16, 2023).

¹⁶¹ MAIN STREET AMERICA, *Main Street America Coordinating Programs*, available at [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The Programs/2020 Coordinating Program List.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The%20Programs/2020%20Coordinating%20Program%20List.pdf) (last visited Apr. 16, 2023).

¹⁶² Section 267.031(5), F.S.

Main Streets and 10 Orlando Main Streets have received technical assistance toward the goal of revitalizing historic downtowns and encouraging economic development.¹⁶³

Florida Initiatives

Currently, Florida does not offer a similar program that provides tax credits to offset the costs of rehabilitating historic properties. The Historic Preservation Grant Program, administered by the division, provides grants for the preservation and protection of the state's historic and archaeological sites and properties. However, any property owned by private individuals or for-profit corporations are ineligible for such grants.¹⁶⁴

Florida's constitution grants any county or municipality the authority to offer ad valorem tax exemptions to owners of historic properties making preservation improvements.¹⁶⁵ Codified in the Florida Statutes under three sections, residential and commercial properties improved in a manner consistent with historic preservation standards are eligible for an exemption of up to 100 percent of the value of the improvement made to the property.¹⁶⁶ Generally, the property must be either individually listed in the National Register of Historic Places; be a contributing property to a national-register-listed district; or be designated as a historic property, or as a contributing property to a historic district. If the property is used for a governmental, not-for-profit, or commercial purpose, it must be open to the public on a regular basis. Additionally, property used for governmental or nonprofit purposes are eligible to have the entire value of the property exempted.¹⁶⁷

Proposed change

The bill creates the Main Street Historic Tourism and Revitalization Act which provides a tax credit against corporate income tax and insurance premium tax for qualified expenses¹⁶⁸ incurred in the rehabilitation of a certified historic structure.

Eligibility

An applicant must apply to the Department of State to receive a tax credit no later than 6 months after the date the certified historic structure is placed in service and must document that:

- The rehabilitation is a certified rehabilitation;¹⁶⁹

¹⁶³ VISIT FLA., *Florida Main Street Programs Have Stories to Tell*, <https://www.visitflorida.com/travel-ideas/articles/florida-main-street/> (last visited Apr. 16, 2023).

¹⁶⁴ Section 267.0617(2), F.S.

¹⁶⁵ FLA. CONST. art. VII, s. 3.

¹⁶⁶ See ss. 196.1961, 196.1997, and 196.1998, F.S.

¹⁶⁷ Section 196.1998, F.S.

¹⁶⁸ The bill defines "qualified expenses" as qualified rehabilitation expenditures (defined in 26 U.S.C., s. 47(c)(2)) and structural components (defined in 26 C.F.R., s. 1.48-1(e)(2)) at the time of project certification by the U.S. Secretary of the Interior and the U.S. Internal Revenue Service.

¹⁶⁹ The bill defines "certified rehabilitation" as the rehabilitation of a certified historic structure that the U.S. Secretary of the Interior has certified to the U.S. Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the structure is located. See 36 C.F.R., s. 67.2.

- The structure is a certified historic structure,¹⁷⁰ is income-producing, is located within the state, and was rehabilitated and placed into service on or after January 1, 2024;
- The applicant had an ownership interest or a long-term leasehold interest in the certified historic structure in the year during which the certified historic structure was placed into service;
- The total amount of qualified expenses incurred in rehabilitating the certified historic structure exceeded \$5,000;
- The qualified expenses were incurred in Florida, and
- The applicant received a tax credit for the qualified expenses under the federal historic rehabilitation tax credit provision.¹⁷¹

In the application, the applicant must also provide the division with the following:

- An official certificate of eligibility from the division attesting that the project has been approved by the National Park Service. The attestation must identify if the project is located within a Main Street local program area;
- National Park Service Form 10-168c, signed by the National Park Service attesting that the completed rehabilitation meets the U.S. Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located;
- Identification of the dates during which the structure was rehabilitated, the date the structure was first placed into service after certified rehabilitation was completed, and evidence that the structure was placed into service after the certified rehabilitation was completed;
- A list of total qualified expenses incurred by the taxpayer in rehabilitation the certified historic structure. For certified rehabilitations with qualified expenses that exceeded \$750,000, the applicant must submit an audited cost report that itemizes the qualified expenses incurred in rehabilitating the structure. The applicant may submit an audited cost report that was created for purposes of applying for the federal historic rehabilitation tax credit;
- An attestation of the total qualified expenses incurred by the applicant in rehabilitating the certified historic structure; and
- The information required to be reported by the Department of State to enable the department to compile its annual report based on the tax credit applications submitted and approved.

Applicants may begin the process for a determination of eligibility before the certified historic structure is placed in service; however, final determination is withheld until the certified historic structure is placed in service.

Within 90 days after receipt of the information detailed above or the certified historic structure is placed in service, whichever is later, the division shall approve or deny the application. If approved, the division must provide a letter to the applicant. If the taxpayer is denied, the division must inform the applicant of the grounds for denial. The division must submit to the

¹⁷⁰ The bill defines a "certified historic structure" as a building and its structural components which is of a character subject to the allowance for depreciation provided in s. 167 of the Internal Revenue Code and which is listed on the National Register of Historic Places or located within a registered historic district and certified by the U.S. Secretary of the Interior as being of historic significance to the registered historic district.

¹⁷¹ 26 U.S.C. s. 47.

Department of Revenue a copy of the certification and the information provided by the applicant within 10 days after the division's approval.

Certified Rehabilitation Tax Credit

For taxable years beginning on or after January 1, 2024, there is allowed a credit against the corporate income or insurance premium tax in an amount equal to:

- Twenty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit; or
- Thirty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that is located within a local program area of an Accredited Main Street Program.

If a taxpayer is eligible for a tax credit that exceeds taxes owed, the taxpayer may carry the unused tax credit forward for a period of up to five taxable years.

Sale or Transfer of Tax Credit

The bill provides that there is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit. However, qualified expenses may only be counted once in determining the amount of an available tax credit, and no more than one taxpayer may claim a tax credit for the same qualified expenses.

A taxpayer that sells or transfers a tax credit and the purchaser or transferee must jointly submit written notice of the sale or transfer to the Department of Revenue no later than the 30th day after the date of the sale or transfer. The notice must include the following information:

- The date of the sale or transfer;
- The amount of the tax credit sold or transferred;
- The name and federal tax identification number of the taxpayer that sold or transferred the tax credit and the purchaser or transferee; and
- The amount of the tax credit owed by the taxpayer before the sale or transfer and the amount the selling or transferring taxpayer retained, if any, after the sale or transfer.

The sale or transfer of a tax credit does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.

A tax credit earned, purchased, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders of that taxpayer without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.

If the tax credit is reduced due to a determination, examination, or audit by the Department of Revenue, the tax deficiency must be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferee that claimed the tax credit up to the amount of the tax credit taken. Any subsequent deficiencies must be assessed against the purchaser or transferee that

claimed the tax credit, or in the case of multiple succeeding entities, in the order of tax credit succession.

Department of Revenue and Division Audit Authority

The Department of Revenue, with assistance from the division, is authorized to perform additional financial and technical audits and examinations, including examining the accounts, books, or records of the tax credit applicant, to verify the legitimacy of the qualified expenses included in a tax credit return and to ensure compliance. The division must provide technical assistance for any technical audits or examinations if requested by the Department of Revenue.

It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines that a taxpayer received a tax credit to which the taxpayer was not entitled. The taxpayer must return the forfeited tax credits to the Department of Revenue, which will then be paid into the General Revenue Fund.

The taxpayer must file an amended tax return and pay any required tax within 60 days after the taxpayer receives notification from the Internal Revenue Service that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

The Department of Revenue may issue a notice of deficiency at any time within five years after the date on which the taxpayer receives notification from the Internal Revenue Service that a previously approved tax credit has been revoked or modified.

The Department of Revenue may issue a notice of deficiency at any time if the taxpayer fails to notify the Department of Revenue of any change in its tax credit claimed. The amount of any proposed assessment in the notice of deficiency is limited to the amount of the tax credit claimed. Furthermore, a taxpayer is subject to applicable penalties and interest for failing to report and timely paying any tax due as a result of the forfeiture of its tax credit.

Other Provisions

The Department of State must provide a report annually by December 1 which identifies, in the aggregate, the number of employees hired during construction phases, the use of each newly rehabilitated building, the expected number of employees hired, the number of affordable housing units created or preserved, and the property values before and after the certified rehabilitations.

The Department of Revenue must also establish a cooperative agreement with the division; adopt any necessary forms required to claim a tax credit; provide administrative guidelines and procedures required to administer the Act, including rules establishing an entitlement to and sale or transfer of a tax credit; and provide examination and audit procedures required to administer the Act.

The Department of Revenue is authorized to make available to the division and the Secretary of the Department of the Interior of the United States information relating to the Act.

The credit applies to taxable years beginning on or after January 1, 2024.

Sections 33-36 – Graywater Systems Corporate Income Tax Credit

Present situation

Graywater, Residential Systems, and Development Incentives

Graywater is the part of domestic sewage that is not carried off by toilets, urinals, and kitchen drains. It includes waste from the bath, lavatory, laundry, and sink, except for kitchen sink waste.¹⁷² Graywater installations occur in both residential and non-residential properties and the capture, treatment, and reuse of graywater yields usable water that would otherwise be directed to the sewer.¹⁷³ Reusing graywater also supplants the use of potable water for non-potable needs and conserves fresh water.¹⁷⁴

The Florida Building Code specifies that graywater may only be used for flushing toilets and urinals. Any discharge from the building must be connected to a public sewer or an onsite sewage treatment and disposal system in accordance with Department of Health regulations in chapter 64E-6 of the Florida Administrative Code.¹⁷⁵ Graywater systems in Florida have several requirements: the graywater must be filtered, disinfected, and dyed; and storage reservoirs must have drains and overflow pipes that must be indirectly connected to the sanitary drainage system.¹⁷⁶

To encourage adoption of residential graywater reuse in the state, counties, municipalities, and special districts are required to implement incentives for the use of graywater technologies.¹⁷⁷ To do this, they must authorize the use of residential graywater technologies in their respective jurisdictions and provide specific density or intensity bonuses to developers or homebuilders if a certain percentage of a proposed or existing development will have a graywater system installed.¹⁷⁸

Water Reuse Systems Certification

Various certifications are used to establish standards for reused water. Recycled graywater is tested for attributes such as biochemical oxygen demand, suspended solids, and bacteria presence. The National Science Foundation, a federal agency, and the American National Standards Institute, a nonprofit organization, have produced standards for on-site residential and commercial water reuse treatment systems, the most rigorous of which is referred to as

¹⁷² Section 381.0065(2)(f), F.S.

¹⁷³ ALL. FOR WATER EFFICIENCY, *Graywater Systems*, <https://www.allianceforwaterefficiency.org/resources/topic/graywater-systems> (last visited Apr. 15, 2023).

¹⁷⁴ Martinez, Christopher J., *Gray Water Reuse in Florida*, UNIV. OF FLA. IFAS EXTENSION, available at <https://edis.ifas.ufl.edu/publication/ae453> (last visited Apr. 15, 2023).

¹⁷⁵ 2020 FLORIDA BUILDING CODE – PLUMBING, SEVENTH EDITION (Dec. 2020), available at <https://codes.iccsafe.org/content/FLPC2020P1> (last visited Apr. 16, 2023).

¹⁷⁶ 2020 FLORIDA BUILDING CODE – PLUMBING, SEVENTH EDITION (Dec. 2020), available at: <https://codes.iccsafe.org/content/FLPC2020P1> (last visited Apr. 16, 2023).

¹⁷⁷ Section 403.892(2), F.S.

¹⁷⁸ Section 403.892(2), F.S.

“NSF/ANSI 350.” Products are tested for at least 26 weeks for performance, and other evaluations are completed, before a product is granted certification.¹⁷⁹ There are several products that have achieved this certification, with costs ranging from \$1,000 to \$10,000.¹⁸⁰

Proposed change

The bill creates s. 220.199, F.S., which provides a tax credit against corporate income tax for developers and homebuilders that purchase a qualifying residential graywater system for use in Florida. The credit may be applied to taxable years beginning on or after January 1, 2024, and is equal to 50 percent of the cost of each system purchased during the taxable year, not to exceed \$4,200 per system purchased.

Eligible systems must be NSF/ANSI 350 Class R certified noncommercial, residential graywater systems. To claim a credit, an applicant must submit to the Department of Environmental Protection reasonable assurances that the system meets these requirements as well as a manufacturer’s warranty assuring the system will function as designed. The Department must, within 60 days of a completed application, determine if the applicant is eligible for a credit and issue to the applicant and the Department of Revenue a certification to that effect. Taxpayers must attach the certification to the tax return on which the credit is claimed.

The bill provides that unused tax credits may be carried forward for up to two taxable years, and authorizes the Department of Revenue and the Department of Environmental Protection to adopt rules to administer the tax credit.

The bill amends s. 220.02(8), F.S., to include the new tax credit at the end of the Legislature’s intended order of tax credit application.

The bill amends s. 220.13, F.S., to provide that a taxpayer may not apply the same credit to both federal income and Florida corporate income taxes.

Sections 37 and 38 – Credit for Rehabilitating Contaminated Sites (Brownfields)

Present situation

In 1998, the Legislature provided the Department of Environmental Protection the direction and authority to issue tax credits to encourage site rehabilitation in brownfield areas and to encourage voluntary cleanup of certain other types of contaminated sites.

This corporate income tax credit is equal to 50 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites:

¹⁷⁹ NAT’L SCI. FOUND., *NSF/ANSI Standard 350 for Water Reuse Treatment Systems*, available at https://d2evkimvhatqav.cloudfront.net/documents/ww_nsf_ansi350_qa_insert.pdf (last visited Apr. 16, 2023).

¹⁸⁰ NAT’L SCI. FOUND., *NSF/ANSI Standard 350 for Water Reuse Treatment Systems*, available at https://d2evkimvhatqav.cloudfront.net/documents/ww_nsf_ansi350_qa_insert.pdf (last visited Apr. 16, 2023). See also Todd Woody, *Install a Greywater System to Lower Utility Bills and Save Water*, BLOOMBERG NEWS, Mar. 17, 2022, available at <https://www.bloomberg.com/news/articles/2022-03-17/why-you-should-install-a-home-greywater-system?leadSource=uverify%20wall> (last visited Apr. 16, 2023).

- A site eligible for state-funded cleanup under the Drycleaning Solvent Cleanup Program;¹⁸¹
- A drycleaning solvent contaminated site at which the real property owner undertakes voluntary cleanup, provided that the real property owner has never been the owner or operator of the drycleaning facility; or
- A brownfield site in a designated brownfield area.¹⁸²

The credits are limited as follows:

- Eligible tax credit applicants may receive up to \$500,000 per site per year in tax credits.
- The total amount of tax credits for all sites that may be granted by the Department of Environmental Protection is \$10 million annually.
- In the event that approved tax credit applications exceed the \$10 million annual authorization, the statute provides for remaining applications to roll over into the next fiscal year to receive tax credits in first come, first served order from the next year's authorization.

Between 1998 and 2020, the VCTC Program approved approximately \$120.7 million in VCTCs.¹⁸³ Since 2008, the tax credits approved have consistently exceeded the original \$2 million cap. The Legislature increased the cap from \$2 million to \$5 million in 2011, and then to \$10 million in 2017. The Legislature provided for a one-time increase in 2015 (from \$5 million to \$21.6 million) to clear the backlog at that time,¹⁸⁴ and again in FY 2018-19, when an additional \$8.5 million was authorized.¹⁸⁵

Proposed change

The bill appropriates an additional \$150 million for credits in Fiscal Years 2023-2024 through 2027-2028.

Section 40 – Corporate Income Tax Penalty Calculation

Present Situation

Florida has four “tax donation” programs that grant credits to corporate income taxpayers when the taxpayer makes a donation to the following programs:

- The Florida Tax Credit Scholarship Program.
- The New Worlds Reading Initiative.
- The Strong Families Tax Credit.
- The Live Local Program.¹⁸⁶

¹⁸¹ Section 376.30781, F.S.

¹⁸² Section 220.1845, F.S.

¹⁸³ FLA. DEP’T OF ENV. PROT., FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM ANNUAL REPORT AUGUST 2020, 6, available at https://floridadep.gov/sites/default/files/2019-20_BF_Annual_Report_Final_Cover_Letter.pdf (last visited Apr. 15, 2023).

¹⁸⁴ FLA. DEP’T OF ENV. PROT., FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM ANNUAL REPORT AUGUST 2020, 6, available at https://floridadep.gov/sites/default/files/2019-20_BF_Annual_Report_Final_Cover_Letter.pdf (last visited Apr. 15, 2023).

¹⁸⁵ Section. 220.1845(2)(f), F.S.

¹⁸⁶ See ss. 220.1875, 220.1876, 220.1877, and 220.1878, F.S. Section 220.1878, F.S., is not yet published in the Florida Statutes; it was recently created by ch. 2023-17, Laws of Fla.

These programs allow taxpayers to effectively make their tax payments directly to the programs, in lieu of making their payments to the Department of Revenue. The taxpayers receive a credit which they use to avoid paying any additional amount to the Department of Revenue when they file their tax returns.

Florida's corporate income tax code allows taxpayers to request and receive an extension to file a tax return if they have extended their federal return or for other good cause, so long as they file a tentative tax return and pay, on or before the original due date, the amount estimated to be due.¹⁸⁷ The extension is not valid, and interest and penalties may apply, if the taxpayer underpays the estimated tax due by more than the greater of \$2,000 or 30 percent of the tax shown on the return when filed.¹⁸⁸

For purposes of calculating whether the underpayment is "more than 30 percent of the tax shown," the Department of Revenue does not currently treat contributions made under any of the credit programs mentioned above as tax shown or tax paid. Instead, the calculation is based on the remaining tax shown to be due on the return after credits are taken.

Proposed change

The bill clarifies that for purposes of the underpayment penalty, and related extension revocations and interest charges that the "tax shown on the return when filed" includes the amount of allowable credits taken on the return pursuant to the Florida Tax Credit Scholarship Program, the New Worlds Reading Initiative Tax Credit, or the Strong Families Tax Credit. This treatment is already provided for the Live Local Program.

Section 41 – Strong Families Tax Credit Limit Permanent Increase

Present situation

The Strong Families Tax Credit Program, established in s. 402.60, F.S., was created in 2021 to provide tax credits for businesses that make monetary donations to certain eligible charitable organizations that provide services focused on child welfare and well-being. The tax credits are a dollar-for-dollar credit against certain tax liabilities.

The tax credit can be taken against the business's liability for several state taxes, including:

- Corporate income tax;
- Insurance premium tax;
- Severance taxes on oil and gas production;
- Alcoholic beverage tax on beer, wine, and spirits; or
- Self-accrued sales tax liability of direct pay permit holders.

The annual tax credit cap for all credits under the program is \$10 million per fiscal year. The Department of Revenue is required to approve the tax credits on a first-come, first-served basis and must obtain the approval of the Department of Business and Professional Regulation prior to approving an alcoholic beverage tax credit under s. 561.1213, F.S.

¹⁸⁷ Section 220.222(2), F.S.

¹⁸⁸ Section 220.222(2)(c), F.S.

Businesses that wish to participate in the program must apply to the Department of Revenue beginning October 1, 2021, for an allocation of tax credit. The taxpayer must specify in the application each tax for which the taxpayer requests a credit, the applicable taxable year for a credit under ss. 220.1877 or 624.51057, F.S., relating to the corporate income and insurance premium tax credits, and the applicable state fiscal year for a credit under ss. 211.0253, 212.1834, or 561.1213, F.S., relating to oil and gas production, direct pay permit sales, and alcoholic beverage tax credits, respectively.

Proposed change

The bill amends s. 402.62, F.S., to increase the maximum credits under the program from \$10 million per fiscal year to \$20 million per fiscal year, beginning in Fiscal Year 2023-2024.

Section 43 – Back-to-School Sales Tax Holiday – 28 days – July 24, 2023, through August 6, 2023, and January 1, 2024, through January 14, 2024

Present situation

Florida has enacted a “back-to-school” sales tax holiday twenty-one times since 1998. The following table describes the history of back-to-school sales tax holidays in Florida.

Dates	Length	TAX EXEMPTION THRESHOLDS				
		Clothing/ Footwear	Wallets/ Bags	Books/ Learning Aids/ Puzzles	Computers	School Supplies
August 15-21, 1998	7 days	\$50 or less	N/A	N/A	N/A	N/A
July 31-August 8, 1999	9 days	\$100 or less	\$100 or less	N/A	N/A	N/A
July 29-August 6, 2000	9 days	\$100 or less	\$100 or less	N/A	N/A	N/A
July 28-August 5, 2001	9 days	\$50 or less	\$50 or less	N/A	N/A	\$10 or less
July 24-August 1, 2004	9 days	\$50 or less	\$50 or less	\$50 or less (Books)	N/A	\$10 or less
July 23-31, 2005	9 days	\$50 or less	\$50 or less	\$50 or less (Books)	N/A	\$10 or less
July 22-30, 2006	9 days	\$50 or less	\$50 or less	\$50 or less (Books)	N/A	\$10 or less
August 4-13, 2007	10 days	\$50 or less	\$50 or less	\$50 or less (Books)	N/A	\$10 or less
August 13-15, 2010	3 days	\$50 or less	\$50 or less	\$50 or less (Books)	N/A	\$10 or less
August 12-14, 2011	3 days	\$75 or less	\$75 or less	N/A	N/A	\$15 or less
August 3-5, 2012	3 days	\$75 or less	\$75 or less	N/A	N/A	\$15 or less
August 2-4, 2013	3 days	\$75 or less	\$75 or less	N/A	\$750 or less	\$15 or less
August 1-3, 2014	3 days	\$100 or less	\$100 or less	N/A	First \$750 of the sales price	\$15 or less
August 7-16, 2015	10 days	\$100 or less	\$100 or less	N/A	First \$750 of the sales price	\$15 or less
August 5-7, 2016	3 days	\$60 or less	\$60 or less	N/A	N/A	\$15 or less

August 4-6, 2017	3 days	\$60 or less	\$60 or less	N/A	\$750 or less	\$15 or less
August 3-5, 2018	3 days	\$60 or less	\$60 or less	N/A	N/A	\$15 or less
August 2-6, 2019	5 days	\$60 or less	\$60 or less	N/A	\$1,000 or less	\$15 or less
August 7-9, 2020	3 days	\$60 or less	\$60 or less	N/A	First \$1,000 of the sales price	\$15 or less
July 31-August 9, 2021	10 days	\$60 or less	\$60 or less	N/A	First \$1,000 of the sales price	\$15 or less
July 25-August 7, 2022	14 days	\$100 or less	\$100 or less	\$30 (Learning Aids/Puzzles)	\$1,500 or less	\$50 or less

Proposed change

The bill provides for a sales tax holiday from July 24, 2023, through August 6, 2023, and from January 1, 2024, through January 14, 2024. During the holiday, the following items that cost \$100 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Clothing (defined as an “article of wearing apparel intended to be worn on or about the human body,” but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Footwear (excluding skis, swim fins, roller blades, and skates);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

The bill also exempts various “school supplies” that cost \$50 or less per item, and learning aids and jigsaw puzzles that cost \$30 or less per item. “Learning aids” are defined as “flashcards or other learning cards, matching or other memory games, puzzle books and search-and-find books, interactive or electronic books and toys intended to teach reading or math skills, and stacking or nesting blocks or sets.”

The bill exempts personal computers and related accessories with a sales price of \$1,500 or less which are purchased for noncommercial home or personal use. This includes tablets, laptops, monitors, input devices, and non-recreational software. Cell phones, furniture and devices or software intended primarily for recreational use are not exempted.

Dealers are authorized to opt out of the “back-to-school” sales tax holiday if less than five percent of the dealer’s gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under the holiday. If a qualifying dealer chooses not to participate in the tax holiday, by July 17, 2023, for the holiday beginning in July, and by December 23, 2023, for the holiday beginning in January 2024, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

The holiday does not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and
- Sales within an airport, as defined in s. 330.27(2), F.S.

Section 44 - Disaster Preparedness Sales Tax Holiday – 14 days – May 27, 2023, through June 09, 2023

Present situation

Florida has enacted a disaster preparedness sales tax holiday 9 times since 2006. During these holidays, the following items were exempt:

Dates	Length	TAX EXEMPTION THRESHOLDS							
		Reusable Ice	Light Source	Fuel Containers	Batteries	Coolers and Ice Chests	Radios	Tie down tools and sheeting	Generators
May 21-June 1, 2006*	12 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$1000 or less
June 1-June 12, 2007*	12 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$75 or less	\$50 or less	\$1000 or less
May 31-June 8, 2014**	9 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$750 or less
June 2 –June 4, 2017	3 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$750 or less
June 1-7, 2018	7 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$750 or less
May 31-June 6, 2019	7 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$750 or less
May 29-June 4, 2020	7 days	\$10 or less	\$20 or less	\$25 or less	\$30 or less	\$30 or less	\$50 or less	\$50 or less	\$750 or less
May 28 – June 6, 2021***	10 days	\$20 or less	\$40 or less	\$50 or less	\$50 or less	\$60 or less	\$50 or less	\$100 or less	\$1000 or less
May 28 – June 10, 2022****	14 days	\$20 or less	\$40 or less	\$50 or less	\$50 or less	\$60 or less	\$50 or less	\$100 or less	\$1000 or less

A few of the holidays have included items that were not repeated every year. For instance, the 2006 and 2007 holidays included cell phone batteries (\$60 or less), cell phone chargers (\$40 or less), storm shutters (\$200 or less), carbon monoxide detectors (\$75 or less), and any combination of items exempt under the holiday or existing law which were fold together for \$75 or less. The 2021 holiday included portable power banks selling for \$60 or less. The 2022 holiday included portable power banks selling for \$60 or less, smoke detectors, smoke alarms, fire extinguishers, or carbon monoxide detectors selling for \$70 or less; and specified items necessary for the evacuation of household pets, with item thresholds ranging from \$2 (wet pet food) to \$100 (portable kennels or carriers).

The Florida Division of Emergency Management recommends having a disaster supply kit with items such as a battery operated radio, flashlight, batteries, and first-aid kit.¹⁸⁹

Proposed change

During the holiday, the following items are exempt from the state sales tax and county discretionary sales surtaxes:

- A portable self-powered light source selling for \$40 or less.

¹⁸⁹ FLA. DIV. OF EMERGENCY MGMT., *Disaster Supply Kit Checklist*, available at <https://www.floridadisaster.org/planprepare/hurricane-supply-checklist/> (last visited Apr. 16, 2023).

- A portable self-powered radio, two-way radio, or weather-band radio selling for \$50 or less.
- A tarpaulin or other flexible waterproof sheeting selling for \$100 or less.
- An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for \$100 or less.
- A gas or diesel fuel tank selling for \$50 or less.
- A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$50 or less.
- A nonelectric food storage cooler selling for \$60 or less.
- A portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$3,000 or less.
- Reusable ice selling for \$20 or less.
- A portable power bank selling for \$60 or less.
- A smoke detector or smoke alarm selling for \$70 or less.
- A fire extinguisher selling for \$70 or less.
- A carbon monoxide detector selling for \$70 or less.
- Supplies necessary for the evacuation of household pets.¹⁹⁰ For purposes of this exemption, necessary supplies are the noncommercial purchase of:
 - Bags of dry dog food or cat food weighing 50 or fewer pounds with a sales price of \$100 or less per bag.
 - Cans or pouches of wet dog food or cat food with a sales price of \$10 or less per can or pouch or the equivalent if sold in a box or case.
 - Over-the-counter pet medications with a sales price of \$100 or less per item.
 - Portable kennels or pet carriers with a sales price of \$100 or less per item.
 - Manual can openers with a sales price of \$15 or less per item.
 - Leashes, collars, and muzzles with a sales price of \$20 or less per item.
 - Collapsible or travel-sized food bowls or water bowls with a sales price of \$15 or less per item.
 - Cat litter weighing 25 or fewer pounds with a sales price of \$25 or less per item.
 - Cat litter pans with a sales price of \$15 or less per item.
 - Pet waste disposal bags with a sales price of \$15 or less per package.
 - Pet pads with a sales price of \$20 or less per box or package.
 - Hamster or rabbit substrate with a sales price of \$15 or less per package.
 - Pet beds with a sales price of \$40 or less per item.
 - Portable kennels or pet carriers selling for \$100 or less;
- Common household consumable items with a sales price of \$30 or less. For purposes of this paragraph, the term “common household consumable items” means:
 - The following laundry detergent and supplies: powder detergent; liquid detergent; or pod detergent, fabric softener, dryer sheets, stain removers, and bleach.

¹⁹⁰ The list of supplies necessary for the evacuation of household pets were identified by Girl Scout Troop 60601 as part of their Pet Preparedness Project they did for the Girl Scout Silver Award, the second highest honor a Girl Scout can earn. They noted in their request that “Per Pawlicy.com, 56% of Florida households own a pet. According to the website Statista.com, the annual expenses for dog owners is about \$1200 and cats about \$700... We know you care about the health and safety of Floridians’ pets because they are truly part of our family.” Additional information about storm preparation for pets is available at <https://www.facebook.com/PetPreparednessProject> (last visited Apr. 16, 2023), and more information on their initiative is available at <https://www.change.org/p/governor-ron-desantis-please-make-pet-supplies-a-part-of-the-florida-disaster-preparedness-tax-holiday-2022> (last visited Apr. 16, 2023).

- Toilet paper.
- Paper towels.
- Paper napkins and tissues.
- Facial tissues.
- Hand soap, bar soap and body wash.
- Sunscreen and sunblock.
- Dish soap and detergents, including powder detergents, liquid detergents, or pod detergents or rinse agents that can be used in dishwashers.
- Cleaning or disinfecting wipes and sprays.
- Hand sanitizer.
- Trash bags.

The holiday does not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and
- Sales within an airport, as defined in s. 330.27(2), F.S.

Section 45 – Recreational Sales Tax Holiday (“Freedom Summer”) – 3 months – May 29, 2023, through September 4, 2023

Present situation

Florida enacted a recreational sales tax holiday in 2021 and 2022. In both years, the sales tax holiday was one week, held at the beginning of July. The holiday exempted recreational equipment and certain admissions to events.

Proposed change

The bill provides for a 14-week sales tax holiday from May 29, 2023, through September 4, 2023, for specified admissions and items related to recreational activities. During the sales tax holiday, the following admissions, if purchased during this week, are exempt from the state sales tax and county discretionary sales surtaxes:¹⁹¹

- A live music event scheduled to be held between May 29, 2023, and December 31, 2023;
- A live sporting event scheduled to be held between May 29, 2023, and December 31, 2023;
- A movie shown in a movie theater between May 29, 2023, and December 31, 2023;
- Entry to a museum, including annual passes;
- Use of or access to state parks, including annual passes;
- Entry to a ballet, play, or musical theatre performance scheduled to be held between May 29, 2023, and December 31, 2023;
- Season tickets to ballet, play, music events, or musical theatre performances;
- Entry to a fair, festival, or cultural event scheduled to be held between May 29, 2023, and December 31, 2023; and
- Use of or access to gyms and physical fitness facilities between May 29, 2023, and December 31, 2023.

¹⁹¹ If an admission is purchased exempt under this section and is subsequently resold outside of the holiday period, tax will be collected on the resale price.

During the sales tax holiday, the following items are exempt from the state sales tax and discretionary sales surtax:

- Boating and Water Activity Supplies
 - jackets, coolers, paddles, and oars selling for \$75 or less;
 - Recreational pool tubes, pool floats, inflatable chairs, and pool toys selling for \$35 or less;
 - safety flares selling for \$50 or less;
 - Water skis, wakeboards, kneeboards, and recreational inflatable tubes or floats capable of being towed selling for \$150 or less;
 - Paddleboards and surfboards selling for \$300 or less;
 - Canoes and kayaks selling for \$500 or less; and
 - Snorkels, goggles, and swimming masks selling for \$25 or less.
- Camping Supplies
 - Tents selling for \$200 or less;
 - Sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs selling for \$50 or less; and
 - Camping lanterns or flashlights selling for \$30 or less.
- Fishing Supplies¹⁹²
 - Rods and reels selling for \$75 or less, if sold individually, or selling for \$150 or less if sold as a set;
 - Tackle boxes or bags selling for \$30 or less; and
 - Bait or fishing tackle selling for \$5 or less, if sold per item, or selling for \$10 or less if multiple items are sold together.
- General Outdoor Supplies
 - Sunscreen or insect repellant selling for less than \$15 or less;
 - Sunglasses selling for \$100 or less;
 - Binoculars selling for \$200 or less;
 - Water bottles selling for \$30 or less;
 - Hydration packs selling for \$50 or less;
 - Outdoor gas or charcoal grills selling for \$250 or less;
 - Bicycle helmets selling for \$50 or less; and
 - Bicycles selling for \$500 or less.
- Residential Pool Supplies
 - Individual residential pool and spa replacement parts, nets, filters, lights, and covers selling for \$100 or less; and
 - Residential pool and spa chemicals purchased by an individual selling for \$150 or less
- Children's Athletic Equipment
 - A consumer product, selling for \$100 or less, that is designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when child engages in athletic activity.
- Children's Toys
 - A consumer product, selling for \$75 or less, designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

¹⁹² The exemption for fishing supplies does not apply to supplies used for commercial fishing purposes.

The holiday does not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and
- Sales within an airport, as defined in s. 330.27(2), F.S.

Section 46 - Skilled Worker Tools Sales Tax Holiday – 7 days – September 2, 2023, through September 8, 2023

Present situation

In 2022, the Legislature enacted a seven-day sales tax holiday, during the week surrounding Labor Day, on tools used in skilled trades. Currently, there is no exemption for tools used by skilled trade workers, such as carpenters, electricians, plumbers, welders, pipefitters, masons, painters, heating and air conditioning technicians, and other service technicians.

Proposed change

The bill provides a seven-day sales tax holiday from September 2, 2023, through September 8, 2023 for specified tools commonly used by skilled trade workers. During the sales tax holiday, the following items are exempt from the state sales tax and county discretionary sales surtaxes:

- Hand tools selling for \$50 or less;
- Power tools selling for \$300 or less;
- Power tool batteries selling for \$150 or less;
- Work gloves selling for \$25 or less;
- Safety glasses selling for \$50 or less;
- Protective coveralls selling for \$50 or less;
- Work boots selling for \$175 or less;
- Tool belts selling for \$100 or less;
- Duffle/tote bags selling for \$50 or less;
- Tool boxes selling for \$75 or less;
- Tool boxes for vehicles selling for \$300 or less;
- Industry text books and code books selling for \$125 or less;
- Electrical voltage and testing equipment selling for \$100 or less;
- LED flashlights selling for \$50 or less;
- Shop lights selling for \$100 or less;
- Handheld pipe cutters, drain opening tools, and plumbing inspection equipment selling for \$150 or less;
- Shovels selling for \$50 or less;
- Rakes selling for \$50 or less;
- Hard hats and other head protection selling for \$100 or less;
- Hearing protection items selling for \$75 or less;
- Ladders selling for \$250 or less;
- Fuel cans selling for \$50 or less; and
- High visibility safety vest selling for \$30 or less.

The holiday does not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and
- Sales within an airport, as defined in s. 330.27(2), F.S.

Section 47 - Energy Efficient Appliances 1-Year Sales Tax Exemption – July 1, 2023, through June 30, 2024

Present situation

The federal government, through the Environmental Protection Agency, certifies a number of products for their efficiency under the ENERGY STAR program.¹⁹³ Products in the ENERGY STAR program are normally affixed with a label noting their certification under the applicable program.¹⁹⁴

From October 5 through October 11, 2006, Florida exempted from the sales and use tax specified energy efficient products priced under \$1,500 and that met or exceeded the requirements of the federal ENERGY STAR program and were sold for noncommercial home or personal use.¹⁹⁵

From September 19, 2014 through September 21, 2014, Florida provided a sales tax exemption on the first \$1,500 of the sales price of specified new ENERGY STAR products or WaterSense¹⁹⁶ products.¹⁹⁷

A person was limited to a single purchase for each specific type of item listed above with a sales price over \$500 during the holiday. A second purchase of the same type of product was subject to tax on the entire price. There was no requirement that the purchase be for personal use, or any specific prohibition against purchases for commercial use beyond the limit on the number of items that could be purchased without paying tax.

Proposed change

The bill creates a one-year sales tax exemption from July 1, 2023, through June 30, 2024, on the retail sale of these ENERGY STAR appliances:

- Refrigerators or combined refrigerator/freezers selling for \$4,500 or less; and
- Water heaters and clothes washers or dryers selling for \$1,500 or less.

¹⁹³ Information about this program is available at <https://www.energystar.gov/about> (last visited Apr. 16, 2023).

¹⁹⁴ See <https://www.energystar.gov/products> for more information about labeling and qualifying products (last visited Apr. 16, 2023).

¹⁹⁵ Section 6, ch. 2006-230, Laws of Fla. The items exempted were refrigerators, dishwashers, clothes washers, air conditioners, ceiling fans, light bulbs, dehumidifiers, and thermostats.

¹⁹⁶ The federal WaterSense program certifies items that are water-efficient. Information about this program is available at <https://www.epa.gov/watersense> (last visited Apr. 16, 2023).

¹⁹⁷ Section 21, ch. 2014-38, Laws of Fla. The ENERGY STAR items exempted were room air conditioners, air purifiers, ceiling fans, clothes washers, clothes dryers, dehumidifiers, dishwashers, freezers, refrigerators, water heaters, swimming pool pumps, and light bulbs. The WaterSense items exempted were bathroom sink faucets, faucet accessories, high-efficiency toilets and urinals, showerheads, and weather or sensor-based irrigation controllers.

Section 48 – Gas Ranges and Cooktops -- 1-Year Sales Tax Exemption – July 1, 2023, through June 30, 2024***Present situation***

The U.S. Energy Information Administration estimates that eight percent of Florida households use natural gas cooking appliances.¹⁹⁸ On average, natural gas is cheaper than electricity.¹⁹⁹ Additionally, gas ranges and cooktops allow for rapid temperature changes while cooking.²⁰⁰

Currently, the retail sale of gas ranges and cooktops is not exempt from sales tax.

Proposed change

The bill provides a one-year sales tax exemption, from July 1, 2023, to June 30, 2024, on the retail sale of gas ranges and cooktops, which are defined as any range or cooktop fueled by combustible gas such as natural gas, propane, butane, liquefied petroleum gas, or other flammable gas. It does not include outdoor gas grills, camping stoves, or other portable stoves.

Section 49 authorizes the Department of Revenue to adopt emergency rules pursuant to implement the provisions of the bill that amend s. 212.08, F.S., create ss. 220.197 and 220.199, F.S., and the temporary tax exemptions for ENERGY STAR appliances and gas ranges and cooktops. The emergency rules are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. The rulemaking authority expires July 1, 2026.

Section 50 authorizes the Department of Revenue to issue reimbursements to counties that, pursuant to chapter 2022-272, Laws of Florida, were required to refund property taxes to taxpayers whose residential property was rendered uninhabitable by Hurricanes Ian or Nicole. The bill appropriates \$35 million to the Department of Revenue from which the department will issue the reimbursements. The department is authorized to adopt rules to implement this section of the bill.

Section 51 provides an effective date of July 1, 2023, except as otherwise provided.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates

¹⁹⁸ U.S. ENERGY INFO. ADMIN., *Highlights for Appliances in U.S. Homes by State, 2020*, available at <https://www.eia.gov/consumption/residential/data/2020/state/pdf/State%20Appliances.pdf> (last visited Apr. 16, 2023).

¹⁹⁹ U.S. ENERGY INFO. ADMIN., *Florida State Energy Profile*, <https://www.eia.gov/state/print.php?sid=FL> (last visited Apr. 16, 2023).

²⁰⁰ WHIRLPOOL, *Gas vs. Electric Stoves: Which is Best?*, <https://www.whirlpool.com/blog/kitchen/electric-vs-gas-ranges.html> (last visited Apr. 16, 2023).

requirements do not apply to laws having an insignificant impact,²⁰¹ which is \$2.3 million or less for Fiscal Year 2023-2024.²⁰²

The bill is estimated to reduce the authority local governments have to raise revenue from local option sales taxes and property taxes by \$108.2 million in Fiscal Year 2023-2024; therefore, this bill may be a mandate subject to the requirements of Art. VII, s. 18(b) of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

This bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill reduces revenues in total by \$1,142.4 million, which is the sum of \$419.7 million (recurring), and \$722.7 million (pure nonrecurring in Fiscal Year 2023-2024 and reductions resulting from nonrecurring impacts in future years). Total tax reductions are represented by the sum of the recurring impacts (reflecting the annual value of permanent tax cuts when fully implemented) and the pure nonrecurring impacts (reflecting temporary tax reductions).

The bill reduces revenues in Fiscal Year 2023-2024 by \$944.4 million (\$419.7 million recurring); General Revenue Fund receipts are reduced by \$814.3 million (\$339.3 million recurring), state trust fund receipts are increased by \$27.2 million (reduced by \$2.6 million recurring); and local government revenue is reduced by \$157.3 million (\$77.8 million recurring), as displayed in table 1 below.

²⁰¹ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON CMY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Apr. 16, 2023).

²⁰² Based on the Demographic Estimating Conference's estimated population adopted on July 18, 2022. The conference packet is available at <http://www.edr.state.fl.us/Content/conferences/population/archives/220718demographic.pdf> (last visited Apr. 16, 2023).

FY 2023-24 TAX CUT ALLOCATION

CS/SB 7062								
	General Revenue		State Trust Funds		Local/Other		Total	
	1st Yr.	Recur.	1st Yr.	Recur.	1st Yr.	Recur.	1st Yr.	Recur.
1 Sales Tax: Adult Incontinence Products - Perm	(19.9)	(21.7)	(*)	(*)	(5.3)	(5.8)	(25.2)	(27.5)
2 Sales Tax: Baby and Toddler Products - Perm	(114.9)	(125.3)	(*)	(*)	(30.6)	(33.4)	(145.5)	(158.7)
3 Sales Tax: Oral Hygiene Products - Perm	(28.7)	(31.4)	(*)	(*)	(7.7)	(8.4)	(36.4)	(39.8)
4 Sales Tax: Collection Allowance - First \$45 - Perm	(96.6)	(105.5)	2.7	3.0	-	-	(93.9)	(102.5)
5 Sales Tax: Energy Star Appliances - 1 Year	(62.4)	-	(*)	-	(16.6)	-	(79.0)	-
6 Sales Tax: Gas Ranges and Cooktops - 1 Year	(5.0)	-	(*)	-	(1.3)	-	(6.3)	-
7 Sales Tax: Freedom Summer - 3 Months	(181.6)	-	(*)	-	(48.3)	-	(229.9)	-
8 Sales Tax: Back-to-School Sales Tax Holiday - 2 * 2 Weeks	(126.8)	-	(*)	-	(33.8)	-	(160.6)	-
9 Sales Tax: Disaster Preparedness Holiday - 14 Days	(56.8)	-	(*)	(*)	(15.1)	-	(71.9)	-
10 Sales Tax: Skilled Worker Tool Holiday - 7 Days	(12.2)	-	(*)	-	(3.2)	-	(15.4)	-
11 Sales Tax: Exempt Renewable Natural Gas Machinery and Equipment	(1.5)	(0.7)	(*)	(*)	(0.4)	(0.2)	(1.9)	(0.9)
12 Sales Tax: Exempt Firearm Storage Devices	(3.2)	(3.6)	(*)	(*)	(0.9)	(0.9)	(4.1)	(4.5)
13 Sales Tax: Distribution for Horse Breeding and Racing Promotion	(27.5)	-	27.5	-	-	-	-	-
14 Ad Valorem: Parsonages and Burial Grounds	-	-	-	-	-	-	-	-
15 Ad Valorem: 197.319 Property Tax Refund	-	-	-	-	-	**	-	**
16 Ad Valorem: Educational Property - 10 yrs.	-	-	-	-	(4.5)	(4.5)	(4.5)	(4.5)
17 Ad Valorem: Educational Property - 98 yr. lease	-	-	-	-	(*)	(*)	(*)	(*)
18 Ad Valorem: Definition of First Responder - Federal LEO	-	-	-	-	-	(*)	-	(*)
19 Ad Valorem: "Entitled to" Transfer - Osceola	-	-	-	-	-	-	-	-
20 Ad Valorem: Disabled Vet Refund - Year of Purchase	-	-	-	-	(0.1)	(0.2)	(0.1)	(0.2)
Ad Valorem: Residency Requirement - Court Case	-	-	-	-	-	-	-	-
22 Special Assessments: Prohibition of Special Assessments on Agricultural Lands	-	-	-	-	(23.7)	(23.7)	(23.7)	(23.7)
23 Corp. Inc. Tax: Brownfields Rehabilitation Tax Credit Cap Increase - 5 yrs.	(30.0)	-	-	-	-	-	(30.0)	-
24 Corp. Inc. Tax: Underpayment Penalty Calculation - Tax Donation Programs	0/(*)	(*)	-	-	-	-	0/(*)	(*)
25 Corp. Inc. Tax: Residential Graywater Systems Tax Credit	(**)	(**)	-	-	-	-	(**)	(**)
26 CIT/IPT: Historic Property Tax Credit	-	(38.6)	-	-	-	-	-	(38.6)
27 Doc Stamp Tax: Exemption for Alarm System Contractors	(0.8)	(0.8)	(0.7)	(0.7)	-	-	(1.5)	(1.5)
28 Doc & Int. Tax: 504 Loans	(*)	(*)	(*)	(*)	-	-	(*)	(*)
29 Fuel Tax: Natural Gas Fuel Taxes Delay	(*)	-	(0.2)	-	(0.1)	-	(0.3)	-
30 Local CST: Freeze Rate Increases Until Jan. 1, 2026	-	-	-	-	-	-	-	-
31 Pari-Mutuel Tax: Refund of pari-mutuel taxes limited to HISA compliance	(0.2)	(0.4)	(2.1)	(4.9)	-	-	(2.3)	(5.3)
32 Various Taxes: Strong Families Tax Credit Cap Increase	(10.0)	(10.0)	-	-	-	-	(10.0)	(10.0)
33 Various Taxes: Local Tax Referendum	-	-	-	-	-	-	-	-
34 Sales Tax: Storage of Electrical Energy	-	(**)	-	(**)	-	(**)	-	(**)
35 Local SUT: Local Food & Beverage/MRT	-	-	-	-	0/**	0/**	0/**	0/**
36 Ad Valorem: VAB Appeal Threshold Increase	-	-	-	-	(0.4)	(0.4)	(0.4)	(0.4)
37 Sales Tax: Exempt Sales by Small Private Investigators	(1.2)	(1.3)	(*)	(*)	(0.3)	(0.3)	(1.5)	(1.6)
38 Tourist Dev. Tax: Public Safety Services in Certain Small Counties	-	-	-	-	-	-	-	-
39 Tourist Dev. Tax: Public Safety Services in Certain Fiscally Constrained Counties	-	-	-	-	-	-	-	-
40 Appropriation: Reimbursement to counties for refunds issued to property owners affected by Hurricanes Ian and Nicole	(35.0)	-	-	-	35.0	-	-	-
2023-24	(814.3)	(339.3)	27.2	(2.6)	(157.3)	(77.8)	(944.4)	(419.7)

	General Revenue		State Trust Funds		Local/Other		Total	
	Cash	Recur.	Cash	Recur.	Cash	Recur.	Cash	Recur.
Nonrecurring Out-year Impacts								
41 Sales Tax: Energy Star Appliances - 1 Year	(5.7)	-	(*)	-	(1.5)	-	(7.2)	-
42 Sales Tax: Gas Ranges and Cooktops - 1 Year	(0.5)	-	(*)	-	(0.1)	-	(0.6)	-
43 Sales Tax: Distribution for Horse Breeding and Racing Promotion	(27.5)	-	27.5	-	-	-	-	-
44 Corp. Inc. Tax: Brownfields Rehabilitation Tax Credit Cap Increase - 5 yrs.	(120.0)	-	-	-	-	-	(120.0)	-
45 Fuel Tax: Natural Gas Fuel Taxes Delay	(0.2)	-	(1.0)	-	(0.3)	-	(1.5)	-
Out Years	(153.9)	-	26.5	-	(1.9)	-	(129.3)	-
Tax Package Total	(968.2)	(339.3)	53.7	(2.6)	(159.2)	(77.8)	(1,073.7)	(419.7)

(*) Impact less than \$100,000; (**) Impact is indeterminate; 0/(*) If an impact exists, it will be less than \$100,000; 0/** if an impact exists, it will be more than \$100,000.

(1) Ad valorem tax impacts assume current rates.

(2) Recurring tax cut total = -\$419.7

Pure nonrecurring tax cuts = -\$722.7

-\$1,142.4

Pure Nonrecurring (722.7)

Recurring + Pure Nonrecurring (1,142.4)

B. Private Sector Impact:

Taxpayers, both businesses and individuals, will experience significant tax savings.

C. Government Sector Impact:

The Department of Revenue, Department of State, and the Florida Gaming Commission will need to engage in rulemaking and will likely incur implementation costs.

The bill appropriates \$35 million to the Department of Revenue and requires the department to use those funds to reimburse local governments for property tax refunds required by chapter 2022-272, Laws of Florida, which related to refunds of property taxes levied on residential property damaged by Hurricanes Ian or Nicole from 2022.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 220.197, 220.199, 550.09516, and 571.265.

This bill substantially amends the following sections of the Florida Statutes: 125.01, 125.0104, 125.0108, 125.901, 194.036, 196.081, 196.196, 196.198, 197.319, 199.145, 201.08, 201.21, 202.19, 206.9952, 206.9955, 206.996, 212.0306, 212.055, 212.08, 212.12, 212.20, 213.053, 220.02, 220.13, 220.1845, 220.222, 336.021, 336.025, 376.30781, 402.62, 571.26, and 624.509.

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

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

CS by Appropriations on April 25, 2023:

The committee substitute:

- Permanently exempts from sales and use tax the purchase of machinery and equipment necessary for the storage of at least 5 megawatts of electricity.
- Permanently exempts from sales and use tax the sale of taxable private investigation services by a small private investigation company.
- Authorizes counties to impose the local food and beverage sales tax in cities that impose the municipal resort tax if approved by referendum.
- Amends the ad valorem property value and percentage thresholds below which a property appraiser is not authorized to appeal changes made by the value adjustment board.

- Provides \$35 million to the Department of Revenue to reimburse local governments for refunds of ad valorem taxes related to Hurricanes Ian and Nicole.

B. Amendments:

None.

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



928628

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/25/2023	.	
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The Committee on Appropriations (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1221 - 1321
and insert:

Section 24. Paragraph (w) is added to subsection (5) and paragraphs (qqq) through (uuu) are added to subsection (7) of section 212.08, Florida Statutes, as amended by chapter 2023-17, Laws of Florida, and paragraph (c) of subsection (5) of that



928628

section is amended, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) *Machinery and equipment used in production or storage of electrical or steam energy.*—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of hydrogen or boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn hydrogen, or both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels and hydrogen as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply.



928628

Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The purchase of equipment for use at a fixed location in this state, which equipment is necessary for the storage of electrical energy of at least 5 MW, is exempt from the tax imposed by this chapter.

4. The department may adopt rules that provide for implementation of these exemptions ~~this exemption~~. Purchasers of machinery and equipment qualifying for one of the exemptions ~~exemption~~ provided in this paragraph shall furnish the vendor with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

(w) Renewable natural gas machinery and equipment.—

1. As used in this paragraph, the term "renewable natural gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater, which may be used as transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline. For purposes of this paragraph, any reference to natural gas includes renewable natural gas.

2. The purchase of machinery and equipment that is primarily used in the production, storage, transportation,



928628

compression, or blending of renewable natural gas and that is
used at a fixed location is exempt from the tax imposed by this
chapter.

3. Purchasers of machinery and equipment qualifying for the
exemption provided in this paragraph must furnish the vendor
with an affidavit stating that the item or items to be exempted
are for the use designated herein. Purchasers with self-accrual
authority pursuant to s. 212.183 are not required to provide
this affidavit, but shall maintain all documentation necessary
to prove the exempt status of purchases.

4. A person furnishing a false affidavit to the vendor for
the purpose of evading payment of the tax imposed under this
chapter is subject to the penalty set forth in s. 212.085 and as
otherwise provided by law.

5. The department may adopt rules to administer this
paragraph.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
entity by this chapter do not inure to any transaction that is
otherwise taxable under this chapter when payment is made by a
representative or employee of the entity by any means,
including, but not limited to, cash, check, or credit card, even
when that representative or employee is subsequently reimbursed
by the entity. In addition, exemptions provided to any entity by
this subsection do not inure to any transaction that is
otherwise taxable under this chapter unless the entity has
obtained a sales tax exemption certificate from the department
or the entity obtains or provides other documentation as
required by the department. Eligible purchases or leases made
with such a certificate must be in strict compliance with this



928628

subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(qqq) Baby and toddler products.—Also exempt from the tax imposed by this chapter are:

1. Baby cribs, including baby playpens and baby play yards;
2. Baby strollers;
3. Baby safety gates;
4. Baby monitors;
5. Child safety cabinet locks and latches and electrical socket covers;
6. Bicycle child carrier seats and trailers designed for carrying young children, including any adaptors and accessories for these seats and trailers;
7. Baby exercisers, jumpers, bouncer seats and swings;
8. Breast pumps, bottle sterilizers, baby bottles and nipples, pacifiers, and teething rings;
9. Baby wipes;
10. Changing tables and changing pads;
11. Children's diapers, including single-use diapers, reusable diapers, and reusable diaper inserts; and
12. Baby and toddler clothing, apparel, and shoes, primarily intended for and marketed for children age 5 or younger. Baby and toddler clothing size 5T and smaller and baby and toddler shoes size 13T and smaller are presumed to be primarily intended for and marketed for children age 5 or younger.



928628

(rrr) Diapers and incontinence products.—The sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners is exempt from the tax imposed by this chapter.

(sss) Oral hygiene products.—

1. Also exempt from the tax imposed by this chapter are oral hygiene products.

2. As used in this paragraph, the term “oral hygiene products” means electric and manual toothbrushes, toothpaste, dental floss, dental picks, oral irrigators, and mouthwash.

(ttt) Firearm safety devices.—The sale of the following are exempt from the tax imposed by this chapter:

1. A firearm safe, firearm lockbox, firearm case, or other device that is designed to be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

2. A firearm trigger lock or firearm cable lock that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(uuu) Small private investigative agencies.—

1. As used in this paragraph, the term:

a. “Private investigation services” has the same meaning as the term “private investigation” as defined in s. 493.6101(17).

b. “Small private investigative agency” means a private investigator licensed under s. 493.6201 which:

(I) Employs three or fewer full-time or part-time employees, including those performing services pursuant to an



928628

employee leasing arrangement as defined in s. 468.520(4), in
total; and

(II) During the previous calendar year, performed private
investigation services otherwise taxable under this chapter in
which the charges for the services performed were less than
\$150,000 for all its businesses related through common
ownership.

2. The sale of private investigation services by a small
private investigative agency to a client is exempt from the tax
imposed by this chapter.

3. The exemption provided by this paragraph may not apply
in the first calendar year that a small private investigative
agency conducts sales of private investigation services taxable
under this chapter.

Section 25. Subsection (1) of section 194.036, Florida
Statutes, is amended to read:

194.036 Appeals.—Appeals of the decisions of the board
shall be as follows:

(1) If the property appraiser disagrees with the decision
of the board, he or she may appeal the decision to the circuit
court if one or more of the following criteria are met:

(a) The property appraiser determines and affirmatively
asserts in any legal proceeding that there is a specific
constitutional or statutory violation, or a specific violation
of administrative rules, in the decision of the board, except
that nothing herein shall authorize the property appraiser to
institute any suit to challenge the validity of any portion of
the constitution or of any duly enacted legislative act of this
state.†



928628

(b) There is a variance from the property appraiser's assessed value in excess of the following: 20 ~~15~~ percent variance from any assessment of \$250,000 ~~\$50,000~~ or less; 15 ~~10~~ percent variance from any assessment in excess of \$250,000 ~~\$50,000~~ but not in excess of \$1 million ~~\$500,000~~; 7.5 percent variance from any assessment in excess of \$1 million ~~\$500,000~~ but not in excess of \$2.5 ~~\$1~~ million; or 5 percent variance from any assessment in excess of \$2.5 ~~\$1~~ million. ~~;~~ ~~or~~

(c) There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the value adjustment board in its decisions. The property appraiser shall notify the department of those portions of the tax roll for which the assertion is made. The department shall thereupon notify the clerk of the board who shall, within 15 days of the notification by the department, send the written decisions of the board to the department. Within 30 days of the receipt of the decisions by the department, the department shall notify the property appraiser of its decision relative to further judicial proceedings. If the department finds upon investigation that a consistent and continuous violation of the intent of the law or administrative rules by the board has occurred, it shall so inform the property appraiser, who may thereupon bring suit in circuit court against the value adjustment board for injunctive relief to prohibit continuation of the violation of the law or administrative rules and for a mandatory injunction to restore the tax roll to its just value in such amount as determined by judicial proceeding. However, when a final judicial decision is rendered as a result of an



928628

appeal filed pursuant to this paragraph which alters or changes an assessment of a parcel of property of any taxpayer not a party to such procedure, such taxpayer shall have 60 days from the date of the final judicial decision to file an action to contest such altered or changed assessment pursuant to s. 194.171(1), and the provisions of s. 194.171(2) shall not bar such action.

Section 26. Paragraph (d) of subsection (2) of section 212.0306, Florida Statutes, is amended to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(2)

(d) Sales in cities or towns presently imposing a municipal resort tax as authorized by chapter 67-930, Laws of Florida, are exempt from the taxes authorized by subsection (1); however, the tax authorized by subsection (1)(b) may be levied in such city or town if the levy is approved in a referendum by voters in the city or town.

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

And the title is amended as follows:

Delete lines 70 - 86

and insert:

amending s. 212.08, F.S.; providing a sales tax exemption for the purchase of certain equipment necessary for the storage of electrical energy; defining the term "renewable natural gas"; providing a sales tax exemption for the purchase of certain machinery and equipment relating to renewable natural



928628

gas; requiring purchasers of such machinery and equipment to furnish the vendor with a certain affidavit; providing an exception; providing penalties, including a criminal penalty; authorizing the Department of Revenue to adopt rules; exempting the purchase of specified baby and toddler products from the sales and use tax; providing a presumption; exempting the sale for human use of diapers, incontinence undergarments, incontinence pads, and incontinence liners from the sales and use tax; exempting the sale of oral hygiene products from the sales and use tax; defining the term "oral hygiene products"; exempting the sale of certain firearm safety devices from the sales and use tax; defining the terms "private investigation services" and "small private investigative agency"; exempting the sale of private investigation services by a small private investigative agency to a client from the sales and use tax; providing applicability; amending s. 194.036, F.S.; revising a condition under which a property appraiser may appeal a decision of the value adjustment board; amending s. 212.0306, F.S.; authorizing certain cities and towns to levy a local option food and beverage tax if approved by referendum; amending s.



978906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
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The Committee on Appropriations (Ingoglia) recommended the following:

Senate Substitute for Amendment (928628) (with title amendment)

Delete lines 240 - 1321
and insert:

Section 2. Paragraph (c) of subsection (5) of section 125.0104, Florida Statutes, is amended, and paragraph (e) is added to subsection (6) of that section, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—



978906

(5) AUTHORIZED USES OF REVENUE.—

(c) A county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, which meets the following criteria may use up to 10 percent of the tax revenue received pursuant to this section to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area. However, if taxes collected pursuant to this section are used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or municipality may not use such taxes to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department. To receive reimbursement, the county must:

1.a. Generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to this section;

~~b.2.~~ Have at least three municipalities; and

~~c.3.~~ Have an estimated population of less than 275,000 ~~225,000~~, according to the most recent population estimate prepared pursuant to s. 186.901, excluding the inmate population; or

2. Be a fiscally constrained county as described in s. 218.67(1).

The board of county commissioners must by majority vote approve



978906

reimbursement made pursuant to this paragraph upon receipt of a recommendation from the tourist development council.

(6) REFERENDUM.—

(e) A referendum to reenact an expiring tourist development tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

Section 3. Subsection (5) of section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(5) The tourist impact tax authorized by this section shall take effect only upon express approval by a majority vote of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held in conjunction with a general election, as defined in s. 97.021. However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire county, the tax shall take effect only upon express approval of a majority of the qualified electors of the county voting in such a referendum. A referendum to reenact an expiring tourist impact tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

Section 4. Subsection (1) of section 125.901, Florida Statutes, is amended to read:



978906

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.012 and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval at a general election, as defined in s. 97.021, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage. However, a referendum to increase the millage rate previously approved by the electors must be held at a general election, and the referendum may be held only once during the 48-month period preceding the effective date of the increased millage.

(a) The governing body of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Families, or his or



978906

her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy



978906

shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(b) However, any county as defined in s. 125.011(1) may instead have a governing body consisting of 33 members, including the superintendent of schools, or his or her designee; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Families, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association,



978906

selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

(c) This subsection does not prohibit a county from exercising such power as is provided by general or special law



978906

to provide children's services or to create a special district to provide such services.

Section 5. Subsection (10) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(10) DATES FOR REFERENDA.—A referendum to adopt, ~~or~~ amend, or reenact a local government discretionary sales surtax under this section must be held at a general election as defined in s. 97.021. A referendum to reenact an expiring surtax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax. Such a referendum may appear on the ballot only once within the 48-month period.

Section 6. Paragraph (a) of subsection (4) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—



978906

(4)(a)1. A certified copy of the ordinance proposing to levy the tax pursuant to referendum shall be furnished by the county to the department within 10 days after approval of such ordinance.

2. A referendum to adopt, amend, or reenact a tax under this subsection must ~~shall~~ be held ~~only~~ at a general election, as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

3. The county levying the tax pursuant to referendum shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.

Section 7. Paragraph (b) of subsection (1) and paragraph (b) of subsection (3) of section 336.025, Florida Statutes, are amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum. A referendum to



978906

adopt, amend, or reenact a tax under this subsection must ~~shall~~
be held ~~only~~ at a general election, as defined in s. 97.021. A
referendum to reenact an expiring tax must be held at a general
election occurring within the 48-month period immediately
preceding the effective date of the reenacted tax, and the
referendum may appear on the ballot only once within the 48-
month period.

1. All impositions and rate changes of the tax shall be
levied before October 1, to be effective January 1 of the
following year. However, levies of the tax which were in effect
on July 1, 2002, and which expire on August 31 of any year may
be reimposed at the current authorized rate provided the tax is
levied before July 1 and is effective September 1 of the year of
expiration.

2. The county may, prior to levy of the tax, establish by
interlocal agreement with one or more municipalities located
therein, representing a majority of the population of the
incorporated area within the county, a distribution formula for
dividing the entire proceeds of the tax among county government
and all eligible municipalities within the county. If no
interlocal agreement is adopted before the effective date of the
tax, tax revenues shall be distributed pursuant to the
provisions of subsection (4). If no interlocal agreement exists,
a new interlocal agreement may be established prior to June 1 of
any year pursuant to this subparagraph. However, any interlocal
agreement agreed to under this subparagraph after the initial
levy of the tax or change in the tax rate authorized in this
section shall under no circumstances materially or adversely
affect the rights of holders of outstanding bonds which are



978906

backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting



978906

the date for a countywide referendum on whether to levy the tax. A referendum to adopt, amend, or reenact a tax under this subsection must ~~shall~~ be held ~~only~~ at a general election, as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax, and the referendum may appear on the ballot only once within the 48-month period. The tax shall be levied and collected countywide on January 1 following 30 days after voter approval.

Section 8. Effective upon this act becoming a law, paragraph (b) of subsection (1), subsection (3), paragraph (b) of subsection (4), and paragraph (b) of subsection (6) of section 196.081, Florida Statutes, are amended to read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans; exemption for surviving spouses of first responders who die in the line of duty.—

(1)

(b) If legal or beneficial title to property is acquired between January 1 and November 1 of any year by a veteran or his or her surviving spouse receiving an exemption under this section on another property for that tax year, the veteran or his or her surviving spouse is entitled to ~~may receive~~ a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption



978906

under this section for the newly acquired property, the property appraiser shall immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

(3) If the totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the exemption from taxation carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted from the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry.

(4) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.

(b) The tax exemption carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the



978906

surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the state or any political subdivision of the state, including authorities and special districts, and for whom a letter from the state or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(b) The tax exemption applies as long as the surviving spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence if it is used as his or her primary residence and he or she does not remarry.

Section 9. The amendments made by section 8 of this act to s. 196.081, Florida Statutes, are remedial and clarifying in nature and do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid before the date



978906

this act becomes a law.

Section 10. Paragraph (b) of subsection (1) and subsections (4) and (6) of section 196.081, Florida Statutes, as amended by this act, are amended to read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans; exemption for surviving spouses of first responders who die in the line of duty.—

(1)

(b)1. If legal or beneficial title to property is acquired between January 1 and November 1 of any year by a veteran or his or her surviving spouse receiving an exemption under this section on another property for that tax year, the veteran or his or her surviving spouse is entitled to a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption under this section for the newly acquired property, the property appraiser shall immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

2. If legal or beneficial title to property is acquired between January 1 and November 1 of any year by a veteran or his or her surviving spouse who is not receiving an exemption under this section on another property for that tax year, and as of January 1 of that tax year, the veteran was honorably discharged with a service-connected total and permanent disability and for



978906

whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran is totally and permanently disabled, the veteran or his or her surviving spouse may receive a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption under this section for the newly acquired property, the property appraiser shall immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

(4) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation ~~if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.~~

(a) The production of the letter by the surviving spouse which attests to the veteran's death while on active duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides



978906

thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the Federal Government, the state, or any political subdivision of the state, including authorities and special districts, and for whom a letter from the Federal Government, the state, or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(a) The production of the letter by the surviving spouse which attests to the first responder's death in the line of duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption applies as long as the surviving spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll to his or her



978906

new residence if it is used as his or her primary residence and he or she does not remarry.

(c) As used in this subsection only, and not applicable to the payment of benefits under s. 112.19 or s. 112.191, the term:

1. "First responder" means a federal law enforcement officer as defined in s. 901.1505(1), a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer.

2. "In the line of duty" means:

a. While engaging in law enforcement;

b. While performing an activity relating to fire suppression and prevention;

c. While responding to a hazardous material emergency;

d. While performing rescue activity;

e. While providing emergency medical services;

f. While performing disaster relief activity;

g. While otherwise engaging in emergency response activity;

or

h. While engaging in a training exercise related to any of the events or activities enumerated in this subparagraph if the training has been authorized by the employing entity.

A heart attack or stroke that causes death or causes an injury resulting in death must occur within 24 hours after an event or activity enumerated in this subparagraph and must be directly and proximately caused by the event or activity in order to be considered as having occurred in the line of duty.



978906

Section 11. The amendments made by section 10 of this act to s. 196.081, Florida Statutes, first apply to the 2024 ad valorem tax roll.

Section 12. Subsection (3) of section 196.196, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this section ~~subsection~~, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities, parking, recreation, partaking of meals, and fellowship.

(6) Property that is used as a parsonage, burial grounds, or tomb and is owned by a house of public worship is used for a religious purpose.

Section 13. The amendments made by this act to s. 196.196, Florida Statutes, are remedial and clarifying in nature and do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid before July 1, 2023.

Section 14. Section 196.198, Florida Statutes, is amended



978906

to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes are exempt from taxation. Sheltered workshops providing rehabilitation and retraining of individuals who have disabilities and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and are exempt from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process are exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and is exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property, or if the entity owning 100 percent of the educational institution and the entity owning the property are owned by the identical natural persons, or if the educational institution is a lessee that owns the leasehold interest in a bona fide lease for a nominal amount per year having an original term of 98 years or more. Land, buildings, and other improvements to real property used exclusively for educational purposes are deemed owned by an educational institution if the



978906

educational institution that currently uses the land, buildings,
and other improvements for educational purposes received the
exemption under this section on the same property in any 10
consecutive prior years, and, under a lease, the educational
institution is responsible for any taxes owed and for ongoing
maintenance and operational expenses for the land, buildings,
and other improvements. For such leasehold properties, the
educational institution shall receive the full benefit of the
exemption. The owner of the property shall disclose to the
educational institution the full amount of the benefit derived
from the exemption and the method for ensuring that the
educational institution receives the benefit. Land, buildings,
and other improvements to real property used exclusively for
educational purposes shall be deemed owned by an educational
institution if the entity owning 100 percent of the land is a
nonprofit entity and the land is used, under a ground lease or
other contractual arrangement, by an educational institution
that owns the buildings and other improvements to the real
property, is a nonprofit entity under s. 501(c)(3) of the
Internal Revenue Code, and provides education limited to
students in prekindergarten through grade 8. Land, buildings,
and other improvements to real property used exclusively for
educational purposes are deemed owned by an educational
institution if the educational institution that currently uses
the land, buildings, and other improvements for educational
purposes is an educational institution described in s. 212.0602,
and, under a lease, the educational institution is responsible
for any taxes owed and for ongoing maintenance and operational
expenses for the land, buildings, and other improvements. For



978906

such leasehold properties, the educational institution shall receive the full benefit of the exemption. The owner of the property shall disclose to the educational institution the full amount of the benefit derived from the exemption and the method for ensuring that the educational institution receives the benefit. Notwithstanding ss. 196.195 and 196.196, property owned by a house of public worship and used by an educational institution for educational purposes limited to students in preschool through grade 8 shall be exempt from ad valorem taxes. If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease or other contractual agreement with that lessee. If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor owns 100 percent of the entity that owns an educational institution that is using the land exclusively for educational purposes, the land is deemed to be property owned by the educational institution for purposes of this exemption. Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. The term "affirmative steps" means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.



978906

Section 15. Section 197.319, Florida Statutes, is amended to read:

197.319 Refund of taxes for residential improvements rendered uninhabitable by a catastrophic event.—

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

(a) "Catastrophic event" means an event of misfortune or calamity that renders one or more residential improvements uninhabitable. The term ~~It~~ does not include an event caused, directly or indirectly, by the property owner with the intent to damage or destroy the residential improvement or an event that results in a federal disaster area declaration or a state of emergency declared pursuant to s. 252.36.

(b) "Catastrophic event refund" means the product arrived at by multiplying the damage differential by the amount of timely paid taxes that were initially levied in the year in which the catastrophic event occurred.

(c) "Damage differential" means the product arrived at by multiplying the percent change in value by a ratio, the numerator of which is the number of days the residential improvement was rendered uninhabitable in the year in which the catastrophic event occurred, and the denominator of which is the number of days in the year in which the catastrophic event occurred ~~365~~.

(d) "Percent change in value" means the difference between a residential parcel's just value as of January 1 of the year in which the catastrophic event occurred and its postcatastrophic event just value, expressed as a percentage of the parcel's just value as of January 1 of the year in which the catastrophic event occurred.



978906

(e) "Postcatastrophic event just value" means the just value of the residential parcel on January 1 of the year in which a catastrophic event occurred, adjusted by subtracting ~~reduced to reflect~~ the just value, as determined on January 1 of ~~the year in which the catastrophic event occurred,~~ of the ~~residential parcel after the catastrophic event that rendered~~ ~~the residential improvement that was rendered thereon~~ uninhabitable and before any subsequent repairs. For purposes of this paragraph, a residential improvement that is uninhabitable has no value attached to it. The catastrophic event refund is determined only for purposes of calculating tax refunds for the year or years in which the residential improvement is uninhabitable as a result of the catastrophic event and does not determine a parcel's just value as of January 1 each year.

(f) "Residential improvement" means a residential dwelling or house on real estate used and owned as a homestead as defined in s. 196.012(13) or nonhomestead residential property as defined in s. 193.1554(1). A residential improvement does not include a structure that is not essential to the use and occupancy of the residential dwelling or house, including, but not limited to, a detached utility building, detached carport, detached garage, bulkhead, fence, or swimming pool, and does not include land.

(g) "Uninhabitable" means the loss of use and occupancy of a residential improvement for the purpose for which it was constructed resulting from damage to or destruction of, or from a condition that compromises the structural integrity of, the residential improvement which was caused by a catastrophic event, ~~as evidenced by documentation, including, but not limited~~



978906

~~to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy.~~

(2) If a residential improvement is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied and paid for the year in which the catastrophic event occurred may be refunded in the following manner:

(a) The property owner must file an application for refund with the property appraiser on a form prescribed by the department and furnished by the property appraiser:

~~1. If the residential improvement is restored to a habitable condition before December 1 of the year in which the catastrophic event occurred, no sooner than 30 days after the residential improvement that was rendered uninhabitable has been restored to a habitable condition; or~~

~~2. no later than March 1 of the year immediately following the catastrophic event. The property appraiser may allow applications to be filed electronically.~~

~~The application for refund must be made on a form prescribed by the department and furnished by the property appraiser. The property appraiser may request supporting documentation be submitted along with the application, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy, for purposes of determining conditions of uninhabitability and subsequent habitability following any repairs.~~



978906

(b) The application for refund must describe the catastrophic event and identify the residential parcel upon which the residential improvement was rendered uninhabitable by a catastrophic event, the date on which the catastrophic event occurred, and the number of days the residential improvement was uninhabitable during the calendar year in which the catastrophic event occurred. For purposes of determining uninhabitability, the application must be accompanied by supporting documentation, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy.

(c) The application for refund must be verified under oath and is subject to penalty of perjury.

~~(d) Upon receipt of an application for refund,~~ The property appraiser shall review ~~must investigate the statements contained in the application and to determine if the applicant is entitled to a refund of taxes. No later than April 1 of the year following the date on which the catastrophic event occurred, the property appraiser must:~~

1. Notify the applicant if the property appraiser determines that the applicant is not entitled to a refund. If the property appraiser determines that the applicant is not entitled to a refund, the applicant may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that the refund be granted. The petition must be filed with the value adjustment board on or before the 30th day following the issuance of the notice by the property appraiser.

~~2.(e) If the property appraiser determines that the applicant is entitled to a refund, the property appraiser must~~



978906

Issue an official written statement to the tax collector if the property appraiser determines that the applicant is entitled to a refund within 30 days after the determination, but no later than by April 1 of the year following the date on which the catastrophic event occurred. The statement must provide,~~that provides:~~

a.1.~~1.~~ The just value of the residential improvement as determined by the property appraiser on January 1 of the year in which the catastrophic event for which the applicant is claiming a refund occurred.

b.2.~~2.~~ The number of days during the calendar year during which the residential improvement was uninhabitable.

c.3.~~3.~~ The postcatastrophic event just value of the residential parcel as determined by the property appraiser.

d.4.~~4.~~ The percent change in value applicable to the residential parcel.

(3) Upon receipt of the written statement from the property appraiser, the tax collector shall calculate the damage differential pursuant to this section.

(a) If the property taxes have been paid for the year in which the catastrophic event occurred, the tax collector must~~and~~ process a refund in an amount equal to the catastrophic event refund.

(b) If the property taxes have not been paid for the year in which the catastrophic event occurred, the tax collector must process a refund in an amount equal to the catastrophic event refund only upon receipt of timely payment of the property taxes.

(4) Any person who is qualified to have his or her property



978906

taxes refunded under this section ~~subsection (2)~~ but fails to file an application by March 1 of the year immediately following the year in which the catastrophic event occurred may file an application for refund under this subsection and may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that a refund under this subsection be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes and non-ad valorem assessments by the property appraiser as provided in s. 194.011(1). Upon reviewing the petition, if the person is qualified to receive the refund under this section ~~subsection~~ and demonstrates particular extenuating circumstances determined by the property appraiser or the value adjustment board to warrant granting a late application for refund, the property appraiser or the value adjustment board may grant a refund.

(5) By September 1 of each year, the tax collector shall notify:

(a) The department of the total reduction in taxes for all properties that qualified for a refund pursuant to this section for the year.

(b) The governing board of each affected local government of the reduction in such local government's taxes that occurred pursuant to this section.

(6) For purposes of this section, a residential improvement that is uninhabitable has no value.

(7) The catastrophic event refund is determined only for purposes of calculating tax refunds for the year in which the residential improvement is uninhabitable as a result of the



978906

catastrophic event and does not determine a parcel's just value as of January 1 any subsequent year.

(8)~~(6)~~ This section does not affect the requirements of s. 197.333.

Section 16. The amendments made by this act to s. 197.319, Florida Statutes, first apply to the 2024 ad valorem tax roll.

Section 17. Subsection (2) of section 199.145, Florida Statutes, is amended to read:

199.145 Corrective mortgages; assignments; assumptions; refinancing.—

(2) (a) No additional nonrecurring tax shall be due upon the assignment by the obligee of a note, bond, or other obligation for the payment of money upon which a nonrecurring tax has previously been paid.

(b) A note or mortgage for a federal small business loan program transaction pursuant to 15 U.S.C. ss. 695-697g, also known as a 504 loan, which specifies the Small Business Administration as the obligee or mortgagee and increases the principal balance of a note or mortgage which is part of an interim loan for purposes of debenture guarantee funding upon which nonrecurring tax has previously been paid, is subject to additional tax only on the increase above the current principal balance. The obligor and mortgagor must be the same as on the prior note or mortgage and there may not be new or additional obligors or mortgagors. The prior note or the book and page number of the recorded interim mortgage must be referenced in the Small Business Administration note or mortgage.

Section 18. Subsection (3) of section 201.08, Florida Statutes, is amended to read:



978906

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(3)(a) No tax shall be required on promissory notes executed for students to receive financial aid from federal or state educational assistance programs, from loans guaranteed by the Federal Government or the state when federal regulations prohibit the assessment of such taxes against the borrower, or for any financial aid program administered by a state university or community college, and the holders of such promissory notes shall not lose any rights incident to the payment of such tax.

(b) A note or mortgage for a federal small business loan program transaction pursuant to 15 U.S.C. ss. 695-697g, also known as a 504 loan, which specifies the Small Business Administration as the obligee or mortgagee and increases the principal balance of a note or mortgage which is part of an interim loan for purposes of debenture guarantee funding upon which documentary stamp tax has previously been paid, is subject to additional tax only on the increase above the current principal balance. The obligor and mortgagor must be the same as on the prior note or mortgage and there may not be new or additional obligors or mortgagors. The prior note or the book and page number of the recorded interim mortgage must be referenced in the Small Business Administration note or mortgage.

Section 19. Section 201.21, Florida Statutes, is amended to read:

201.21 Notes and other written obligations exempt under certain conditions.—



978906

(1) There shall be exempt from all excise taxes imposed by this chapter all promissory notes, nonnegotiable notes, and other written obligations to pay money bearing date subsequent to July 1, 1955, hereinafter referred to as "principal obligations," when the maker thereof shall pledge or deposit with the payee or holder thereof pursuant to any agreement commonly known as a wholesale warehouse mortgage agreement, as collateral security for the payment thereof, any collateral obligation or obligations, as hereinafter defined, provided all excise taxes imposed by this chapter upon or in respect to such collateral obligation or obligations shall have been paid. If the indebtedness evidenced by any such principal obligation shall be in excess of the indebtedness evidenced by such collateral obligation or obligations, the exemption provided by this subsection ~~section~~ shall not apply to the amount of such excess indebtedness; and, in such event, the excise taxes imposed by this chapter shall apply and be paid only in respect to such excess of indebtedness of such principal obligation. The term "collateral obligation" as used in this subsection ~~section~~ means any note, bond, or other written obligation to pay money secured by mortgage, deed of trust, or other lien upon real or personal property. The pledging of a specific collateral obligation to secure a specific principal obligation, if required under the terms of the agreement, shall not invalidate the exemption provided by this subsection ~~section~~. The temporary removal of the document or documents representing one or more collateral obligations for a reasonable commercial purpose, for a period not exceeding 60 days, shall not invalidate the exemption provided by this subsection ~~section~~.



978906

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of \$3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system, as defined in s. 489.505.

Section 20. Subsections (1) and (5) of section 202.19, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

202.19 Authorization to impose local communications services tax.—

(1) The governing authority of each county and municipality may, by ordinance, levy a local ~~discretionary~~ communications services tax as provided in this section.

(2)

(d) The local communications services tax rate in effect on January 1, 2023, may not be increased before January 1, 2026.

(5) In addition to the communications services taxes authorized by subsection (1), a discretionary sales surtax that a county or school board has levied under s. 212.055 is imposed as a local communications services tax under this section, and the rate shall be determined in accordance with s. 202.20(3). However, any increase to the discretionary sales surtax levied under s. 212.055 on or after January 1, 2023, may not be added to the local communication services tax under this section before January 1, 2026.



978906

(a) Except as otherwise provided in this subsection, each such tax rate shall be applied, in addition to the other tax rates applied under this chapter, to communications services subject to tax under s. 202.12 which:

1. Originate or terminate in this state; and
2. Are charged to a service address in the county.

(b) With respect to private communications services, the tax shall be on the sales price of such services provided within the county, which shall be determined in accordance with the following provisions:

1. Any charge with respect to a channel termination point located within such county;
2. Any charge for the use of a channel between two channel termination points located in such county; and
3. Where channel termination points are located both within and outside of such county:
 - a. If any segment between two such channel termination points is separately billed, 50 percent of such charge; and
 - b. If any segment of the circuit is not separately billed, an amount equal to the total charge for such circuit multiplied by a fraction, the numerator of which is the number of channel termination points within such county and the denominator of which is the total number of channel termination points of the circuit.

Section 21. Subsections (3) and (8) of section 206.9952, Florida Statutes, are amended to read:

206.9952 Application for license as a natural gas fuel retailer.—

- (3)(a) Any person who acts as a natural gas retailer and



978906

does not hold a valid natural gas fuel retailer license shall pay a penalty of \$200 for each month of operation without a license. This paragraph expires December 31, 2025 ~~2023~~.

(b) Effective January 1, 2026 ~~2024~~, any person who acts as a natural gas fuel retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of 25 percent of the tax assessed on the total purchases made during the unlicensed period.

(8) With the exception of a state or federal agency or a political subdivision licensed under this chapter, each person, as defined in this part, who operates as a natural gas fuel retailer shall report monthly to the department and pay a tax on all natural gas fuel purchases beginning January 1, 2026 ~~2024~~.

Section 22. Subsection (2) of section 206.9955, Florida Statutes, is amended to read:

206.9955 Levy of natural gas fuel tax.—

(2) Effective January 1, 2026 ~~2024~~, the following taxes shall be imposed:

(a) An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.

(b) An additional tax of 1 cent upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."

(c) An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

(d) An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate



978906

determined pursuant to this paragraph. Before January 1, 2026
~~2024~~, and each year thereafter, the department shall determine
the tax rate applicable to the sale of natural gas fuel for the
following 12-month period beginning January 1, rounded to the
nearest tenth of a cent, by adjusting the tax rate of 5.8 cents
per gallon by the percentage change in the average of the
Consumer Price Index issued by the United States Department of
Labor for the most recent 12-month period ending September 30,
compared to the base year average, which is the average for the
12-month period ending September 30, 2013.

(e)1. An additional tax is imposed on each motor fuel
equivalent gallon of natural gas fuel for the privilege of
selling natural gas fuel. Before January 1, 2026 ~~2024~~, and each
year thereafter, the department shall determine the tax rate
applicable to the sale of natural gas fuel, rounded to the
nearest tenth of a cent, for the following 12-month period
beginning January 1, by adjusting the tax rate of 9.2 cents per
gallon by the percentage change in the average of the Consumer
Price Index issued by the United States Department of Labor for
the most recent 12-month period ending September 30, compared to
the base year average, which is the average for the 12-month
period ending September 30, 2013.

2. The department is authorized to adopt rules and publish
forms to administer this paragraph.

Section 23. Subsection (1) of section 206.996, Florida
Statutes, is amended to read:

206.996 Monthly reports by natural gas fuel retailers;
deductions.—

(1) For the purpose of determining the amount of taxes



978906

imposed by s. 206.9955, each natural gas fuel retailer shall file beginning with February 2026 ~~2024~~, and each month thereafter, no later than the 20th day of each month, monthly reports electronically with the department showing information on inventory, purchases, nontaxable disposals, taxable uses, and taxable sales in gallons of natural gas fuel for the preceding month. However, if the 20th day of the month falls on a Saturday, Sunday, or federal or state legal holiday, a return must be accepted if it is electronically filed on the next succeeding business day. The reports must include, or be verified by, a written declaration stating that such report is made under the penalties of perjury. The natural gas fuel retailer shall deduct from the amount of taxes shown by the report to be payable an amount equivalent to 0.67 percent of the taxes on natural gas fuel imposed by s. 206.9955(2)(a) and (e), which deduction is allowed to the natural gas fuel retailer to compensate it for services rendered and expenses incurred in complying with the requirements of this part. This allowance is not deductible unless payment of applicable taxes is made on or before the 20th day of the month. This subsection may not be construed as authorizing a deduction from the constitutional fuel tax or the fuel sales tax.

Section 24. Paragraph (w) is added to subsection (5) and paragraphs (qqq) through (uuu) are added to subsection (7) of section 212.08, Florida Statutes, as amended by chapter 2023-17, Laws of Florida, and paragraph (c) of subsection (5) of that section is amended, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the



978906

rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) *Machinery and equipment used in production or storage of electrical or steam energy.*—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of hydrogen or boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn hydrogen, or both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels and hydrogen as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.



978906

3. The purchase of equipment for use at a fixed location in this state, which equipment is necessary for the storage of electrical energy of at least 5 MW, is exempt from the tax imposed by this chapter.

4. The department may adopt rules that provide for implementation of these exemptions ~~this exemption~~. Purchasers of machinery and equipment qualifying for one of the exemptions ~~exemption~~ provided in this paragraph shall furnish the vendor with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

(w) Renewable natural gas machinery and equipment.—

1. As used in this paragraph, the term "renewable natural gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater, which may be used as transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline. For purposes of this paragraph, any reference to natural gas includes renewable natural gas.

2. The purchase of machinery and equipment that is primarily used in the production, storage, transportation, compression, or blending of renewable natural gas and that is used at a fixed location is exempt from the tax imposed by this chapter.



978906

3. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph must furnish the vendor with an affidavit stating that the item or items to be exempted are for the use designated herein. Purchasers with self-accrual authority pursuant to s. 212.183 are not required to provide this affidavit, but shall maintain all documentation necessary to prove the exempt status of purchases.

4. A person furnishing a false affidavit to the vendor for the purpose of evading payment of the tax imposed under this chapter is subject to the penalty set forth in s. 212.085 and as otherwise provided by law.

5. The department may adopt rules to administer this paragraph.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and



978906

shall pay the tax. The department may adopt rules to administer this subsection.

(qqq) Baby and toddler products.—Also exempt from the tax imposed by this chapter are:

1. Baby cribs, including baby playpens and baby play yards;
2. Baby strollers;
3. Baby safety gates;
4. Baby monitors;
5. Child safety cabinet locks and latches and electrical socket covers;
6. Bicycle child carrier seats and trailers designed for carrying young children, including any adaptors and accessories for these seats and trailers;
7. Baby exercisers, jumpers, bouncer seats and swings;
8. Breast pumps, bottle sterilizers, baby bottles and nipples, pacifiers, and teething rings;
9. Baby wipes;
10. Changing tables and changing pads;
11. Children's diapers, including single-use diapers, reusable diapers, and reusable diaper inserts; and
12. Baby and toddler clothing, apparel, and shoes, primarily intended for and marketed for children age 5 or younger. Baby and toddler clothing size 5T and smaller and baby and toddler shoes size 13T and smaller are presumed to be primarily intended for and marketed for children age 5 or younger.

(rrr) Diapers and incontinence products.—The sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners is exempt from the tax imposed by this



978906

chapter.

(sss) Oral hygiene products.—

1. Also exempt from the tax imposed by this chapter are oral hygiene products.

2. As used in this paragraph, the term "oral hygiene products" means electric and manual toothbrushes, toothpaste, dental floss, dental picks, oral irrigators, and mouthwash.

(ttt) Firearm safety devices.—The sale of the following are exempt from the tax imposed by this chapter:

1. A firearm safe, firearm lockbox, firearm case, or other device that is designed to be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

2. A firearm trigger lock or firearm cable lock that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(uuu) Small private investigative agencies.—

1. As used in this paragraph, the term:

a. "Private investigation services" has the same meaning as the term "private investigation" as defined in s. 493.6101(17).

b. "Small private investigative agency" means a private investigator licensed under s. 493.6201 which:

(I) Employs three or fewer full-time or part-time employees, including those performing services pursuant to an employee leasing arrangement as defined in s. 468.520(4), in total; and

(II) During the previous calendar year, performed private



978906

investigation services otherwise taxable under this chapter in which the charges for the services performed were less than \$150,000 for all its businesses related through common ownership.

2. The sale of private investigation services by a small private investigative agency to a client is exempt from the tax imposed by this chapter.

3. The exemption provided by this paragraph may not apply in the first calendar year that a small private investigative agency conducts sales of private investigation services taxable under this chapter.

Section 25. Subsection (1) of section 194.036, Florida Statutes, is amended to read:

194.036 Appeals.—Appeals of the decisions of the board shall be as follows:

(1) If the property appraiser disagrees with the decision of the board, he or she may appeal the decision to the circuit court if one or more of the following criteria are met:

(a) The property appraiser determines and affirmatively asserts in any legal proceeding that there is a specific constitutional or statutory violation, or a specific violation of administrative rules, in the decision of the board, except that nothing herein shall authorize the property appraiser to institute any suit to challenge the validity of any portion of the constitution or of any duly enacted legislative act of this state.

(b) There is a variance from the property appraiser's assessed value in excess of the following: 20 ~~15~~ percent variance from any assessment of \$250,000 ~~\$50,000~~ or less; 15 ~~10~~



978906

percent variance from any assessment in excess of \$250,000
~~\$50,000~~ but not in excess of \$1 million ~~\$500,000~~; 7.5 percent
variance from any assessment in excess of \$1 million ~~\$500,000~~
but not in excess of \$2.5 ~~\$1~~ million; or 5 percent variance from
any assessment in excess of \$2.5 ~~\$1~~ million.; ~~or~~

(c) There is an assertion by the property appraiser to the
Department of Revenue that there exists a consistent and
continuous violation of the intent of the law or administrative
rules by the value adjustment board in its decisions. The
property appraiser shall notify the department of those portions
of the tax roll for which the assertion is made. The department
shall thereupon notify the clerk of the board who shall, within
15 days of the notification by the department, send the written
decisions of the board to the department. Within 30 days of the
receipt of the decisions by the department, the department shall
notify the property appraiser of its decision relative to
further judicial proceedings. If the department finds upon
investigation that a consistent and continuous violation of the
intent of the law or administrative rules by the board has
occurred, it shall so inform the property appraiser, who may
thereupon bring suit in circuit court against the value
adjustment board for injunctive relief to prohibit continuation
of the violation of the law or administrative rules and for a
mandatory injunction to restore the tax roll to its just value
in such amount as determined by judicial proceeding. However,
when a final judicial decision is rendered as a result of an
appeal filed pursuant to this paragraph which alters or changes
an assessment of a parcel of property of any taxpayer not a
party to such procedure, such taxpayer shall have 60 days from



978906

the date of the final judicial decision to file an action to contest such altered or changed assessment pursuant to s. 194.171(1), and the provisions of s. 194.171(2) shall not bar such action.

Section 26. Paragraph (d) of subsection (2) of section 212.0306, Florida Statutes, is amended to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(2)

(d) Sales in cities or towns presently imposing a municipal resort tax as authorized by chapter 67-930, Laws of Florida, are exempt from the taxes authorized by subsection (1); however, the tax authorized by subsection (1)(b) may be levied in such city or town if the levy is approved in a referendum by voters in the city or town.

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

And the title is amended as follows:

Delete lines 6 - 86

and insert:

amending s. 125.0104, F.S.; revising criteria for counties that may reimburse certain expenses from revenues received by a tourist development tax; requiring that a referendum to reenact such an expiring tax be held at a general election; limiting the occurrence of such a referendum; amending s. 125.0108, F.S.; requiring that a referendum to reenact an expiring tourist impact tax be held at a general election; limiting the occurrence of such a



978906

1258 referendum; amending s. 125.901, F.S.; requiring that
1259 a referendum to approve a millage rate increase for a
1260 children's services independent special district
1261 property tax be held at a general election; limiting
1262 the occurrence of such a referendum; amending s.
1263 212.055, F.S.; requiring that a referendum to reenact
1264 a local government discretionary sales surtax be held
1265 at a general election; limiting the occurrence of such
1266 a referendum; amending ss. 336.021 and 336.025, F.S.;
1267 requiring that a referendum to adopt, amend, or
1268 reenact a ninth-cent fuel tax or local option fuel
1269 taxes, respectively, be held at a general election;
1270 limiting the occurrence of a referendum to reenact
1271 such a tax; amending s. 196.081, F.S.; specifying that
1272 certain permanently and totally disabled veterans or
1273 their surviving spouses are entitled to, rather than
1274 may receive, a prorated refund of ad valorem taxes
1275 paid under certain circumstances; making clarifying
1276 changes relating to the transfer of homestead tax
1277 exemptions by surviving spouses of certain veterans
1278 and first responders; providing construction;
1279 expanding eligibility for the prorated refund;
1280 removing a limitation on when certain surviving
1281 spouses are exempt from a specified tax; exempting
1282 from ad valorem taxation the homestead property of the
1283 surviving spouse of a first responder who dies in the
1284 line of duty while employed by the Federal Government;
1285 expanding the definition of the term "first responder"
1286 to include certain federal law enforcement officers;



978906

1287 providing applicability; amending s. 196.196, F.S.;

1288 making a technical change; providing construction

1289 relating to tax-exempt property used for a religious

1290 purpose; amending s. 196.198, F.S.; adding

1291 circumstances under which certain property used

1292 exclusively for educational purposes is deemed owned

1293 by an educational institution; specifying requirements

1294 for such educational institutions and property owners;

1295 amending s. 197.319, F.S.; revising definitions;

1296 revising requirements for applying for property tax

1297 refunds due to catastrophic events; revising duties of

1298 property appraisers and tax collectors; making

1299 technical changes; providing applicability; amending

1300 ss. 199.145 and 201.08, F.S.; providing requirements

1301 for taxation of specified loans in certain

1302 circumstances; amending s. 201.21, F.S.; conforming

1303 provisions to changes made by the act; exempting from

1304 documentary stamp taxes certain documents in

1305 connection with the sale of alarm systems; amending s.

1306 202.19, F.S.; revising the name of the discretionary

1307 communications services tax; requiring that a certain

1308 tax remain the same rate as it was on a specified past

1309 date until a specified future date; prohibiting a

1310 certain tax passed after a specified date from being

1311 added to the local communications service tax until a

1312 future date; amending s. 206.9952, F.S.; conforming

1313 provisions to changes made by the act; amending s.

1314 206.9955, F.S.; delaying the effective date of certain

1315 taxes on natural gas fuel; amending s. 206.996, F.S.;



978906

1316 conforming a provision to changes made by the act;
1317 amending s. 212.08, F.S.; providing a sales tax
1318 exemption for the purchase of certain equipment
1319 necessary for the storage of electrical energy;
1320 defining the term "renewable natural gas"; providing a
1321 sales tax exemption for the purchase of certain
1322 machinery and equipment relating to renewable natural
1323 gas; requiring purchasers of such machinery and
1324 equipment to furnish the vendor with a certain
1325 affidavit; providing an exception; providing
1326 penalties, including a criminal penalty; authorizing
1327 the Department of Revenue to adopt rules; exempting
1328 the purchase of specified baby and toddler products
1329 from the sales and use tax; providing a presumption;
1330 exempting the sale for human use of diapers,
1331 incontinence undergarments, incontinence pads, and
1332 incontinence liners from the sales and use tax;
1333 exempting the sale of oral hygiene products from the
1334 sales and use tax; defining the term "oral hygiene
1335 products"; exempting the sale of certain firearm
1336 safety devices from the sales and use tax; defining
1337 the terms "private investigation services" and "small
1338 private investigative agency"; exempting the sale of
1339 private investigation services by a small private
1340 investigative agency to a client from the sales and
1341 use tax; providing applicability; amending s. 194.036,
1342 F.S.; revising a condition under which a property
1343 appraiser may appeal a decision of the value
1344 adjustment board; amending s. 212.0306, F.S.;



978906

1345 authorizing certain cities and towns to levy a local
1346 option food and beverage tax if approved by
1347 referendum; amending s.



186514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Martin) recommended the following:

Senate Amendment (with title amendment)

Between lines 2542 and 2543
insert:

Section 48. (1) By October 1, 2023, a tax collector in a county that was required to refund property taxes to residential property owners pursuant to chapter 2022-272, Laws of Florida, may apply to the Department of Revenue for reimbursement of the property taxes refunded.

(2) The Department of Revenue may adopt rules to implement



186514

this section, including, but not limited to, prescribing the form for applying for a refund and specifying the documentation required to substantiate the amount of the refund.

(3) For fiscal year 2023-2024, the sum of \$35 million is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of issuing the reimbursements under this section.

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

And the title is amended as follows:

Delete line 206

and insert:

adopt emergency rules; authorizing tax collectors in certain counties to apply to the Department of Revenue for reimbursement of refunded property taxes; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing effective dates.



846758

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/24/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 2163 - 2165
and insert:

Section 39. Paragraph (b) of subsection (2) and paragraph (a) of subsection (5) of section 402.62, Florida Statutes, are amended to read:

402.62 Strong Families Tax Credit.—

(2) STRONG FAMILIES TAX CREDITS; ELIGIBILITY.—

(b) The Department of Children and Families may not



846758

designate as an eligible charitable organization an organization
that:

1. Provides abortions or pays for or provides coverage for
abortions; or

2. Has received more than 50 percent of its total annual
revenue, not including revenue received pursuant to a contract
under s. 409.1464, from the Department of Children and Families,
either directly or via a contractor of the department, in the
prior fiscal year.

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

And the title is amended as follows:

Delete line 168

and insert:

402.62, F.S.; revising eligibility for charitable
organizations under the Strong Families Tax Credit;
increasing the Strong Families Tax

By the Committee on Finance and Tax

593-03943-23

20237062__

1 A bill to be entitled
 2 An act relating to taxation; amending s. 125.01, F.S.;
 3 prohibiting a county from levying special assessments
 4 on certain lands; deleting exceptions; deleting the
 5 definition of the term "agricultural pole barn";
 6 amending ss. 125.0104 and 125.0108, F.S.; requiring
 7 that a referendum to reenact an expiring tourist
 8 development tax or tourist impact tax, respectively,
 9 be held at a general election; limiting the occurrence
 10 of such a referendum; amending s. 125.901, F.S.;
 11 requiring that a referendum to approve a millage rate
 12 increase for a children's services independent special
 13 district property tax be held at a general election;
 14 limiting the occurrence of such a referendum; amending
 15 s. 212.055, F.S.; requiring that a referendum to
 16 reenact a local government discretionary sales surtax
 17 be held at a general election; limiting the occurrence
 18 of such a referendum; amending ss. 336.021 and
 19 336.025, F.S.; requiring that a referendum to adopt,
 20 amend, or reenact a ninth-cent fuel tax or local
 21 option fuel taxes, respectively, be held at a general
 22 election; limiting the occurrence of a referendum to
 23 reenact such a tax; amending s. 196.081, F.S.;
 24 specifying that certain permanently and totally
 25 disabled veterans or their surviving spouses are
 26 entitled to, rather than may receive, a prorated
 27 refund of ad valorem taxes paid under certain
 28 circumstances; making clarifying changes relating to
 29 the transfer of homestead tax exemptions by surviving

Page 1 of 88

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

593-03943-23

20237062__

30 spouses of certain veterans and first responders;
 31 providing construction; expanding eligibility for the
 32 prorated refund; removing a limitation on when certain
 33 surviving spouses are exempt from a specified tax;
 34 exempting from ad valorem taxation the homestead
 35 property of the surviving spouse of a first responder
 36 who dies in the line of duty while employed by the
 37 Federal Government; expanding the definition of the
 38 term "first responder" to include certain federal law
 39 enforcement officers; providing applicability;
 40 amending s. 196.196, F.S.; making a technical change;
 41 providing construction relating to tax-exempt property
 42 used for a religious purpose; amending s. 196.198,
 43 F.S.; adding circumstances under which certain
 44 property used exclusively for educational purposes is
 45 deemed owned by an educational institution; specifying
 46 requirements for such educational institutions and
 47 property owners; amending s. 197.319, F.S.; revising
 48 definitions; revising requirements for applying for
 49 property tax refunds due to catastrophic events;
 50 revising duties of property appraisers and tax
 51 collectors; making technical changes; providing
 52 applicability; amending ss. 199.145 and 201.08, F.S.;
 53 providing requirements for taxation of specified loans
 54 in certain circumstances; amending s. 201.21, F.S.;
 55 conforming provisions to changes made by the act;
 56 exempting from documentary stamp taxes certain
 57 documents in connection with the sale of alarm
 58 systems; amending s. 202.19, F.S.; revising the name

Page 2 of 88

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

593-03943-23

20237062__

59 of the discretionary communications services tax;
 60 requiring that a certain tax remain the same rate as
 61 it was on a specified past date until a specified
 62 future date; prohibiting a certain tax passed after a
 63 specified date from being added to the local
 64 communications service tax until a future date;
 65 amending s. 206.9952, F.S.; conforming provisions to
 66 changes made by the act; amending s. 206.9955, F.S.;
 67 delaying the effective date of certain taxes on
 68 natural gas fuel; amending s. 206.996, F.S.;
 69 conforming a provision to changes made by the act;
 70 amending s. 212.08, F.S.; defining the term "renewable
 71 natural gas"; providing a sales tax exemption for the
 72 purchase of certain machinery and equipment relating
 73 to renewable natural gas; requiring purchasers of such
 74 machinery and equipment to furnish the vendor with a
 75 certain affidavit; providing an exception; providing
 76 penalties, including a criminal penalty; authorizing
 77 the Department of Revenue to adopt rules; exempting
 78 the purchase of specified baby and toddler products
 79 from the sales and use tax; providing a presumption;
 80 exempting the sale for human use of diapers,
 81 incontinence undergarments, incontinence pads, and
 82 incontinence liners from the sales and use tax;
 83 exempting the sale of oral hygiene products from the
 84 sales and use tax; defining the term "oral hygiene
 85 products"; exempting the sale of certain firearm
 86 safety devices from the sales and use tax; amending s.
 87 212.12, F.S.; revising the amount of a sales tax

Page 3 of 88

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

593-03943-23

20237062__

88 collection allowance for certain dealers; amending s.
 89 212.20, F.S.; requiring the Department of Revenue to
 90 distribute funds to the Florida Agricultural
 91 Promotional Campaign Trust Fund; providing for future
 92 repeal; creating s. 550.09516, F.S.; providing for a
 93 credit for thoroughbred racing permitholders;
 94 requiring the Florida Gaming Control Commission to
 95 require sufficient documentation; authorizing
 96 permitholders to apply the credits monthly beginning
 97 on a specified annual date to certain taxes and fees;
 98 providing for expiration of credits; authorizing the
 99 commission to adopt rules; amending s. 571.26, F.S.;
 100 requiring that certain funds be held separately in the
 101 trust fund for certain purposes; providing for the
 102 future expiration and reversion of specified statutory
 103 text; creating s. 571.265, F.S.; defining the terms
 104 "association" and "permitholder"; requiring that
 105 certain funds deposited into the trust fund be used
 106 for a specified purpose; providing for carryover of
 107 unused funds; specifying requirements for the use and
 108 distribution of funds; requiring recipients to submit
 109 a report; providing for future repeal; amending s.
 110 213.053, F.S.; authorizing the Department of Revenue
 111 to provide certain information to the Department of
 112 Environmental Protection, the Division of Historical
 113 Resources of the Department of State, and the Federal
 114 Government; creating s. 220.199, F.S.; defining terms;
 115 providing a corporate income tax credit to developers
 116 and homebuilders for certain graywater systems

Page 4 of 88

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593-03943-23

20237062__

117 purchased during the taxable year; providing a cap on
 118 the amount of the tax credit per system; specifying
 119 information the developer or homebuilder must provide
 120 to the Department of Environmental Protection;
 121 requiring the Department of Environmental Protection
 122 to certify to the applicant and the Department of
 123 Revenue its determination of an applicant's
 124 eligibility for the tax credit within a specified
 125 timeframe; authorizing tax credits to be carried
 126 forward for up to a specified number of years;
 127 requiring the Department of Revenue and the Department
 128 of Environmental Protection to adopt rules; amending
 129 s. 220.02, F.S.; revising the order in which credits
 130 are applied against the corporate income tax or
 131 franchise tax; amending s. 220.13, F.S.; requiring the
 132 addition of amounts taken for certain credits to
 133 taxable income; amending s. 220.1845, F.S.;
 134 authorizing additional amounts of contaminated site
 135 rehabilitation tax credits which may be granted for
 136 each fiscal year and for a specified timeframe;
 137 providing for future repeal; amending s. 376.30781,
 138 F.S.; authorizing additional amounts of tax credits
 139 for the rehabilitation of drycleaning-solvent-
 140 contaminated sites and brownfield sites in designated
 141 brownfield areas which may be granted for each fiscal
 142 year and for a specified timeframe; providing for
 143 future repeal; creating s. 220.197, F.S.; providing a
 144 short title; defining terms; providing a credit
 145 against the state corporate income tax and the

593-03943-23

20237062__

146 insurance premium tax for qualified expenses in
 147 rehabilitating certain historic structures; specifying
 148 eligibility requirements for the tax credit;
 149 specifying requirements for taxpayers claiming or
 150 transferring tax credits; specifying requirements for
 151 the Division of Historical Resources of the Department
 152 of State for evaluating and certifying applications
 153 for tax credits; specifying the allowable amounts of
 154 tax credits; providing construction; authorizing the
 155 carryforward, sale, and transfer of tax credits
 156 subject to certain requirements and limitations;
 157 providing the Department of Revenue and the division
 158 audit and examination powers for specified purposes;
 159 requiring the return of forfeited tax credits under
 160 certain circumstances; providing penalties; requiring
 161 the division to provide specified annual reports to
 162 the Legislature; providing duties of the Department of
 163 Revenue; providing applicability; authorizing the
 164 Department of Revenue and the division to adopt rules;
 165 amending s. 220.222, F.S.; requiring specified
 166 calculations relating to the underpayment of taxes to
 167 include the amount of certain credits; amending s.
 168 402.62, F.S.; increasing the Strong Families Tax
 169 Credit cap; amending s. 624.509, F.S.; specifying the
 170 order in which the certified rehabilitation tax credit
 171 is applied against the insurance premium tax;
 172 exempting from sales and use tax the retail sale of
 173 certain clothing, wallets, bags, school supplies,
 174 learning aids and jigsaw puzzles, and personal

593-03943-23

20237062__

175 computers and personal computer-related accessories
 176 during specified timeframes; defining terms;
 177 specifying locations where the tax exemptions do not
 178 apply; authorizing certain dealers to opt out of
 179 participating in the tax holiday, subject to certain
 180 requirements; authorizing the Department of Revenue to
 181 adopt emergency rules; exempting from sales and use
 182 tax specified disaster preparedness supplies during a
 183 specified timeframe; defining terms; specifying
 184 locations where the tax exemptions do not apply;
 185 authorizing the Department of Revenue to adopt
 186 emergency rules; exempting from sales and use tax
 187 admissions to certain events, performances, and
 188 facilities, certain season tickets, and the retail
 189 sale of certain boating and water activity, camping,
 190 fishing, general outdoor, and residential pool
 191 supplies and sporting equipment during specified
 192 timeframes; defining terms; specifying locations where
 193 the tax exemptions do not apply; authorizing the
 194 Department of Revenue to adopt emergency rules;
 195 exempting from the sales and use tax the retail sale
 196 of certain tools during a specified timeframe;
 197 specifying locations where the tax exemptions do not
 198 apply; authorizing the Department of Revenue to adopt
 199 emergency rules; exempting from sales and use tax the
 200 retail sale of new ENERGY STAR appliances during a
 201 specified timeframe; defining the term "ENERGY STAR
 202 appliance"; exempting from sales and use tax the
 203 retail sale of gas ranges and cooktops during a

593-03943-23

20237062__

204 specified timeframe; defining the term "gas ranges and
 205 cooktops"; authorizing the Department of Revenue to
 206 adopt emergency rules; providing effective dates.
 207

208 Be It Enacted by the Legislature of the State of Florida:
 209

210 Section 1. Paragraph (r) of subsection (1) of section
 211 125.01, Florida Statutes, is amended to read:

212 125.01 Powers and duties.—

213 (1) The legislative and governing body of a county shall
 214 have the power to carry on county government. To the extent not
 215 inconsistent with general or special law, this power includes,
 216 but is not restricted to, the power to:

217 (r) Levy and collect taxes, both for county purposes and
 218 for the providing of municipal services within any municipal
 219 service taxing unit, and special assessments; borrow and expend
 220 money; and issue bonds, revenue certificates, and other
 221 obligations of indebtedness, which power shall be exercised in
 222 such manner, and subject to such limitations, as may be provided
 223 by general law. There shall be no referendum required for the
 224 levy by a county of ad valorem taxes, both for county purposes
 225 and for the providing of municipal services within any municipal
 226 service taxing unit. Notwithstanding any other provision of law,
 227 a county may not levy special assessments ~~for the provision of~~
 228 ~~fire protection services~~ on lands classified as agricultural
 229 lands under s. 193.461 ~~unless the land contains a residential~~
 230 ~~dwelling or nonresidential farm building, with the exception of~~
 231 ~~an agricultural pole barn, provided the nonresidential farm~~
 232 ~~building exceeds a just value of \$10,000. Such special~~

593-03943-23

20237062

~~assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this paragraph, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.~~

Section 2. Paragraph (e) is added to subsection (6) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(6) REFERENDUM.—

(e) A referendum to reenact an expiring tourist development tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

Section 3. Subsection (5) of section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(5) The tourist impact tax authorized by this section shall take effect only upon express approval by a majority vote of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held in conjunction with a general election, as defined in s. 97.021. However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire

593-03943-23

20237062

county, the tax shall take effect only upon express approval of a majority of the qualified electors of the county voting in such a referendum. A referendum to reenact an expiring tourist impact tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

Section 4. Subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.012 and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval at a general election, as defined in s. 97.021, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage. However, a referendum to increase the millage rate previously approved by the electors must be held at a general election, and the referendum may be held only

593-03943-23

20237062

291 once during the 48-month period preceding the effective date of
 292 the increased millage.

293 (a) The governing body of the district shall be a council
 294 on children's services, which may also be known as a juvenile
 295 welfare board or similar name as established in the ordinance by
 296 the county governing body. Such council shall consist of 10
 297 members, including the superintendent of schools; a local school
 298 board member; the district administrator from the appropriate
 299 district of the Department of Children and Families, or his or
 300 her designee who is a member of the Senior Management Service or
 301 of the Selected Exempt Service; one member of the county
 302 governing body; and the judge assigned to juvenile cases who
 303 shall sit as a voting member of the board, except that said
 304 judge shall not vote or participate in the setting of ad valorem
 305 taxes under this section. If there is more than one judge
 306 assigned to juvenile cases in a county, the chief judge shall
 307 designate one of said juvenile judges to serve on the board. The
 308 remaining five members shall be appointed by the Governor, and
 309 shall, to the extent possible, represent the demographic
 310 diversity of the population of the county. After soliciting
 311 recommendations from the public, the county governing body shall
 312 submit to the Governor the names of at least three persons for
 313 each vacancy occurring among the five members appointed by the
 314 Governor, and the Governor shall appoint members to the council
 315 from the candidates nominated by the county governing body. The
 316 Governor shall make a selection within a 45-day period or
 317 request a new list of candidates. All members appointed by the
 318 Governor shall have been residents of the county for the
 319 previous 24-month period. Such members shall be appointed for 4-

593-03943-23

20237062

320 year terms, except that the length of the terms of the initial
 321 appointees shall be adjusted to stagger the terms. The Governor
 322 may remove a member for cause or upon the written petition of
 323 the county governing body. If any of the members of the council
 324 required to be appointed by the Governor under the provisions of
 325 this subsection shall resign, die, or be removed from office,
 326 the vacancy thereby created shall, as soon as practicable, be
 327 filled by appointment by the Governor, using the same method as
 328 the original appointment, and such appointment to fill a vacancy
 329 shall be for the unexpired term of the person who resigns, dies,
 330 or is removed from office.

331 (b) However, any county as defined in s. 125.011(1) may
 332 instead have a governing body consisting of 33 members,
 333 including the superintendent of schools, or his or her designee;
 334 two representatives of public postsecondary education
 335 institutions located in the county; the county manager or the
 336 equivalent county officer; the district administrator from the
 337 appropriate district of the Department of Children and Families,
 338 or the administrator's designee who is a member of the Senior
 339 Management Service or the Selected Exempt Service; the director
 340 of the county health department or the director's designee; the
 341 state attorney for the county or the state attorney's designee;
 342 the chief judge assigned to juvenile cases, or another juvenile
 343 judge who is the chief judge's designee and who shall sit as a
 344 voting member of the board, except that the judge may not vote
 345 or participate in setting ad valorem taxes under this section;
 346 an individual who is selected by the board of the local United
 347 Way or its equivalent; a member of a locally recognized faith-
 348 based coalition, selected by that coalition; a member of the

593-03943-23

20237062__

349 local chamber of commerce, selected by that chamber or, if more
 350 than one chamber exists within the county, a person selected by
 351 a coalition of the local chambers; a member of the early
 352 learning coalition, selected by that coalition; a representative
 353 of a labor organization or union active in the county; a member
 354 of a local alliance or coalition engaged in cross-system
 355 planning for health and social service delivery in the county,
 356 selected by that alliance or coalition; a member of the local
 357 Parent-Teachers Association/Parent-Teacher-Student Association,
 358 selected by that association; a youth representative selected by
 359 the local school system's student government; a local school
 360 board member appointed by the chair of the school board; the
 361 mayor of the county or the mayor's designee; one member of the
 362 county governing body, appointed by the chair of that body; a
 363 member of the state Legislature who represents residents of the
 364 county, selected by the chair of the local legislative
 365 delegation; an elected official representing the residents of a
 366 municipality in the county, selected by the county municipal
 367 league; and 4 members-at-large, appointed to the council by the
 368 majority of sitting council members. The remaining 7 members
 369 shall be appointed by the Governor in accordance with procedures
 370 set forth in paragraph (a), except that the Governor may remove
 371 a member for cause or upon the written petition of the council.
 372 Appointments by the Governor must, to the extent reasonably
 373 possible, represent the geographic and demographic diversity of
 374 the population of the county. Members who are appointed to the
 375 council by reason of their position are not subject to the
 376 length of terms and limits on consecutive terms as provided in
 377 this section. The remaining appointed members of the governing

593-03943-23

20237062__

378 body shall be appointed to serve 2-year terms, except that those
 379 members appointed by the Governor shall be appointed to serve 4-
 380 year terms, and the youth representative and the legislative
 381 delegate shall be appointed to serve 1-year terms. A member may
 382 be reappointed; however, a member may not serve for more than
 383 three consecutive terms. A member is eligible to be appointed
 384 again after a 2-year hiatus from the council.

385 (c) This subsection does not prohibit a county from
 386 exercising such power as is provided by general or special law
 387 to provide children's services or to create a special district
 388 to provide such services.

389 Section 5. Subsection (10) of section 212.055, Florida
 390 Statutes, is amended to read:

391 212.055 Discretionary sales surtaxes; legislative intent;
 392 authorization and use of proceeds.—It is the legislative intent
 393 that any authorization for imposition of a discretionary sales
 394 surtax shall be published in the Florida Statutes as a
 395 subsection of this section, irrespective of the duration of the
 396 levy. Each enactment shall specify the types of counties
 397 authorized to levy; the rate or rates which may be imposed; the
 398 maximum length of time the surtax may be imposed, if any; the
 399 procedure which must be followed to secure voter approval, if
 400 required; the purpose for which the proceeds may be expended;
 401 and such other requirements as the Legislature may provide.
 402 Taxable transactions and administrative procedures shall be as
 403 provided in s. 212.054.

404 (10) DATES FOR REFERENDA.—A referendum to adopt, ~~or~~ amend,
 405 or reenact a local government discretionary sales surtax under
 406 this section must be held at a general election as defined in s.

593-03943-23

20237062

97.021. A referendum to reenact an expiring surtax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax. Such a referendum may appear on the ballot only once within the 48-month period.

Section 6. Paragraph (a) of subsection (4) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—

(4)(a)1. A certified copy of the ordinance proposing to levy the tax pursuant to referendum shall be furnished by the county to the department within 10 days after approval of such ordinance.

2. A referendum to adopt, amend, or reenact a tax under this subsection must shall be held only at a general election, as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

3. The county levying the tax pursuant to referendum shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.

Section 7. Paragraph (b) of subsection (1) and paragraph (b) of subsection (3) of section 336.025, Florida Statutes, are amended to read:

336.025 County transportation system; levy of local option

593-03943-23

20237062

fuel tax on motor fuel and diesel fuel.—

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum. A referendum to adopt, amend, or reenact a tax under this subsection must shall be held ~~only~~ at a general election, as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate provided the tax is levied before July 1 and is effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no

593-03943-23

20237062__

interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of

593-03943-23

20237062__

this paragraph shall not include routine maintenance of roads.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to levy the tax. A referendum to adopt, amend, or reenact a tax under this subsection ~~must~~ shall be held ~~only~~ at a general election, as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax, and the referendum may appear on the ballot only once within the 48-month period. The tax shall be levied and collected countywide on January 1 following 30 days after voter approval.

Section 8. Effective upon this act becoming a law, paragraph (b) of subsection (1), subsection (3), paragraph (b) of subsection (4), and paragraph (b) of subsection (6) of section 196.081, Florida Statutes, are amended to read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans; exemption for surviving spouses of first responders who die in the line of duty.—

(1)

(b) If legal or beneficial title to property is acquired

593-03943-23

20237062__

between January 1 and November 1 of any year by a veteran or his or her surviving spouse receiving an exemption under this section on another property for that tax year, the veteran or his or her surviving spouse is entitled to ~~may receive~~ a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption under this section for the newly acquired property, the property appraiser shall immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

(3) If the totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the exemption from taxation carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted from the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry.

(4) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States

593-03943-23

20237062__

Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.

(b) The tax exemption carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the state or any political subdivision of the state, including authorities and special districts, and for whom a letter from the state or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(b) The tax exemption applies as long as the surviving spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does

593-03943-23

20237062__

not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll ~~may be transferred~~ to his or her new residence if it is used as his or her primary residence and he or she does not remarry.

Section 9. The amendments made by section 8 of this act to s. 196.081, Florida Statutes, are remedial and clarifying in nature and do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid before the date this act becomes a law.

Section 10. Paragraph (b) of subsection (1) and subsections (4) and (6) of section 196.081, Florida Statutes, as amended by this act, are amended to read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans; exemption for surviving spouses of first responders who die in the line of duty.—

(1)

(b)1. If legal or beneficial title to property is acquired between January 1 and November 1 of any year by a veteran or his or her surviving spouse receiving an exemption under this section on another property for that tax year, the veteran or his or her surviving spouse is entitled to a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption under this section for the newly acquired property, the property appraiser shall

593-03943-23

20237062__

immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

2. If legal or beneficial title to property is acquired between January 1 and November 1 of any year by a veteran or his or her surviving spouse who is not receiving an exemption under this section on another property for that tax year, and as of January 1 of that tax year, the veteran was honorably discharged with a service-connected total and permanent disability and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran is totally and permanently disabled, the veteran or his or her surviving spouse may receive a refund, prorated as of the date of transfer, of the ad valorem taxes paid for the newly acquired property if he or she applies for and receives an exemption under this section for the newly acquired property in the next tax year. If the property appraiser finds that the applicant is entitled to an exemption under this section for the newly acquired property, the property appraiser shall immediately make such entries upon the tax rolls of the county that are necessary to allow the prorated refund of taxes for the previous tax year.

(4) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is

593-03943-23

20237062__

exempt from taxation ~~if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.~~

(a) The production of the letter by the surviving spouse which attests to the veteran's death while on active duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the Federal Government, the state, or any political subdivision of the state, including authorities and special districts, and for whom a letter from the Federal Government, the state, or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(a) The production of the letter by the surviving spouse

593-03943-23

20237062__

which attests to the first responder's death in the line of duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption applies as long as the surviving spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, the spouse may transfer an exemption not to exceed the amount granted under the most recent ad valorem tax roll to his or her new residence if it is used as his or her primary residence and he or she does not remarry.

(c) As used in this subsection only, and not applicable to the payment of benefits under s. 112.19 or s. 112.191, the term:

1. "First responder" means a federal law enforcement officer as defined in s. 901.1505(1), a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer.

2. "In the line of duty" means:

- a. While engaging in law enforcement;
- b. While performing an activity relating to fire suppression and prevention;
- c. While responding to a hazardous material emergency;
- d. While performing rescue activity;
- e. While providing emergency medical services;
- f. While performing disaster relief activity;
- g. While otherwise engaging in emergency response activity;

or

593-03943-23

20237062__

h. While engaging in a training exercise related to any of the events or activities enumerated in this subparagraph if the training has been authorized by the employing entity.

A heart attack or stroke that causes death or causes an injury resulting in death must occur within 24 hours after an event or activity enumerated in this subparagraph and must be directly and proximately caused by the event or activity in order to be considered as having occurred in the line of duty.

Section 11. The amendments made by section 10 of this act to s. 196.081, Florida Statutes, first apply to the 2024 ad valorem tax roll.

Section 12. Subsection (3) of section 196.196, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this ~~section~~ subsection, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities,

593-03943-23

20237062__

parking, recreation, partaking of meals, and fellowship.

(6) Property that is used as a parsonage, burial grounds, or tomb and is owned by a house of public worship is used for a religious purpose.

Section 13. The amendments made by this act to s. 196.196, Florida Statutes, are remedial and clarifying in nature and do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid before July 1, 2023.

Section 14. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes are exempt from taxation. Sheltered workshops providing rehabilitation and retraining of individuals who have disabilities and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and are exempt from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process are exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and is exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent

593-03943-23

20237062__

755 of the educational institution is owned by the identical persons
 756 who own the property, or if the entity owning 100 percent of the
 757 educational institution and the entity owning the property are
 758 owned by the identical natural persons, or if the educational
 759 institution is a lessee that owns the leasehold interest in a
 760 bona fide lease for a nominal amount per year having an original
 761 term of 98 years or more. Land, buildings, and other
 762 improvements to real property used exclusively for educational
 763 purposes are deemed owned by an educational institution if the
 764 educational institution that currently uses the land, buildings,
 765 and other improvements for educational purposes received the
 766 exemption under this section on the same property in any 10
 767 consecutive prior years, and, under a lease, the educational
 768 institution is responsible for any taxes owed and for ongoing
 769 maintenance and operational expenses for the land, buildings,
 770 and other improvements. For such leasehold properties, the
 771 educational institution shall receive the full benefit of the
 772 exemption. The owner of the property shall disclose to the
 773 educational institution the full amount of the benefit derived
 774 from the exemption and the method for ensuring that the
 775 educational institution receives the benefit. Land, buildings,
 776 and other improvements to real property used exclusively for
 777 educational purposes shall be deemed owned by an educational
 778 institution if the entity owning 100 percent of the land is a
 779 nonprofit entity and the land is used, under a ground lease or
 780 other contractual arrangement, by an educational institution
 781 that owns the buildings and other improvements to the real
 782 property, is a nonprofit entity under s. 501(c)(3) of the
 783 Internal Revenue Code, and provides education limited to

Page 27 of 88

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593-03943-23

20237062__

784 students in prekindergarten through grade 8. Land, buildings,
 785 and other improvements to real property used exclusively for
 786 educational purposes are deemed owned by an educational
 787 institution if the educational institution that currently uses
 788 the land, buildings, and other improvements for educational
 789 purposes is an educational institution described in s. 212.0602,
 790 and, under a lease, the educational institution is responsible
 791 for any taxes owed and for ongoing maintenance and operational
 792 expenses for the land, buildings, and other improvements. For
 793 such leasehold properties, the educational institution shall
 794 receive the full benefit of the exemption. The owner of the
 795 property shall disclose to the educational institution the full
 796 amount of the benefit derived from the exemption and the method
 797 for ensuring that the educational institution receives the
 798 benefit. Notwithstanding ss. 196.195 and 196.196, property owned
 799 by a house of public worship and used by an educational
 800 institution for educational purposes limited to students in
 801 preschool through grade 8 shall be exempt from ad valorem taxes.
 802 If legal title to property is held by a governmental agency that
 803 leases the property to a lessee, the property shall be deemed to
 804 be owned by the governmental agency and used exclusively for
 805 educational purposes if the governmental agency continues to use
 806 such property exclusively for educational purposes pursuant to a
 807 sublease or other contractual agreement with that lessee. If the
 808 title to land is held by the trustee of an irrevocable inter
 809 vivos trust and if the trust grantor owns 100 percent of the
 810 entity that owns an educational institution that is using the
 811 land exclusively for educational purposes, the land is deemed to
 812 be property owned by the educational institution for purposes of

Page 28 of 88

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593-03943-23

20237062__

813 this exemption. Property owned by an educational institution
 814 shall be deemed to be used for an educational purpose if the
 815 institution has taken affirmative steps to prepare the property
 816 for educational use. The term "affirmative steps" means
 817 environmental or land use permitting activities, creation of
 818 architectural plans or schematic drawings, land clearing or site
 819 preparation, construction or renovation activities, or other
 820 similar activities that demonstrate commitment of the property
 821 to an educational use.

822 Section 15. Section 197.319, Florida Statutes, is amended
 823 to read:

824 197.319 Refund of taxes for residential improvements
 825 rendered uninhabitable by a catastrophic event.—

826 (1) As used in this section, the term:

827 (a) "Catastrophic event" means an event of misfortune or
 828 calamity that renders one or more residential improvements
 829 uninhabitable. The term ~~it~~ does not include an event caused,
 830 directly or indirectly, by the property owner with the intent to
 831 damage or destroy the residential improvement or an event that
 832 results in a federal disaster area declaration or a state of
 833 emergency declared pursuant to s. 252.36.

834 (b) "Catastrophic event refund" means the product arrived
 835 at by multiplying the damage differential by the amount of
 836 timely paid taxes that were initially levied in the year in
 837 which the catastrophic event occurred.

838 (c) "Damage differential" means the product arrived at by
 839 multiplying the percent change in value by a ratio, the
 840 numerator of which is the number of days the residential
 841 improvement was rendered uninhabitable in the year in which the

593-03943-23

20237062__

842 catastrophic event occurred, and the denominator of which is the
 843 number of days in the year in which the catastrophic event
 844 occurred ~~365~~.

845 (d) "Percent change in value" means the difference between
 846 a residential parcel's just value as of January 1 of the year in
 847 which the catastrophic event occurred and its postcatastrophic
 848 event just value, expressed as a percentage of the parcel's just
 849 value as of January 1 of the year in which the catastrophic
 850 event occurred.

851 (e) "Postcatastrophic event just value" means the just
 852 value of the residential parcel on January 1 of the year in
 853 which a catastrophic event occurred, adjusted by subtracting
 854 reduced to reflect the just value, as determined on January 1 of
 855 the year in which the catastrophic event occurred, of the
 856 residential parcel after the catastrophic event that rendered
 857 the residential improvement that was rendered thereon
 858 uninhabitable and before any subsequent repairs. For purposes of
 859 this paragraph, a residential improvement that is uninhabitable
 860 has no value attached to it. The catastrophic event refund is
 861 determined only for purposes of calculating tax refunds for the
 862 year or years in which the residential improvement is
 863 uninhabitable as a result of the catastrophic event and does not
 864 determine a parcel's just value as of January 1 each year.

865 (f) "Residential improvement" means a residential dwelling
 866 or house on real estate used and owned as a homestead as defined
 867 in s. 196.012(13) or nonhomestead residential property as
 868 defined in s. 193.1554(1). A residential improvement does not
 869 include a structure that is not essential to the use and
 870 occupancy of the residential dwelling or house, including, but

593-03943-23

20237062

not limited to, a detached utility building, detached carport, detached garage, bulkhead, fence, or swimming pool, and does not include land.

(g) "Uninhabitable" means the loss of use and occupancy of a residential improvement for the purpose for which it was constructed resulting from damage to or destruction of, or from a condition that compromises the structural integrity of, the residential improvement which was caused by a catastrophic event, as evidenced by documentation, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy.

(2) If a residential improvement is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied and paid for the year in which the catastrophic event occurred may be refunded in the following manner:

(a) The property owner must file an application for refund with the property appraiser on a form prescribed by the department and furnished by the property appraiser.

~~1. If the residential improvement is restored to a habitable condition before December 1 of the year in which the catastrophic event occurred, no sooner than 30 days after the residential improvement that was rendered uninhabitable has been restored to a habitable condition; or~~

2. no later than March 1 of the year immediately following the catastrophic event. The property appraiser may allow applications to be filed electronically.

593-03943-23

20237062

~~The application for refund must be made on a form prescribed by the department and furnished by the property appraiser. The property appraiser may request supporting documentation be submitted along with the application, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy, for purposes of determining conditions of uninhabitability and subsequent habitability following any repairs.~~

(b) The application for refund must describe the catastrophic event and identify the residential parcel upon which the residential improvement was rendered uninhabitable by a catastrophic event, the date on which the catastrophic event occurred, and the number of days the residential improvement was uninhabitable during the calendar year in which the catastrophic event occurred. For purposes of determining uninhabitability, the application must be accompanied by supporting documentation, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy.

(c) The application for refund must be verified under oath and is subject to penalty of perjury.

(d) ~~Upon receipt of an application for refund, The property appraiser shall review must investigate the statements contained in the application and to determine if the applicant is entitled to a refund of taxes. No later than April 1 of the year following the date on which the catastrophic event occurred, the property appraiser must:~~

1. Notify the applicant if the property appraiser

593-03943-23

20237062

determines that the applicant is not entitled to a refund. If the property appraiser determines that the applicant is not entitled to a refund, the applicant may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that the refund be granted. The petition must be filed with the value adjustment board on or before the 30th day following the issuance of the notice by the property appraiser.

~~2.(c) If the property appraiser determines that the applicant is entitled to a refund, the property appraiser must~~ Issue an official written statement to the tax collector if the property appraiser determines that the applicant is entitled to a refund within 30 days after the determination, but no later than by April 1 of the year following the date on which the catastrophic event occurred. The statement must provide, that provides:

~~a.1-~~ The just value of the residential improvement as determined by the property appraiser on January 1 of the year in which the catastrophic event for which the applicant is claiming a refund occurred.

~~b.2-~~ The number of days during the calendar year during which the residential improvement was uninhabitable.

~~c.3-~~ The postcatastrophic event just value of the residential parcel as determined by the property appraiser.

~~d.4-~~ The percent change in value applicable to the residential parcel.

(3) Upon receipt of the written statement from the property appraiser, the tax collector shall calculate the damage differential pursuant to this section.

(a) If the property taxes have been paid for the year in

593-03943-23

20237062

which the catastrophic event occurred, the tax collector must ~~and~~ process a refund in an amount equal to the catastrophic event refund.

(b) If the property taxes have not been paid for the year in which the catastrophic event occurred, the tax collector must process a refund in an amount equal to the catastrophic event refund only upon receipt of timely payment of the property taxes.

(4) Any person who is qualified to have his or her property taxes refunded under this section ~~subsection (2)~~ but fails to file an application by March 1 of the year immediately following the year in which the catastrophic event occurred may file an application for refund under this subsection and may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that a refund under this subsection be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes and non-ad valorem assessments by the property appraiser as provided in s. 194.011(1). Upon reviewing the petition, if the person is qualified to receive the refund under this section ~~subsection~~ and demonstrates particular extenuating circumstances determined by the property appraiser or the value adjustment board to warrant granting a late application for refund, the property appraiser or the value adjustment board may grant a refund.

(5) By September 1 of each year, the tax collector shall notify:

(a) The department of the total reduction in taxes for all properties that qualified for a refund pursuant to this section

593-03943-23

20237062__

for the year.

(b) The governing board of each affected local government of the reduction in such local government's taxes that occurred pursuant to this section.

(6) For purposes of this section, a residential improvement that is uninhabitable has no value.

(7) The catastrophic event refund is determined only for purposes of calculating tax refunds for the year in which the residential improvement is uninhabitable as a result of the catastrophic event and does not determine a parcel's just value as of January 1 any subsequent year.

(8)~~(6)~~ This section does not affect the requirements of s. 197.333.

Section 16. The amendments made by this act to s. 197.319, Florida Statutes, first apply to the 2024 ad valorem tax roll.

Section 17. Subsection (2) of section 199.145, Florida Statutes, is amended to read:

199.145 Corrective mortgages; assignments; assumptions; refinancing.—

(2) (a) No additional nonrecurring tax shall be due upon the assignment by the obligee of a note, bond, or other obligation for the payment of money upon which a nonrecurring tax has previously been paid.

(b) A note or mortgage for a federal small business loan program transaction pursuant to 15 U.S.C. ss. 695-697g, also known as a 504 loan, which specifies the Small Business Administration as the obligee or mortgagee and increases the principal balance of a note or mortgage which is part of an interim loan for purposes of debenture guarantee funding upon

593-03943-23

20237062__

which nonrecurring tax has previously been paid, is subject to additional tax only on the increase above the current principal balance. The obligor and mortgagor must be the same as on the prior note or mortgage and there may not be new or additional obligors or mortgagors. The prior note or the book and page number of the recorded interim mortgage must be referenced in the Small Business Administration note or mortgage.

Section 18. Subsection (3) of section 201.08, Florida Statutes, is amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(3) (a) No tax shall be required on promissory notes executed for students to receive financial aid from federal or state educational assistance programs, from loans guaranteed by the Federal Government or the state when federal regulations prohibit the assessment of such taxes against the borrower, or for any financial aid program administered by a state university or community college, and the holders of such promissory notes shall not lose any rights incident to the payment of such tax.

(b) A note or mortgage for a federal small business loan program transaction pursuant to 15 U.S.C. ss. 695-697g, also known as a 504 loan, which specifies the Small Business Administration as the obligee or mortgagee and increases the principal balance of a note or mortgage which is part of an interim loan for purposes of debenture guarantee funding upon which documentary stamp tax has previously been paid, is subject to additional tax only on the increase above the current principal balance. The obligor and mortgagor must be the same as

593-03943-23 20237062__

on the prior note or mortgage and there may not be new or additional obligors or mortgagors. The prior note or the book and page number of the recorded interim mortgage must be referenced in the Small Business Administration note or mortgage.

Section 19. Section 201.21, Florida Statutes, is amended to read:

201.21 Notes and other written obligations exempt under certain conditions.—

(1) There shall be exempt from all excise taxes imposed by this chapter all promissory notes, nonnegotiable notes, and other written obligations to pay money bearing date subsequent to July 1, 1955, hereinafter referred to as "principal obligations," when the maker thereof shall pledge or deposit with the payee or holder thereof pursuant to any agreement commonly known as a wholesale warehouse mortgage agreement, as collateral security for the payment thereof, any collateral obligation or obligations, as hereinafter defined, provided all excise taxes imposed by this chapter upon or in respect to such collateral obligation or obligations shall have been paid. If the indebtedness evidenced by any such principal obligation shall be in excess of the indebtedness evidenced by such collateral obligation or obligations, the exemption provided by this ~~subsection section~~ shall not apply to the amount of such excess indebtedness; and, in such event, the excise taxes imposed by this chapter shall apply and be paid only in respect to such excess of indebtedness of such principal obligation. The term "collateral obligation" as used in this ~~subsection section~~ means any note, bond, or other written obligation to pay money

593-03943-23 20237062__

secured by mortgage, deed of trust, or other lien upon real or personal property. The pledging of a specific collateral obligation to secure a specific principal obligation, if required under the terms of the agreement, shall not invalidate the exemption provided by this ~~subsection section~~. The temporary removal of the document or documents representing one or more collateral obligations for a reasonable commercial purpose, for a period not exceeding 60 days, shall not invalidate the exemption provided by this ~~subsection section~~.

(2) There shall be exempt from all excise taxes imposed by this chapter all non-interest-bearing promissory notes, non-interest-bearing nonnegotiable notes, or non-interest-bearing written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, of \$3,500 or less, when given by a customer to an alarm system contractor, as defined in s. 489.505, in connection with the sale of an alarm system, as defined in s. 489.505.

Section 20. Subsections (1) and (5) of section 202.19, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

202.19 Authorization to impose local communications services tax.—

(1) The governing authority of each county and municipality may, by ordinance, levy a local ~~discretionary~~ communications services tax as provided in this section.

(2)

(d) The local communications services tax rate in effect on January 1, 2023, may not be increased before January 1, 2026.

593-03943-23

20237062

1103 (5) In addition to the communications services taxes
 1104 authorized by subsection (1), a discretionary sales surtax that
 1105 a county or school board has levied under s. 212.055 is imposed
 1106 as a local communications services tax under this section, and
 1107 the rate shall be determined in accordance with s. 202.20(3).
 1108 However, any increase to the discretionary sales surtax levied
 1109 under s. 212.055 on or after January 1, 2023, may not be added
 1110 to the local communication services tax under this section
 1111 before January 1, 2026.

1112 (a) Except as otherwise provided in this subsection, each
 1113 such tax rate shall be applied, in addition to the other tax
 1114 rates applied under this chapter, to communications services
 1115 subject to tax under s. 202.12 which:

1116 1. Originate or terminate in this state; and
 1117 2. Are charged to a service address in the county.

1118 (b) With respect to private communications services, the
 1119 tax shall be on the sales price of such services provided within
 1120 the county, which shall be determined in accordance with the
 1121 following provisions:

1122 1. Any charge with respect to a channel termination point
 1123 located within such county;
 1124 2. Any charge for the use of a channel between two channel
 1125 termination points located in such county; and
 1126 3. Where channel termination points are located both within
 1127 and outside of such county:

1128 a. If any segment between two such channel termination
 1129 points is separately billed, 50 percent of such charge; and
 1130 b. If any segment of the circuit is not separately billed,
 1131 an amount equal to the total charge for such circuit multiplied

Page 39 of 88

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593-03943-23

20237062

1132 by a fraction, the numerator of which is the number of channel
 1133 termination points within such county and the denominator of
 1134 which is the total number of channel termination points of the
 1135 circuit.

1136 Section 21. Subsections (3) and (8) of section 206.9952,
 1137 Florida Statutes, are amended to read:

1138 206.9952 Application for license as a natural gas fuel
 1139 retailer.—

1140 (3)(a) Any person who acts as a natural gas retailer and
 1141 does not hold a valid natural gas fuel retailer license shall
 1142 pay a penalty of \$200 for each month of operation without a
 1143 license. This paragraph expires December 31, 2025 ~~2023~~.

1144 (b) Effective January 1, 2026 ~~2024~~, any person who acts as
 1145 a natural gas fuel retailer and does not hold a valid natural
 1146 gas fuel retailer license shall pay a penalty of 25 percent of
 1147 the tax assessed on the total purchases made during the
 1148 unlicensed period.

1149 (8) With the exception of a state or federal agency or a
 1150 political subdivision licensed under this chapter, each person,
 1151 as defined in this part, who operates as a natural gas fuel
 1152 retailer shall report monthly to the department and pay a tax on
 1153 all natural gas fuel purchases beginning January 1, 2026 ~~2024~~.

1154 Section 22. Subsection (2) of section 206.9955, Florida
 1155 Statutes, is amended to read:

1156 206.9955 Levy of natural gas fuel tax.—

1157 (2) Effective January 1, 2026 ~~2024~~, the following taxes
 1158 shall be imposed:

1159 (a) An excise tax of 4 cents upon each motor fuel
 1160 equivalent gallon of natural gas fuel.

Page 40 of 88

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593-03943-23

20237062__

1161 (b) An additional tax of 1 cent upon each motor fuel
 1162 equivalent gallon of natural gas fuel, which is designated as
 1163 the "ninth-cent fuel tax."
 1164 (c) An additional tax of 1 cent on each motor fuel
 1165 equivalent gallon of natural gas fuel by each county, which is
 1166 designated as the "local option fuel tax."
 1167 (d) An additional tax on each motor fuel equivalent gallon
 1168 of natural gas fuel, which is designated as the "State
 1169 Comprehensive Enhanced Transportation System Tax," at a rate
 1170 determined pursuant to this paragraph. Before January 1, 2026
 1171 2024, and each year thereafter, the department shall determine
 1172 the tax rate applicable to the sale of natural gas fuel for the
 1173 following 12-month period beginning January 1, rounded to the
 1174 nearest tenth of a cent, by adjusting the tax rate of 5.8 cents
 1175 per gallon by the percentage change in the average of the
 1176 Consumer Price Index issued by the United States Department of
 1177 Labor for the most recent 12-month period ending September 30,
 1178 compared to the base year average, which is the average for the
 1179 12-month period ending September 30, 2013.
 1180 (e)1. An additional tax is imposed on each motor fuel
 1181 equivalent gallon of natural gas fuel for the privilege of
 1182 selling natural gas fuel. Before January 1, 2026 2024, and each
 1183 year thereafter, the department shall determine the tax rate
 1184 applicable to the sale of natural gas fuel, rounded to the
 1185 nearest tenth of a cent, for the following 12-month period
 1186 beginning January 1, by adjusting the tax rate of 9.2 cents per
 1187 gallon by the percentage change in the average of the Consumer
 1188 Price Index issued by the United States Department of Labor for
 1189 the most recent 12-month period ending September 30, compared to

593-03943-23

20237062__

1190 the base year average, which is the average for the 12-month
 1191 period ending September 30, 2013.
 1192 2. The department is authorized to adopt rules and publish
 1193 forms to administer this paragraph.
 1194 Section 23. Subsection (1) of section 206.996, Florida
 1195 Statutes, is amended to read:
 1196 206.996 Monthly reports by natural gas fuel retailers;
 1197 deductions.—
 1198 (1) For the purpose of determining the amount of taxes
 1199 imposed by s. 206.9955, each natural gas fuel retailer shall
 1200 file beginning with February 2026 2024, and each month
 1201 thereafter, no later than the 20th day of each month, monthly
 1202 reports electronically with the department showing information
 1203 on inventory, purchases, nontaxable disposals, taxable uses, and
 1204 taxable sales in gallons of natural gas fuel for the preceding
 1205 month. However, if the 20th day of the month falls on a
 1206 Saturday, Sunday, or federal or state legal holiday, a return
 1207 must be accepted if it is electronically filed on the next
 1208 succeeding business day. The reports must include, or be
 1209 verified by, a written declaration stating that such report is
 1210 made under the penalties of perjury. The natural gas fuel
 1211 retailer shall deduct from the amount of taxes shown by the
 1212 report to be payable an amount equivalent to 0.67 percent of the
 1213 taxes on natural gas fuel imposed by s. 206.9955(2)(a) and (e),
 1214 which deduction is allowed to the natural gas fuel retailer to
 1215 compensate it for services rendered and expenses incurred in
 1216 complying with the requirements of this part. This allowance is
 1217 not deductible unless payment of applicable taxes is made on or
 1218 before the 20th day of the month. This subsection may not be

593-03943-23

20237062

construed as authorizing a deduction from the constitutional fuel tax or the fuel sales tax.

Section 24. Paragraph (w) is added to subsection (5) and paragraphs (qqq), (rrr), (sss), and (ttt) are added to subsection (7) of section 212.08, Florida Statutes, as amended by chapter 2023-17, Laws of Florida, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(w) Renewable natural gas machinery and equipment.—

1. As used in this paragraph, the term “renewable natural gas” means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater, which may be used as transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline. For purposes of this paragraph, any reference to natural gas includes renewable natural gas.

2. The purchase of machinery and equipment that is primarily used in the production, storage, transportation, compression, or blending of renewable natural gas and that is used at a fixed location is exempt from the tax imposed by this chapter.

3. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph must furnish the vendor

593-03943-23

20237062

with an affidavit stating that the item or items to be exempted are for the use designated herein. Purchasers with self-accrual authority pursuant to s. 212.183 are not required to provide this affidavit, but shall maintain all documentation necessary to prove the exempt status of purchases.

4. A person furnishing a false affidavit to the vendor for the purpose of evading payment of the tax imposed under this chapter is subject to the penalty set forth in s. 212.085 and as otherwise provided by law.

5. The department may adopt rules to administer this paragraph.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

593-03943-23

20237062

1277 (qqq) Baby and toddler products.—Also exempt from the tax
 1278 imposed by this chapter are:
 1279 1. Baby cribs, including baby playpens and baby play yards;
 1280 2. Baby strollers;
 1281 3. Baby safety gates;
 1282 4. Baby monitors;
 1283 5. Child safety cabinet locks and latches and electrical
 1284 socket covers;
 1285 6. Bicycle child carrier seats and trailers designed for
 1286 carrying young children, including any adaptors and accessories
 1287 for these seats and trailers;
 1288 7. Baby exercisers, jumpers, bouncer seats and swings;
 1289 8. Breast pumps, bottle sterilizers, baby bottles and
 1290 nipples, pacifiers, and teething rings;
 1291 9. Baby wipes;
 1292 10. Changing tables and changing pads;
 1293 11. Children's diapers, including single-use diapers,
 1294 reusable diapers, and reusable diaper inserts; and
 1295 12. Baby and toddler clothing, apparel, and shoes,
 1296 primarily intended for and marketed for children age 5 or
 1297 younger. Baby and toddler clothing size 5T and smaller and baby
 1298 and toddler shoes size 13T and smaller are presumed to be
 1299 primarily intended for and marketed for children age 5 or
 1300 younger.
 1301 (rrr) Diapers and incontinence products.—The sale for human
 1302 use of diapers, incontinence undergarments, incontinence pads,
 1303 or incontinence liners is exempt from the tax imposed by this
 1304 chapter.
 1305 (sss) Oral hygiene products.—

Page 45 of 88

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593-03943-23

20237062

1306 1. Also exempt from the tax imposed by this chapter are
 1307 oral hygiene products.
 1308 2. As used in this paragraph, the term "oral hygiene
 1309 products" means electric and manual toothbrushes, toothpaste,
 1310 dental floss, dental picks, oral irrigators, and mouthwash.
 1311 (ttt) Firearm safety devices.—The sale of the following are
 1312 exempt from the tax imposed by this chapter:
 1313 1. A firearm safe, firearm lockbox, firearm case, or other
 1314 device that is designed to be used to store a firearm and that
 1315 is designed to be unlocked only by means of a key, a
 1316 combination, or other similar means.
 1317 2. A firearm trigger lock or firearm cable lock that, when
 1318 installed on a firearm, is designed to prevent the firearm from
 1319 being operated without first deactivating the device and that is
 1320 designed to be unlocked only by means of a key, a combination,
 1321 or other similar means.
 1322 Section 25. Paragraph (a) of subsection (1) of section
 1323 212.12, Florida Statutes, is amended to read:
 1324 212.12 Dealer's credit for collecting tax; penalties for
 1325 noncompliance; powers of Department of Revenue in dealing with
 1326 delinquents; rounding; records required.—
 1327 (1) (a) Notwithstanding any other law and for the purpose of
 1328 compensating persons granting licenses for and the lessors of
 1329 real and personal property taxed hereunder, for the purpose of
 1330 compensating dealers in tangible personal property, for the
 1331 purpose of compensating dealers providing communication services
 1332 and taxable services, for the purpose of compensating owners of
 1333 places where admissions are collected, and for the purpose of
 1334 compensating remitters of any taxes or fees reported on the same

Page 46 of 88

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593-03943-23

20237062__

documents utilized for the sales and use tax, as compensation for the keeping of prescribed records, filing timely tax returns, and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter who files the return required pursuant to s. 212.11 only by electronic means and who pays the amount due on such return only by electronic means shall be allowed \$45 2.5 percent of the amount of the tax due, accounted for, and remitted to the department in the form of a deduction. ~~However,~~ If the amount of the tax due and remitted to the department by electronic means for the reporting period is less than \$45, the allowance is limited to the amount of tax due exceeds \$1,200, an allowance is not allowed for all amounts in excess of \$1,200. For purposes of this paragraph, the term "electronic means" has the same meaning as provided in s. 213.755(2)(c).

Section 26. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted

593-03943-23

20237062__

pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust

593-03943-23 20237062__

1393 Fund for Municipalities and the former Municipal Financial
 1394 Assistance Trust Fund in state fiscal year 1999-2000. If the
 1395 total proceeds to be distributed are less than the amount
 1396 received in combination from the Revenue Sharing Trust Fund for
 1397 Municipalities and the former Municipal Financial Assistance
 1398 Trust Fund in state fiscal year 1999-2000, each municipality
 1399 shall receive an amount proportionate to the amount it was due
 1400 in state fiscal year 1999-2000.

1401 6. Of the remaining proceeds:

1402 a. In each fiscal year, the sum of \$29,915,500 shall be
 1403 divided into as many equal parts as there are counties in the
 1404 state, and one part shall be distributed to each county. The
 1405 distribution among the several counties must begin each fiscal
 1406 year on or before January 5th and continue monthly for a total
 1407 of 4 months. If a local or special law required that any moneys
 1408 accruing to a county in fiscal year 1999-2000 under the then-
 1409 existing provisions of s. 550.135 be paid directly to the
 1410 district school board, special district, or a municipal
 1411 government, such payment must continue until the local or
 1412 special law is amended or repealed. The state covenants with
 1413 holders of bonds or other instruments of indebtedness issued by
 1414 local governments, special districts, or district school boards
 1415 before July 1, 2000, that it is not the intent of this
 1416 subparagraph to adversely affect the rights of those holders or
 1417 relieve local governments, special districts, or district school
 1418 boards of the duty to meet their obligations as a result of
 1419 previous pledges or assignments or trusts entered into which
 1420 obligated funds received from the distribution to county
 1421 governments under then-existing s. 550.135. This distribution

593-03943-23 20237062__

1422 specifically is in lieu of funds distributed under s. 550.135
 1423 before July 1, 2000.

1424 b. The department shall distribute \$166,667 monthly to each
 1425 applicant certified as a facility for a new or retained
 1426 professional sports franchise pursuant to s. 288.1162. Up to
 1427 \$41,667 shall be distributed monthly by the department to each
 1428 certified applicant as defined in s. 288.11621 for a facility
 1429 for a spring training franchise. However, not more than \$416,670
 1430 may be distributed monthly in the aggregate to all certified
 1431 applicants for facilities for spring training franchises.
 1432 Distributions begin 60 days after such certification and
 1433 continue for not more than 30 years, except as otherwise
 1434 provided in s. 288.11621. A certified applicant identified in
 1435 this sub-subparagraph may not receive more in distributions than
 1436 expended by the applicant for the public purposes provided in s.
 1437 288.1162(5) or s. 288.11621(3).

1438 c. Beginning 30 days after notice by the Department of
 1439 Economic Opportunity to the Department of Revenue that an
 1440 applicant has been certified as the professional golf hall of
 1441 fame pursuant to s. 288.1168 and is open to the public, \$166,667
 1442 shall be distributed monthly, for up to 300 months, to the
 1443 applicant.

1444 d. Beginning 30 days after notice by the Department of
 1445 Economic Opportunity to the Department of Revenue that the
 1446 applicant has been certified as the International Game Fish
 1447 Association World Center facility pursuant to s. 288.1169, and
 1448 the facility is open to the public, \$83,333 shall be distributed
 1449 monthly, for up to 168 months, to the applicant. This
 1450 distribution is subject to reduction pursuant to s. 288.1169.

593-03943-23

20237062__

1451 e. The department shall distribute up to \$83,333 monthly to
 1452 each certified applicant as defined in s. 288.11631 for a
 1453 facility used by a single spring training franchise, or up to
 1454 \$166,667 monthly to each certified applicant as defined in s.
 1455 288.11631 for a facility used by more than one spring training
 1456 franchise. Monthly distributions begin 60 days after such
 1457 certification or July 1, 2016, whichever is later, and continue
 1458 for not more than 20 years to each certified applicant as
 1459 defined in s. 288.11631 for a facility used by a single spring
 1460 training franchise or not more than 25 years to each certified
 1461 applicant as defined in s. 288.11631 for a facility used by more
 1462 than one spring training franchise. A certified applicant
 1463 identified in this sub-subparagraph may not receive more in
 1464 distributions than expended by the applicant for the public
 1465 purposes provided in s. 288.11631(3).

1466 f. The department shall distribute \$15,333 monthly to the
 1467 State Transportation Trust Fund.

1468 g.(I) On or before July 25, 2021, August 25, 2021, and
 1469 September 25, 2021, the department shall distribute \$324,533,334
 1470 in each of those months to the Unemployment Compensation Trust
 1471 Fund, less an adjustment for refunds issued from the General
 1472 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the
 1473 distribution. The adjustments made by the department to the
 1474 total distributions shall be equal to the total refunds made
 1475 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be
 1476 subtracted from any single distribution exceeds the
 1477 distribution, the department may not make that distribution and
 1478 must subtract the remaining balance from the next distribution.

1479 (II) Beginning July 2022, and on or before the 25th day of

593-03943-23

20237062__

1480 each month, the department shall distribute \$90 million monthly
 1481 to the Unemployment Compensation Trust Fund.

1482 (III) If the ending balance of the Unemployment
 1483 Compensation Trust Fund exceeds \$4,071,519,600 on the last day
 1484 of any month, as determined from United States Department of the
 1485 Treasury data, the Office of Economic and Demographic Research
 1486 shall certify to the department that the ending balance of the
 1487 trust fund exceeds such amount.

1488 (IV) This sub-subparagraph is repealed, and the department
 1489 shall end monthly distributions under sub-sub-subparagraph (II),
 1490 on the date the department receives certification under sub-sub-
 1491 subparagraph (III).

1492 h. The department shall distribute \$27.5 million to the
 1493 Florida Agricultural Promotional Campaign Trust Fund under s.
 1494 571.26, for further distribution in accordance with s. 571.265.
 1495 This sub-subparagraph is repealed July 1, 2025.

1496 7. All other proceeds must remain in the General Revenue
 1497 Fund.

1498 Section 27. Section 550.09516, Florida Statutes, is created
 1499 to read:

1500 550.09516 Credit for eligible permitholders conducting
 1501 thoroughbred racing.—

1502 (1) Beginning July 1, 2023, each permitholder authorized to
 1503 conduct pari-mutuel wagering meets of thoroughbred racing under
 1504 this chapter is eligible for a credit equal to the amount paid
 1505 by the permitholder in the prior state fiscal year to the
 1506 federal Horseracing Integrity and Safety Authority, inclusive of
 1507 any applicable true-up calculations or credits made, granted, or
 1508 applied to the assessment imposed on the permitholder or the

593-03943-23 20237062

state by such authority, for covered horse racing in the state, pursuant to the Horseracing Integrity and Safety Act of 2020 as set forth in the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

(2) The commission shall require sufficient documentation to substantiate the amounts paid by an eligible permitholder to qualify for the tax credit under this section.

(3) Beginning July 1, 2023, and each July 1 thereafter, each permitholder granted a credit pursuant to this section may apply the credit to the taxes and fees due under ss. 550.0951, 550.09515, and 550.3551(3), less any credit received by the permitholder under s. 550.09515(6), and less the amount of state taxes that would otherwise be due to the state for the conduct of charity day performances under s. 550.0351(4). The unused portion of the credit may be carried forward and applied each month as taxes and fees become due. Any unused credit remaining at the end of a fiscal year expires and may not be used.

(4) The commission may adopt rules to implement this section.

Section 28. Section 571.26, Florida Statutes, is amended to read:

571.26 Florida Agricultural Promotional Campaign Trust Fund.—There is hereby created the Florida Agricultural Promotional Campaign Trust Fund within the Department of Agriculture and Consumer Services to receive all moneys related to the Florida Agricultural Promotional Campaign. Moneys deposited in the trust fund shall be appropriated for the sole purpose of implementing the Florida Agricultural Promotional Campaign, except for money deposited in the trust fund pursuant

593-03943-23 20237062

to s. 212.20(6)(d)6.h., which shall be held separately and used solely for the purposes identified in s. 571.265.

Section 29. The amendments made by this act to s. 571.26, Florida Statutes, expire on July 1, 2025, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 30. Section 571.265, Florida Statutes, is created to read:

571.265 Promotion of Florida thoroughbred breeding and of thoroughbred racing at Florida thoroughbred tracks; distribution of funds.—

(1) For purposes of this section, the term:

(a) "Association" means the Florida Thoroughbred Breeders' Association, Inc.

(b) "Permitholder" has the same meaning as in s. 550.002(23).

(2) Funds deposited into the Florida Agricultural Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.h. shall be used by the department to encourage the agricultural activity of breeding thoroughbred racehorses in this state and to enhance thoroughbred racing conducted at thoroughbred tracks in this state as provided in this section. If the funds made available under this section are not fully used in any one fiscal year, any unused amounts shall be carried forward in the trust fund into future fiscal years and made available for distribution as provided in this section.

593-03943-23

20237062__

1567 (3) The department shall distribute the funds made
 1568 available under this section as follows:
 1569 (a) Five million dollars shall be distributed to the
 1570 association to be used for the following:
 1571 1. Purses or purse supplements for Florida-bred or Florida-
 1572 sired horses registered with the association that participate in
 1573 Florida thoroughbred races.
 1574 2. Awards to breeders of Florida-bred horses registered
 1575 with the association that win, place, or show in Florida
 1576 thoroughbred races.
 1577 3. Awards to owners of stallions who sired Florida-bred
 1578 horses registered with the association that win Florida
 1579 thoroughbred stakes races, if the stallions are registered with
 1580 the association as Florida stallions standing in this state.
 1581 4. Other racing incentives connected to Florida-bred or
 1582 Florida-sired horses registered with the association that
 1583 participate in thoroughbred races in Florida.
 1584 5. Awards administration.
 1585 6. Promotion of the Florida thoroughbred breeding industry.
 1586 (b) Five million dollars shall be distributed to Tampa Bay
 1587 Downs, Inc., to be used as purses in thoroughbred races
 1588 conducted at its pari-mutuel facilities and for the maintenance
 1589 and operation of that facility, pursuant to an agreement with
 1590 its local majority horsemen's group.
 1591 (c) Fifteen million dollars shall be distributed to
 1592 Gulfstream Park Racing Association, Inc., to be used as purses
 1593 in thoroughbred races conducted at its pari-mutuel facility and
 1594 for the maintenance and operation of its facilities, pursuant to
 1595 an agreement with the Florida Horsemen's Benevolent and

593-03943-23

20237062__

1596 Protective Association, Inc.
 1597 (d) Two and one-half million dollars shall be distributed
 1598 as follows:
 1599 1. Two million dollars to Gulfstream Park Racing
 1600 Association, Inc., to be used as purses and purse supplements
 1601 for Florida-bred or Florida-sired horses registered with the
 1602 association that participate in thoroughbred races at the
 1603 permitholder's pari-mutuel facility, pursuant to a written
 1604 agreement filed with the department establishing the rates,
 1605 procedures, and eligibility requirements entered into by the
 1606 permitholder, the association, and the Florida Horsemen's
 1607 Benevolent and Protective Association, Inc.
 1608 2. Five hundred thousand dollars to Tampa Bay Downs, Inc.,
 1609 to be used as purses and purse supplements for Florida-bred or
 1610 Florida-sired horses registered with the association that
 1611 participate in thoroughbred races at the permitholder's pari-
 1612 mutuel facility, pursuant to a written agreement filed with the
 1613 department establishing the rates, procedures, and eligibility
 1614 requirements entered into by the permitholder, the association,
 1615 and the local majority horsemen's group at the permitholder's
 1616 pari-mutuel facility.
 1617 (4) On or before the first day of the August following each
 1618 fiscal year in which a recipient under this section received or
 1619 used funds pursuant to this section, each such recipient must
 1620 submit a report to the department detailing how all funds were
 1621 used in the prior fiscal year.
 1622 (5) This section is repealed July 1, 2025, unless reviewed
 1623 and saved from repeal by the Legislature.
 1624 Section 31. Paragraph (o) of subsection (8) of section

593-03943-23 20237062__

213.053, Florida Statutes, is amended, and subsection (24) is added to that section, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(o) Information relative to ss. 220.1845, 220.199, and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(24) The department may make available to the Division of Historical Resources of the Department of State and the Secretary of the United States Department of the Interior or his or her delegate, exclusively for official purposes, information for the purposes of administering the Main Street Historic Tourism and Revitalization Act pursuant to s. 220.197.

Section 32. Section 220.199, Florida Statutes, is created to read:

220.199 Residential graywater system tax credit.—

(1) For purposes of this section, the term:

(a) "Developer" has the same meaning as in s. 380.031(2).

(b) "Graywater" has the same meaning as in s. 381.0065(2) (f).

593-03943-23 20237062__

(2) For taxable years beginning on or after January 1, 2024, a developer or homebuilder is eligible to receive a credit against the tax imposed by this chapter in an amount up to 50 percent of the cost of each NSF/ANSI 350 Class R certified noncommercial, residential graywater system purchased during the taxable year. The tax credit may not exceed \$4,200 for each system purchased.

(3) To claim a credit under this section, a developer or homebuilder must submit an application to the Department of Environmental Protection which includes documentation showing that the developer or homebuilder has purchased for use in this state a graywater system meeting the requirements of subsection (2) and that the graywater system meets the functionality assurances provided in s. 403.892(3)(c). The Department of Environmental Protection shall make a determination on the eligibility of the applicant for the credit sought and shall certify the determination to the applicant and the Department of Revenue within 60 days after receipt of a completed application. The taxpayer must attach the certification from the Department of Environmental Protection to the tax return on which the credit is claimed.

(4) Any unused tax credit authorized under this section may be carried forward and claimed by the taxpayer for up to 2 taxable years.

(5) The Department of Revenue shall adopt rules to administer this section, including, but not limited to, rules prescribing forms for a credit and any evidence needed to substantiate a claim for a credit under this section.

(6) The Department of Environmental Protection shall adopt

593-03943-23 20237062__

1683 rules to administer this section, including, but not limited to,
 1684 rules relating to application forms for credit approval and
 1685 certification and the application and certification procedures,
 1686 guidelines, and requirements necessary to administer this
 1687 section.

1688 Section 33. Subsection (8) of section 220.02, Florida
 1689 Statutes, is amended to read:

1690 220.02 Legislative intent.—

1691 (8) It is the intent of the Legislature that credits
 1692 against either the corporate income tax or the franchise tax be
 1693 applied in the following order: those enumerated in s. 631.828,
 1694 those enumerated in s. 220.191, those enumerated in s. 220.181,
 1695 those enumerated in s. 220.183, those enumerated in s. 220.182,
 1696 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 1697 those enumerated in s. 220.184, those enumerated in s. 220.186,
 1698 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 1699 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 1700 those enumerated in s. 220.1876, those enumerated in s.
 1701 220.1877, those enumerated in s. 220.193, those enumerated in s.
 1702 288.9916, those enumerated in s. 220.1899, those enumerated in
 1703 s. 220.194, those enumerated in s. 220.196, those enumerated in
 1704 s. 220.198, ~~and~~ those enumerated in s. 220.1915, those
 1705 enumerated in s. 220.199, and those enumerated in s. 220.197.

1706 Section 34. Paragraph (a) of subsection (1) of section
 1707 220.13, Florida Statutes, is amended to read:

1708 220.13 "Adjusted federal income" defined.—

1709 (1) The term "adjusted federal income" means an amount
 1710 equal to the taxpayer's taxable income as defined in subsection
 1711 (2), or such taxable income of more than one taxpayer as

593-03943-23 20237062__

1712 provided in s. 220.131, for the taxable year, adjusted as
 1713 follows:

1714 (a) *Additions.*—There shall be added to such taxable income:

1715 1.a. The amount of any tax upon or measured by income,
 1716 excluding taxes based on gross receipts or revenues, paid or
 1717 accrued as a liability to the District of Columbia or any state
 1718 of the United States which is deductible from gross income in
 1719 the computation of taxable income for the taxable year.

1720 b. Notwithstanding sub-subparagraph a., if a credit taken
 1721 under s. 220.1875, s. 220.1876, or s. 220.1877 is added to
 1722 taxable income in a previous taxable year under subparagraph 11.
 1723 and is taken as a deduction for federal tax purposes in the
 1724 current taxable year, the amount of the deduction allowed shall
 1725 not be added to taxable income in the current year. The
 1726 exception in this sub-subparagraph is intended to ensure that
 1727 the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is
 1728 added in the applicable taxable year and does not result in a
 1729 duplicate addition in a subsequent year.

1730 2. The amount of interest which is excluded from taxable
 1731 income under s. 103(a) of the Internal Revenue Code or any other
 1732 federal law, less the associated expenses disallowed in the
 1733 computation of taxable income under s. 265 of the Internal
 1734 Revenue Code or any other law, excluding 60 percent of any
 1735 amounts included in alternative minimum taxable income, as
 1736 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 1737 taxpayer pays tax under s. 220.11(3).

1738 3. In the case of a regulated investment company or real
 1739 estate investment trust, an amount equal to the excess of the
 1740 net long-term capital gain for the taxable year over the amount

593-03943-23 20237062__

1741 of the capital gain dividends attributable to the taxable year.

1742 4. That portion of the wages or salaries paid or incurred
1743 for the taxable year which is equal to the amount of the credit
1744 allowable for the taxable year under s. 220.181. This
1745 subparagraph shall expire on the date specified in s. 290.016
1746 for the expiration of the Florida Enterprise Zone Act.

1747 5. That portion of the ad valorem school taxes paid or
1748 incurred for the taxable year which is equal to the amount of
1749 the credit allowable for the taxable year under s. 220.182. This
1750 subparagraph shall expire on the date specified in s. 290.016
1751 for the expiration of the Florida Enterprise Zone Act.

1752 6. The amount taken as a credit under s. 220.195 which is
1753 deductible from gross income in the computation of taxable
1754 income for the taxable year.

1755 7. That portion of assessments to fund a guaranty
1756 association incurred for the taxable year which is equal to the
1757 amount of the credit allowable for the taxable year.

1758 8. In the case of a nonprofit corporation which holds a
1759 pari-mutuel permit and which is exempt from federal income tax
1760 as a farmers' cooperative, an amount equal to the excess of the
1761 gross income attributable to the pari-mutuel operations over the
1762 attributable expenses for the taxable year.

1763 9. The amount taken as a credit for the taxable year under
1764 s. 220.1895.

1765 10. Up to nine percent of the eligible basis of any
1766 designated project which is equal to the credit allowable for
1767 the taxable year under s. 220.185.

1768 11. Any amount taken as a credit for the taxable year under
1769 s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this

593-03943-23 20237062__

1770 subparagraph is intended to ensure that the same amount is not
1771 allowed for the tax purposes of this state as both a deduction
1772 from income and a credit against the tax. This addition is not
1773 intended to result in adding the same expense back to income
1774 more than once.

1775 12. The amount taken as a credit for the taxable year under
1776 s. 220.193.

1777 13. Any portion of a qualified investment, as defined in s.
1778 288.9913, which is claimed as a deduction by the taxpayer and
1779 taken as a credit against income tax pursuant to s. 288.9916.

1780 14. The costs to acquire a tax credit pursuant to s.
1781 288.1254(5) that are deducted from or otherwise reduce federal
1782 taxable income for the taxable year.

1783 15. The amount taken as a credit for the taxable year
1784 pursuant to s. 220.194.

1785 16. The amount taken as a credit for the taxable year under
1786 s. 220.196. The addition in this subparagraph is intended to
1787 ensure that the same amount is not allowed for the tax purposes
1788 of this state as both a deduction from income and a credit
1789 against the tax. The addition is not intended to result in
1790 adding the same expense back to income more than once.

1791 17. The amount taken as a credit for the taxable year
1792 pursuant to s. 220.198.

1793 18. The amount taken as a credit for the taxable year
1794 pursuant to s. 220.1915.

1795 19. The amount taken as a credit for the taxable year
1796 pursuant to s. 220.199.

1797 20. The amount taken as a credit for the taxable year
1798 pursuant to s. 220.197.

593-03943-23 20237062__

1799 Section 35. Paragraph (f) of subsection (2) of section
 1800 220.1845, Florida Statutes, is amended to read:
 1801 220.1845 Contaminated site rehabilitation tax credit.—
 1802 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—
 1803 (f) 1. Beginning in fiscal year 2023-2024, the total amount
 1804 of the tax credits which may be granted under this section is
 1805 \$27.5 million in the 2021-2022 fiscal year and \$10 million in
 1806 each fiscal year thereafter.
 1807 2. In addition to the amount specified in subparagraph 1.,
 1808 \$150 million of tax credits may be granted during the period
 1809 beginning in fiscal year 2023-2024 through 2027-2028. This
 1810 subparagraph is repealed on July 1, 2028.
 1811 Section 36. Subsection (4) of section 376.30781, Florida
 1812 Statutes, is amended to read:
 1813 376.30781 Tax credits for rehabilitation of drycleaning-
 1814 solvent-contaminated sites and brownfield sites in designated
 1815 brownfield areas; application process; rulemaking authority;
 1816 revocation authority.—
 1817 (4) (a) The Department of Environmental Protection is
 1818 responsible for allocating the tax credits provided for in s.
 1819 220.1845, which may not exceed ~~a total of \$27.5 million in tax~~
 1820 ~~credits in fiscal year 2021-2022 and~~ \$10 million in tax credits
 1821 each fiscal year thereafter.
 1822 (b) In addition to the amount specified in paragraph (a),
 1823 \$150 million of tax credits may be granted during the period
 1824 beginning in fiscal year 2023-2024 through 2027-2028. This
 1825 paragraph is repealed on July 1, 2028.
 1826 Section 37. Section 220.197, Florida Statutes, is created
 1827 to read:

593-03943-23 20237062__

1828 220.197 Main Street Historic Tourism and Revitalization
 1829 Act; tax credits; reports.—
 1830 (1) SHORT TITLE.—This section may be cited as the "Main
 1831 Street Historic Tourism and Revitalization Act."
 1832 (2) DEFINITIONS.—As used in this section, the term:
 1833 (a) "Accredited Main Street Program" means an active
 1834 Florida Main Street Program or the Orlando Main Streets program,
 1835 provided that such program meets the Main Street America
 1836 accreditation standards. An Accredited Main Street Program must
 1837 meet all of the following criteria:
 1838 1. Have broad-based community support for the commercial
 1839 district revitalization process with strong support from the
 1840 public and private sectors.
 1841 2. Have a developed vision and mission statement relevant
 1842 to community conditions and to Main Street America's
 1843 organizational stage.
 1844 3. Have a comprehensive Main Street America work plan.
 1845 4. Possess a historic preservation ethic.
 1846 5. Have an active board of directors and committees.
 1847 6. Have an adequate operating budget.
 1848 7. Have a paid professional program manager.
 1849 8. Conduct a program of ongoing training for staff and
 1850 volunteers.
 1851 9. Report key statistics.
 1852 10. Be a current member of Main Street America.
 1853 (b) "Certified historic structure" means a building and its
 1854 structural components as defined in 36 C.F.R. s. 67.2 which is
 1855 of a character subject to the allowance for depreciation
 1856 provided in s. 167 of the Internal Revenue Code of 1986, as

593-03943-23

20237062__

amended, and which is:

1. Individually listed in the National Register of Historic Places; or

2. Located within a registered historic district and certified by the United States Secretary of the Interior as being of historic significance to the registered historic district as set forth in 36 C.F.R. s. 67.2.

(c) "Certified rehabilitation" means the rehabilitation of a certified historic structure which the United States Secretary of the Interior has certified to the United States Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the certified historic structure is located as set forth in 36 C.F.R. s. 67.2.

(d) "Division" means the Division of Historical Resources of the Department of State.

(e) "Florida Main Street Program" means a statewide historic preservation-based downtown revitalization assistance program created, maintained, and administered by the division under s. 267.031(5).

(f) "Local program area" means the specific geographic area in which an Accredited Main Street Program is conducted as approved and maintained by the division or in which the Orlando Main Streets program is conducted.

(g) "Long-term leasehold" means a leasehold in a nonresidential real property for a term of 39 years or more or a leasehold in a residential real property for a term of 27.5 years or more.

(h) "Main Street America" means a national network of

593-03943-23

20237062__

grassroots organizations revitalizing historic downtown areas under the leadership of the National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation.

(i) "National Register of Historic Places" means the list of historic properties significant in American history, architecture, archeology, engineering, and culture maintained by the United States Secretary of the Interior as authorized in 54 U.S.C. s. 3021.

(j) "Orlando Main Streets" means a historic preservation-based district revitalization program administered by the City of Orlando.

(k) "Placed in service" means the time that property is first placed by the taxpayer in a condition or state of readiness and availability for a specifically assigned function, whether for use in a trade or business, for the production of income, or in a tax-exempt activity.

(l) "Qualified expenses" means rehabilitation expenditures incurred in this state which qualify for the credit under 26 U.S.C. s. 47.

(m) "Registered historic district" means a district listed in the National Register of Historic Places or a district:

1. Designated under general law or local ordinance and certified by the United States Secretary of the Interior as meeting criteria that will substantially achieve the purposes of preserving and rehabilitating buildings of historic significance to the district; and

2. Certified by the United States Secretary of the Interior as meeting substantially all of the requirements for listing a district in the National Register of Historic Places.

593-03943-23

20237062__

(n) "Taxpayer" has the same meaning as in s. 220.03(1)(z), but also includes an insurer subject to the insurance premium tax under s. 624.509.

(3) ELIGIBILITY.—

(a) To receive a tax credit under this section, an applicant must apply to the division, no later than 6 months after the date the certified historic structure is placed in service, for a tax credit for qualified expenses in the amount and under the conditions and limitations provided in this section. The applicant must provide the division with all of the following:

1. Documentation showing that:

a. The rehabilitation is a certified rehabilitation;

b. The structure is a certified historic structure, is income-producing, is located within this state, and is placed into service on or after January 1, 2024;

c. The applicant had an ownership or a long-term leasehold interest in the certified historic structure in the year during which the certified historic structure was placed into service;

d. The total amount of qualified expenses incurred in rehabilitating the certified historic structure exceeded \$5,000;

e. The qualified expenses were incurred in this state; and

f. The applicant received a tax credit for the qualified expenses under 26 U.S.C. s. 47.

2. An official certificate of eligibility from the division, signed by the State Historic Preservation Officer or the Deputy State Historic Preservation Officer, attesting that the project has been approved by the National Park Service. The attestation must identify if the project is located within a

593-03943-23

20237062__

local program area.

3. National Park Service Form 10-168c (Rev. 2019), titled "Historic Preservation Certification Application-Part 3-Request for Certification of Completed Work," or a similar form, signed by an officer of the National Park Service, attesting that the completed rehabilitation meets the United States Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located. The form may be obtained from the National Park Service.

4. The dates during which the certified historic structure was rehabilitated, the date the certified historic structure was placed into service after the certified rehabilitation was completed, and evidence that the certified historic structure was placed into service after the certified rehabilitation was completed.

5. A list of total qualified expenses incurred in rehabilitating the certified historic structure. For certified rehabilitations with qualified expenses that exceed \$750,000, the applicant must submit an audited cost report issued by a certified public accountant which itemizes the qualified expenses incurred in rehabilitating the certified historic structure. An applicant may submit an audited cost report issued by a certified public accountant which was created for purposes of applying for a federal historic rehabilitation tax credit and which includes all of the qualified expenses incurred in rehabilitating the certified historic structure.

6. An attestation of the total qualified expenses incurred by the applicant in rehabilitating the certified historic

593-03943-23 20237062__

structure.

7. The information required to be reported by the division in subsection (8) to enable the division to compile its annual report.

This paragraph may not be construed to restrict an applicant from making an application with the division before the certified historic structure is placed in service. However, a final determination on eligibility may not be made until the certified historic structure is placed in service.

(b) Within 90 days after receipt of the information required under paragraph (a) or the certified historic structure is placed in service, whichever is later, the division shall approve or deny the application. If approved, the division must provide a letter of certification to the applicant consistent with any restrictions imposed. If the division denies any part of the requested credit, the division must inform the applicant of the grounds for the denial. The division must submit a copy of the certification and the information provided by the applicant to the department within 10 days after the division's approval.

(4) CERTIFIED REHABILITATION TAX CREDIT.—For taxable years beginning on or after January 1, 2024, there is allowed a credit against any tax due for a taxable year under this chapter or s. 624.509 after the application of any other allowable credits by the taxpayer in an amount equal to:

(a) Twenty percent of the total qualified expenses incurred in this state in rehabilitating a certified historic structure that has been approved by the National Park Service to receive

593-03943-23 20237062__

the federal historic rehabilitation tax credit; or

(b) Thirty percent of the total qualified expenses incurred in this state in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that is located within a local program area.

The tax credit may be used to offset the corporate income tax imposed under this chapter and the insurance premium tax imposed in s. 624.509. An insurer claiming a credit against insurance premium tax liability under this section may not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(5) CARRYFORWARD OF TAX CREDIT.—

(a) If a tax credit exceeds the amount of tax owed, the taxpayer may carry forward the unused tax credit for a period of up to 5 taxable years.

(b) A carryforward is considered the remaining portion of a tax credit that cannot be claimed in the current taxable year.

(6) SALE OR TRANSFER OF TAX CREDIT.—

(a) All or part of the tax credit may be sold or transferred.

(b) A taxpayer to which all or part of the tax credit is sold or transferred may sell or transfer to another taxpayer all or part of the tax credit that may otherwise be claimed.

(c) A taxpayer that sells or transfers a tax credit to another taxpayer must provide a copy of the certificate of eligibility provided under subparagraph (3)(a)2. together with

593-03943-23 20237062__

the audited cost report, if applicable, to the purchaser or transferee.

(d) Qualified expenses may be counted only once in determining the amount of an available tax credit, and more than one taxpayer may not claim a tax credit for the same qualified expenses.

(e) There is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit.

(f) 1. No later than the 30th day after the date of a sale or transfer, the seller or transferor and the purchaser or transferee shall jointly submit written notice of the sale or transfer to the department on a form prescribed by the department. The notice must include all of the following:

a. The date of the sale or transfer.

b. The amount of the tax credit sold or transferred.

c. The name and federal tax identification number of the seller or transferor of the tax credit and the purchaser or transferee.

d. The amount of the tax credit owned by the seller or transferor before the sale or transfer and the amount the seller or transferor retained, if any, after the sale or transfer.

2. The sale or transfer of a tax credit under this subsection does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.

3. If a taxpayer claims a tax credit for qualified expenses, another taxpayer may not use the same expenses as the basis for claiming a tax credit.

4. Notwithstanding the requirements of this subsection, a

593-03943-23 20237062__

tax credit earned by, purchased by, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders of that taxpayer in accordance with any agreement among the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.

(g) If the tax credit is reduced due to a determination, examination, or audit by the department, the tax deficiency shall be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferee that claimed the tax credit up to the amount of the tax credit taken.

(h) Any subsequent deficiencies shall be assessed against the purchaser or transferee that claimed the tax credit or, in the case of multiple succeeding entities, in the order of tax credit succession.

(7) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(a) The department, with assistance from the division, may perform any additional financial and technical audits and examinations, including examining the accounts, books, or records of the tax credit applicant, to verify the legitimacy of the qualified expenses included in a tax credit return and to ensure compliance with this section. If requested by the department, the division must provide technical assistance for any technical audits or examinations performed under this subsection.

(b) It is grounds for forfeiture of previously claimed and

593-03943-23 20237062

received tax credits if the department determines, as a result of an audit or information received from the division or the United States Department of the Interior, that an applicant or a taxpayer received a tax credit pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer may not claim any future tax credits under this section.

(c) The taxpayer must return forfeited tax credits to the department, and such funds shall be paid into the General Revenue Fund.

(d) The taxpayer shall file with the department an amended tax return or such other report as the department prescribes and shall pay any required tax within 60 days after the taxpayer receives notification from the United States Internal Revenue Service that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

(e) A notice of deficiency may be issued by the department at any time within 5 years after the date on which the taxpayer receives notification from the United States Internal Revenue Service that a previously approved tax credit has been revoked or modified. If a taxpayer fails to notify the department of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency is limited to the amount of the tax credit claimed.

(f) A taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit violates

593-03943-23 20237062

this section and is subject to applicable penalties and interest.

(8) ANNUAL REPORT.—Based on the applications submitted and approved, the division shall submit a report by December 1 of each year to the President of the Senate and the Speaker of the House of Representatives which identifies, in the aggregate, all of the following:

(a) The number of employees hired during construction phases.

(b) The use of each newly rehabilitated building and the expected number of employees hired.

(c) The number of affordable housing units created or preserved. As used in this paragraph, the term "affordable" has the same meaning as in s. 420.0004.

(d) The property values before and after the certified rehabilitations.

(9) DEPARTMENT DUTIES.—The department shall:

(a) Establish a cooperative agreement with the division.

(b) Adopt any necessary forms required to claim a tax credit under this section.

(c) Provide administrative guidelines and procedures required to administer this section, including rules establishing an entitlement to and sale or transfer of a tax credit under this section.

(d) Provide examination and audit procedures required to administer this section.

(10) APPLICABILITY.—This section applies to taxable years beginning, and for qualified expenses incurred, on or after January 1, 2024.

593-03943-23

20237062

2147 (11) RULES.—The department and the division may adopt rules
 2148 to administer this section.

2149 Section 38. Paragraph (c) of subsection (2) of section
 2150 220.222, Florida Statutes, as amended by section 22 of chapter
 2151 2023-17, Laws of Florida, is amended to read:

2152 220.222 Returns; time and place for filing.—

2153 (2)

2154 (c)1. For purposes of this subsection, a taxpayer is not in
 2155 compliance with s. 220.32 if the taxpayer underpays the required
 2156 payment by more than the greater of \$2,000 or 30 percent of the
 2157 tax shown on the return when filed.

2158 2. For the purpose of determining compliance with s. 220.32
 2159 as referenced in subparagraph 1., the tax shown on the return
 2160 when filed must include the amount of the allowable credits
 2161 taken on the return pursuant to s. 220.1875, s. 220.1876, s.
 2162 220.1877, or s. 220.1878.

2163 Section 39. Paragraph (a) of subsection (5) of section
 2164 402.62, Florida Statutes, is amended to read:

2165 402.62 Strong Families Tax Credit.—

2166 (5) STRONG FAMILIES TAX CREDITS; APPLICATIONS, TRANSFERS,
 2167 AND LIMITATIONS.—

2168 (a) Beginning in fiscal year 2023-2024 ~~2022-2023~~, the tax
 2169 credit cap amount is \$20 ~~\$10~~ million in each state fiscal year.

2170 Section 40. Subsection (7) of section 624.509, Florida
 2171 Statutes, is amended to read:

2172 624.509 Premium tax; rate and computation.—

2173 (7) Credits and deductions against the tax imposed by this
 2174 section shall be taken in the following order: deductions for
 2175 assessments made pursuant to s. 440.51; credits for taxes paid

593-03943-23

20237062

2176 under ss. 175.101 and 185.08; credits for income taxes paid
 2177 under chapter 220 and the credit allowed under subsection (5),
 2178 as these credits are limited by subsection (6); the credit
 2179 allowed under s. 624.51057; the credit allowed under s. 220.197;
 2180 and all other available credits and deductions.

2181 Section 41. Clothing, wallets, and bags; school supplies;
 2182 learning aids and jigsaw puzzles; personal computers and
 2183 personal computer-related accessories; sales tax holidays.—

2184 (1) The tax levied under chapter 212, Florida Statutes, may
 2185 not be collected during the period from July 24, 2023, through
 2186 August 6, 2023, or during the period from January 1, 2024,
 2187 through January 14, 2024, on the retail sale of:

2188 (a) Clothing, wallets, or bags, including handbags,
 2189 backpacks, fanny packs, and diaper bags, but excluding
 2190 briefcases, suitcases, and other garment bags, having a sales
 2191 price of \$100 or less per item. As used in this paragraph, the
 2192 term "clothing" means:

2193 1. Any article of wearing apparel intended to be worn on or
 2194 about the human body, excluding watches, watchbands, jewelry,
 2195 umbrellas, and handkerchiefs; and

2196 2. All footwear, excluding skis, swim fins, roller blades,
 2197 and skates.

2198 (b) School supplies having a sales price of \$50 or less per
 2199 item. As used in this paragraph, the term "school supplies"
 2200 means pens, pencils, erasers, crayons, notebooks, notebook
 2201 filler paper, legal pads, binders, lunch boxes, construction
 2202 paper, markers, folders, poster board, composition books, poster
 2203 paper, scissors, cellophane tape, glue or paste, rulers,
 2204 computer disks, staplers and staples used to secure paper

593-03943-23

20237062__

2205 products, protractors, compasses, and calculators.

2206 (c) Learning aids and jigsaw puzzles having a sales price
 2207 of \$30 or less. As used in this paragraph, the term "learning
 2208 aids" means flashcards or other learning cards, matching or
 2209 other memory games, puzzle books and search-and-find books,
 2210 interactive or electronic books and toys intended to teach
 2211 reading or math skills, and stacking or nesting blocks or sets.

2212 (d) Personal computers or personal computer-related
 2213 accessories purchased for noncommercial home or personal use
 2214 having a sales price of \$1,500 or less. As used in this
 2215 paragraph, the term:

2216 1. "Personal computers" includes electronic book readers,
 2217 laptops, desktops, handhelds, tablets, or tower computers. The
 2218 term does not include cellular telephones, video game consoles,
 2219 digital media receivers, or devices that are not primarily
 2220 designed to process data.

2221 2. "Personal computer-related accessories" includes
 2222 keyboards, mice, personal digital assistants, monitors, other
 2223 peripheral devices, modems, routers, and nonrecreational
 2224 software, regardless of whether the accessories are used in
 2225 association with a personal computer base unit. The term does
 2226 not include furniture or systems, devices, software, monitors
 2227 with a television tuner, or peripherals that are designed or
 2228 intended primarily for recreational use.

2229 (2) The tax exemptions provided in this section do not
 2230 apply to sales within a theme park or entertainment complex as
 2231 defined in s. 509.013(9), Florida Statutes, within a public
 2232 lodging establishment as defined in s. 509.013(4), Florida
 2233 Statutes, or within an airport as defined in s. 330.27(2),

593-03943-23

20237062__

2234 Florida Statutes.

2235 (3) The tax exemptions provided in this section apply at
 2236 the option of the dealer if less than 5 percent of the dealer's
 2237 gross sales of tangible personal property in the prior calendar
 2238 year consisted of items that would be exempt under this section.
 2239 If a qualifying dealer chooses not to participate in the tax
 2240 holiday, by July 17, 2023, for the tax holiday beginning July
 2241 24, 2023, and by December 23, 2023, for the tax holiday
 2242 beginning January 1, 2024, the dealer must notify the Department
 2243 of Revenue in writing of its election to collect sales tax
 2244 during the holiday and must post a copy of that notice in a
 2245 conspicuous location at its place of business.

2246 (4) The Department of Revenue is authorized, and all
 2247 conditions are deemed met, to adopt emergency rules pursuant to
 2248 s. 120.54(4), Florida Statutes, for the purpose of implementing
 2249 this section.

2250 (5) This section shall take effect upon this act becoming a
 2251 law.

2252 Section 42. Disaster preparedness supplies; sales tax
 2253 holiday.—

2254 (1) The tax levied under chapter 212, Florida Statutes, may
 2255 not be collected during the period from May 27, 2023, through
 2256 June 9, 2023, on the sale of:

2257 (a) A portable self-powered light source with a sales price
 2258 of \$40 or less.

2259 (b) A portable self-powered radio, two-way radio, or
 2260 weather-band radio with a sales price of \$50 or less.

2261 (c) A tarpaulin or other flexible waterproof sheeting with
 2262 a sales price of \$100 or less.

593-03943-23

20237062

2263 (d) An item normally sold as, or generally advertised as, a
 2264 ground anchor system or tie-down kit with a sales price of \$100
 2265 or less.
 2266 (e) A gas or diesel fuel tank with a sales price of \$50 or
 2267 less.
 2268 (f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-
 2269 volt, or 9-volt batteries, excluding automobile and boat
 2270 batteries, with a sales price of \$50 or less.
 2271 (g) A nonelectric food storage cooler with a sales price of
 2272 \$60 or less.
 2273 (h) A portable generator used to provide light or
 2274 communications or preserve food in the event of a power outage
 2275 with a sales price of \$3,000 or less.
 2276 (i) Reusable ice with a sales price of \$20 or less.
 2277 (j) A portable power bank with a sales price of \$60 or
 2278 less.
 2279 (k) A smoke detector or smoke alarm with a sales price of
 2280 \$70 or less.
 2281 (l) A fire extinguisher with a sales price of \$70 or less.
 2282 (m) A carbon monoxide detector with a sales price of \$70 or
 2283 less.
 2284 (n) Supplies necessary for the evacuation of household
 2285 pets. For purposes of this exemption, the term "supplies
 2286 necessary" means the purchase for noncommercial use of:
 2287 1. Bags of dry dog food or cat food weighing 50 or fewer
 2288 pounds with a sales price of \$100 or less per bag.
 2289 2. Cans or pouches of wet dog food or cat food with a sales
 2290 price of \$10 or less per can or pouch or the equivalent if sold
 2291 in a box or case.

Page 79 of 88

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

593-03943-23

20237062

2292 3. Over-the-counter pet medications with a sales price of
 2293 \$100 or less per item.
 2294 4. Portable kennels or pet carriers with a sales price of
 2295 \$100 or less per item.
 2296 5. Manual can openers with a sales price of \$15 or less per
 2297 item.
 2298 6. Leashes, collars, and muzzles with a sales price of \$20
 2299 or less per item.
 2300 7. Collapsible or travel-sized food bowls or water bowls
 2301 with a sales price of \$15 or less per item.
 2302 8. Cat litter weighing 25 or fewer pounds with a sales
 2303 price of \$25 or less per item.
 2304 9. Cat litter pans with a sales price of \$15 or less per
 2305 item.
 2306 10. Pet waste disposal bags with a sales price of \$15 or
 2307 less per package.
 2308 11. Pet pads with a sales price of \$20 or less per box or
 2309 package.
 2310 12. Hamster or rabbit substrate with a sales price of \$15
 2311 or less per package.
 2312 13. Pet beds with a sales price of \$40 or less per item.
 2313 (o) Common household consumable items with a sales price of
 2314 \$30 or less. For purposes of this paragraph, the term "common
 2315 household consumable items" means:
 2316 1. The following laundry detergent and supplies: powder
 2317 detergent; liquid detergent; or pod detergent, fabric softener,
 2318 dryer sheets, stain removers, and bleach.
 2319 2. Toilet paper.
 2320 3. Paper towels.

Page 80 of 88

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

593-03943-23

20237062__

- 2321 4. Paper napkins and tissues.
- 2322 5. Facial tissues.
- 2323 6. Hand soap, bar soap and body wash.
- 2324 7. Sunscreen and sunblock.
- 2325 8. Dish soap and detergents, including powder detergents,
- 2326 liquid detergents, or pod detergents or rinse agents that can be
- 2327 used in dishwashers.
- 2328 9. Cleaning or disinfecting wipes and sprays.
- 2329 10. Hand sanitizer.
- 2330 11. Trash bags.
- 2331 (2) The tax exemptions provided in this section do not
- 2332 apply to sales within a theme park or entertainment complex as
- 2333 defined in s. 509.013(9), Florida Statutes, within a public
- 2334 lodging establishment as defined in s. 509.013(4), Florida
- 2335 Statutes, or within an airport as defined in s. 330.27(2),
- 2336 Florida Statutes.
- 2337 (3) The Department of Revenue is authorized, and all
- 2338 conditions are deemed met, to adopt emergency rules pursuant to
- 2339 s. 120.54(4), Florida Statutes, for the purpose of implementing
- 2340 this section.
- 2341 (4) This section shall take effect upon this act becoming a
- 2342 law.
- 2343 Section 43. Freedom Summer; sales tax holiday.—
- 2344 (1) The taxes levied under chapter 212, Florida Statutes,
- 2345 may not be collected on purchases made during the period from
- 2346 May 29, 2023, through September 4, 2023, on:
- 2347 (a) The sale by way of admissions, as defined in s.
- 2348 212.02(1), Florida Statutes, for:
- 2349 1. A live music event scheduled to be held on any date or

593-03943-23

20237062__

- 2350 dates from May 29, 2023, through December 31, 2023;
- 2351 2. A live sporting event scheduled to be held on any date
- 2352 or dates from May 29, 2023, through December 31, 2023;
- 2353 3. A movie to be shown in a movie theater on any date or
- 2354 dates from May 29, 2023, through December 31, 2023;
- 2355 4. Entry to a museum, including any annual passes;
- 2356 5. Entry to a state park, including any annual passes;
- 2357 6. Entry to a ballet, play, or musical theatre performance
- 2358 scheduled to be held on any date or dates from May 29, 2023,
- 2359 through December 31, 2023;
- 2360 7. Season tickets for ballets, plays, music events, or
- 2361 musical theatre performances;
- 2362 8. Entry to a fair, festival, or cultural event scheduled
- 2363 to be held on any date or dates from May 29, 2023, through
- 2364 December 31, 2023; or
- 2365 9. Use of or access to private and membership clubs
- 2366 providing physical fitness facilities from May 29, 2023, through
- 2367 December 31, 2023.
- 2368 (b) The retail sale of boating and water activity supplies,
- 2369 camping supplies, fishing supplies, general outdoor supplies,
- 2370 residential pool supplies, children's toys and children's
- 2371 athletic equipment. As used in this section, the term:
- 2372 1. "Boating and water activity supplies" means life jackets
- 2373 and coolers with a sales price of \$75 or less; recreational pool
- 2374 tubes, pool floats, inflatable chairs, and pool toys with a
- 2375 sales price of \$35 or less; safety flares with a sales price of
- 2376 \$50 or less; water skis, wakeboards, kneeboards, and
- 2377 recreational inflatable water tubes or floats capable of being
- 2378 towed with a sales price of \$150 or less; paddleboards and

593-03943-23

20237062__

2379 surfboards with a sales price of \$300 or less; canoes and kayaks
 2380 with a sales price of \$500 or less; paddles and oars with a
 2381 sales price of \$75 or less; and snorkels, goggles, and swimming
 2382 masks with a sales price of \$25 or less.

2383 2. "Camping supplies" means tents with a sales price of
 2384 \$200 or less; sleeping bags, portable hammocks, camping stoves,
 2385 and collapsible camping chairs with a sales price of \$50 or
 2386 less; and camping lanterns and flashlights with a sales price of
 2387 \$30 or less.

2388 3. "Fishing supplies" means rods and reels with a sales
 2389 price of \$75 or less if sold individually, or \$150 or less if
 2390 sold as a set; tackle boxes or bags with a sales price of \$30 or
 2391 less; and bait or fishing tackle with a sales price of \$5 or
 2392 less if sold individually, or \$10 or less if multiple items are
 2393 sold together. The term does not include supplies used for
 2394 commercial fishing purposes.

2395 4. "General outdoor supplies" means sunscreen or insect
 2396 repellant with a sales price of \$15 or less; sunglasses with a
 2397 sales price of \$100 or less; binoculars with a sales prices of
 2398 \$200 or less; water bottles with a sales price of \$30 or less;
 2399 hydration packs with a sales price of \$50 or less; outdoor gas
 2400 or charcoal grills with a sales price of \$250 or less; bicycle
 2401 helmets with a sales price of \$50 or less; and bicycles with a
 2402 sales price of \$500 or less.

2403 5. "Residential pool supplies" means individual residential
 2404 pool and spa replacement parts, nets, filters, lights, and
 2405 covers with a sales price of \$100 or less; and residential pool
 2406 and spa chemicals purchased by an individual with a sales price
 2407 of \$150 or less.

593-03943-23

20237062__

2408 6. "Children's athletic equipment" means a consumer product
 2409 with a sales price of \$100 or less designed or intended by the
 2410 manufacturer for use by a child 12 years of age or younger when
 2411 the child engages in an athletic activity. In determining
 2412 whether consumer products are designed or intended for use by a
 2413 child 12 years of age or younger, the following factors shall be
 2414 considered:

2415 a. A statement by a manufacturer about the intended use of
 2416 such product, including a label on such product if such
 2417 statement is reasonable.

2418 b. Whether the product is represented in its packaging,
 2419 display, promotion, or advertising as appropriate for use by
 2420 children 12 years of age or younger.

2421 7. "Children's toys" means a consumer product with a sales
 2422 price of \$75 or less designed or intended by the manufacturer
 2423 for a child 12 years of age or younger for use by the child when
 2424 the child plays. In determining whether consumer products are
 2425 designed or intended for use by a child 12 years of age or
 2426 younger, the following factors shall be considered:

2427 a. A statement by a manufacturer about the intended use of
 2428 such product, including a label on such product if such
 2429 statement is reasonable.

2430 b. Whether the product is represented in its packaging,
 2431 display, promotion, or advertising as appropriate for use by
 2432 children 12 years of age or younger.

2433 (2) The tax exemptions provided in this section do not
 2434 apply to sales within a theme park or entertainment complex as
 2435 defined in s. 509.013(9), Florida Statutes, within a public
 2436 lodging establishment as defined in s. 509.013(4), Florida

593-03943-23 20237062

2437 Statutes, or within an airport as defined in s. 330.27(2),
 2438 Florida Statutes.
 2439 (3) If a purchaser of an admission purchases the admission
 2440 exempt from tax pursuant to this section and subsequently
 2441 resells the admission, such exempt purchaser shall collect tax
 2442 on the full sales price of the resold admission.
 2443 (4) The Department of Revenue is authorized, and all
 2444 conditions are deemed met, to adopt emergency rules pursuant to
 2445 s. 120.54(4), Florida Statutes, for the purpose of implementing
 2446 this section.
 2447 (5) This section shall take effect upon this act becoming a
 2448 law.
 2449 Section 44. Tools commonly used by skilled trade workers;
 2450 Tool Time sales tax holiday.—
 2451 (1) The tax levied under chapter 212, Florida Statutes, may
 2452 not be collected during the period from September 2, 2023,
 2453 through September 8, 2023, on the retail sale of:
 2454 (a) Hand tools with a sales price of \$50 or less per item.
 2455 (b) Power tools with a sales price of \$300 or less per
 2456 item.
 2457 (c) Power tool batteries with a sales price of \$150 or less
 2458 per item.
 2459 (d) Work gloves with a sales price of \$25 or less per pair.
 2460 (e) Safety glasses with a sales price of \$50 or less per
 2461 pair, or the equivalent if sold in sets of more than one pair.
 2462 (f) Protective coveralls with a sales price of \$50 or less
 2463 per item.
 2464 (g) Work boots with a sales price of \$175 or less per pair.
 2465 (h) Tool belts with a sales price of \$100 or less per item.

Page 85 of 88

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

593-03943-23 20237062

2466 (i) Duffle bags or tote bags with a sales price of \$50 or
 2467 less per item.
 2468 (j) Tool boxes with a sales price of \$75 or less per item.
 2469 (k) Tool boxes for vehicles with a sales price of \$300 or
 2470 less per item.
 2471 (l) Industry textbooks and code books with a sales price of
 2472 \$125 or less per item.
 2473 (m) Electrical voltage and testing equipment with a sales
 2474 price of \$100 or less per item.
 2475 (n) LED flashlights with a sales price of \$50 or less per
 2476 item.
 2477 (o) Shop lights with a sales price of \$100 or less per
 2478 item.
 2479 (p) Handheld pipe cutters, drain opening tools, and
 2480 plumbing inspection equipment with a sales price of \$150 or less
 2481 per item.
 2482 (q) Shovels with a sales price of \$50 or less.
 2483 (r) Rakes with a sales price of \$50 or less.
 2484 (s) Hard hats and other head protection with a sales price
 2485 of \$100 or less.
 2486 (t) Hearing protection items with a sales price of \$75 or
 2487 less.
 2488 (u) Ladders with a sales price of \$250 or less.
 2489 (v) Fuel cans with a sales price of \$50 or less.
 2490 (w) High visibility safety vests with a sales price of \$30
 2491 or less.
 2492 (2) The tax exemptions provided in this section do not
 2493 apply to sales within a theme park or entertainment complex as
 2494 defined in s. 509.013(9), Florida Statutes, within a public

Page 86 of 88

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

593-03943-23 20237062

2495 lodging establishment as defined in s. 509.013(4), Florida
 2496 Statutes, or within an airport as defined in s. 330.27(2),
 2497 Florida Statutes.

2498 (3) The Department of Revenue is authorized, and all
 2499 conditions are deemed met, to adopt emergency rules pursuant to
 2500 s. 120.54(4), Florida Statutes, for the purpose of implementing
 2501 this section.

2502 Section 45. (1) The tax levied under chapter 212, Florida
 2503 Statutes, may not be collected during the period from July 1,
 2504 2023, through June 30, 2024, on the retail sale of a new ENERGY
 2505 STAR appliance for noncommercial use.

2506 (2) As used in this section, the term "ENERGY STAR
 2507 appliance" means one of the following products, if such product
 2508 is designated by the United States Environmental Protection
 2509 Agency and the United States Department of Energy as meeting or
 2510 exceeding each agency's requirements under the ENERGY STAR
 2511 program, and is affixed with an ENERGY STAR label:

2512 (a) A washing machine with a sales price of \$1,500 or less;

2513 (b) A clothes dryer with a sales price of \$1,500 or less;

2514 (c) A water heater with a sales price of \$1,500 or less; or

2515 (d) A refrigerator or combination refrigerator/freezer with
 2516 a sales price of \$4,500 or less.

2517 (3) This section shall take effect upon this act becoming a
 2518 law.

2519 Section 46. (1) The tax levied under chapter 212, Florida
 2520 Statutes, may not be collected during the period from July 1,
 2521 2023, through June 30, 2024, on the retail sale of gas ranges
 2522 and cooktops.

2523 (2) As used in this section, the term "gas ranges and

593-03943-23 20237062

2524 cooktops" means any range or cooktop fueled by combustible gas,
 2525 such as natural gas, propane, butane, liquefied petroleum gas,
 2526 or other flammable gas. It does not include outdoor gas grills,
 2527 camping stoves, or other portable stoves.

2528 (3) This section shall take effect upon this act becoming a
 2529 law.

2530 Section 47. (1) The Department of Revenue is authorized,
 2531 and all conditions are deemed met, to adopt emergency rules
 2532 pursuant to s. 120.54(4), Florida Statutes, to implement the
 2533 amendments made by this act to s. 212.08, Florida Statutes, the
 2534 creation by this act of ss. 220.197 and 220.199, Florida
 2535 Statutes, and the temporary tax exemptions for ENERGY STAR
 2536 appliances and gas ranges and cooktops. Notwithstanding any
 2537 other law, emergency rules adopted pursuant to this subsection
 2538 are effective for 6 months after adoption and may be renewed
 2539 during the pendency of procedures to adopt permanent rules
 2540 addressing the subject of the emergency rules.

2541 (2) This section shall take effect upon this act becoming a
 2542 law and expires July 1, 2026.

2543 Section 48. Except as otherwise provided in this act and
 2544 except for this section, which shall take effect upon this act
 2545 becoming a law, this act shall take effect July 1, 2023.

4/25/23

Meeting Date

Appropriations

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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7062

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **850.224.7173**

Address **516 N Adams St**

Email **abasford@aif.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:

Associated Industries of Florida

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2012-2013 Joint Rules (aif-fl-senate.gov)

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

S-001 (08/10/2021)

4/25/23

The Florida Senate

APPEARANCE RECORD

SB 7062

Meeting Date

Appropriations

Deliver both copies of this form to
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tim Nungesser

Phone

850-445-5367

Address

110 East Jefferson Street

Email

Tim.nungesser@nfib.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:

**National Federation of Independent
Business (NFIB)**

☐

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 fflsenate.gov](#)

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S-001 (08/10/2021)

4/23/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

7062

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Melissa Wyllie

Phone

850-224-8128

Address

906 E Park

Email

mwylle@Floridatrust.org

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:

Florida Trust For
Historic Preservation

☐

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

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

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S-001 (08/10/2021)

4/25/23

Meeting Date

Appropriations

Committee

Name

Chad Kunde

Phone

(850) 766-7896

Address

136 S Bronough St

Email

ckunde@flchamber.com

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

7062

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:

Florida Chamber of
Commerce

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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4/25/23

Meeting Date

5. APPROPRIATIONS

Committee

SB 7062

Bill Number or Topic

Amendment Barcode (if applicable)

Name

KEYNA CORY

Phone

850 681 1065

Address

730 E. PARK AVE

Street

Email

keynacory@paconsultants.com

TAMAHASSEE

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:

BRIGHT MARK

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 7062

Bill Number or Topic

4/25/23

Meeting Date

S. APPROPRIATIONS

Committee

Amendment Barcode (if applicable)

Name

KEYNA CORY

Phone

850 681 1065

Address

730 E. PARK AVE

Email

keynacory@paconsultants.com

Street

TAUAHASSEE

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:

NATIONAL WASTE & RECYCLING
ASSN. - FL CHAPTER

☐

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

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

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S-001 (08/10/2021)

April 25, 2023

Meeting Date

Appropriations

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 7062 - Taxation

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jessica Love**

Phone **850-577-9090**

Address **PO Box 11189**

Email **jlove@gray-robinson.com**

Street

Tallahassee

City

FL

State

32302

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Brownfields Association

☐ 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 4/25/2023 10:00:54 AM

Ends: 4/25/2023 1:05:08 PM

Length: 03:04:15

10:00:58 AM	Sen. Broxson (Chair)
10:02:25 AM	S 1156
10:02:30 AM	Sen. Burton
10:03:34 AM	Cathy Boehme, Florida Education Association (waives in support)
10:03:43 AM	Alli Liby-Schoonover, Seminole County Public Schools (waives in support)
10:03:58 AM	Sen. Burton
10:05:12 AM	S 838
10:05:15 AM	Sen. Collins
10:06:06 AM	Am. 504510
10:06:09 AM	Sen. Collins
10:07:32 AM	Sen. Rouson
10:07:42 AM	Sen. Collins
10:08:26 AM	S 838 (cont.)
10:08:31 AM	Sen. Davis
10:08:44 AM	Sen. Collins
10:09:13 AM	Sen. Powell
10:09:45 AM	Sen. Collins
10:11:40 AM	S 1272
10:11:45 AM	Sen. Simon
10:12:20 AM	Am. 590406
10:12:26 AM	Sen. Simon
10:14:00 AM	Sen. Davis
10:14:55 AM	Sen. Simon
10:15:01 AM	S 1272 (cont.)
10:15:14 AM	Dr. Kim Hall, South College
10:15:26 AM	Mark Anderson, South College
10:16:06 AM	Steve South, South College (waives in support)
10:16:22 AM	Brad Adams, South College (waives in support)
10:16:31 AM	LeShawn Roberts (waives in support)
10:16:45 AM	Sen. Baxley
10:17:56 AM	Sen. Davis
10:19:03 AM	Sen. Broxson
10:19:15 AM	Sen. Simon
10:21:20 AM	S 1130
10:21:23 AM	Sen. Hutson
10:22:29 AM	Laura Roth, Volusia County Clerk of Court (waives in support)
10:22:37 AM	Carolyn Timmann, Martin County Clerk of Court (waives in support)
10:22:47 AM	Barry Baker, Suwannee County Clerk of Court (waives in support)
10:22:56 AM	Stacy Butterfield, Polk County Clerk of Court (waives in support)
10:23:17 AM	Sen. Hutson
10:24:40 AM	S 430
10:24:45 AM	Sen. Powell
10:26:00 AM	Sen. Ingoglia
10:27:14 AM	Sen. Powell
10:28:18 AM	Sen. Ingoglia
10:29:35 AM	Sen. Powell
10:31:06 AM	Sen. Ingoglia
10:32:16 AM	Sen. Powell
10:34:53 AM	Sen. Ingoglia
10:35:42 AM	Sen. Powell
10:37:33 AM	Sen. Broxson
10:38:11 AM	Sen. Powell

10:39:56 AM Sen. Broxson
10:40:27 AM Sen. Powell
10:40:49 AM Sen. Pizzo
10:41:16 AM Roberto Fernandez III
10:44:02 AM Lonnie Mann (waives in support)
10:45:49 AM Pamela Burch Fort, NAACP Florida State Conference (waives in support)
10:45:56 AM Melissa Wyllie, Florida Trust for Historic Preservation (waives in support)
10:46:06 AM Paul Owens, 1000 Friends of FL (waives in support)
10:46:21 AM Sen. Baxley
10:49:05 AM Sen. Ingoglia
10:52:27 AM Sen. Rouson
10:53:44 AM Sen. Powell
10:58:36 AM S 366
10:58:39 AM Sen. Burgess
10:59:22 AM Alexandra Abboud, Florida Dental Association (waives in support)
10:59:35 AM Sen. Burgess
11:00:24 AM S 676
11:00:29 AM Sen. Grall
11:02:12 AM Am. 699756
11:02:18 AM Sen. Grall
11:02:30 AM Michele Watson, Florida Alliance of Children's Councils & Trusts (waives in support)
11:02:43 AM Sen. Grall
11:02:56 AM S 676 (cont.)
11:03:08 AM Sen. Grall
11:03:52 AM S 734
11:03:58 AM Sen. Polsky
11:05:48 AM Sen. Pizzo
11:05:59 AM Sen. Polsky
11:06:24 AM David Cullen, Sierra Club Florida (waives in support)
11:06:33 AM Sen. Polsky
11:07:31 AM S 1070
11:07:35 AM Sen. Hooper
11:09:21 AM Chad Kunde, Florida Chamber of Commerce (waives in support)
11:09:29 AM Alexandra DySard, Environmental Defense Fund
11:12:57 AM Sen. Hooper
11:13:18 AM A. DySard
11:13:30 AM Sen. Pizzo
11:13:47 AM A. DySard
11:14:21 AM Sen. Pizzo
11:14:23 AM A. DySard
11:14:38 AM Sen. Martin
11:15:01 AM A. DySard
11:15:56 AM Adam Potts, Advanced Energy United (waives in opposition)
11:16:03 AM Bob McKee, Florida Association of Counties (waives in support)
11:16:22 AM Sen. Broxson
11:16:40 AM Sen. Harrell
11:18:31 AM Sen. Hooper
11:20:56 AM S 1094
11:21:03 AM Sen. Martin
11:22:07 AM Mark Oglesby, Department of Military Affairs (waives in support)
11:22:11 AM Sen. Martin
11:22:57 AM H 1285
11:23:05 AM Sen. Avila
11:24:21 AM Sen. Polsky
11:24:41 AM Sen. Avila
11:25:27 AM Sen. Polsky
11:25:39 AM Sen. Avila
11:26:18 AM Sen. Polsky
11:26:26 AM Sen. Avila
11:28:15 AM Sen. Polsky
11:28:27 AM Sen. Avila
11:28:30 AM Sen. Polsky

11:28:36 AM	Sen. Avila
11:29:22 AM	Sen. Polsky
11:29:33 AM	Sen. Avila
11:29:49 AM	Sen. Polsky
11:30:00 AM	Sen. Avila
11:30:58 AM	Sen. Polsky
11:31:06 AM	Sen. Avila
11:31:50 AM	Sen. Polsky
11:32:07 AM	Sen. Avila
11:32:37 AM	Sen. Polsky
11:32:49 AM	Sen. Avila
11:33:17 AM	Sen. Powell
11:33:48 AM	Sen. Avila
11:34:46 AM	Sen. Powell
11:34:53 AM	Sen. Avila
11:35:47 AM	Sen. Pizzo
11:36:15 AM	Sen. Avila
11:36:44 AM	Sen. Pizzo
11:37:07 AM	Sen. Avila
11:38:25 AM	Sen. Pizzo
11:38:33 AM	Sen. Avila
11:39:36 AM	Sen. Pizzo
11:40:18 AM	Sen. Avila
11:41:07 AM	Sen. Pizzo
11:42:18 AM	Sen. Avila
11:44:26 AM	Sen. Book
11:44:45 AM	Sen. Avila
11:45:11 AM	Sen. Book
11:45:40 AM	Sen. Avila
11:46:15 AM	Sen. Book
11:46:51 AM	Sen. Avila
11:47:31 AM	Sen. Book
11:47:49 AM	Sen. Avila
11:49:22 AM	Sen. Book
11:50:16 AM	Sen. Avila
11:52:30 AM	Sen. Harrell
11:53:29 AM	Sen. Avila
11:54:39 AM	Sen. Harrell
11:55:01 AM	Sen. Avila
11:55:25 AM	Sen. Burgess
11:55:42 AM	Sen. Avila
11:56:11 AM	Sen. Burgess
11:56:57 AM	Sen. Avila
11:58:22 AM	Sen. Burgess
11:58:32 AM	Sen. Avila
11:59:14 AM	Sen. Burgess
11:59:21 AM	Sen. Avila
12:00:16 PM	Sen. Burgess
12:00:24 PM	Sen. Avila
12:00:38 PM	Sen. Baxley
12:01:31 PM	Sen. Harrell
12:03:52 PM	Sen. Pizzo
12:07:15 PM	Sen. Book
12:09:11 PM	Sen. Avila
12:15:15 PM	S 7058
12:15:21 PM	Sen. Ingolia
12:16:37 PM	H 5101
12:16:46 PM	Sen. Perry
12:19:13 PM	Am. 154606
12:19:21 PM	Am. 825760
12:19:32 PM	Sen. Perry
12:19:56 PM	H 5101 (cont.)

12:20:04 PM	Sen. Perry
12:20:08 PM	Sen. Davis
12:20:31 PM	Sen. Perry
12:20:59 PM	Sen. Davis
12:21:24 PM	Sen. Perry
12:21:26 PM	Sen. Davis
12:22:12 PM	Sen. Perry
12:23:06 PM	Sen. Davis
12:23:20 PM	Sen. Perry
12:23:27 PM	Sen. Davis
12:24:07 PM	Sen. Perry
12:24:24 PM	Sen. Davis
12:25:27 PM	Sen. Perry
12:26:07 PM	Sen. Davis
12:26:33 PM	Sen. Perry
12:28:14 PM	H 5303
12:28:19 PM	Sen. Brodeur
12:29:09 PM	Sen. Rouson
12:29:34 PM	Sen. Brodeur
12:30:17 PM	Sen. Rouson
12:30:39 PM	Sen. Brodeur
12:31:13 PM	Sen. Harrell
12:31:31 PM	Sen. Brodeur
12:32:32 PM	Sen. Harrell
12:32:52 PM	Sen. Brodeur
12:33:08 PM	Sen. Harrell
12:33:22 PM	Sen. Brodeur
12:33:39 PM	Sen. Harrell
12:33:47 PM	Sen. Brodeur
12:34:21 PM	Sen. Harrell
12:35:06 PM	Sen. Brodeur
12:35:22 PM	Sen. Harrell
12:35:37 PM	Sen. Brodeur
12:35:48 PM	Sen. Hooper
12:36:04 PM	Sen. Brodeur
12:36:33 PM	Sen. Hooper
12:36:57 PM	Sen. Brodeur
12:37:24 PM	Sen. Hooper
12:37:46 PM	Sen. Brodeur
12:38:03 PM	Layne Smith, Mayo Clinic
12:40:23 PM	Sen. Harrell
12:40:50 PM	L. Smith
12:41:20 PM	Sen. Broxson
12:41:44 PM	Sen. Davis
12:42:22 PM	Sen. Harrell
12:43:56 PM	Sen. Brodeur
12:45:08 PM	S 7046
12:45:13 PM	Sen. Gruters
12:45:56 PM	Sen. Pizzo
12:46:12 PM	Sen. Gruters
12:46:33 PM	Sen. Pizzo
12:46:41 PM	Sen. Gruters
12:46:48 PM	Sen. Pizzo
12:46:57 PM	Sen. Gruters
12:47:07 PM	Sen. Pizzo
12:47:32 PM	Sen. Gruters
12:47:51 PM	Sen. Pizzo
12:48:57 PM	Sen. Gruters
12:49:57 PM	S 7062
12:50:05 PM	Sen. Ingoglia
12:53:51 PM	Am. 928628
12:53:59 PM	Am. 978906

12:54:10 PM	Sen. Ingoglia
12:55:18 PM	Am. 186514
12:55:27 PM	Sen. Martin
12:56:16 PM	Sen. Ingoglia
12:56:22 PM	Sen. Martin
12:56:31 PM	S 7062 (cont.)
12:56:38 PM	Sen. Powell
12:56:54 PM	Sen. Ingoglia
12:57:05 PM	Sen. Powell
12:57:20 PM	Sen. Ingoglia
12:57:24 PM	Sen. Powell
12:57:32 PM	Sen. Ingoglia
12:57:37 PM	Sen. Powell
12:57:47 PM	Sen. Ingoglia
12:58:11 PM	Jessica Love, Florida Brownfields Association (waives in support)
12:58:19 PM	Keyna Cory, National Waste and Recycling Association - FL Chapter (waives in support)
12:58:29 PM	Keyna Cory, Brightmark (waives in support)
12:58:35 PM	Chad Kunde, Florida Chamber of Commerce (waives in support)
12:58:43 PM	Melissa Wyllie, Florida Trust For Historic Preservation (waives in support)
12:58:52 PM	Tim Nungesser, National Federation of Independent Business (waives in support)
12:59:01 PM	Adam Basford, Associated Industries of Florida (waives in support)
12:59:14 PM	Sen. Polsky
12:59:48 PM	Sen. Pizzo
1:00:29 PM	Sen. Ingoglia
1:03:04 PM	Sen. Broxson
1:03:10 PM	Sen. Book
1:03:16 PM	Sen. Bradley
1:03:25 PM	Sen. Pizzo
1:03:35 PM	Sen. Harrell
1:03:47 PM	Sen. Burgess
1:03:53 PM	Sen. Gruters
1:04:00 PM	Sen. Brodeur
1:04:09 PM	Sen. Polsky
1:04:16 PM	Sen. Ingoglia
1:04:29 PM	Sen. Powell
1:04:41 PM	Sen. Broxson