

<b>Tab 1</b>	<b>SB 236</b> by <b>Jones (CO-INTRODUCERS) Ausley, Powell, Berman, Taddeo, Gibson;</b> (Identical to H 00015) Children with Developmental Delays
<b>Tab 2</b>	<b>SB 268</b> by <b>Diaz;</b> (Similar to CS/H 00395) Proclamation of "Victims of Communism Day"
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<b>Tab 3</b>	<b>SB 340</b> by <b>Garcia;</b> (Similar to CS/H 00173) Care of Students with Epilepsy or Seizure Disorders
<b>Tab 4</b>	<b>SB 390</b> by <b>Book (CO-INTRODUCERS) Rodrigues, Gibson;</b> (Identical to H 00235) Restraint of Students with Disabilities in Public Schools
<b>Tab 5</b>	<b>CS/SB 554</b> by <b>MS, Cruz (CO-INTRODUCERS) Rodrigues, Taddeo;</b> (Identical to CS/H 00045) Educational Opportunities for Disabled Veterans
<b>Tab 6</b>	<b>SB 802</b> by <b>Gruters (CO-INTRODUCERS) Perry, Polsky, Rodrigues;</b> (Similar to CS/CS/CS/H 01421) School Safety
291680	D S L RCS AED, Gruters Delete everything after 02/18 04:22 PM
<b>Tab 7</b>	<b>SB 1122</b> by <b>Gainer (CO-INTRODUCERS) Broxson;</b> (Similar to CS/H 00991) Student Fees
<b>Tab 8</b>	<b>CS/SB 1226</b> by <b>ED, Brandes (CO-INTRODUCERS) Broxson;</b> (Similar to H 01533) Virtual Learning
<b>Tab 9</b>	<b>CS/SB 1386</b> by <b>ED, Diaz;</b> (Compare to CS/CS/H 01203) School Personnel

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Senator Broxson, Chair**

**Senator Diaz, Vice Chair**

**MEETING DATE:** Wednesday, February 16, 2022

**TIME:** 1:00—3:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Broxson, Chair; Senator Diaz, Vice Chair; Senators Cruz, Gibson, Gruters, Hutson, Passidomo, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 236</b> Jones (Identical H 15)	Children with Developmental Delays; Revising the definition of the term "exceptional student" to include additional students with developmental delays, etc.  ED 11/02/2021 Favorable AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0
2	<b>SB 268</b> Diaz (Similar H 395)	Proclamation of "Victims of Communism Day"; Requiring the Governor to annually proclaim November 7 as "Victims of Communism Day"; requiring the day to be observed in public schools and by public exercise; requiring a day other than November 7 to be observed by public schools under a specified circumstance; requiring certain high school students to receive specified instruction on Victims of Communism Day, etc.  ED 11/02/2021 Favorable AED 02/16/2022 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	<b>SB 340</b> Garcia (Similar CS/H 173)	Care of Students with Epilepsy or Seizure Disorders; Providing for the creation of an individualized seizure action plan for a student with epilepsy or seizure disorders to receive health care at school; requiring school nurses or appropriate school employees to coordinate the care of such students and ensure that specified training is provided to specified school employees and individuals; requiring school districts to provide specified information and training to school bus drivers who transport students with epilepsy or seizure disorders; providing immunity from liability under certain conditions, etc.  ED 01/18/2022 Not Considered ED 01/25/2022 Favorable AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education  
 Wednesday, February 16, 2022, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 390</b> Book (Identical H 235)	Restraint of Students with Disabilities in Public Schools; Prohibiting school personnel from using mechanical restraint on students with disabilities; providing exceptions, etc.  ED 02/01/2022 Favorable AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0
5	<b>CS/SB 554</b> Military and Veterans Affairs, Space, and Domestic Security / Cruz (Identical CS/H 45)	Educational Opportunities for Disabled Veterans; Defining the term "disabled veteran"; providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive a waiver for the remaining cost of tuition and fees at certain institutions; requiring the amount awarded by the state to be contingent on the application of specified federal benefits; requiring certain institutions to submit an annual report to the Board of Governors and the State Board of Education, etc.  MS 01/11/2022 Fav/CS AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0
6	<b>SB 802</b> Gruters (Similar CS/CS/H 1421)	School Safety; Requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; requiring the Commissioner of Education to oversee and enforce compliance with requirements relating to school safety and security; requiring certain law enforcement officers to be physically present and directly involved in active assailant emergency drills; authorizing school safety officers to make arrests on property owned or leased by a charter school under a charter contract, etc.  ED 01/11/2022 Favorable AED 01/26/2022 Temporarily Postponed AED 02/16/2022 Fav/CS AP	Fav/CS Yeas 8 Nays 0
7	<b>SB 1122</b> Gainer (Similar CS/H 991)	Student Fees; Authorizing a district school board or Florida College System institution board of trustees, in consultation with specified entities, to implement a plan for a differential out-of-state fee; authorizing a Florida College System institution board of trustees, in consultation with specified entities, to implement a plan for a differential out-of-state fee, etc.  ED 01/18/2022 Not Considered ED 01/25/2022 Favorable AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education  
Wednesday, February 16, 2022, 1:00—3:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>CS/SB 1226</b> Education / Brandes (Similar H 1533)	Virtual Learning; Revising the purpose of the Florida Virtual School to provide for the development and delivery of online distance and blended learning; revising the requirements of a report that the board of trustees of the Florida Virtual School must annually submit to certain entities, beginning with a specified school year; requiring students enrolled in the Florida Virtual School Justice Education Program to take specified examinations and assessments at institutions or facilities operated by, or under the supervision of, the Department of Corrections; requiring the Florida Virtual School to establish the Florida Virtual School Justice Education Program, beginning with a specified school year, etc.  ED 02/01/2022 Fav/CS AED 02/16/2022 Favorable AP	Favorable Yeas 8 Nays 0
9	<b>CS/SB 1386</b> Education / Diaz (Compare CS/CS/H 1203, CS/H 1505, CS/S 1830)	School Personnel; Prohibiting a person who is required to make certain reports concerning sexual misconduct with a student from knowingly or willfully failing to make such report or knowingly or willfully preventing another person from doing so; prohibiting a person from knowingly or willfully submitting inaccurate, incomplete, or untruthful information with respect to a report concerning sexual misconduct with a student; specifying that certain instructional and noninstructional personnel must file fingerprints with the employing entity or alternative school, as applicable, rather than the district school board; providing that certain procedures established by district school superintendents set the standards of service to be offered to the public within the meaning of a specified provision and are not subject to the collective bargaining process, etc.  ED 02/01/2022 Fav/CS AED 02/16/2022 Favorable AP	Favorable Yeas 7 Nays 1

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Other Related Meeting Documents

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**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 236

INTRODUCER: Senator Jones and others

SUBJECT: Children with Developmental Delays

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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## I. Summary:

SB 236 modifies the definition of a developmental delay by extending the upper age limit for the identification of a student as having a developmental delay from age 5 to age 9, the maximum age authorized by federal law, or through the completion of grade 2, whichever comes first. Under the bill, a student with a developmental delay up to age 9 or grade 2 may be included in the definition of an “exceptional student” and eligible for admission to public special education programs. Accordingly, the bill requires the State Board of Education to adopt rules for the identification of developmental delays in students up to age 9 or grade 2, whichever comes first, who are eligible for admission to public special education programs and for related services.

The bill does not require the additional expenditure of state funds for the fiscal year 2022-2023. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

## II. Present Situation:

### Developmental Delay

A child with a developmental delay has a sensory, physical, mental, or emotional condition which significantly affects the attainment of normal developmental milestones.<sup>1</sup> Developmental delays are one of the most common concerns in early childhood, with 16.7 percent of children

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<sup>1</sup> Florida Department of Education, *Early Education and Kindergarten: Ages Three Through Five*, <https://www.fldoe.org/academics/exceptional-student-edu/early-education/ages-three-through-five.shtml> (last visited Nov. 1, 2021).

experiencing a delay in at least one domain of development.<sup>2</sup> A child may have a developmental delay if the child fails to attain developmental milestones as compared to peers from the same population.<sup>3</sup> A child with a developmental delay may be eligible for early intervention or special education services under specified federal and state criteria, and may eventually demonstrate age-appropriate cognitive abilities.<sup>4</sup>

## **Federal Law**

### ***The Individuals with Disabilities Education Act***

The Education for All Handicapped Children Act became law in 1975 and was reauthorized as the Individuals with Disabilities Education Act (IDEA). The IDEA makes available a free appropriate public education to eligible children with disabilities and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 7.5 million (as of school year 2018-19) eligible infants, toddlers, children, and youth with disabilities.<sup>5</sup>

Each state educational agency is responsible for administering the IDEA within the state and distributing the funds for special education programs. The IDEA authorizes formula grants<sup>6</sup> to states and discretionary grants to state educational agencies, postsecondary institutions, and other nonprofit organizations subject to specific conditions on the receipt of federal IDEA funds.<sup>7</sup>

The IDEA authorizes each state to determine the definition of a developmental delay for children under age 3<sup>8</sup> and provides flexibility for states to provide special education and related services for children age 3 through age 9 with developmental delays, as defined by the state. Under the IDEA, a child with a disability includes a child who is experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services. In 2018, 48 states included

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<sup>2</sup> Pediatric Health Care Alliance, P.A., *Developmental Delays and Behavioral Difficulties in Children and the Role of a Developmental-Behavioral Pediatrician*, <https://www.pedialliance.com/developmental-delays-and-behavioral-difficulties-children-and-role-developmental-behavioral> (last visited Oct. 29, 2021).

<sup>3</sup> Khan I, Leventhal BL, *Developmental Delay*, Updated Aug. 4, 2021, StatPearls Publishing, <https://www.ncbi.nlm.nih.gov/books/NBK562231/> (last visited Oct. 29, 2021).

<sup>4</sup> M. Shevell et al., *Practice parameter: Evaluation of the child with global developmental delay*, Report of the Quality Standards Subcommittee of the American Academy of Neurology and The Practice Committee of the Child Neurology Society, Feb. 2003, at 368, available at <https://n.neurology.org/content/neurology/60/3/367.full.pdf>.

<sup>5</sup> U.S. Department of Education, *About IDEA*, <https://sites.ed.gov/idea/about-idea/#IDEA-History> (last visited Oct. 28, 2021).

<sup>6</sup> Formula grants are awarded to states annually to support early-intervention services for infants and toddlers with disabilities and their families, preschool children ages three through five, and special education for children and youth with disabilities. U.S. Department of Education, *Individuals with Disabilities Education Act: State Formula Grants*, <https://sites.ed.gov/idea/state-formula-grants/> (last visited Nov. 1, 2021).

<sup>7</sup> U.S. Department of Education, *Protecting Students with Disabilities*, <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (last visited Oct. 28, 2021).

<sup>8</sup> 20 U.S.C. ss. 1432(3) and 1435(a)(1); also 34 C.F.R. s. 303.10.

reporting for children ages three through five with developmental delays, and 38 of these states additionally reported children with developmental delays ages 6 through 9.<sup>9</sup>

Infants and toddlers, birth through age two, with disabilities and their families receive early intervention services under IDEA Part C,<sup>10</sup> usually as provided pursuant to an individualized family support plan.<sup>11</sup> The Florida Department of Health, Children's Medical Services is responsible for administering formula grant funds awarded to Florida under Part C, which is known as the "Early Steps Program."<sup>12</sup> Early intervention services include individual and group therapies and services needed to enhance both the infant's or toddler's growth and development and family functioning. Services include rehabilitative services and assistive technology devices, and parent support and training.<sup>13</sup>

Children and youth ages 3 through 21 receive special education and related services under IDEA Part B,<sup>14</sup> which in Florida is administered by the Florida Department of Education and district school boards.<sup>15</sup> Services provided under Part B may include transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.<sup>16</sup>

School districts may also use up to 15 percent of the grant awarded under Part B to provide early intervening services to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. These services may include professional development and educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.<sup>17</sup>

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<sup>9</sup> 34 C.F.R. s. 300.8(b); *see also* U. S. Department of Education, *42nd Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (2020), at 285-289, available at <https://sites.ed.gov/idea/files/42nd-arc-for-idea.pdf>.

<sup>10</sup> U.S. Department of Education, *About IDEA*, <https://sites.ed.gov/idea/about-idea/#IDEA-History> (last visited Oct. 28, 2021).

<sup>11</sup> Pacer Center, *What is the difference between an IFSP and an IEP?* (2011), available at <https://www.pacer.org/parent/php/PHP-c59.pdf>.

<sup>12</sup> Section 391.308, F.S.; *see also* U.S. Department of Education, *Differentiated Monitoring Letter to Surgeon General Rivkees*, (January 19, 2021), available at <https://www2.ed.gov/fund/data/report/idea/partcdmsrpts/dms-fl-c-2021-report.pdf>.

<sup>13</sup> Section 391.302(3), F.S.

<sup>14</sup> U.S. Department of Education, *About IDEA*, <https://sites.ed.gov/idea/about-idea/#IDEA-History> (last visited Oct. 28, 2021).

<sup>15</sup> U.S. Department of Education, *Part B Grant Award Letter to Education Commissioner Richard Corcoran*, (July 1, 2021), available at <https://www2.ed.gov/fund/data/award/idea/2021partb/fl-2021b-letter-enclosures.pdf>. *See also* Rule 6A-6.0331, F.A.C.

<sup>16</sup> 34 C.F.R. s. 300.34.

<sup>17</sup> 20 U.S.C. s. 1413(f).

For the 2021 federal fiscal year, Florida received \$884.2 million through IDEA Part B.<sup>18</sup> Florida also received an estimated additional \$153.4 million in allocations to supplement IDEA through the American Rescue Plan.<sup>19</sup>

## Florida Law

### *School District Obligations*

Florida law provides that all students who are between the ages of 3 to 21 and have a disability have the right to a free, appropriate public education.<sup>20</sup> School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures.<sup>21</sup> Each district school board is required to provide for an appropriate program of special instruction, facilities, and services for exceptional students. Each district program must:<sup>22</sup>

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities.

The Individual Education Plan (IEP) is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.<sup>23</sup> A student may not be given special instruction or services as an exceptional student until after he or she has been properly evaluated and found eligible as an exceptional student.<sup>24</sup> A school district must evaluate a student within 60 days after receiving signed parental consent.<sup>25</sup> An IEP team, to include the parents of the affected student, must then review the evaluation and determine the educational needs of the student.<sup>26</sup>

### *Student Eligibility*

The State Board of Education (SBE) determines the procedures for qualifying a student as eligible to receive exceptional student education.<sup>27</sup> Exceptional students include students who are gifted and students with disabilities who have an intellectual disability; autism spectrum

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<sup>18</sup>U.S. Department of Education, *Fiscal Year 2021 Allocations for Grants to States, Individuals with Disabilities Education Act –and Part B, Section 619*, available at <https://www2.ed.gov/policy/speced/leg/arp/ffy-2021-part-b-grants-to-states-summary-table-arp.xlsx> (Part B, Section 611); and [https://sites.ed.gov/idea/files/FY\\_2021\\_Preschool\\_Grants\\_to\\_States\\_Summary\\_Table\\_04-20-2021.xlsx](https://sites.ed.gov/idea/files/FY_2021_Preschool_Grants_to_States_Summary_Table_04-20-2021.xlsx) (Part B, Section 619). Florida received \$26.1 million through Part C of the IDEA in federal fiscal year 2020. U.S. Department of Education, *Differentiated Monitoring Letter to Surgeon General Rivkees*, (January 19, 2021), at 5, available at <https://www2.ed.gov/fund/data/report/idea/partcdmsrpts/dms-fl-c-2021-report.pdf>.

<sup>19</sup> U.S. Department of Education, *Estimated American Rescue Plan IDEA Supplemental Grant Allocations*, <https://www2.ed.gov/policy/speced/leg/arp/arp-idea-allocations.html> (last visited Oct. 28, 2021).

<sup>20</sup> Section 1003.5716, F.S.

<sup>21</sup> Rule 6A-6.0331, F.A.C.

<sup>22</sup> Section 1003.57(1)(b), F.S.

<sup>23</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

<sup>24</sup> Section 1003.57(1)(c), F.S.

<sup>25</sup> Rule 6A-6.0331(3)(f), F.A.C.

<sup>26</sup> Rule 6A-6.0331(6)(a), F.A.C.

<sup>27</sup> Section 1003.57(1)(c), F.S.



disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through five years, or children, ages birth through two years, with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay.<sup>28</sup>

### *Developmental Delays*

The SBE has adopted rules for the identification of developmental delays for children birth through age five,<sup>29</sup> which evaluate children for delays in the areas of:<sup>30</sup>

- Adaptive or self-help development.
- Cognitive development.
- Communication development.
- Social or emotional development.
- Physical development including fine, or gross, or perceptual motor.

A developmental delay is documented by a multidisciplinary team utilizing multiple measures of assessment, including:<sup>31</sup>

- Standardized instruments, judgement based assessments, criterion referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent; or
- Informed clinical opinion utilizing qualitative and quantitative information to determine the need for early intervention services; and
- Parent report which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.

As appropriate, the individualized family support plan<sup>32</sup> or IEP must be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with SBE rules.<sup>33</sup> A student must be evaluated for a qualifying disability and a family support plan or IEP developed before the child is six years old to continue eligibility for special programs.<sup>34</sup>

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<sup>28</sup> Section 1003.01(3)(a), F.S. *See also* Rule 6A-6.03030, F.A.C.

<sup>29</sup> Section 1003.21(1)(e), F.S.

<sup>30</sup> Rule 6A-6.03027(1), F.A.C.

<sup>31</sup> Rule 6A-6.03027(4)(a), F.A.C. When a developmental delay cannot be verified by the use of standardized instruments, the delay may be established through observation of atypical functioning in any one or more of the developmental areas. Rule 6A-6.03027(4)(b), F.A.C.

<sup>32</sup> An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two (2) years and may also be used for special education and related services to children with disabilities ages three through five. Rule 6A-6.03029, F.A.C.

<sup>33</sup> Rule 6A-6.03027(5)(a), F.A.C.

<sup>34</sup> Rule 6A-6.03027(6), F.A.C.

In the fall of 2020, out of 406,944 students with a disability who qualified to receive exceptional student education, 22,593 students ages 3 through 5 qualified because of having a developmental delay.<sup>35</sup>

### ***State Funding***

Exceptional student education cost factors are determined by using a matrix of services that documents the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix must be consistent with the services described in each exceptional student's individual educational plan.<sup>36</sup>

The state applies a weighted cost factor to fund students in support levels IV and V, which are the two highest levels of need.<sup>37</sup> For the 2021 fiscal year, the state funded students in support level IV at 3.648 times the base student allocation of \$4,372.91 for students in basic programs, and students in support level V are funded at 5.34 times the base student allocation. Exceptional student education for students who do not require a support level IV or V is funded through a guaranteed exceptional student education allocation, which is \$1,064,584,063 for the 2021 fiscal year.<sup>38</sup>

### **III. Effect of Proposed Changes:**

The bill modifies the definition of a developmental delay by extending the upper age limit for the identification of a student as having a developmental delay from age 5 to age 9, the maximum age authorized by federal law, or through the completion of grade 2, whichever comes first. Under the bill, a student with a developmental delay up to age 9 or grade 2 may be included in the definition of an “exceptional student” and eligible for admission to public special education programs. Accordingly, the bill requires the State Board of Education to adopt rules for the identification of developmental delays in students up to age 9 or grade 2, whichever comes first, who are eligible for admission to public special education programs and for related services.

In some young children experiencing developmental delays, it may be difficult to assign a specific disability. If a student’s disability that caused the developmental delay is not evaluated or evident prior to age six, the student may experience a break in service. Extending the age limit for which a student with a developmental delay is eligible for special program services may provide additional time to re-evaluate the student for a specific disability and develop a new individual education plan.

The bill takes effect July 1, 2022.

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<sup>35</sup> Florida Department of Education, PK-12 Public School Data Publications and Reports, *Membership in Programs for Exceptional Students, Final Survey 2, 2020-2021*, available at <https://www.fldoe.org/core/fileparse.php/7584/urlt/MPES2021.xlsx> (worksheets labeled “DD” and “All\_SWD”).

<sup>36</sup> Section 1011.62(1)(e)1.a., F.S.

<sup>37</sup> Cost factors in the Florida Education Finance Program are based on desired relative cost differences between educational programs. Section 1011.62(1)(c), F.S.

<sup>38</sup> The base student allocation is the amount for each student in grades kindergarten through grade 12 that is determined annually by the Legislature. Section 1011.62(1)(b). The base student allocation does not include different cost factors among programs, or categorical or incentive funding available. *See generally*, s. 1011.62, F.S. Specific Appropriation 90, s. 2, ch. 2021-36, L.O.F.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill does not require the additional expenditure of state funds for the fiscal year 2022-2023. However, because the number of eligible students who would resume services is unknown, the fiscal impact in the out years is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.01 and 1003.21.

**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.

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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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By Senator Jones

35-00302-22

2022236\_\_

A bill to be entitled

An act relating to children with developmental delays; amending s. 1003.01, F.S.; revising the definition of the term "exceptional student" to include additional students with developmental delays; amending s. 1003.21, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(3) (a) "Exceptional student" means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 9 ½ years or through the student's completion of grade 2, whichever occurs first, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. 1003.21(1) (e).

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

35-00302-22

2022236\_\_

Section 2. Paragraph (e) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services. Children with disabilities younger than 3 years of age who are deaf or hard of hearing, visually impaired, dual sensory impaired, orthopedically impaired, or other health impaired or who have experienced traumatic brain injury, have autism spectrum disorder, have established conditions, or exhibit developmental delays or intellectual disabilities may be eligible for special programs and may receive services in accordance with rules of the State Board of Education. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 9 ½ years of age or through the student's completion of grade 2, whichever occurs first, must be adopted by the State Board of Education.

Section 3. This act shall take effect July 1, 2022.

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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/SB 268 (430822)

INTRODUCER: Appropriations Subcommittee on Education; and Senator Diaz

SUBJECT: Proclamation of "Victims of Communism Day"

DATE: February 18, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 268 requires the Governor to annually issue a proclamation designating November 7 as "Victims of Communism Day" and calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government class required for a standard high school diploma to receive at least 45 minutes of instruction on Victims of Communism Day on topics related to communist regimes and how victims suffered under communist regimes. The State Board of Education must adopt revised social studies standards to include the new required instruction by April 1, 2023.

The bill does not have an impact on state revenues or expenditures. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

## II. Present Situation:

### Legal Holidays and Special Observance Days

Chapter 683, F.S., establishes legal holidays and special observance days in Florida. Legal holidays are listed in s. 683.01, F.S., while ss. 683.04 – 683.333, F.S., establish special observance days.

Section 683.01, F.S., enumerates legal holidays, which under Florida law are also public holidays. This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Florida currently has 21 legal holidays:

- Sunday, the first day of each week;
- New Year's Day, January 1;
- Birthday of Martin Luther King, Jr., January 15;
- Birthday of Robert E. Lee, January 19;
- Lincoln's Birthday, February 12;
- Susan B. Anthony's Birthday, February 15;
- Washington's Birthday, the third Monday in February;
- Good Friday;
- Pascua Florida Day, April 2;
- Confederate Memorial Day, April 26;
- Memorial Day, the last Monday in May;
- Birthday of Jefferson Davis, June 3;
- Flag Day, June 14;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day and Farmers' Day, the second Monday in October;
- Veterans' Day, November 11;
- General Election Day;
- Thanksgiving Day, the fourth Thursday in November;
- Christmas Day, December 25; and
- Shrove Tuesday, sometimes also known as "Mardi Gras," in counties where carnival associations are organized for the purpose of celebrating the same.<sup>1</sup>

Under s. 683.02, F.S., whenever a contract is to be performed in the state and reference is made to "legal holidays," the term includes the holidays designated in s. 683.01, F.S., and any other holidays designed in law. Alternatively, a legal holiday designation does not necessarily make a day a paid holiday for public employees. Section 110.117, F.S., establishes which legal holidays are paid holidays for the employees of all state branches and agencies.<sup>2</sup> Likewise, the court system does not necessarily use the legal holidays described in s. 683.01, F.S., while computing time frames for matters in civil and criminal procedure.<sup>3</sup>

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<sup>1</sup> Section 683.01(2), F.S.

<sup>2</sup> Section 110.117(1), F.S.

<sup>3</sup> See *R.J. Reynolds Tobacco Co. v. Kenyon*, 826 So.2d 370 (Fla. 2nd DCA 2002); see also *State v. Garber*, 726 So.2d 338 (Fla. 5th DCA 1999).

Chapter 683, F.S., includes 34 special observances.<sup>4</sup> Unlike legal holidays, special observances do not directly affect the definition of “legal holidays” in contracts. Special observance days may apply throughout the state, or they may be limited to particular counties. For example, “Gasparilla Day”<sup>5</sup> is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”<sup>6</sup> if issued by the Governor, is observed throughout the state. Examples of other special observances include:

- Law Enforcement Memorial Day.<sup>7</sup>
- Patriots’ Day.<sup>8</sup>
- Medal of Honor Day.<sup>9</sup>
- Juneteenth Day.<sup>10</sup>

## Communism

Communism is a political and economic philosophy that aims to replace private property and a profit-based economy with public ownership and communal control of the major means of production and society’s natural resources. Karl Marx and his associate, Friedrich Engels, blamed capitalism for the unfavorable and often-hazardous conditions of workers during the Industrial Revolution. They presented this critique of capitalism in their widely circulated pamphlet, *Manifesto of the Communist Party*.<sup>11</sup>

One facet of the communist theory is that the proletariat would capture political power, abolish private property ownership, and take the private property of the bourgeoisie. Communism postulates that the taking and abolishment of private property by the proletariat would result in shared ownership of the means of production, ushering the world into a communal economic and societal utopia with equality for all.<sup>12</sup>

Before the full establishment of communism, however, the communist theory suggests that a transitional dictatorship of the proletariat may be necessary.<sup>13</sup> Communist movements throughout history have been unable to transition out of state control and dictatorship into the utopia of equality promised by communism and instead have universally devolved into tyranny and state-sanctioned murder of its own citizens.<sup>14</sup>

<sup>4</sup> Sections 683.04 – 683.333, F.S.

<sup>5</sup> Section 683.08, F.S.

<sup>6</sup> Section 683.25, F.S.

<sup>7</sup> Section 683.115, F.S. (May 15)

<sup>8</sup> Section 683.14, F.S. (April 19)

<sup>9</sup> Section 683.147, F.S. (March 25)

<sup>10</sup> Section 683.21, F.S. (June 19)

<sup>11</sup> Encyclopedia Britannica, *Communism*, <https://www.britannica.com/topic/communism> (last visited Oct. 27, 2021).

<sup>12</sup> Engels, Friedrich, *Principles of Communism, No. 4* – (1847), available at <https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm> (last visited Jan. 14, 2021).

<sup>13</sup> Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Oct. 27, 2021).

<sup>14</sup> Ilya Somin, *Lessons from a Century of Communism*, Wash. Post, Nov. 7, 2017, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Oct. 27, 2021).



## **Bolshevik Revolution**

The Bolshevik Revolution, also known as the October Revolution, was the second of two revolutions in Russia in 1917. The Bolshevik Revolution was a revolution led by Vladimir Lenin in Russia against the ruling Russian Parliament. The coup began on November 7, 1917, when the Bolsheviks led the forces into Petrograd, then the capital of Russia. The Bolsheviks occupied government buildings and other locations across Petrograd. The coup led to the Russian Civil War and eventually the creation of the Soviet Union. The event inspired and ignited communist movements around the world.<sup>15</sup> However, instead of the expected dictatorship of the majority class of proletarians, the revolution resulted in a political party that claimed to represent proletarian interests.<sup>16</sup>

## **Victims of Communism**

In addition to violations of freedom of speech, freedom of religion, loss of property rights, and the criminalization of ordinary economic activity, communist regimes in the 20<sup>th</sup> century intentionally killed their own citizens.<sup>17</sup> One researcher compiled data from 1900 to 1987 related to state-sanctioned killings to provide a metric to consider when reflecting on the victims of communism.

This researcher concluded that the Soviet Union is approximately responsible for the deaths of over 61 million people. “Stalin himself is responsible for almost 43 million of these. Most of the deaths, around 39 million, are due to lethal forced labor in gulag and transit thereto.” The researcher found that Communist China (1923 – 1949) was responsible for about 3.5 million deaths, and the People’s Republic of China (PRC) (1949 – present) was responsible for an additional 35.2 million deaths.

In Cambodia, Pol Pot and the Khmer Rouge likely killed about 2 million Cambodians from April 1975 through December 1978, out of a population of around 7 million – calculated annually, about 8 percent of the population died each year. During this time, the odds of an average Cambodian surviving Pol Pot’s rule was slightly over two to one.

In sum, from 1900 to 1987, communist dictators and regimes were responsible for the death of approximately 110 million individuals.<sup>18</sup> In 1993, Congress made similar findings and authorized a national memorial to honor victims of communism. In addition to death, Congress found that “the imperialist regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultured life of the peoples of over 40 captive nations.” The purpose of the memorial is to permanently honor the

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<sup>15</sup> History, *The Russian Revolution*, available at <https://www.history.com/topics/russia/russian-revolution> (last visited Oct. 27, 2021).

<sup>16</sup> Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Oct. 27, 2021).

<sup>17</sup> Ilya Somin, *Lessons from a Century of Communism*, Wash. Post, Nov. 7, 2017, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Oct. 27, 2021).

<sup>18</sup> Rummel, R.J., *How Many Did Communist Regimes Murder?* (Nov. 1993) available at: <https://www.hawaii.edu/powerkills/COM.ART.HTM> (last visited Oct. 27, 2021).

sacrifices of these victims “so that never again will nations and peoples allow so evil a tyranny to terrorize the world.”<sup>19</sup>

### ***Victims of Communism Day***

The first national day recognizing victims of communism was November 7, 2017. Currently, three states have officially recognized November 7 as “Victims of Communism Memorial Day,” and ten other states currently have legislation filed to follow suit.<sup>20</sup>

### **Required Instruction**

Between 1961<sup>21</sup> and 1991,<sup>22</sup> Florida required the teaching of a 30-hour course of study for all students enrolled in public high schools entitled “Americanism vs. Communism.” The instruction included the history, doctrines, objectives and techniques of communism with particular emphasis upon the dangers of communism, the ways to fight communism, the evils of communism, the fallacies of communism, and the false doctrines of communism.<sup>23</sup>

### ***Requirements for a Standard High School Diploma***

Beginning with students entering grade 9 in the 2013-2014 school year, receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Of the 24 required credits, three credits must be in social studies, including at least one credit in United States History, one credit in World History, one-half credit in Economics, and one-half credit in United States Government.

The course in United States Government must include a comparative discussion of political ideologies, such as communism and totalitarianism, that conflict with the principles of freedom and democracy essential to the founding principles of the United States.<sup>24</sup> Course standards include evaluating and defending positions on the founding ideals and principles of American Government, explaining how nations are governed differently, and comparing indicators of democratization in other countries, among others.<sup>25</sup> Course standards for World History include comparing the philosophies of capitalism, socialism, and communism; identifying factors that led to the decline and fall of communism in the Soviet Union and Eastern Europe; and analyzing the successes and failures of democratic reform efforts in Africa, Asia, the Caribbean, and Latin America.<sup>26</sup>

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<sup>19</sup> Pub. L. No. 103-199, s. 905 (Dec. 17, 1993).

<sup>20</sup> Victims of Communism Memorial Foundation, *Victims of Communism Memorial Day*, available at: <https://victimsofcommunism.org/programs/memory/voc-day/> (last visited Oct. 19, 2021).

<sup>21</sup> Chapter 61-77, L.O.F.

<sup>22</sup> Section 81, ch. 91-105, L.O.F.

<sup>23</sup> Chapter 61-77, L.O.F.

<sup>24</sup> Section 1003.4282, F.S.

<sup>25</sup> See CPALMS, *United States Government Course Standards*, <https://www.cpalms.org/Public/PreviewCourse/Preview/633> (last visited Oct. 19, 2021).

<sup>26</sup> See CPALMS, *World History Course Standards*, <https://www.cpalms.org/PreviewCourse/Preview/4473#> (last visited Oct. 19, 2021).

**III. Effect of Proposed Changes:**

PCS/SB 268 requires the Governor to annually proclaim November 7 as “Victims of Communism Day” and calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world. The bill also requires Victims of Communism Day to be suitably observed by public exercise at the State Capitol and elsewhere as the Governor may designate.

The bill specifies that if November 7 falls on a day that is not a school day, Victims of Communism Day must be observed in the schools on the preceding school day or on such school day as may be designated by local school authorities.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government course required for a standard high school diploma to receive at least 45 minutes of instruction on Victims of Communism Day on topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement and how victims suffered under these regimes through poverty, starvation, migration, systemic lethal violence, and suppression of speech.

The bill requires the State Board of Education to adopt revised social studies standards to include the new required instruction in the United States Government course by April 1, 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:**

None.

**C. Government Sector Impact:**

The bill has no fiscal impact on state funds. There may be a minimal cost to school districts to incorporate the required instruction into their curricula if it is not currently included.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 683.334 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.)

Recommended CS/SB by Appropriations Subcommittee on Education on February 16, 2022:

The proposed committee substitute requires the State Board of Education to adopt revised social studies standards to include the new required instruction in the United States Government course by April 1, 2023.

**B. Amendments:**

None.



718116

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2022	.	
	.	
	.	
	.	

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Appropriations Subcommittee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 57 - 66

and insert:

(3) (a) Beginning in the 2023-2024 school year, high school students enrolled in the United States Government class required by s. 1003.4282(3) (d) must receive at least 45 minutes of instruction on Victims of Communism Day to include topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir



718116

11 Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge,  
12 and Nicolás Maduro and the Chavismo movement, and how victims  
13 suffered under these regimes through poverty, starvation,  
14 migration, systemic lethal violence, and suppression of speech.

15 (b) No later than April 1, 2023, the State Board of  
16 Education must adopt revised social studies standards for  
17 inclusion in the United States Government course required by s.  
18 1003.4282(3)(d) which incorporate the requirements of this  
19 subsection.

20

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

22 And the title is amended as follows:

23 Delete line 11

24 and insert:

25 requiring the State Board of Education to adopt  
26 specified revised social studies standards; providing  
27 an effective date.

By Senator Diaz

36-00464-22

2022268\_\_

1 A bill to be entitled  
 2 An act relating to the proclamation of "Victims of  
 3 Communism Day"; creating s. 683.334, F.S.; requiring  
 4 the Governor to annually proclaim November 7 as  
 5 "Victims of Communism Day"; requiring the day to be  
 6 observed in public schools and by public exercise;  
 7 requiring a day other than November 7 to be observed  
 8 by public schools under a specified circumstance;  
 9 requiring certain high school students to receive  
 10 specified instruction on Victims of Communism Day;  
 11 providing an effective date.

12  
 13 WHEREAS, more than 100 years have passed since the  
 14 Bolshevik Revolution in Russia and the formation of the first  
 15 communist government under Vladimir Lenin, leading to decades of  
 16 oppression and violence under communist regimes throughout the  
 17 world, and

18 WHEREAS, based on the economic philosophy of Karl Marx,  
 19 communism has proven incompatible with the ideals of liberty,  
 20 prosperity, and dignity of human life and has given rise to such  
 21 infamous totalitarian dictators as Joseph Stalin, Vladimir  
 22 Lenin, Mao Zedong, and Pol Pot, and

23 WHEREAS, communist regimes worldwide have killed more than  
 24 100 million people and subjected countless others to  
 25 exploitation and unspeakable atrocities, with victims  
 26 representing many different ethnicities, creeds, and  
 27 backgrounds, and

28 WHEREAS, through false promises of equality and liberation  
 29 or through coercion, brutality, and fear, communist regimes have

Page 1 of 3

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

36-00464-22

2022268\_\_

30 systematically robbed their own citizens of the rights of  
 31 freedom of worship, freedom of speech, and freedom of  
 32 association, and

33 WHEREAS, many victims of communism were persecuted as  
 34 political prisoners for speaking out against these regimes, and  
 35 others were killed in genocidal state-sponsored purges of  
 36 undesirable groups, and

37 WHEREAS, in addition to violating basic human rights,  
 38 communist regimes have suppressed intellectual freedom, cultural  
 39 life, and self-determination movements in more than 40 nations,  
 40 NOW, THEREFORE,

41  
 42 Be It Enacted by the Legislature of the State of Florida:

43  
 44 Section 1. Section 683.334, Florida Statutes, is created to  
 45 read:

46 683.334 Victims of Communism Day.—

47 (1) The Governor shall annually proclaim November 7 as  
 48 "Victims of Communism Day," which must be suitably observed in  
 49 the public schools of this state as a day honoring the 100  
 50 million people who fell victim to communist regimes across the  
 51 world and which must be suitably observed by public exercise at  
 52 the State Capitol and elsewhere as the Governor may designate.

53 (2) If November 7 falls on a day that is not a school day,  
 54 Victims of Communism Day must be observed in the public schools  
 55 in this state on the preceding school day or on such school day  
 56 as may be designated by local school authorities.

57 (3) Beginning in the 2023-2024 school year, high school  
 58 students enrolled in the United States Government class required

Page 2 of 3

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

36-00464-22

2022268\_\_

59 by s. 1003.4282 must receive at least 45 minutes of instruction  
60 on Victims of Communism Day on topics such as Mao Zedong and the  
61 Cultural Revolution, Joseph Stalin and the Soviet System, Fidel  
62 Castro and the Cuban Revolution, Vladimir Lenin and the Russian  
63 Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and  
64 the Chavismo movement and how victims suffered under these  
65 regimes through poverty, starvation, migration, systemic lethal  
66 violence, and suppression of speech.

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





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Health Policy Chair  
Appropriations Subcommittee on  
Education Vice Chair  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Education  
Commerce and Tourism  
Rules

**SENATOR MANNY DIAZ, JR.**  
36th District

November 2, 2021

Honorable Senator Doug Broxson  
Chair  
Appropriation Subcommittee on Education

Honorable Chair Broxon,

I respectfully request SB 268 Victims of Communism Day be placed on the next committee agenda.

Proclamation of "Victims of Communism Day"; Requiring the Governor to annually proclaim November 7 as "Victims of Communism Day"; requiring the day to be observed in public schools and by public exercise; requiring a day other than November 7 to be observed by public schools under a specified circumstance; requiring certain high school students to receive specified instruction on Victims of Communism Day.

A handwritten signature in blue ink, appearing to read "M. Diaz, Jr.", written over a horizontal line.

Senator Manny Diaz, Jr.  
Florida Senate, District 36

CC: Tim Elwell, Staff Director  
Joanne Bennett, Committee Administrative Assistant  
Kevin, Legislative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Wilton Simpson**  
President of the Senate

**Aaron Bean**  
President Pro Tempore

2/16/2022

Meeting Date

Education Approps. Sub.

Committee

The Florida Senate

# APPEARANCE RECORD

SB 268

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

CHRISTIAN CAMARA

Phone

305 608-4300

Address

PO Box 122

Street

Email

TALLAHASSEE FL 32302

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:

MYSELF

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)

2/16/22

# The Florida Senate APPEARANCE RECORD

268

Meeting Date

Bill Number or Topic

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

Appropriations Subcommittee  
Committee on Education

Amendment Barcode (if applicable)

Name

Anthony Verdugo Christian Family Coalition

Phone

796-447-6431

Address

PO Box 650216

Email

a.verdugo@cfcflorida.net

Street

Miami

FL

33265

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**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 Subcommittee on Education

---

BILL: SB 340

INTRODUCER: Senator Garcia

SUBJECT: Care of Students with Epilepsy or Seizure Disorders

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 340 specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill:

- Requires a parent seeking care for a student with epilepsy or a seizure disorder to provide the school with an individualized seizure action plan and establishes a comprehensive framework for individualized seizure action plans.
- Requires the school nurse or other appropriate school employee to coordinate the provision of epilepsy and seizure disorder care at his or her school for each student with an individualized seizure action plan, including administering anti-seizure and rescue medications to the student.
- Exempts from liability school personnel for acts or omissions made in good faith related to the care of students with epilepsy or seizure disorders.

The bill also adds training requirements for school personnel to ensure that each school employee and individual working with school-sponsored programs outside of the regular school day are trained every two years in the care of students with epilepsy and seizure disorders, including how to recognize the symptoms of epilepsy and seizure disorders.

The bill does not have an impact on state revenues or expenditures. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

## II. Present Situation:

Epilepsy is a common disorder of the brain that causes recurring seizures. Epilepsy affects people of all ages, but children and older adults are more likely to have epilepsy. Seizures are the main sign of epilepsy, and most people can control this with treatment.<sup>1</sup>

Approximately 6 in 1000 students have epilepsy. Compared with students with other health concerns, a Centers for Disease Control and Prevention study shows that students aged 6–17 years with epilepsy were more likely to miss 11 or more days of school in the past year. Also, students with epilepsy were more likely to have difficulties in school, use special education services, and have activity limitations such as less participation in sports or clubs compared with students with other medical conditions.<sup>2</sup>

In the United States, the U.S. Food and Drug Administration has approved several medications for out-of-hospital use for the treatment of acute repetitive seizures or clusters:<sup>3</sup>

- Diastat<sup>®</sup> - a diazepam rectal gel.
- Nayzilam<sup>®</sup> - a midazolam nasal spray.
- Valtoco<sup>®</sup> - a diazepam nasal spray.

### School Health Services Program

District school boards are responsible for attending to health, safety, and other matters relating to the welfare of students,<sup>4</sup> including the responsibility to establish emergency procedures for life-threatening emergencies.<sup>5</sup>

The Department of Health has the responsibility, in cooperation with the Department of Education, to supervise the administration of the school health services program and perform periodic program reviews.<sup>6</sup> County health departments, district school boards, and local school health advisory committees<sup>7</sup> jointly develop school health services plans, which must include provisions for meeting emergency needs at each school.<sup>8</sup>

The school health services plan describes the health services to be provided by a school.<sup>9</sup> For example, the plan must address:<sup>10</sup>

- Specified physical screenings.
- Health counseling.

---

<sup>1</sup> Centers for Disease Control and Prevention, CDC Healthy Schools, *Epilepsy*, <https://www.cdc.gov/healthyschools/npao/epilepsy.htm> (last visited Jan. 12, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> Epilepsy Foundation, *Seizure Rescue Therapies*, <https://www.epilepsy.com/learn/treating-seizures-and-epilepsy/seizure-rescue-therapies> (last visited Jan. 13, 2022).

<sup>4</sup> Section 1001.42(8)(a), F.S.

<sup>5</sup> Section 1006.062(6), F.S.

<sup>6</sup> Section 381.0056(3), F.S.

<sup>7</sup> Each school health advisory committee must include members who represent the eight component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention. Section 381.0056(2)(b), F.S.

<sup>8</sup> Sections 381.0056(4)(a)12. and 1006.062(6), F.S.

<sup>9</sup> Section 381.0056(2)(e), F.S.

<sup>10</sup> Section 381.0056(4)(a), F.S.

- Meeting emergency health needs in each school.
- Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated.
- Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs.

In attending to student health, the district school board is required to:<sup>11</sup>

- Provide inservice health training for school personnel;
- Make available adequate physical facilities for health services;
- At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing.

In the absence of negligence, no person is liable for any injury caused by an act or omission in the administration of school health services.<sup>12</sup>

### **The Provision of Medical Services by School Board Personnel**

All employees who staff school health rooms must be currently certified in first aid and cardiopulmonary resuscitation (CPR).<sup>13</sup> Additionally, each school must ensure that at least two school staff members and all school bus operators and attendants are currently certified to provide first aid and CPR.<sup>14</sup> School bus operators and attendants must also receive CPR and first aid refresher in-service training at least biennially.<sup>15</sup>

Nonmedical assistive personnel may perform health-related services upon successful completion of child-specific training by authorized licensed health care personnel.<sup>16</sup> All procedures must be monitored periodically by a nurse, advanced practice registered nurse, physician assistant, or physician, and may include administering emergency injectable medication.<sup>17</sup> Except for certain invasive procedures prohibited by law,<sup>18</sup> whether nonmedical district school board personnel may perform a specific health-related service is determined by authorized licensed health care personnel.<sup>19</sup>

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<sup>11</sup> Section 381.0056(6), F.S.

<sup>12</sup> Section 381.0056(8), F.S.

<sup>13</sup> Rule 64F-6.004(2), F.A.C.

<sup>14</sup> Rule 64F-6.004, F.A.C.; Rule 6A-3.0121(2)(b)3., F.A.C.

<sup>15</sup> Rule 6A-3.0121(2)(b)3., F.A.C.

<sup>16</sup> Section 1006.062(4), F.S. Authorized personnel include only a registered nurse or advanced practice registered nurse licensed under chapter 464, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459. *Id.*

<sup>17</sup> Section 1006.062(4), F.S.

<sup>18</sup> Nonmedical district school board personnel may not perform sterile catheterization, nasogastric tube feeding, or cleaning and maintaining a tracheostomy or deep suctioning of a tracheostomy. Section 1006.062(3), F.S.

<sup>19</sup> Section 1006.062(5), F.S.

## **The Administration of Medication by School Board Personnel**

District school board personnel may assist students in the administration of certain medication.<sup>20</sup> School personnel designated to assist in the administration of medication must be trained by authorized licensed healthcare personnel.<sup>21</sup>

For each medication prescribed to a student, the principal must obtain from the parent a written explanation of the necessity for the medication to be provided during the school day, including any occasion when the student is away from school property on official school business, and grant permission to assist the student in the administration of such medication.<sup>22</sup> Each prescribed medication to be administered by district school board personnel must be received, counted, and stored in its original container. When the medication is not in use, it must be stored in its original container in a secure fashion under lock and key in a location designated by the school principal.<sup>23</sup>

School personnel administering medication are exempt from liability for civil damages when acting as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.<sup>24</sup>

## **Individualized Healthcare Plans**

The school nurse creates individualized healthcare plans (IHPs) for students with healthcare needs that, if not addressed, may negatively affect attendance or academic performance. The IHPs foster communication among nursing staff to promote continuity of care.<sup>25</sup>

Depending on the health condition, the IHP may prompt the nurse to develop an emergency care plan (ECP).<sup>26</sup> The ECP is a clearly written step-by-step set of instructions for what to do in a particular emergency situation.<sup>27</sup> Unlike the IHP, the ECP is distributed to appropriate staff, and the school nurse trains that staff to respond to emergencies that may arise with individual students.<sup>28</sup>

Though not currently required, the establishment of an IHP and ECP for a student with epilepsy or a seizure disorder is best practice.<sup>29</sup> Whenever there is a known risk for a potential medical emergency, as there is in the management of students with epilepsy and seizure disorders, the school nurse should create, at a minimum, an ECP.<sup>30</sup>

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<sup>20</sup> Section 1006.062, F.S.

<sup>21</sup> Section 1006.062(1)(a), F.S.

<sup>22</sup> Section 1006.062(1)(b), F.S.

<sup>23</sup> Section 1006.062(1)(b)2., F.S.

<sup>24</sup> Section 1006.062(2), F.S.

<sup>25</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*. See also National Association of School Nurses, *Use of Individualized Healthcare Plans to Support School Health Services* (2020).

<sup>26</sup> *Id.*

<sup>27</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>28</sup> Rule 64F-6.004(4), F.A.C. See also Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>29</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>30</sup> *Id.*

A Seizure Action Plan contains the essential information school staff may need to know in order to help a student who has seizures. It includes information on first aid, parent and health care provider contacts, and medications specifically for that child. Seizure Action Plans are an important tool that help parents and schools partner to keep children safe and healthy during the school day.<sup>31</sup>

*Seizure Training for School Nurses: Caring for Students* is a 2.75 hour program available online or in person that is designed to provide the school nurse with information, strategies, and resources that will enable him or her to better manage the student with seizures by supporting positive treatment outcomes, maximizing educational and developmental opportunities, and ensuring a safe and supportive environment. The program consists of seven modules to assist the school nurse in learning to effectively manage seizures in a school environment.<sup>32</sup>

During the 2019-2020 school year, local school health programs reported at total of 17,282 students with epilepsy/seizure disorders. A total of 90,826 individualized healthcare plans were completed by 1,157 registered nurses.<sup>33</sup>

### III. Effect of Proposed Changes:

SB 340 specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill creates s. 1006.0626, F.S., to provide for and govern the care of students with epilepsy or seizure disorders. The bill provides definitions applicable to the care of students with epilepsy or seizure disorders. Specifically, the bill defines:

- “Individualized seizure action plan” as a document developed and signed by a medical professional who provides epilepsy or seizure disorder care to the student, in consultation with the student’s parent, who must also sign the individualized seizure action plan, and reviewed by the school nurse. The bill requires the individualized seizure action plan to outline a set of procedural guidelines that provide specific directions for the health care services needed by the student at school and the steps to take in a particular emergency situation.
- “Medical professional” as a physician licensed under chapter 458<sup>34</sup> or chapter 459,<sup>35</sup> a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under s. 464.012<sup>36</sup> who provides epilepsy or seizure disorder care to the student.
- “School” as a public school<sup>37</sup> in Florida.

<sup>31</sup> Centers for Disease Control and Prevention, CDC Healthy Schools, *Epilepsy*, <https://www.cdc.gov/healthyschools/npao/epilepsy.htm> (last visited Jan. 12, 2022).

<sup>32</sup> Epilepsy Foundation, *Seizure Training for School Nurses* <https://www.epilepsy.com/living-epilepsy/our-training-and-education/seizure-training-school-nurses-caring-students> (last visited Jan. 12, 2022).

<sup>33</sup> Department of Education, *Legislative Bill Analysis for SB 340* (2022).

<sup>34</sup> Chapter 458, F.S., relates to medical practice.

<sup>35</sup> Chapter 459, F.S., relates to osteopathic medicine.

<sup>36</sup> Section 464.012, F.S., governs the licensure of advanced practice registered nurses, including education, training, and certification requirements.

<sup>37</sup> Charter schools are required to comply with laws pertaining to student health, safety, and welfare. Section 1002.33(16)(a)5., F.S.



- “School employee” as a person employed by the school district<sup>38</sup> at the student’s school of enrollment or who has contact with the student.
- “Student” as a student enrolled in kindergarten through grade 12 in a public school who has been diagnosed with epilepsy or a seizure disorder.

### **Parental Obligations**

The bill specifies requirements for a parent who seeks epilepsy or seizure disorder care for his or her student while at school or engaged in a school-related activity. In order to obtain care for a student, the bill provides that the parent must:

- Inform the school nurse or an appropriate school employee and provide him or her with an individualized seizure action plan.
- Provide an individualized seizure action plan that is updated by a medical professional before the beginning of each school year and as necessary if there is a change in the health status of the student.
- Annually provide written authorization to the school district for the health care services provided through such plan.

### **Individualized Seizure Action Plans**

The bill establishes a comprehensive framework for individualized seizure action plans. The bill requires each individualized seizure action plan to include:

- Written orders from the student’s medical professional outlining the student’s epilepsy or seizure disorder recommended care.
- The student’s epilepsy or seizure disorder symptoms.
- Whether the student can fully participate in physical exercise or athletic competitions, any contraindications to such exercise or competitions, or any accommodations that must be made for the student for such exercise or competitions.
- Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.
- When and whom to call for medical assistance.
- The student’s ability to manage, and the student’s level of understanding of, his or her epilepsy or seizure disorder.
- How to maintain communication with the student, the student’s parent, and the student’s health care team, school nurse, and educational staff.
- Any rescue medication prescribed by the student’s medical professional and how and when to administer the medication.

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<sup>38</sup> The district school board is responsible for operating, controlling, and supervising the school district. Art. IX, s. 4, Fla. Const. A charter school may select its own employees, be a private or public employer, or contract with the district school board for the services of personnel employed by the school board. Section 1002.33(12)(a) and (i), F.S.

## **Obligations of School Personnel**

### ***The Provision of Medical Services***

The bill adds responsibilities for school board personnel to attend to the care of students with epilepsy or seizure disorders. Specifically, the bill requires the school nurse or other appropriate school employee to:

- Coordinate the provision of epilepsy and seizure disorder care<sup>39</sup> at his or her school for each student with an individualized seizure action plan, including administering anti-seizure and rescue medications to the student, as outlined in the student's individualized seizure action plan.
- Ensure that each school employee and individual working with school-sponsored programs outside of the regular school day are trained every two years in the care of students with epilepsy and seizure disorders, including how to recognize the symptoms of and provide care for epilepsy and seizure disorders.

### ***Training for School Personnel***

The bill sets standards for the required training for school employees. The training must include a course of instruction provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders. The course of instruction must be:

- Approved by the Department of Education
- Provided online or in person.
- Provided to a school district free of charge if the training is provided in an online format.

### ***The Care of Students on School Buses***

The bill also addresses the care of students on school buses. The bill provides that a school district must provide a school bus driver who transports a student that has epilepsy or a seizure disorder with:

- A notice of the student's condition.
- Information on how to provide the recommended care for the student if he or she shows symptoms of the epilepsy or seizure disorder.
- The contact information for the student's parent and emergency contacts.
- Epilepsy and seizure disorder first aid training every two years.

### ***Continuity of Care***

In order to facilitate continuity of care between schools and health care providers, the bill requires the school nurse or an appropriate school employee to obtain a release from the student's parent to authorize the sharing of medical information between himself or herself and the student's health care providers. The bill specifies that the release must also authorize the school nurse or other appropriate school employee to share medical information with other school employees as necessary.

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<sup>39</sup> The care must comply with s. 1006.062, F.S., governing the conditions under which a district school board employee may assist students in the administration of prescription medication or specified medical services authorized by licensed medical personnel.

**Exemption from Liability**

The bill exempts a school employee, officer, or agent of the school district from liability for an act or omission made in good faith related to the care of students with epilepsy or seizure disorders. The bill specifies that “good faith” does not include willful misconduct, gross negligence, or recklessness. The bill also prohibits the Board of Nursing from taking action against a school nurse for any act or omission taken by a person trained by the school nurse pursuant to requirements for the care of students with epilepsy or seizure disorders.

The bill takes 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 bill does not have an impact on state revenues or expenditures. There may be a cost to the school districts to provide the required training and care planning but likely minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1006.0626 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 Garcia

37-00582-22

2022340\_\_

A bill to be entitled

An act relating to care of students with epilepsy or seizure disorders; creating s. 1006.0626, F.S.; defining terms; providing for the creation of an individualized seizure action plan for a student with epilepsy or seizure disorders to receive health care at school; providing requirements for the student's parent, school nurses, and appropriate school employees; providing requirements for such plans; requiring school nurses or appropriate school employees to coordinate the care of such students and ensure that specified training is provided to specified school employees and individuals; providing requirements for such training; requiring school districts to provide specified information and training to school bus drivers who transport students with epilepsy or seizure disorders; requiring school nurses or appropriate school employees to obtain specified releases relating to the medical information and care of such students; providing immunity from liability under certain conditions; defining the term "good faith"; providing an effective date.

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

Section 1. Section 1006.0626, Florida Statutes, is created to read:  
1006.0626 Care of students with epilepsy or seizure disorders.-

Page 1 of 5

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

37-00582-22

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

(a) "Individualized seizure action plan" means a document developed and signed by a medical professional who provides epilepsy or seizure disorder care to the student, in consultation with the student's parent, who must also sign the individualized seizure action plan, and reviewed by the school nurse. The individualized seizure action plan must outline a set of procedural guidelines that provide specific directions for the health care services needed by the student at school and what to do in a particular emergency situation.

(b) "Medical professional" means a physician licensed under chapter 458 or chapter 459, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under s. 464.012 who provides epilepsy or seizure disorder care to the student.

(c) "School" means a public school within this state.

(d) "School employee" means a person employed by the school district at the student's school of enrollment or who has contact with the student.

(e) "Student" means a student enrolled in kindergarten through grade 12 in a public school who has been diagnosed with epilepsy or a seizure disorder.

(2) (a) A student's parent who seeks epilepsy or seizure disorder care for the student while at school or engaged in a school-related activity must inform the school nurse or an appropriate school employee and provide him or her with an individualized seizure action plan. The parent must annually provide written authorization to the school district for the health care services provided through such plan.

Page 2 of 5

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

37-00582-22

2022340\_\_

59 (b) Individualized seizure action plans must be updated by  
 60 the medical professional before the beginning of each school  
 61 year and as necessary if there is a change in the health status  
 62 of the student.

63 (c) Each individualized seizure action plan must include  
 64 the following information:

65 1. Written orders from the student's medical professional  
 66 outlining the student's epilepsy or seizure disorder recommended  
 67 care.

68 2. The student's epilepsy or seizure disorder symptoms.

69 3. Whether the student can fully participate in physical  
 70 exercise or athletic competitions, any contraindications to such  
 71 exercise or competitions, or any accommodations that must be  
 72 made for the student for such exercise or competitions.

73 4. Any accommodations the student requires for school  
 74 trips, after-school programs and activities, class parties, and  
 75 any other school-related activities.

76 5. When and whom to call for medical assistance.

77 6. The student's ability to manage, and the student's level  
 78 of understanding of, his or her epilepsy or seizure disorder.

79 7. How to maintain communication with the student, the  
 80 student's parent, and the student's health care team, school  
 81 nurse, and educational staff.

82 8. Any rescue medication prescribed by the student's  
 83 medical professional and how and when to administer the  
 84 medication.

85 (3) The school nurse or an appropriate school employee  
 86 shall:

87 (a) In accordance with s. 1006.062, coordinate the

37-00582-22

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88 provision of epilepsy and seizure disorder care at his or her  
 89 school for each student with an individualized seizure action  
 90 plan, including administering anti-seizure and rescue  
 91 medications to the student, as outlined in the student's  
 92 individualized seizure action plan.

93 (b) Ensure that each school employee and individual working  
 94 with school-sponsored programs outside of the regular school day  
 95 are trained every 2 years in the care of students with epilepsy  
 96 and seizure disorders, including how to recognize the symptoms  
 97 of and provide care for epilepsy and seizure disorders. Such  
 98 training must include a course of instruction provided by a  
 99 nonprofit national organization that supports the welfare of  
 100 individuals with epilepsy and seizure disorders. The instruction  
 101 must be approved by the Department of Education and may be  
 102 provided online or in person. A training program provided to a  
 103 school district in an online format must be provided by the  
 104 nonprofit entity free of charge.

105 (4) If a school bus driver transports a student with  
 106 epilepsy or a seizure disorder, the school district must provide  
 107 the driver with all of the following:

108 (a) A notice of the student's condition.

109 (b) Information on how to provide the recommended care for  
 110 the student if he or she shows symptoms of the epilepsy or  
 111 seizure disorder.

112 (c) The contact information for the student's parent and  
 113 emergency contacts.

114 (d) Epilepsy and seizure disorder first aid training every  
 115 2 years.

116 (5) The school nurse or an appropriate school employee

37-00582-22

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117 shall obtain a release from the student's parent to authorize  
118 the sharing of medical information between himself or herself  
119 and the student's health care providers. The release shall also  
120 authorize the school nurse or an appropriate school employee to  
121 share medical information with other school employees as  
122 necessary.

123 (6) A school employee, including a school nurse, a school  
124 bus driver, a school bus aide, or any other officer or agent of  
125 the school district, acting in good faith is not liable for an  
126 act or omission consistent with this section. The Board of  
127 Nursing may not take action against a school nurse for any act  
128 or omission taken by a person trained by the school nurse  
129 pursuant to this section. For purposes of this section, "good  
130 faith" does not include willful misconduct, gross negligence, or  
131 recklessness.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

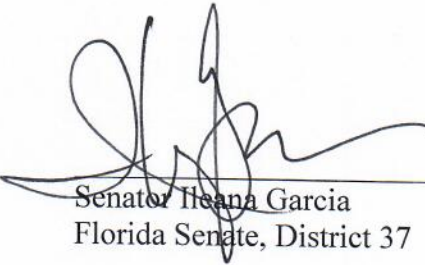
**Subject:** Committee Agenda Request

**Date:** February 3, 2022

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I respectfully request that **Senate Bill 340**, relating to Care of Students with Epilepsy or Seizure Disorders, be placed on the:

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



---

Senator Ileana Garcia  
Florida Senate, District 37



2/16/22

Meeting Date

Education Approps.

Committee

# The Florida Senate APPEARANCE RECORD

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

SB 340

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lisa Hurley

Phone 850.224.5081

Address 311 E. Park Ave.

Email lhurley@smithbryanandmyers.com

Street

Tallahassee

Florida

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:

**Epilepsy Foundation of America**

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)

100  
4124

# The Florida Senate APPEARANCE RECORD

0340

Bill Number or Topic

02/16/2022

Meeting Date

App Subcom on Ed

Committee

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

Amendment Barcode (if applicable)

Name Dannie McMillon

Phone 407-855-7604

Address 1747 ORLANDO CENTRAL PKWY  
Street

Email legislation@floridapta.org

ORLANDO FL 32804  
City State Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA PTA

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

340

2-16-2022

Meeting Date

Bill Number or Topic

ADULTS SUB EDUCATION

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

Committee

Amendment Barcode (if applicable)

STEVE SCHALE

850 559 0317

Name

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Email

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Address

Street

TALLAHASSEE FL 32317

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

EPILEPSY FLORIDA

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 Appropriations Subcommittee on Education

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BILL: SB 390

INTRODUCER: Senators Book and Rodrigues

SUBJECT: Restraint of Students with Disabilities in Public Schools

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 390 prohibits the use of mechanical restraint on students with disabilities by school personnel except for school resource officers, school safety officers, school guardians, or school security guards, who may use mechanical restraint in the exercise of their duties to restrain students in grades 6 through 12.

The bill does not have an impact on state revenues or expenditures.

The bill takes effect July 1, 2022.

**II. Present Situation:**

The Individuals with Disabilities Education Act (IDEA)<sup>1</sup> was enacted to ensure that all children with a disability have available to them a free appropriate public education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and ensuring that the rights of children with disabilities and parents of such children are protected.<sup>2</sup> Accordingly, Florida law specifies conditions regarding the use of restraint and seclusion on students with a disability.

**School District Responsibilities**

School districts are required to have policies and procedures governing the use of restraint on students with disabilities, including the designation of school personnel authorized to use positive behavioral interventions and supports and restraint.

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<sup>1</sup> 20 U.S.C. s. 1400 et seq.

<sup>2</sup> U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last visited Jan. 27, 2022).

### ***Prohibitions on the use of Restraint***

Authorized school personnel may only use mechanical or physical restraint after all positive behavioral interventions and supports have been exhausted and only when there is an imminent risk of serious injury. The use of restraint must end once the imminent risk of serious injury has ended.

School personnel are prohibited from using certain methods of restraint. Specifically, personnel may never use:

- Restraint to inflict pain to induce compliance.
- Restraint for student discipline.
- Mechanical or physical restraint techniques or devices such as straightjackets, zip ties, handcuffs, or tie downs in a manner that may obstruct or restrict breathing or blood flow or that place a student in a face down position with the student's hands restrained behind the student's back.

### ***Reporting of Incidents of Restraint***

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion. The incident report must contain:

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint.
- A description of the incident.<sup>3</sup>

During August through December of the 2021-2022 school year, school districts reported 2,579 incidents of restraint on 1,853 students. Approximately three to five percent of the incidents involved mechanical restraint.<sup>4</sup>

### **Safe-School Officers**

For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent is required to partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers options at each school facility within the district, including charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers who must meet specified screening requirements and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements and crisis intervention training as an SRO.
- Participating in the Coach Aaron Feis Guardian Program.

---

<sup>3</sup> Section 1003.573, F.S.

<sup>4</sup> Florida Department of Education, *Program Accountability, Assessment & Data Systems*, <https://www.fldoe.org/academics/exceptional-student-edu/data/> (last visited Feb. 3, 2022). (Tabulate the data in the pdf files in the section on SWD Restraint Data – SY 2021-22.)

- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.

Employing a school guardian is an option for district school boards to meet the safe-school officer requirements in law.<sup>5</sup> Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.<sup>6</sup>

### **III. Effect of Proposed Changes:**

SB 390 prohibits the use of mechanical restraint on students with disabilities by school personnel except for school resource officers, school safety officers, school guardians, or school security guards, who may use mechanical restraint in the exercise of their duties to restrain students in grades 6 through 12.

The bill takes effect July 1, 2022.

### **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.

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<sup>5</sup> Section 1006.12, F.S.

<sup>6</sup> Section 30.15(1)(k), F.S.

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 1003.573 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 Book

32-00444-22

2022390\_\_

1 A bill to be entitled  
 2 An act relating to restraint of students with  
 3 disabilities in public schools; amending s. 1003.573,  
 4 F.S.; prohibiting school personnel from using  
 5 mechanical restraint on students with disabilities;  
 6 providing exceptions; conforming provisions to changes  
 7 made by the act; providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Subsection (3) of section 1003.573, Florida  
 12 Statutes, is amended to read:  
 13 1003.573 Seclusion and restraint of students with  
 14 disabilities in public schools.—  
 15 (3) RESTRAINT.—  
 16 (a) School personnel may not use mechanical restraint. This  
 17 paragraph does not apply to school resource officers, school  
 18 safety officers, school guardians, or school security guards as  
 19 described in s. 1006.12, who may use mechanical restraint in the  
 20 exercise of their powers and duties to restrict students in  
 21 grades 6 through 12.  
 22 (b) Authorized school personnel may use physical restraint  
 23 only when all positive behavior interventions and supports have  
 24 been exhausted. Physical restraint may be used only when there  
 25 is an imminent risk of serious injury and must shall be  
 26 discontinued as soon as the threat posed by the dangerous  
 27 behavior has dissipated. ~~Techniques or devices such as~~  
 28 ~~straightjackets, zip ties, handcuffs, or tie downs may not be~~  
 29 ~~used in ways that may obstruct or restrict breathing or blood~~

Page 1 of 2

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

32-00444-22

2022390\_\_

30 ~~flow or that place a student in a facedown position with the~~  
 31 ~~student's hands restrained behind the student's back. Physical~~  
 32 ~~restraint techniques may not be used to inflict pain to induce~~  
 33 ~~compliance.~~  
 34 ~~(c)(b)~~ Notwithstanding the authority provided in s.  
 35 1003.32, physical restraint ~~may shall~~ be used only to protect  
 36 the safety of students, school personnel, or others and may not  
 37 be used for student discipline or to correct student  
 38 noncompliance.  
 39 ~~(d)(e)~~ The degree of force applied during physical  
 40 restraint must be only that degree of force necessary to protect  
 41 the student or others from imminent risk of serious injury.  
 42 Section 2. This act shall take effect July 1, 2022.

Page 2 of 2

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





The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Subcommittee Agenda Request

**Date:** February 1, 2022

---

I respectfully request that **Senate Bill 390**, relating to Restraint of Students with Disabilities in Public Schools, be placed on the:

- subcommittee agenda at your earliest possible convenience.
- next subcommittee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Lauren Book".

---

Minority Leader Lauren Book  
Florida Senate, District 32

10  
412K

The Florida Senate

**APPEARANCE RECORD**

03910

02/16/2022

Meeting Date

Bill Number or Topic

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

App Subc. on Ed.

Committee

Amendment Barcode (if applicable)

Name

Dannie McMillon

Phone

407-855-7644

Address

1747 ORLANDO CENTRAL PKWY

Email

legislation@floridatpa.org

Street

ORLANDO

City

FL

State

32809

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

FLORIDA TPA

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

2/16/22

Meeting Date

SB 390

Bill Number or Topic

Education App.

Committee

Amendment Barcode (if applicable)

Name Mary-Lynn Cullen

Phone 941-928-0278

Address 1674 University Pkwy.

Street

Email aichildrey@aol.com

Sarasota Fl.

City

State

34243

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/16/2022

Meeting Date

390

Bill Number or Topic

Edu Approps

Committee

Amendment Barcode (if applicable)

Name Caitlyn Clibbon

Phone

Address Disability Rights FL

Street

Email caitlyn.c@disabilityrightsflorida.org

Tallahassee

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: Disability Rights Florida

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

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

---

BILL: CS/SB 554

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Cruz and Rodrigues

SUBJECT: Educational Opportunities for Disabled Veterans

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 554 provides an education benefit to certain veterans who are residents and enrolled in a program of education approved by the federal educational assistance program. The bill would increase what is provided in federal law for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the United States Department of Veterans Affairs to have a service-connected total and permanent disability rating of 100 percent for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs which identifies the veteran as having a 100 percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100 percent eligibility tier federally, is eligible for tuition and fees. The monetary award is equal to the difference between the portion

of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill specifies that the amount awarded by the state is not to be determined until after federal benefits are applied.

Each educational institution included in this bill must annually report to the Board of Governors of the State University System and the State Board of Education, as appropriate, the number and value of all fee waivers granted.

The bill provides that a disabled veteran who receives this award must remain in compliance with other statutory requirements applying to veterans and other students who receive educational benefits.

The bill does not have an impact on state revenues or expenditures. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

## II. Present Situation:

### Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3313)

Congress enacted the Post-9/11 Veterans' Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.<sup>1</sup> The Act provides up to 36 months of educational benefits at a program of education to veterans and servicemembers and their dependent children.<sup>2</sup>

At the time of its passage:

It was recognized that veterans and servicemembers would be eligible for U.S. Department of Education (ED) student financial aid benefits such as Pell Grants and Stafford Loans; U.S. Department of Defense (DOD) educational assistance; and various state, local, and other federal benefits in addition to the basic Post-9/11 GI Bill Benefits.<sup>3</sup>

To qualify for a benefit under the Act, a veteran or servicemember must:

- Serve an aggregate minimum of 90 days active duty after September 10, 2001;
- Have been honorably discharged or released for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001; or
- Be a Purple Heart recipient for service after September 10, 2001, and have been honorably discharged.

---

<sup>1</sup> Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended by the Post-9/11 Veterans Assistance Improvements Act of 2010.

<sup>2</sup> In addition to tuition and fees, educational benefits include payment for housing, books, supplies, and other education-related expenditures.

<sup>3</sup> Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Updated Sept. 23, 2021)*, pg. 1; available at <https://fas.org/sgp/crs/misc/R42755.pdf> (Last visited Dec. 9, 2021). At that time, members of Congress hoped that a benefit exceeding amounts available under the other GI Bills would mitigate the higher unemployment rate amongst veterans in contrast to non-veterans of the same age group.

A qualifying veteran or servicemember may transfer the education benefits to a dependent child.<sup>4</sup>

The Congressional Research Service estimates in FY2022, the program will benefit over 600,000 individuals and expend almost \$10 billion.

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service. Duration of service as it relates to the maximum benefit payable by percentage currently includes:<sup>5</sup>

<b>Number of Months Served</b>	<b>Percentage of Maximum Benefit Payable</b>
At least 30 continuous days active duty and discharged due to service-connected disability, or	100
At least 36 months of active duty	100
Between 30 and up to 36 months active duty	90
Between 24 and up to 30 months active duty	80
Between 18 and up to 24 months active duty	70
Between 6 and up to 18 months active duty	60
Between 90 days and up to 6 months active duty	50

### **Amendments to the Post-9/11 Veterans Educational Assistance Act of 2008**

Since it was enacted, the Post-9/11 Veterans Educational Assistance Act of 2008 has been amended multiple times. Two of these amending acts are detailed below.

#### ***Post-9/11 Veterans Educational Assistance Improvements Act of 2010***

The Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Act) amended the Post-9/11 Veterans Educational Assistance Act of 2008 to, in part:

- Revise the method used by an institution to report the net cost of tuition and fees;
- Expand the definition of “active duty” to include certain servicemembers;
- Expand applicability to include certain dependents and spouses; and
- Expand payment of tuition and fees for programs other than degreed programs, including those pursued on a half-time basis or less, resident training, distance learning, apprenticeships or other on-the-job training, flight training, or correspondence.<sup>6</sup>

#### ***Forever GI Bill Stem Extension***

Congress passed the Forever GI Bill Stem Extension Act (Act)<sup>7</sup>, effective August 1, 2019, to encourage veterans to pursue fields that typically require greater than the 36 months of benefits

<sup>4</sup> U.S. Dept. of Veterans Affairs, *Post-9/11 GI Bill (Chapter 33)*, available at <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited Dec. 9, 2021).

<sup>5</sup> Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Updated Sept. 23, 2021)*, pg. 1; available at <https://fas.org/sgp/crs/misc/R42755.pdf> (Last visited Jan. 14, 2022)..

<sup>6</sup> Pub. L. No. 111-377 (Jan. 4, 2011).

<sup>7</sup> Pub. L. No. 115-48. The Act is also known as the Edith Nourse Rogers STEM Scholarship, or the Rogers Scholarship.

provided under the Post-9/11 GI Bill. The Act provides an extension of benefits for a veteran pursuing an educational degree in science, technology, engineering, or math. This extension will pay up to 9 months of additional benefits, or up to a maximum lump sum of \$30,000.<sup>8</sup>

### **Disabled Veterans in Florida**

The population of veterans in Florida with a 100 percent disability rating is numbered at 55,440 veterans, as of the latest data from 2019. Counties with the highest population of these veterans are Brevard (2,665), Broward (2,897), Duval (2,900), Hillsborough (4,702), Miami-Dade (2,895), Orange (3,101), and Pinellas (3,012).<sup>9</sup>

### **Residency**

Section 1009.21, F.S., defines the term “legal resident,” for determination of in-state tuition, a person who has maintained his or her residence in the state for the preceding year, has purchased a home occupied as a residence, or has established domicile in the state.<sup>10</sup> To prove domicile, a person must file a sworn statement with the clerk of the circuit court attesting that either he or she resides in and maintains a place of abode in the county intending to maintain it as a permanent home, or that he or she has established a domicile in the state but maintains at least an additional abode out-of-state; that the place of abode in the state constitutes the predominant and principal home; and that he or she intends to continue it permanently. The sworn statement establishing domicile must include a statement that the person is a bona fide resident of the state, along with the address of residence, prior residence, and the place or places where he or she maintains another abode.<sup>11</sup>

### **III. Effect of Proposed Changes:**

CS/SB 554 provides an education benefit to certain veterans who are residents and enrolled in a program of education approved by the federal educational assistance program, pursuant to 38 U.S.C. 3313. The bill would increase what is provided in federal law for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been: Determined by the United States Department of Veterans Affairs to have a service-connected total and permanent disability rating of 100 percent for compensation;

- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans’ Affairs which identifies the veteran as having a 100 percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent

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<sup>8</sup> U.S. Department of Veterans Affairs, *Edith Nourse Rogers STEM Scholarship*, available at <https://www.va.gov/education/other-va-education-benefits/stem-scholarship/> (last visited Dec. 10, 2021).

<sup>9</sup> Department of Veterans Affairs, *2022 Agency Legislative Bill Analysis, SB 554* (Dec. 9, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

<sup>10</sup> Section 1009.21(1)(d), F.S.

<sup>11</sup> Section 222.17(3), F.S.



disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100 percent eligibility tier federally, is eligible for an award of tuition and fees. The award is equal to the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill specifies that the amount awarded by the state is not to be determined until after federal benefits are applied.

Each educational institution included in this bill must report annually to the Board of Governors of the State University System and the State Board of Education, as appropriate, the number and value of all fee waivers granted.

The bill requires the Board of Governors and the State Board of Education to, as appropriate, adopt regulations and rules to administer these provisions.

A disabled veteran who receives this award must remain in compliance with other statutory requirements applying to veterans and other students who receive educational benefits.<sup>12</sup>

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.

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<sup>12</sup> Section 295.03, F.S., requires the withdrawal of benefits for a veteran who violates the ordinary and minimum requirements of the institution on discipline and scholarship. Section 295.04(4), F.S., requires a veteran to be in good standing with the institution to receive an educational benefit. Section 295.05, F.S., requires a veteran receiving benefits to be enrolled according to the customary rules and requirements of the institution. Section 1009.40, F.S. provides general requirements for a student (veteran or nonveteran) to be eligible for state financial aid and tuition assistance grants.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill is expected to reduce the costs of tuition, fees, and other education benefits for qualifying veterans.

C. Government Sector Impact:

The Department of Education provides that public postsecondary institutions are expected to incur an increase in expenditures which will be the difference between the Post-9/11 GI benefits and full tuition and fee charges.<sup>13</sup>

Specifically, the expenditure is estimated to cost \$100,000 in cash and recurring dollars starting in Fiscal Year 2022-2023.<sup>14</sup>

A cost may also result from public postsecondary institutions having to adjust their process for applicants and include this waiver in financial aid packages. These costs would be absorbed by each institution.

The Department of Education expects a technological impact to the agency due to having to compile and maintain a record of eligible veterans for purposes of the reporting requirement. Any impact would be absorbed by the agency.<sup>15</sup>

The Department of Veterans Affairs expects a minimal fiscal impact based on the new requirement of the department having to certify a veteran as 100-percent disabled.<sup>16</sup>

**VI. Technical Deficiencies:**

None.

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<sup>13</sup> Department of Education, *2022 Agency Legislative Bill Analysis, HB 0045 identical*, (Dec. 20, 2021)(on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>14</sup> Office of Economic and Demographic Research, *2022 Regular Session Revenue Estimating Conference, Impact Conference Results* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>15</sup> Department of Education, *2022 Agency Legislative Bill Analysis, HB 0045 identical*, (Dec. 20, 2021)(on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>16</sup> Department of Veterans Affairs, *2022 Agency Legislative Bill Analysis, SB 554* (Dec. 9, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

295.011

This bill creates section 295.011 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 January 11, 2022:**

The CS:

- Replaces the term “Post-9/11 Veterans Educational Assistance Act” with “38 U.S.C. 3313” to incorporate changes to federal law, as it is amended;
  - Specifies that the veteran must be participating in a program of education approved under the federal educational assistance program; and
  - Requires that the federal payment be applied before the state cost is determined, to prevent a partial payment of tuition and fees by the state.
- B. **Amendments:**
- None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Cruz

583-01959-22

2022554c1

A bill to be entitled

An act relating to educational opportunities for disabled veterans; creating s. 295.011, F.S.; defining the term "disabled veteran"; providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive a waiver for the remaining cost of tuition and fees at certain institutions; providing a calculation for waiver amounts; requiring the amount awarded by the state to be contingent on the application of specified federal benefits; requiring certain institutions to submit an annual report to the Board of Governors and the State Board of Education; requiring the boards to respectively adopt regulations and rules; specifying applicability of other laws; providing an effective date.

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

Section 1. Section 295.011, Florida Statutes, is created to read:

295.011 Disabled veterans; education.—

(1) As used in this section, the term "disabled veteran" means an individual who is a resident of this state pursuant to s. 1009.21 and is:

(a) Determined by the United States Department of Veterans Affairs to have a service-connected total and permanent disability rating of 100 percent for compensation;

(b) Determined to have a service-connected total and

Page 1 of 3

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permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services; or

(c) Issued a valid identification card by the Florida Department of Veterans' Affairs pursuant to s. 295.17.

(2) Beginning with the 2022-2023 academic year, a disabled veteran enrolled in a program of education approved for educational assistance under 38 U.S.C. s. 3313, at a state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center who does not qualify for the 100 percent eligibility tier under federal law is eligible to receive a waiver for tuition and fees. The waiver amount is equal to the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended. The amount awarded by the state is not to be determined until after the application of federal benefits under 38 U.S.C. s. 3313.

(a) Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection.

(b) The Board of Governors and the State Board of Education shall respectively adopt regulations and rules to administer this subsection.

(3) Sections 295.03, 295.04, 295.05, and 1009.40 apply to any disabled veteran who receives an award under this section.

Page 2 of 3

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583-01959-22

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Section 2. This act shall take effect July 1, 2022.



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** January 12, 2022

---

I respectfully request that **Senate Bill # 554**, relating to Educational Opportunities for Disabled Veterans, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Janet Cruz", written over a horizontal line.

Senator Janet Cruz  
Florida Senate, District 18

**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 Subcommittee on Education

---

BILL: PCS/SB 802 (347860)

INTRODUCER: Appropriations Subcommittee on Education; and Senator Gruters and others

SUBJECT: School Safety

DATE: February 18, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 802 provides additional safeguards for Florida’s students and schools. The bill extends the sunset date of the Marjory Stoneman Douglas High School Public Safety Commission from July 1, 2023, to July 1, 2025.

The bill clarifies the authority of the Commissioner of Education to enforce compliance with the requirements relating to school safety and security. The bill also clarifies requirements for safe-school officers. Specifically, the bill provides that:

- School safety officers may make arrests on charter school property.
- Sworn law enforcement officers serving as school guardians must complete mental health crisis intervention training.
- Only a sheriff may conduct school guardian training.
- Individuals must satisfy screening requirements before participating in guardian training.

The bill expands school safety planning to require:

- The SBE to establish emergency drill policies and procedures.
- Comprehensive participation from all members of a school threat assessment team.
- Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills.
- Each district school board to adopt a family reunification plan to reunite students and employees with their families in the event a school is closed due to an emergency.

The bill does not impact state revenues or state expenditures. *See* Section V. Fiscal Impact Statement.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

## II. Present Situation:

### State-Level Oversight of School Safety Requirements

#### *State Board of Education*

The State Board of Education (SBE) is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system. The SBE has authority over the Department of Education (DOE) and is authorized to delegate the SBE's general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the DOE.<sup>1</sup>

The SBE may enforce compliance by district school boards and Florida College System (FCS) institution boards of trustees by:

- Reporting to the Legislature that the school district or FCS institution is unwilling or unable to comply with law or state board rule and recommending action to be taken.
- Withholding the transfer of state funds, discretionary grant funds, discretionary lottery funds, or other specified funds until the school district or FCS institution complies with law or rule.
- Declaring the school district or FCS institution ineligible for competitive grants.
- Requiring monthly or periodic reporting related to noncompliance until it is remedied.<sup>2</sup>

#### *The Commissioner of Education*

The commissioner is required to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act by school districts; district school superintendents; and public schools, including charter schools. The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the SBE, the Governor, or the Legislature enforcement and sanctioning actions.<sup>3</sup>

#### *The Office of Safe Schools*

The Office of Safe Schools (OSS) is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. OSS responsibilities include:

- The establishment of a school security risk assessment tool for use by school districts.
- Duties related to school safety incident reporting and data.

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<sup>1</sup> Section 1001.02, F.S.

<sup>2</sup> Section 1008.32, F.S.

<sup>3</sup> Section 1001.11, F.S.



- The development and implementation of a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.
- Provision of a centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from multiple agencies and sources.
- Provision of ongoing professional development opportunities to district school board personnel.<sup>4</sup>

### ***Marjory Stoneman Douglas High School Public Safety Commission***

The Marjory Stoneman Douglas High School Public Safety Commission was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.<sup>5</sup> The commission submitted its initial report to the Governor and the Legislature on January 2, 2019,<sup>6</sup> and its second report on November 1, 2019.<sup>7</sup> The commission is scheduled to sunset on July 1, 2023.<sup>8</sup>

### **Safe-School Officer Requirement**

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers who must meet specified screening requirements and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements and crisis intervention training as an SRO.
- Participating in the Coach Aaron Feis Guardian Program.
- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.

The school district is required to notify the county sheriff and the OSS immediately, no later than 72 hours, after a safe-school officer:

- Is dismissed for misconduct or is otherwise disciplined.

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<sup>4</sup> Section 1001.212, F.S.

<sup>5</sup> Section 943.687(3), F.S.

<sup>6</sup> Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited Feb. 17, 2022).

<sup>7</sup> Commission, *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President*, (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>.

<sup>8</sup> Section 943.687, F.S.

- Discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

SROs and school safety officers are required to complete mental health crisis intervention training.<sup>9</sup> Crisis intervention team training is a law enforcement response program designed for first responders who handle crisis calls involving people with mental illness including those with co-occurring substance use disorders. Crisis intervention team training emphasizes a partnership between law enforcement, the mental health and substance abuse treatment system, mental health advocacy groups, and consumers of mental health services and their families.<sup>10</sup> The Florida Criminal Justice Standards and Training Commission offers to sworn law enforcement officers two free courses in crisis intervention training.<sup>11</sup> In addition, the Florida Sheriffs Association receives \$800,000 in recurring funds from the Legislature to enhance crisis intervention team training for law enforcement and correctional officers in local sheriff's offices and police departments.<sup>12</sup>

### ***Coach Aaron Feis Guardian Program (Guardian Program)***

The guardian program was established in 2018<sup>13</sup> as an option for school districts to meet the safe-school officer requirements in law.<sup>14</sup> Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.

A sheriff is required to provide access to a guardian program to aid in the prevention or abatement of active assailant incidents on school premises. If a district school board has voted by a majority to implement a guardian program, the sheriff in that county must establish a guardian program to provide training to school district or charter school employees, either directly or through a contract with another sheriff's office that has established a guardian program.

The sheriff must certify as school guardians school employees who:

- Hold a valid concealed weapon license.
- Complete a 144-hour training program.
- Pass a psychological evaluation administered by a licensed psychologist.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.<sup>15</sup>

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<sup>9</sup> Section 1006.12, F.S.

<sup>10</sup> Florida Sheriffs Association, *Law Enforcement Programs: Crisis Intervention Team Training*, <https://www.flsheriffs.org/law-enforcement-programs/crisis-intervention-team> (last visited Jan. 3, 2022).

<sup>11</sup> Florida Department of Law Enforcement, *CJST: Active Courses*, <https://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx> (last visited Jan. 3, 2022); *see also* Email, Florida Department of Law Enforcement (Jan. 31, 2020).

<sup>12</sup> Specific Appropriation 1300, s. 4, ch. 2021-36, L.O.F.

<sup>13</sup> Section 26, ch. 2018-3, L.O.F.

<sup>14</sup> Section 1006.12, F.S.

<sup>15</sup> Section 30.15, F.S.

The Legislature appropriated \$6.5 million for the 2021-2022 fiscal year for sheriffs to certify and train school guardians.<sup>16</sup> As of September 2021, 26 school districts were employing school guardians to satisfy safe-school officer requirements, and an additional 19 districts were employing school guardians as reinforcements for sworn law enforcement officers.<sup>17</sup>

## **School District Requirements Related to School Safety**

### ***Emergency Response Policies and Procedures***

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.

Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.<sup>18</sup>

The Florida Safe Schools Assessment Tool (FSSAT) is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.<sup>19</sup>

### ***Threat Assessment Teams***

Each district school board must adopt policies for the establishment of threat assessment teams (TATs) at each school. The purpose of TATs is to coordinate resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement.<sup>20</sup> The OSS developed a behavioral threat assessment instrument, the Comprehensive School Threat Assessment Guidelines (CSTAG)<sup>21</sup> to assist TATs in the threat assessment process. The law provides specific requirements for the CSTAG, including that the CSTAG address training for TATs and school administrators.<sup>22</sup>

Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement. The TAT must identify members of the school community to whom

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<sup>16</sup> Specific Appropriation 93, s. 2, ch. 2021-36, L.O.F.

<sup>17</sup> Timothy Hay, Director, Office of Safe Schools, Remarks at the Meeting of the Marjory Stoneman Douglas High School Public Safety Commission (Sept. 27, 2021) (transcript available at [https://www.fde.state.fl.us/MSDHS/Meetings/2021/September/Documents/09\\_27\\_2021-Part-1.aspx](https://www.fde.state.fl.us/MSDHS/Meetings/2021/September/Documents/09_27_2021-Part-1.aspx), at 15-16).

<sup>18</sup> Section 1006.07(4), F.S.

<sup>19</sup> Section 1006.1493, F.S.

<sup>20</sup> Section 1006.07(7), F.S.

<sup>21</sup> Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf>.

<sup>22</sup> Section 1001.212(12)(a)6., F.S.

threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the TAT to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and SROs trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel are required to report all such situations and actions taken to the TAT, which must contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions. Upon the student's transfer to a different school, the TAT must verify that any intervention services provided to the student remain in place until the TAT of the receiving school independently determines the need for intervention services.<sup>23</sup>

### ***Juvenile Diversion Programs***

Juvenile diversion programs are alternatives to juvenile arrest. A juvenile arrest may be diverted based on comprehensive knowledge of the juvenile's criminal history, prior contacts with law enforcement, and prior program enrollment.<sup>24</sup> Florida law directs that a civil citation or similar pre-arrest diversion program for misdemeanor offenses be established in each judicial circuit in the state.<sup>25</sup>

Florida school districts are required to incorporate into student codes of conduct criteria for:

- Recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest.
- Assigning to a school-based intervention program a student who commits a petty act of misconduct, as defined by the district school board, which are not a threat to school safety. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web (JJIS).<sup>26</sup>

Compliance with the community-based diversion programs includes all reporting requirements, including that criminal diversions be entered into JJIS. School districts may still operate their own "diversion programs" that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.<sup>27</sup>

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<sup>23</sup> Section 1006.07(7), F.S.

<sup>24</sup> Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf> at 131.

<sup>25</sup> Section 985.12, F.S.

<sup>26</sup> Section 1006.07(2), F.S.

<sup>27</sup> Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>, at 133.

An audit conducted by the Department of Juvenile Justice in 2019 revealed that 58 school districts were not offering any form of school-based diversion program. Seven school districts were participating in the civil citation or similar prearrest diversion program of the local judicial circuit, and three school districts were operating school-based diversion programs.<sup>28</sup>

### ***Training for Youth Mental Health and Suicide Awareness and Assistance***

Mobile response teams are multi-disciplinary teams of behavioral health professionals and paraprofessionals with specialized crisis intervention and operations training. Mobile response teams provide on-demand crisis intervention services in any setting in which a behavioral health crisis is occurring, including homes, schools and emergency rooms.<sup>29</sup>

Each school safety specialist is required to earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist must ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.<sup>30</sup> School personnel are also required to receive training for suicide awareness and prevention.<sup>31</sup> The DOE has developed a list, which has been adopted by the SBE, of approved youth suicide awareness and prevention training materials and suicide screening instruments that may be used for training in youth suicide awareness, suicide prevention, and suicide screening for instructional personnel in elementary school, middle school, and high school.<sup>32</sup>

The approved list of materials is required to identify available standardized suicide screening instruments appropriate for use with a school-age population and which have validity and reliability and include information about obtaining instruction in the administration and use of such instruments.<sup>33</sup> The DOE has approved three suicide screening instruments for use by instructional personnel:

- Columbia – Suicide Severity Rating Scale (C-SSRS): Lifetime-Recent.
- Suicide Assessment Five-Step Evaluation and Triage (SAFE-T).
- SAFE-T with C-SSRS.<sup>34</sup>

### ***Safety Incident Reporting***

Each district school board is required to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline.<sup>35</sup> The School Environmental Safety Incident Reporting System (SESIR) system collects data on incidents related to school safety and

<sup>28</sup> Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>, at 21-23.

<sup>29</sup> Florida Department of Children and Families, *Mobile Response Teams Framework* (2018), at 6, available at <https://www.myflfamilies.com/service-programs/samh/publications/docs/Mobile%20Response%20Framework.pdf>.

<sup>30</sup> Section 1012.584, F.S.

<sup>31</sup> Section 1012.583, F.S.

<sup>32</sup> Rule 6A-4.0010, F.A.C.

<sup>33</sup> Section 1012.583(1), F.S.

<sup>34</sup> Florida Department of Education, Bureau of Student Support Services, *Suicide Prevention: Suicide Risk Assessment Instruments*, <https://www.fl DOE.org/schools/k-12-public-schools/bosss/suicide-prevent.stml> (last visited Feb. 17, 2022).

<sup>35</sup> Section 1006.07(9), F.S.

discipline that occur on school grounds, school transportation, and off-campus, school-sponsored events.<sup>36</sup> The SBE is required to adopt rules establishing the requirements for the SESIR.<sup>37</sup>

The law requires each school principal to ensure that standardized forms prescribed by SBE rule are used to report data concerning school safety and discipline to the DOE.<sup>38</sup> Upon notification by the department that a superintendent has failed to comply with SESIR reporting requirements, the district school board shall withhold further payment of his or her salary and impose other appropriate sanctions that the commissioner or SBE by law may impose.<sup>39</sup> A district school board member who is responsible for a violation of the reporting or sanctions requirements applicable to a superintendent is subject to suspension and removal.<sup>40</sup>

### ***Mobile Suspicious Activity Reporting Tool (FortifyFL)***

FortifyFL, the mobile suspicious activity reporting tool, is a computer and mobile phone application free to all public and private schools in Florida. District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.<sup>41</sup>

The reporting party may provide his or her report anonymously. If the reporting party chooses to disclose his or her identity, it remains confidential and exempt from public records disclosure requirements. Information received through the mobile suspicious activity reporting tool is also exempt.<sup>42</sup>

## **III. Effect of Proposed Changes:**

PCS/SB 802 provides additional safeguards for Florida's students and schools. The bill extends the sunset date of the Marjory Stoneman Douglas High School Public Safety Commission from July 1, 2023, to July 1, 2025.

### ***Commissioner of Education***

The bill modifies s. 1001.11, F.S., to clarify the Commissioner of Education's (commissioner's) existing authority to oversee compliance with requirements relating to school safety and security by school districts, district school superintendents, and public schools, including charter schools.

### ***The Office of Safe Schools***

The bill modifies s. 1001.212, F.S., to require the Office of Safe Schools (OSS) to develop, in coordination with the Division of Emergency Management and other federal, state, and local law enforcement agencies and first-responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary

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<sup>36</sup> Florida Department of Education, available at <https://www.fldoe.org/safe-schools/sesir-discipline-data/about.stml>.

<sup>37</sup> Section 1006.07(9), F.S.

<sup>38</sup> Section 1006.09(6), F.S.

<sup>39</sup> Section 1001.212(8), F.S.

<sup>40</sup> Section 1001.42(13)(b), F.S.

<sup>41</sup> Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2.

<sup>42</sup> Section 943.082, F.S.

institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies. The bill requires the model plan to be reviewed annually and updated if needed, and consider:

- The integration of student information and notification systems to facilitate reunification after a natural or manmade disaster;
- The provision of accurate and real-time verification of reunification, including student identification through a connection to the student information system;
- Parent or guardian custodial verification;
- A verifiable chain of custody; and
- The provision of real-time reporting and status of students and staff.

The bill also adds requirements for the OSS to:

- Provide ongoing professional development opportunities to charter school personnel in addition to existing requirements to provide training to school district personnel.
- Maintain a current directory of public and private school-based diversion programs and coordinate with the Department of Juvenile Justice and each judicial circuit to monitor and facilitate compliance with the law.

To align the name of the centralized integrated data repository with the functions of the program, the bill renames the centralized integrated data repository as the unified search tool, which is to be known as the “Florida School Safety Portal.”

### ***Marjory Stoneman Douglas High School Public Safety Commission***

The bill modifies s. 943.687, F.S., to extend from July 1, 2023, to July 1, 2025, the sunset date for the Marjory Stoneman Douglas High School Public Safety Commission.

### **Safe-School Officer Requirement**

The bill modifies s. 1006.12, F.S., relating to safe-school officers, to align requirements among all sworn law enforcement officers serving as safe school officers.

The bill modifies requirements relating to school safety officer authority and training by:

- Clarifying that school safety officers have the power to make arrests on property owned or leased by a charter school in the district.
- Requiring that all safe school officers who are also sworn law enforcement officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer’s knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.
- Clarifying that a district school superintendent or charter school administrator, or a respective designee, is responsible for notifying the county sheriff and the OSS after certain misconduct committed by a safe-school officer.

### ***Coach Aaron Feis Guardian Program***

The bill clarifies requirements related to school guardians. Specifically, the bill clarifies that:



- An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any school guardian program training.
- Only a sheriff may conduct school guardian program training.

## **School District Requirements Related to School Safety**

### ***Emergency Response Policies and Procedures***

The bill modifies s. 1006.07, F.S., to provide for consistent application of emergency drill requirements across all school districts. The Bill requires the SBE to refer to recommendations provided in published reports of the Marjory Stoneman Douglas High School Public Safety Commission (commission), consult with state and local constituencies, and adopt rules establishing minimum requirements for school district policies and procedures related to emergency response and drills. The SBE's rules must be adopted by August 1, 2023, and must:

- Define, at a minimum, “emergency drill,” “active threat,” and “after-action report.”
- Establish minimum requirements related to the timing, frequency, participation, training, notification, accommodations, and responses to threat situations.
- Specifically address incident type, school level, school type, and student and school characteristics.
- Require all types of emergency drills to be conducted no less frequently than on an annual basis.

The bill requires sheriffs to coordinate with the district school safety specialist to determine the necessary law enforcement officers responsible for responding to a school in the event of an active assailant emergency, and requires schools to notify at least 24 hours before a drill the designated law enforcement officers, who must be physically present on campus and directly involved in the execution of active assailant drills.

To support family reunification following an emergency, the bill requires each district school board and charter school governing board to adopt, in coordination with local law enforcement agencies and local governments, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or manmade disaster. This reunification plan must be reviewed annually and updated, as applicable, and must consider:

- The integration of student information and notification systems to facilitate reunification after a natural or manmade disaster;
- The provision of accurate and real-time verification of reunification, including student identification through a connection to the student information system;
- Parent or guardian custodial verification;
- A verifiable chain of custody; and
- The provision of real-time reporting and status of students and staff.

The bill also amends s. 1006.1493, F.S., to require that the Florida Safe Schools Assessment Tool (FSSAT) address policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.



***Threat Assessment Teams***

The bill modifies s. 1006.07, F.S., relating to threat assessment teams (TATs). Specifically, the bill requires that all members of the TAT be involved in the threat assessment process from start to finish, including the determination of the final disposition decision. This change may ensure that all members of the TAT are active participants in the entire threat assessment process.

***School Environmental Safety Incident Reporting***

The bill requires the Department of Education (DOE) to annually publish on its website the most recently available school environmental safety incident data along with other school accountability and performance data in a uniform, statewide format that is easy to read and understand.

***Training for Youth Mental Health and Suicide Awareness and Assistance***

The bill requires, no later than July 1, 2023, and annually thereafter by July 1, each school district to certify to the DOE, in a format determined by the DOE, that at least 80 percent of school personnel in elementary, middle, and high schools have received the required training for youth mental health awareness and assistance.

The bill requires each district school board to adopt policies to ensure that district schools and local mobile response teams use the same suicide screening instrument approved by the DOE.

***Mobile Suspicious Activity Reporting Tool (FortifyFL)***

The bill modifies s. 943.082, F.S., effective October 1, 2022, to support credible reporting through the FortifyFL application. The bill requires notification to parties reporting through FortifyFL that if, following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies, and the reporting party may be subject to criminal penalties for a false report. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

**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:

An agency analysis has not been provided by the Florida Department of Education. However, the bill is clarifying currently required statutory mandates therefore a fiscal impact to state revenues or expenditures is unlikely. The analysis received from the Florida Department of Law Enforcement does not indicate a fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 943.082, 943.687, 1001.11, 1001.212, 1006.07, 1006.12, 1006.1493, , and 1012.584.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**Recommended CS/SB by Appropriations Subcommittee on Education on February 16, 2022**

The proposed committee substitute removes from the bill the provisions authorizing:

- The Commissioner of Education and the state board to direct a district school board to withhold the salary of a superintendent, or school board members if the superintendent is appointed.

- The DOE Inspector General to investigate allegations of school safety violations by a district school board.

The proposed committee substitute extends from July 1, 2023, to July 1, 2025, the sunset date for the Marjory Stoneman Douglas High School Public Safety Commission. The proposed committee substitute also adds to the bill provisions requiring:

- The Department of Education to annually publish School Environmental Safety Incident Reporting (SESIR) data.
- School boards and mobile response teams are using the same DOE-approved suicide screening instrument.
- School boards to consult with local governments in reunification plans.
- Schools to notify participating law enforcement at least 24 hours prior to active assailant drill.
- Schools districts to certify that at least 80% of district personnel have received youth mental health awareness and assistance training by July 1, 2023, and annually thereafter by July 1.
- The Office of Safe Schools to consider in the development of the model family reunification plan required pursuant to the bill:
  - The integration of student information and notification systems to facilitate reunification after a natural or manmade disaster;
  - The provision of accurate and real-time verification of reunification, including student identification through a connection to the student information system;
  - Parent or guardian custodial verification;
  - A verifiable chain of custody; and
  - The provision of real-time reporting and status of students and staff.

The proposed committee substitute modifies the requirement of the bill for the district school superintendent or charter school administrator to provide certain notifications concerning safe school officers to authorize a superintendent or administrator's designee to make the required notification.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2022	.	
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Appropriations Subcommittee on Education (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (9) of section 943.687, Florida  
Statutes, is amended to read:

943.687 Marjory Stoneman Douglas High School Public Safety  
Commission.—

(9) The commission shall submit an initial report on its  
findings and recommendations to the Governor, President of the



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11 Senate, and Speaker of the House of Representatives by January  
12 1, 2019, and may issue reports annually thereafter. The  
13 commission shall sunset July 1, 2025 ~~2023~~, and this section is  
14 repealed on that date.

15 Section 2. Effective October 1, 2022, paragraph (c) is  
16 added to subsection (2) of section 943.082, Florida Statutes, to  
17 read:

18 943.082 School Safety Awareness Program.—

19 (2) The reporting tool must notify the reporting party of  
20 the following information:

21 (c) That if, following an investigation, it is determined  
22 that a person knowingly submitted a false tip through FortifyFL,  
23 the Internet protocol (IP) address of the device on which the  
24 tip was submitted will be provided to law enforcement agencies  
25 for further investigation, and the reporting party may be  
26 subject to criminal penalties under s. 837.05. In all other  
27 circumstances, unless the reporting party has chosen to disclose  
28 his or her identity, the report will remain anonymous.

29 Section 3. Subsection (9) of section 1001.11, Florida  
30 Statutes, is amended to read:

31 1001.11 Commissioner of Education; other duties.—

32 (9) The commissioner shall oversee and enforce compliance  
33 with the requirements relating to school safety and security  
34 ~~requirements of the Marjory Stoneman Douglas High School Public~~  
35 ~~Safety Act, chapter 2018-3, Laws of Florida,~~ by school  
36 districts; district school superintendents; and public schools,  
37 including charter schools. The commissioner must facilitate  
38 compliance to the maximum extent provided under law, identify  
39 incidents of noncompliance, and impose or recommend to the State



40 Board of Education, the Governor, or the Legislature enforcement  
41 and sanctioning actions pursuant to s. 1008.32 and other  
42 authority granted under law.

43 Section 4. Present subsections (14) and (15) of section  
44 1001.212, Florida Statutes, are redesignated as subsections (15)  
45 and (16), respectively, a new subsection (14) and subsection  
46 (17) are added to that section, and subsections (2) and (6) of  
47 that section are amended, to read:

48 1001.212 Office of Safe Schools.—There is created in the  
49 Department of Education the Office of Safe Schools. The office  
50 is fully accountable to the Commissioner of Education. The  
51 office shall serve as a central repository for best practices,  
52 training standards, and compliance oversight in all matters  
53 regarding school safety and security, including prevention  
54 efforts, intervention efforts, and emergency preparedness  
55 planning. The office shall:

56 (2) Provide ongoing professional development opportunities  
57 to school district and charter school personnel.

58 (6) Coordinate with the Department of Law Enforcement to  
59 provide a unified search tool, known as the Florida School  
60 Safety Portal, ~~centralized integrated data repository and data~~  
61 ~~analytics resources~~ to improve access to timely, complete, and  
62 accurate information ~~integrating data~~ from, at a minimum, ~~but~~  
63 ~~not limited to~~, the following data sources ~~by August 1, 2019~~:

- 64 (a) Social media Internet posts;  
65 (b) The Department of Children and Families;  
66 (c) The Department of Law Enforcement;  
67 (d) The Department of Juvenile Justice;  
68 (e) The mobile suspicious activity reporting tool known as



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69 FortifyFL;

70 (f) School environmental safety incident reports collected  
71 under subsection (8); and

72 (g) Local law enforcement.  
73

74 Data that is exempt or confidential and exempt from public  
75 records requirements retains its exempt or confidential and  
76 exempt status when incorporated into the centralized integrated  
77 data repository. To maintain the confidentiality requirements  
78 attached to the information provided to the centralized  
79 integrated data repository by the various state and local  
80 agencies, data governance and security shall ensure compliance  
81 with all applicable state and federal data privacy requirements  
82 through the use of user authorization and role-based security,  
83 data anonymization and aggregation and auditing capabilities. To  
84 maintain the confidentiality requirements attached to the  
85 information provided to the centralized integrated data  
86 repository by the various state and local agencies, each source  
87 agency providing data to the repository shall be the sole  
88 custodian of the data for the purpose of any request for  
89 inspection or copies thereof under chapter 119. The department  
90 shall only allow access to data from the source agencies in  
91 accordance with rules adopted by the respective source agencies  
92 and the requirements of the Federal Bureau of Investigation  
93 Criminal Justice Information Services security policy, where  
94 applicable.

95 (14) Develop, in coordination with the Division of  
96 Emergency Management; other federal, state, and local law  
97 enforcement agencies; fire and rescue agencies; and first



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98 responder agencies, a model family reunification plan for use by  
99 child care facilities, public K-12 schools, and public  
100 postsecondary educational institutions that are closed or  
101 unexpectedly evacuated due to a natural or manmade disaster.  
102 This model plan must consider: the integration of student  
103 information and notification systems to facilitate reunification  
104 after a natural or manmade disaster; the provision of accurate  
105 and real-time verification of reunification, including student  
106 identification through a connection to the student information  
107 system; parent or guardian custodial verification; a verifiable  
108 chain of custody; and the provision of real-time reporting and  
109 status of students and staff. This model plan must be reviewed  
110 annually and updated, as applicable.

111 (17) Maintain a current directory of public and private  
112 school-based diversion programs and cooperate with each judicial  
113 circuit and the Department of Juvenile Justice to facilitate  
114 their efforts to monitor and enforce each governing body's  
115 compliance with s. 985.12.

116 Section 5. Paragraph (a) of subsection (4), paragraph (a)  
117 of subsection (7), and subsection (9) of section 1006.07,  
118 Florida Statutes, are amended, paragraph (d) is added to  
119 subsection (6), and subsection (11) is added to that section, to  
120 read:

121 1006.07 District school board duties relating to student  
122 discipline and school safety.—The district school board shall  
123 provide for the proper accounting for all students, for the  
124 attendance and control of students at school, and for proper  
125 attention to health, safety, and other matters relating to the  
126 welfare of students, including:





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127 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—  
128 (a) Formulate and prescribe policies and procedures, in  
129 consultation with the appropriate public safety agencies, for  
130 emergency drills and for actual emergencies, including, but not  
131 limited to, fires, natural disasters, active assailant and  
132 hostage situations, and bomb threats, for all students and  
133 faculty at all public schools of the district ~~composed~~ comprised  
134 of grades K-12, pursuant to State Board of Education rules.  
135 Drills for active assailant and hostage situations must ~~shall~~ be  
136 conducted in accordance with developmentally appropriate and  
137 age-appropriate procedures, as specified in State Board of  
138 Education rules at least as often as other emergency drills. Law  
139 enforcement officers responsible for responding to the school in  
140 the event of an active assailant emergency, as determined  
141 necessary by the sheriff in coordination with the district's  
142 school safety specialist, must be physically present on campus  
143 and directly involved in the execution of active assailant  
144 emergency drills. School districts must notify law enforcement  
145 officers at least 24 hours before conducting an active assailant  
146 emergency drill that such law enforcement officers are expected  
147 to attend. District school board policies must ~~shall~~ include  
148 commonly used alarm system responses for specific types of  
149 emergencies and verification by each school that drills have  
150 been provided as required by law, State Board of Education  
151 rules, and fire protection codes and may provide accommodations  
152 for drills conducted by exceptional student education centers.  
153 District school boards shall establish emergency response and  
154 emergency preparedness policies and procedures that include, but  
155 are not limited to, identifying the individuals responsible for



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156 contacting the primary emergency response agency and the  
157 emergency response agency ~~that is~~ responsible for notifying the  
158 school district for each type of emergency. The State Board of  
159 Education shall refer to recommendations provided in reports  
160 published pursuant to s. 943.687 for guidance and, by August 1,  
161 2023, consult with state and local constituencies to adopt rules  
162 applicable to the requirements of this subsection which, at a  
163 minimum, define the terms "emergency drill," "active threat,"  
164 and "after-action report" and establish minimum emergency drill  
165 policies and procedures related to the timing, frequency,  
166 participation, training, notification, accommodations, and  
167 responses to threat situations by incident type, school level,  
168 school type, and student and school characteristics. The rules  
169 must require all types of emergency drills to be conducted no  
170 less frequently than on an annual school year basis.

171 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district  
172 school superintendent shall establish policies and procedures  
173 for the prevention of violence on school grounds, including the  
174 assessment of and intervention with individuals whose behavior  
175 poses a threat to the safety of the school community.

176 (d) Each district school board and charter school governing  
177 board shall adopt, in coordination with local law enforcement  
178 agencies and local governments, a family reunification plan to  
179 reunite students and employees with their families in the event  
180 that a school is closed or unexpectedly evacuated due to a  
181 natural or manmade disaster. This reunification plan must be  
182 reviewed annually and updated, as applicable.

183 (7) THREAT ASSESSMENT TEAMS.—Each district school board  
184 shall adopt policies for the establishment of threat assessment



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185 teams at each school whose duties include the coordination of  
186 resources and assessment and intervention with individuals whose  
187 behavior may pose a threat to the safety of school staff or  
188 students consistent with the model policies developed by the  
189 Office of Safe Schools. Such policies must include procedures  
190 for referrals to mental health services identified by the school  
191 district pursuant to s. 1012.584(4), when appropriate, and  
192 procedures for behavioral threat assessments in compliance with  
193 the instrument developed pursuant to s. 1001.212(12).

194 (a) A threat assessment team shall include persons with  
195 expertise in counseling, instruction, school administration, and  
196 law enforcement. All members of the threat assessment team must  
197 be involved in the threat assessment process and final  
198 decisionmaking. The threat assessment teams shall identify  
199 members of the school community to whom threatening behavior  
200 should be reported and provide guidance to students, faculty,  
201 and staff regarding recognition of threatening or aberrant  
202 behavior that may represent a threat to the community, school,  
203 or self. Upon the availability of the behavioral threat  
204 assessment instrument developed pursuant to s. 1001.212(12), the  
205 threat assessment team shall use that instrument.

206 (9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each  
207 district school board shall adopt policies to ensure the  
208 accurate and timely reporting of incidents related to school  
209 safety and discipline. The district school superintendent is  
210 responsible for school environmental safety incident reporting.  
211 A district school superintendent who fails to comply with this  
212 subsection is subject to the penalties specified in law,  
213 including, but not limited to, s. 1001.42(13) (b) or s.



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214 1001.51(12)(b), as applicable. The State Board of Education  
215 shall adopt rules establishing the requirements for the school  
216 environmental safety incident report. Annually, the department  
217 shall publish on its website the most recently available school  
218 environmental safety incident data along with other school  
219 accountability and performance data in a uniform, statewide  
220 format that is easy to read and understand.

221 (11) SUICIDE SCREENING INSTRUMENT.—Each district school  
222 board shall adopt policies to ensure that district schools and  
223 local mobile response teams use the same suicide screening  
224 instrument approved by the department pursuant to s. 1012.583.

225 Section 6. Present subsection (6) of section 1006.12,  
226 Florida Statutes, is redesignated as subsection (8), a new  
227 subsection (6) and subsection (7) are added to that section, and  
228 paragraph (c) of subsection (1), paragraphs (a) and (b) of  
229 subsection (2), and subsection (5) of that section are amended,  
230 to read:

231 1006.12 Safe-school officers at each public school.—For the  
232 protection and safety of school personnel, property, students,  
233 and visitors, each district school board and school district  
234 superintendent shall partner with law enforcement agencies or  
235 security agencies to establish or assign one or more safe-school  
236 officers at each school facility within the district, including  
237 charter schools. A district school board must collaborate with  
238 charter school governing boards to facilitate charter school  
239 access to all safe-school officer options available under this  
240 section. The school district may implement any combination of  
241 the options in subsections (1)-(4) to best meet the needs of the  
242 school district and charter schools.



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243 (1) SCHOOL RESOURCE OFFICER.—A school district may  
244 establish school resource officer programs through a cooperative  
245 agreement with law enforcement agencies.

246 ~~(c) Complete mental health crisis intervention training~~  
247 ~~using a curriculum developed by a national organization with~~  
248 ~~expertise in mental health crisis intervention. The training~~  
249 ~~shall improve officers' knowledge and skills as first responders~~  
250 ~~to incidents involving students with emotional disturbance or~~  
251 ~~mental illness, including de-escalation skills to ensure student~~  
252 ~~and officer safety.~~

253 (2) SCHOOL SAFETY OFFICER.—A school district may commission  
254 one or more school safety officers for the protection and safety  
255 of school personnel, property, and students within the school  
256 district. The district school superintendent may recommend, and  
257 the district school board may appoint, one or more school safety  
258 officers.

259 (a) School safety officers shall undergo criminal  
260 background checks, drug testing, and a psychological evaluation  
261 and be law enforcement officers, as defined in s. 943.10(1),  
262 certified under ~~the provisions of~~ chapter 943 and employed by  
263 either a law enforcement agency or by the district school board.  
264 If the officer is employed by the district school board, the  
265 district school board is the employing agency for purposes of  
266 chapter 943, and must comply with ~~the provisions of~~ that  
267 chapter.

268 (b) A school safety officer has and shall exercise the  
269 power to make arrests for violations of law on district school  
270 board property or on property owned or leased by a charter  
271 school under a charter contract, as applicable, and to arrest



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272 persons, whether on or off such property, who violate any law on  
273 such property under the same conditions that deputy sheriffs are  
274 authorized to make arrests. A school safety officer has the  
275 authority to carry weapons when performing his or her official  
276 duties.

277 (5) NOTIFICATION.—The district school superintendent or  
278 charter school administrator, or a respective designee, school  
279 ~~district~~ shall notify the county sheriff and the Office of Safe  
280 Schools immediately after, but no later than 72 hours after:

281 (a) A safe-school officer is dismissed for misconduct or is  
282 otherwise disciplined.

283 (b) A safe-school officer discharges his or her firearm in  
284 the exercise of the safe-school officer's duties, other than for  
285 training purposes.

286 (6) CRISIS INTERVENTION TRAINING.—Each safe-school officer  
287 who is also a sworn law enforcement officer shall complete  
288 mental health crisis intervention training using a curriculum  
289 developed by a national organization with expertise in mental  
290 health crisis intervention. The training must improve the  
291 officer's knowledge and skills as a first responder to incidents  
292 involving students with emotional disturbance or mental illness,  
293 including de-escalation skills to ensure student and officer  
294 safety.

295 (7) LIMITATIONS.—An individual must satisfy the background  
296 screening, psychological evaluation, and drug test requirements  
297 and be approved by the sheriff before participating in any  
298 training required by s. 30.15(1)(k), which may be conducted only  
299 by a sheriff.

300



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301 If a district school board, through its adopted policies,  
302 procedures, or actions, denies a charter school access to any  
303 safe-school officer options pursuant to this section, the school  
304 district must assign a school resource officer or school safety  
305 officer to the charter school. Under such circumstances, the  
306 charter school's share of the costs of the school resource  
307 officer or school safety officer may not exceed the safe school  
308 allocation funds provided to the charter school pursuant to s.  
309 1011.62(13) and shall be retained by the school district.

310 Section 7. Paragraph (a) of subsection (2) of section  
311 1006.1493, Florida Statutes, is amended to read:

312 1006.1493 Florida Safe Schools Assessment Tool.-

313 (2) The FSSAT must help school officials identify threats,  
314 vulnerabilities, and appropriate safety controls for the schools  
315 that they supervise, pursuant to the security risk assessment  
316 requirements of s. 1006.07(6).

317 (a) At a minimum, the FSSAT must address all of the  
318 following components:

- 319 1. School emergency and crisis preparedness planning;
- 320 2. Security, crime, and violence prevention policies and  
321 procedures;
- 322 3. Physical security measures;
- 323 4. Professional development training needs;
- 324 5. An examination of support service roles in school  
325 safety, security, and emergency planning;
- 326 6. School security and school police staffing, operational  
327 practices, and related services;
- 328 7. School and community collaboration on school safety; ~~and~~
- 329 8. Policies and procedures for school officials to prepare



330 for and respond to natural and manmade disasters, including  
331 family reunification plans to reunite students and employees  
332 with their families after a school is closed or unexpectedly  
333 evacuated due to such disasters; and

334 9. A return on investment analysis of the recommended  
335 physical security controls.

336 Section 8. Subsection (5) is added to section 1012.584,  
337 Florida Statutes, to read:

338 1012.584 Continuing education and inservice training for  
339 youth mental health awareness and assistance.—

340 (5) No later than July 1, 2023, and annually thereafter by  
341 July 1, each school district shall certify to the department, in  
342 a format determined by the department, that at least 80 percent  
343 of school personnel in elementary, middle, and high schools have  
344 received the training required under this section.

345 Section 9. Except as otherwise expressly provided in this  
346 act, this act shall take effect July 1, 2022.

347  
348 ===== T I T L E A M E N D M E N T =====

349 And the title is amended as follows:

350 Delete everything before the enacting clause  
351 and insert:

352 A bill to be entitled  
353 An act relating to school safety; amending s. 943.687,  
354 F.S.; extending the sunset date of the Marjory  
355 Stoneman Douglas High School Public Safety Commission;  
356 amending s. 943.082, F.S.; requiring the FortifyFL  
357 reporting tool to notify reporting parties that  
358 submitting false information may subject them to





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359 criminal penalties; providing that certain reports  
360 will remain anonymous; amending s. 1001.11, F.S.;  
361 requiring the Commissioner of Education to oversee and  
362 enforce compliance with requirements relating to  
363 school safety and security; amending s. 1001.212,  
364 F.S.; revising the duties of the Office of Safe  
365 Schools; amending s. 1006.07, F.S.; requiring certain  
366 law enforcement officers to be physically present and  
367 directly involved in active assailant emergency  
368 drills; requiring school districts to notify such law  
369 enforcement officers of such drills within a specified  
370 time period; requiring the State Board of Education to  
371 adopt rules; specifying the requirements for the  
372 rules; requiring district school boards and charter  
373 school governing boards, in coordination with  
374 specified entities, to adopt family reunification  
375 plans; providing for the update and review of such  
376 plan; requiring all members of threat assessment teams  
377 to be involved in certain processes and decisions;  
378 requiring the Department of Education to annually  
379 publish on its website specified data in a certain  
380 format; requiring district school boards to adopt  
381 certain policies relating to suicide screening  
382 instruments; amending s. 1006.12, F.S.; making  
383 technical changes; authorizing school safety officers  
384 to make arrests on property owned or leased by a  
385 charter school under a charter contract; requiring  
386 district school superintendents or charter school  
387 administrators, instead of school districts, to notify



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388 county sheriffs and the Office of Safe Schools of  
389 certain safe-school officer-related incidents;  
390 specifying training requirements for safe-school  
391 officers; amending s. 1006.1493, F.S.; requiring the  
392 Florida Safe Schools Assessment Tool to address  
393 policies and procedures to prepare for and respond to  
394 natural and manmade disasters; amending s. 1012.584,  
395 F.S.; requiring each school district to certify that a  
396 specified percentage of school personnel have received  
397 certain training by a specified date; providing  
398 effective dates.

By Senator Gruters

23-00085B-22

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1 A bill to be entitled  
 2 An act relating to school safety; amending s. 943.082,  
 3 F.S.; requiring the FortifyFL reporting tool to notify  
 4 reporting parties that submitting false information  
 5 may subject them to criminal penalties; providing that  
 6 certain reports will remain anonymous; amending s.  
 7 1001.11, F.S.; requiring the Commissioner of Education  
 8 to oversee and enforce compliance with requirements  
 9 relating to school safety and security; requiring the  
 10 commissioner to take specified actions under certain  
 11 circumstances relating to noncompliance; amending s.  
 12 1001.20, F.S.; requiring the Department of Education's  
 13 Office of Inspector General to investigate certain  
 14 allegations if the commissioner determines that a  
 15 district school board is unwilling or unable to  
 16 address the allegations; amending s. 1001.212, F.S.;  
 17 revising the duties of the Office of Safe Schools;  
 18 amending s. 1006.07, F.S.; requiring certain law  
 19 enforcement officers to be physically present and  
 20 directly involved in active assailant emergency  
 21 drills; requiring the State Board of Education to  
 22 adopt rules; specifying the requirements for the  
 23 rules; requiring district school boards and charter  
 24 school governing boards to adopt family reunification  
 25 plans; providing for the update and review of such  
 26 plan; requiring all members of threat assessment teams  
 27 to be involved in certain processes and decisions;  
 28 amending s. 1006.12, F.S.; making technical changes;  
 29 authorizing school safety officers to make arrests on

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30 property owned or leased by a charter school under a  
 31 charter contract; requiring district school  
 32 superintendents or charter school administrators,  
 33 instead of school districts, to notify county sheriffs  
 34 and the Office of Safe Schools of certain safe-school  
 35 officer-related incidents; specifying training  
 36 requirements for certain safe-school officers;  
 37 amending s. 1006.1493, F.S.; requiring the Florida  
 38 Safe Schools Assessment Tool to address policies and  
 39 procedures to prepare for and respond to natural and  
 40 manmade disasters; amending s. 1008.32, F.S.;  
 41 authorizing the State Board of Education to direct a  
 42 school district to suspend the salaries of certain  
 43 officials if the state board determines the district  
 44 school board is unwilling or unable to comply with law  
 45 or state board rule; providing effective dates.

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

48  
 49 Section 1. Effective October 1, 2022, paragraph (c) is  
 50 added to subsection (2) of section 943.082, Florida Statutes, to  
 51 read:  
 52 943.082 School Safety Awareness Program.—  
 53 (2) The reporting tool must notify the reporting party of  
 54 the following information:  
 55 (c) That if, following an investigation, it is determined  
 56 that a person knowingly submitted a false tip through FortifyFL,  
 57 the Internet protocol (IP) address of the device on which the  
 58 tip was submitted will be provided to law enforcement agencies

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59 for further investigation, and the reporting party may be  
 60 subject to criminal penalties under s. 837.05. In all other  
 61 circumstances, unless the reporting party has chosen to disclose  
 62 his or her identity, the report will remain anonymous.

63 Section 2. Subsection (9) of section 1001.11, Florida  
 64 Statutes, is amended to read:

65 1001.11 Commissioner of Education; other duties.—

66 (9) The commissioner shall oversee and enforce compliance  
 67 with the requirements relating to school safety and security  
 68 requirements of the Marjory Stoneman Douglas High School Public  
 69 Safety Act, chapter 2018-3, Laws of Florida, by school  
 70 districts; district school superintendents; and public schools,  
 71 including charter schools. Upon notification by the Office of  
 72 Safe Schools of a school district's substantiated noncompliance  
 73 with school safety and security requirements, the commissioner  
 74 must require the district school board to withhold further  
 75 payment of the salary of the superintendent, as authorized under  
 76 s. 1001.42(13)(b). Upon notification by the Office of Safe  
 77 Schools that a charter school has failed to comply with the  
 78 requirements relating to school safety and security, the  
 79 commissioner must facilitate compliance by charter schools by  
 80 recommending actions to the district school board pursuant to s.  
 81 1002.33. The commissioner must facilitate compliance to the  
 82 maximum extent provided under law, identify incidents of  
 83 noncompliance, and impose or recommend to the State Board of  
 84 Education, the Governor, or the Legislature enforcement and  
 85 sanctioning actions pursuant to s. 1008.32 and other authority  
 86 granted under law.

87 Section 3. Paragraph (e) of subsection (4) of section

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88 1001.20, Florida Statutes, is amended to read:

89 1001.20 Department under direction of state board.—

90 (4) The Department of Education shall establish the  
 91 following offices within the Office of the Commissioner of  
 92 Education which shall coordinate their activities with all other  
 93 divisions and offices:

94 (e) *Office of Inspector General.*—Organized using existing  
 95 resources and funds and responsible for promoting  
 96 accountability, efficiency, and effectiveness and detecting  
 97 fraud and abuse within school districts, the Florida School for  
 98 the Deaf and the Blind, and Florida College System institutions  
 99 in Florida. If the Commissioner of Education determines that a  
 100 district school board, the Board of Trustees for the Florida  
 101 School for the Deaf and the Blind, or a Florida College System  
 102 institution board of trustees is unwilling or unable to address  
 103 substantiated allegations made by any person relating to waste,  
 104 fraud, or financial mismanagement within the school district,  
 105 the Florida School for the Deaf and the Blind, or the Florida  
 106 College System institution, the office must ~~shall~~ conduct,  
 107 coordinate, or request investigations into such substantiated  
 108 allegations. If the Commissioner of Education determines that a  
 109 district school board is unwilling or unable to address credible  
 110 allegations made by any person relating to compliance with the  
 111 requirements relating to school safety and security, the office  
 112 must conduct, coordinate, or request investigations into such  
 113 allegations. The office shall investigate allegations or reports  
 114 of possible fraud or abuse against a district school board made  
 115 by any member of the Cabinet; the presiding officer of either  
 116 house of the Legislature; a chair of a substantive or

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117 appropriations committee with jurisdiction; or a member of the  
 118 board for which an investigation is sought. The office shall  
 119 have access to all information and personnel necessary to  
 120 perform its duties and shall have all of its current powers,  
 121 duties, and responsibilities authorized in s. 20.055.

122 Section 4. Present subsections (14) and (15) of section  
 123 1001.212, Florida Statutes, are redesignated as subsections (15)  
 124 and (16), respectively, a new subsection (14) and subsection  
 125 (17) are added to that section, and subsections (2) and (6) of  
 126 that section are amended, to read:

127 1001.212 Office of Safe Schools.—There is created in the  
 128 Department of Education the Office of Safe Schools. The office  
 129 is fully accountable to the Commissioner of Education. The  
 130 office shall serve as a central repository for best practices,  
 131 training standards, and compliance oversight in all matters  
 132 regarding school safety and security, including prevention  
 133 efforts, intervention efforts, and emergency preparedness  
 134 planning. The office shall:

135 (2) Provide ongoing professional development opportunities  
 136 to school district and charter school personnel.

137 (6) Coordinate with the Department of Law Enforcement to  
 138 provide a unified search tool, known as the Florida School  
 139 Safety Portal, ~~centralized integrated data repository and data~~  
 140 ~~analytics resources~~ to improve access to timely, complete, and  
 141 accurate information ~~integrating data~~ from, at a minimum, ~~but~~  
 142 ~~not limited to~~, the following data sources ~~by August 1, 2019~~:

- 143 (a) Social media Internet posts;  
 144 (b) The Department of Children and Families;  
 145 (c) The Department of Law Enforcement;

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- 146 (d) The Department of Juvenile Justice;  
 147 (e) The mobile suspicious activity reporting tool known as  
 148 FortifyFL;  
 149 (f) School environmental safety incident reports collected  
 150 under subsection (8); and  
 151 (g) Local law enforcement.

152  
 153 Data that is exempt or confidential and exempt from public  
 154 records requirements retains its exempt or confidential and  
 155 exempt status when incorporated into the centralized integrated  
 156 data repository. To maintain the confidentiality requirements  
 157 attached to the information provided to the centralized  
 158 integrated data repository by the various state and local  
 159 agencies, data governance and security shall ensure compliance  
 160 with all applicable state and federal data privacy requirements  
 161 through the use of user authorization and role-based security,  
 162 data anonymization and aggregation and auditing capabilities. To  
 163 maintain the confidentiality requirements attached to the  
 164 information provided to the centralized integrated data  
 165 repository by the various state and local agencies, each source  
 166 agency providing data to the repository shall be the sole  
 167 custodian of the data for the purpose of any request for  
 168 inspection or copies thereof under chapter 119. The department  
 169 shall only allow access to data from the source agencies in  
 170 accordance with rules adopted by the respective source agencies  
 171 and the requirements of the Federal Bureau of Investigation  
 172 Criminal Justice Information Services security policy, where  
 173 applicable.

174 (14) Develop, in coordination with the Division of

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175 Emergency Management; other federal, state, and local law  
 176 enforcement agencies; fire and rescue agencies; and first  
 177 responder agencies, a model family reunification plan for use by  
 178 child care facilities, public K-12 schools, and public  
 179 postsecondary educational institutions that are closed or  
 180 unexpectedly evacuated due to a natural or manmade disaster.  
 181 This model plan must be reviewed annually and updated, as  
 182 applicable.

183 (17) Maintain a current directory of public and private  
 184 school-based diversion programs and cooperate with each judicial  
 185 circuit and the Department of Juvenile Justice to facilitate  
 186 their efforts to monitor and enforce each governing body's  
 187 compliance with s. 985.12.

188 Section 5. Paragraph (a) of subsection (4) and paragraph  
 189 (a) of subsection (7) of section 1006.07, Florida Statutes, are  
 190 amended, and paragraph (d) is added to subsection (6) of that  
 191 section, to read:

192 1006.07 District school board duties relating to student  
 193 discipline and school safety.—The district school board shall  
 194 provide for the proper accounting for all students, for the  
 195 attendance and control of students at school, and for proper  
 196 attention to health, safety, and other matters relating to the  
 197 welfare of students, including:

198 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

199 (a) Formulate and prescribe policies and procedures, in  
 200 consultation with the appropriate public safety agencies, for  
 201 emergency drills and for actual emergencies, including, but not  
 202 limited to, fires, natural disasters, active assailant and  
 203 hostage situations, and bomb threats, for all students and

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204 faculty at all public schools of the district composed ~~comprised~~  
 205 of grades K-12, pursuant to State Board of Education rules.  
 206 Drills for active assailant and hostage situations must ~~shall~~ be  
 207 conducted in accordance with developmentally appropriate and  
 208 age-appropriate procedures, as specified in State Board of  
 209 Education rules at least as often as other emergency drills. Law  
 210 enforcement officers responsible for responding to the school in  
 211 the event of an active assailant emergency, as determined  
 212 necessary by the sheriff in coordination with the district's  
 213 school safety specialist, must be physically present on campus  
 214 and directly involved in the execution of active assailant  
 215 emergency drills. District school board policies must ~~shall~~  
 216 include commonly used alarm system responses for specific types  
 217 of emergencies and verification by each school that drills have  
 218 been provided as required by law, State Board of Education  
 219 rules, and fire protection codes and may provide accommodations  
 220 for drills conducted by exceptional student education centers.  
 221 District school boards shall establish emergency response and  
 222 emergency preparedness policies and procedures that include, but  
 223 are not limited to, identifying the individuals responsible for  
 224 contacting the primary emergency response agency and the  
 225 emergency response agency ~~that is~~ responsible for notifying the  
 226 school district for each type of emergency. The State Board of  
 227 Education shall refer to recommendations provided in reports  
 228 published pursuant to s. 943.687 for guidance and, by August 1,  
 229 2023, consult with state and local constituencies to adopt rules  
 230 applicable to the requirements of this subsection which, at a  
 231 minimum, define the terms "emergency drill," "active threat,"  
 232 and "after-action report" and establish minimum emergency drill

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233 policies and procedures related to the timing, frequency,  
 234 participation, training, notification, accommodations, and  
 235 responses to threat situations by incident type, school level,  
 236 school type, and student and school characteristics. The rules  
 237 must require all types of emergency drills to be conducted no  
 238 less frequently than on an annual school year basis.

239 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district  
 240 school superintendent shall establish policies and procedures  
 241 for the prevention of violence on school grounds, including the  
 242 assessment of and intervention with individuals whose behavior  
 243 poses a threat to the safety of the school community.

244 (d) Each district school board and charter school governing  
 245 board shall adopt, in coordination with local law enforcement  
 246 agencies, a family reunification plan to reunite students and  
 247 employees with their families in the event that a school is  
 248 closed or unexpectedly evacuated due to a natural or manmade  
 249 disaster. This reunification plan must be reviewed annually and  
 250 updated, as applicable.

251 (7) THREAT ASSESSMENT TEAMS.—Each district school board  
 252 shall adopt policies for the establishment of threat assessment  
 253 teams at each school whose duties include the coordination of  
 254 resources and assessment and intervention with individuals whose  
 255 behavior may pose a threat to the safety of school staff or  
 256 students consistent with the model policies developed by the  
 257 Office of Safe Schools. Such policies must include procedures  
 258 for referrals to mental health services identified by the school  
 259 district pursuant to s. 1012.584(4), when appropriate, and  
 260 procedures for behavioral threat assessments in compliance with  
 261 the instrument developed pursuant to s. 1001.212(12).

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262 (a) A threat assessment team shall include persons with  
 263 expertise in counseling, instruction, school administration, and  
 264 law enforcement. All members of the threat assessment team must  
 265 be involved in the threat assessment process and final  
 266 decisionmaking. The threat assessment teams shall identify  
 267 members of the school community to whom threatening behavior  
 268 should be reported and provide guidance to students, faculty,  
 269 and staff regarding recognition of threatening or aberrant  
 270 behavior that may represent a threat to the community, school,  
 271 or self. Upon the availability of the behavioral threat  
 272 assessment instrument developed pursuant to s. 1001.212(12), the  
 273 threat assessment team shall use that instrument.

274 Section 6. Present subsection (6) of section 1006.12,  
 275 Florida Statutes, is redesignated as subsection (8), a new  
 276 subsection (6) and subsection (7) are added to that section, and  
 277 paragraph (c) of subsection (1), paragraphs (a) and (b) of  
 278 subsection (2), and subsection (5) of that section are amended,  
 279 to read:

280 1006.12 Safe-school officers at each public school.—For the  
 281 protection and safety of school personnel, property, students,  
 282 and visitors, each district school board and school district  
 283 superintendent shall partner with law enforcement agencies or  
 284 security agencies to establish or assign one or more safe-school  
 285 officers at each school facility within the district, including  
 286 charter schools. A district school board must collaborate with  
 287 charter school governing boards to facilitate charter school  
 288 access to all safe-school officer options available under this  
 289 section. The school district may implement any combination of  
 290 the options in subsections (1)-(4) to best meet the needs of the

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291 school district and charter schools.

292 (1) SCHOOL RESOURCE OFFICER.—A school district may  
293 establish school resource officer programs through a cooperative  
294 agreement with law enforcement agencies.

295 ~~(c) Complete mental health crisis intervention training~~  
296 ~~using a curriculum developed by a national organization with~~  
297 ~~expertise in mental health crisis intervention. The training~~  
298 ~~shall improve officers' knowledge and skills as first responders~~  
299 ~~to incidents involving students with emotional disturbance or~~  
300 ~~mental illness, including de-escalation skills to ensure student~~  
301 ~~and officer safety.~~

302 (2) SCHOOL SAFETY OFFICER.—A school district may commission  
303 one or more school safety officers for the protection and safety  
304 of school personnel, property, and students within the school  
305 district. The district school superintendent may recommend, and  
306 the district school board may appoint, one or more school safety  
307 officers.

308 (a) School safety officers shall undergo criminal  
309 background checks, drug testing, and a psychological evaluation  
310 and be law enforcement officers, as defined in s. 943.10(1),  
311 certified under ~~the provisions of~~ chapter 943 and employed by  
312 either a law enforcement agency or by the district school board.  
313 If the officer is employed by the district school board, the  
314 district school board is the employing agency for purposes of  
315 chapter 943, and must comply with ~~the provisions of~~ that  
316 chapter.

317 (b) A school safety officer has and shall exercise the  
318 power to make arrests for violations of law on district school  
319 board property or on property owned or leased by a charter

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

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320 school under a charter contract, as applicable, and to arrest  
321 persons, whether on or off such property, who violate any law on  
322 such property under the same conditions that deputy sheriffs are  
323 authorized to make arrests. A school safety officer has the  
324 authority to carry weapons when performing his or her official  
325 duties.

326 (5) NOTIFICATION.—The district school superintendent or  
327 charter school administrator ~~school district~~ shall notify the  
328 county sheriff and the Office of Safe Schools immediately after,  
329 but no later than 72 hours after:

330 (a) A safe-school officer is dismissed for misconduct or is  
331 otherwise disciplined.

332 (b) A safe-school officer discharges his or her firearm in  
333 the exercise of the safe-school officer's duties, other than for  
334 training purposes.

335 (6) CRISIS INTERVENTION TRAINING.—Each safe-school officer  
336 who is also a sworn law enforcement officer shall complete  
337 mental health crisis intervention training using a curriculum  
338 developed by a national organization with expertise in mental  
339 health crisis intervention. The training must improve the  
340 officer's knowledge and skills as a first responder to incidents  
341 involving students with emotional disturbance or mental illness,  
342 including de-escalation skills to ensure student and officer  
343 safety.

344 (7) LIMITATIONS.—An individual must satisfy the background  
345 screening, psychological evaluation, and drug test requirements  
346 and be approved by the sheriff before participating in any  
347 training required by s. 30.15(1)(k), which may be conducted only  
348 by a sheriff.

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349  
350 If a district school board, through its adopted policies,  
351 procedures, or actions, denies a charter school access to any  
352 safe-school officer options pursuant to this section, the school  
353 district must assign a school resource officer or school safety  
354 officer to the charter school. Under such circumstances, the  
355 charter school's share of the costs of the school resource  
356 officer or school safety officer may not exceed the safe school  
357 allocation funds provided to the charter school pursuant to s.  
358 1011.62(13) and shall be retained by the school district.

359 Section 7. Paragraph (a) of subsection (2) of section  
360 1006.1493, Florida Statutes, is amended to read:

361 1006.1493 Florida Safe Schools Assessment Tool.—

362 (2) The FSSAT must help school officials identify threats,  
363 vulnerabilities, and appropriate safety controls for the schools  
364 that they supervise, pursuant to the security risk assessment  
365 requirements of s. 1006.07(6).

366 (a) At a minimum, the FSSAT must address all of the  
367 following components:

- 368 1. School emergency and crisis preparedness planning;  
369 2. Security, crime, and violence prevention policies and  
370 procedures;  
371 3. Physical security measures;  
372 4. Professional development training needs;  
373 5. An examination of support service roles in school  
374 safety, security, and emergency planning;  
375 6. School security and school police staffing, operational  
376 practices, and related services;  
377 7. School and community collaboration on school safety; ~~and~~

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378 8. Policies and procedures for school officials to prepare  
379 for and respond to natural and manmade disasters, including  
380 family reunification plans to reunite students and employees  
381 with their families after a school is closed or unexpectedly  
382 evacuated due to such disasters; and

383 9. A return on investment analysis of the recommended  
384 physical security controls.

385 Section 8. Paragraph (e) is added to subsection (4) of  
386 section 1008.32, Florida Statutes, to read:

387 1008.32 State Board of Education oversight enforcement  
388 authority.—The State Board of Education shall oversee the  
389 performance of early learning coalitions, district school  
390 boards, and Florida College System institution boards of  
391 trustees in enforcement of all laws and rules. District school  
392 boards and Florida College System institution boards of trustees  
393 shall be primarily responsible for compliance with law and state  
394 board rule.

395 (4) If the State Board of Education determines that an  
396 early learning coalition, a district school board, or a Florida  
397 College System institution board of trustees is unwilling or  
398 unable to comply with law or state board rule within the  
399 specified time, the state board ~~has shall have~~ the authority to  
400 initiate any of the following actions:

401 (e) When the noncompliance is related to school safety  
402 overseen by a district school board, direct the school district  
403 to suspend the salary of the district school superintendent and,  
404 if the superintendent is appointed, the salaries of the district  
405 school board members until such time as the noncompliance is  
406 remedied.

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407 Section 9. Except as otherwise expressly provided in this  
408 act, this act shall take effect July 1, 2022.



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** January 12, 2022

---

I respectfully request that **Senate Bill #802**, relating to School Safety, be placed on the:

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

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Tim Elwell, Staff Director  
JoAnne Bennett, Committee Administrative Assistant

The Florida Senate

APPEARANCE RECORD

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

2/16/22

Meeting Date

802

Bill Number or Topic

Education Approps

Committee

291680

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Phone 850 414 2578

Address 203 S. Monroe St

Email thomas@fsba.org

Tallahassee FL 32301

Street

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

FSBA

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

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

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The Florida Senate

APPEARANCE RECORD

2/16/22

Meeting Date

802

Bill Number or Topic

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

Senate Education Appropriations

Committee

Amendment Barcode (if applicable)

Name Timothy Parson

Phone (850) 841-1726

Address 113 E. College Ave

Street

Email tim@libertypartnersfl.com

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

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

S-001 (08/10/2021)

100  
412K

The Florida Senate

**APPEARANCE RECORD**

0802

Bill Number or Topic

Amendment Barcode (if applicable)

02/16/2022

Meeting Date

App Subc. on Ed

Committee

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

Name

Dannie McMillon

Phone

407-855-7604

Address

1747 ORLANDO CENTRAL HWY

Street

Email

legislation@storiadappb.org

ORLANDO

City

FL

State

32809

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

FLORIDA PIA ORG

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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1122

INTRODUCER: Senators Gainer and Broxson

SUBJECT: Student Fees

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 1122 authorizes a district school board or a Florida College System (FCS) institution board of trustees (BOT), in consultation with regional workforce and economic development organizations, to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region.

The bill has no impact on state revenues or expenditures. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Florida College System (FCS)**

The FCS is established to, among other duties, provide access to undergraduate education to the students of this state, and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs.<sup>1</sup> The FCS is comprised of 28 institutions.<sup>2</sup> FCS institutions provide associate, baccalaureate degrees, and postsecondary workforce education programs at a savings to the student and to the state over the cost of providing the degree at a state university.<sup>3</sup> Each FCS institution is governed by a local board of trustees (BOT). The FCS BOT members are appointed by the Governor to staggered four-year terms, and confirmed by the Senate.<sup>4</sup>

---

<sup>1</sup> Art. IX, s. 8(a), Fla. Const.

<sup>2</sup> Section 1000.21(3), F.S.

<sup>3</sup> Section 1001.60(2)(a), F.S.

<sup>4</sup> Art. IX, s. 8, Fla. Const.

The mission of FCS institutions reflects a commitment to be responsive to local educational needs and challenges. In 2019-2020, the FCS had approximately 715,044 students enrolled in degree and certificate programs. The table below provides a breakdown of student enrollment in the various educational programs offered by FCS institutions:<sup>5</sup>

<b>Programs (2019-2020)*</b>	<b>Enrollment</b>	<b>Degrees/Certificates Awarded</b>
Unduplicated Total Enrollment and Degrees/Certificates Awarded	715,044	113,212
Bachelor's Degree Program	45,943	9,477
Associate in Arts Degree (AA)	307,158	58,420
Associate in Science Degree (AS)	102,451	14,743
College Credit Certificates (CCC)	44,907	31,514
Postsecondary CTE (PSAV-ATD)	17,632	7,482
Advanced Technical Certificate (ATC)	700	420
Educator Preparation Institute (EPI)	1,147	403
Certificate of Professional Prep	132	104
Apprenticeship	3,016	126
College and Vocational Preparatory	47,657	N/A
Adult Education and Basic Secondary	22,285	N/A
Continuing Workforce Education	55,977	N/A
Life Long Learning	823	N/A
Recreation and Leisure	21,450	N/A

\*Students may enroll in more than one program.

### ***Florida College System Tuition and Fees***

Each FCS BOT is required to establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the standard tuition rate and out-of-state fees determined by the Legislature. An FCS BOT may also establish additional fees to support activities such as capital improvements, student activities and services, and technology.

Since July 1, 2014, the standard tuition for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour. Since July 1, 2014, for baccalaureate degree programs the tuition is \$91.79 per credit hour for students who are residents for tuition purposes. For students who are nonresidents for tuition purposes, the tuition and out-of-state fee cannot be more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the FCS institution.

<sup>5</sup> Florida Department of Education, Florida College System, *2021 Fact Book*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (last visited Jan. 11, 2021).



An FCS BOT may establish differential out-of-state fees:

- For an FCS institution that has a service area that borders another state.
- For a student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21, F.S., and is enrolled in a distance learning course offered by the institution.<sup>6</sup>

### **Postsecondary Workforce Education**

FCS institutions and school district career centers may offer postsecondary workforce education programs.

#### ***School District Career Centers***

District school boards operate, control, and supervise public schools in the school district.<sup>7</sup> Any district school board, after first obtaining the approval of the Department of Education (DOE), may, as a part of the district school system, organize, establish and operate a career center. A school district career center may offer terminal courses of a technical nature, and courses for out-of-school youth and adults, and is directed by a director responsible through the district school superintendent to the district school board.<sup>8</sup> In 2019-20, approximately 179,112 students were served by Florida's career centers.<sup>9</sup>

#### ***Postsecondary Workforce Education Programs***

Workforce education programs at district technical centers and FCS institutions include:

- Adult general education programs.
- Career certificate programs.
- Applied technology diploma (ATD) programs.<sup>10</sup>
- Continuing workforce education courses.
- Degree career education programs (at FCS institutions only).
- Apprenticeship and preapprenticeship programs.

#### ***Postsecondary Workforce Education Tuition and Fees***

For workforce education programs at an FCS institution or district career center that lead to a career certificate or an ATD, the standard tuition is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour. District school boards and FCS institutions may adopt tuition and out-of-state fees that vary no more than 5 percent below or 5 percent above the combined total of the standard tuition and out-of-state fees. Similar to the authorization for an FCS institution, a district school board for a school district that borders another state may implement a plan for a differential out-of-state fee.<sup>11</sup>

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<sup>6</sup> Section 1009.23, F.S.

<sup>7</sup> Art. IX, s. 4(b), Fla. Const.

<sup>8</sup> Section 1001.44, F.S.

<sup>9</sup> Get There, Florida's Workforce Education Initiative, *Area Technical Centers: Supporting Postsecondary Skill and Credential Attainment in Florida*, at 2(2020) available at <https://areatechnicalcenters.org/wp-content/uploads/2021/02/ATC-StateProfile-Florida.pdf>.

<sup>10</sup> An ATD may be offered by either a career center or FCS institution, but a career center may offer an ATD only for non-degree career credit. Section 1004.02(7), F.S.

<sup>11</sup> Section 1009.22, F.S.

### **Determination of resident status for tuition purposes**

To qualify as a resident, a student or, if that student is a dependent, their parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to enrolling in a postsecondary institution. Each postsecondary institution is required to determine whether an applicant meets the residency requirements. The documentation needed for determining residency must be submitted to the postsecondary institution by the student.<sup>12</sup>

### **Comprehensive Local Needs Assessments**

In 2018, The Strengthening Career and Technical Education for the 21st Century Act reauthorized the Carl D. Perkins Career and Technical Education Act of 2006.<sup>13</sup> As part of the act, eligible recipient<sup>14</sup> (institutions) receiving Perkins V funding have to conduct a comprehensive local needs assessment related to career and technical education. In the comprehensive local needs assessment, the eligible entity must describe how the career and technical programs offered are aligned to the in-demand industry identified by the state workforce development board and the programs that are designed to meet local education or economic needs not identified by the state and local workforce boards. In conducting the local comprehensive needs assessment an institution is required to involve a diverse body of stakeholders including:

- Representatives of career and technical education programs in a local educational agency or educational service agency.
- Representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators.
- Representatives of the State board or local workforce development boards and a range of local or regional businesses or industries.
- Parents and students.
- Representatives of special populations.
- Representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth.
- Representatives of Indian Tribes and Tribal organizations in the State, where applicable.
- Other stakeholders that the eligible agency may require the eligible recipient to consult.<sup>15</sup>

### **III. Effect of Proposed Changes:**

The bill adds additional flexibility in the establishment of differential out-of-state fees by authorizing a district school board or Florida College System (FCS) board of trustees (BOT) to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region. The bill requires that a district school board or FCS institution

---

<sup>12</sup> Section 1009.21, F.S.

<sup>13</sup> Pub. Law No. 115-224, H.R. 2353, 115<sup>th</sup> Cong. (July 31, 2018).

<sup>14</sup> 20 U.S.C. s 2302(21) defines an eligible recipient as a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, an Indian Tribe, Tribal organization, or Tribal educational agency or a consortium.

<sup>15</sup> 20 U.S.C. s 2354.

BOT consult with regional workforce and economic development organizations when implementing the plan.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures. However, Florida College System institutions and school districts that choose to implement the differential out-of-state fee for the purposes of recruiting students could experience a loss of revenue from students who are charged the differential out-of-state fee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1009.22 and 1009.23 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.

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

---

By Senator Gainer

2-01041-22

20221122\_\_

1 A bill to be entitled  
 2 An act relating to student fees; amending s. 1009.22,  
 3 F.S.; authorizing a district school board or Florida  
 4 College System institution board of trustees, in  
 5 consultation with specified entities, to implement a  
 6 plan for a differential out-of-state fee; providing  
 7 the purpose of the plan; amending s. 1009.23, F.S.;  
 8 authorizing a Florida College System institution board  
 9 of trustees, in consultation with specified entities,  
 10 to implement a plan for a differential out-of-state  
 11 fee; providing the purpose of the plan; providing an  
 12 effective date.

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

15  
 16 Section 1. Subsection (4) of section 1009.22, Florida  
 17 Statutes, is amended to read:

18 1009.22 Workforce education postsecondary student fees.—

19 (4) (a) A district school board or Florida College System  
 20 institution board of trustees that has a service area that  
 21 borders another state may implement a plan for a differential  
 22 out-of-state fee.

23 (b) A district school board or Florida College System  
 24 institution board of trustees, in consultation with regional  
 25 workforce and economic development organizations, may implement  
 26 a plan for a differential out-of-state fee for the purpose of  
 27 recruiting students into programs of study identified as  
 28 necessary to address unmet current and future workforce needs in  
 29 the region.

Page 1 of 2

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

2-01041-22

20221122\_\_

30 Section 2. Present paragraph (b) of subsection (6) of  
 31 section 1009.23, Florida Statutes, is redesignated as paragraph  
 32 (c), and a new paragraph (b) is added to that subsection, to  
 33 read:

34 1009.23 Florida College System institution student fees.—  
 35 (6)

36 (b) A Florida College System institution board of trustees,  
 37 in consultation with regional workforce and economic development  
 38 organizations, may implement a plan for a differential out-of-  
 39 state fee for the purpose of recruiting students into programs  
 40 of study identified as necessary to address unmet current and  
 41 future workforce needs in the region.

42 Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on  
Transportation,  
Tourism, and Economic Development,  
*Chair*  
Appropriations  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Criminal Justice  
Ethics and Elections  
Transportation

**SENATOR GEORGE B. GAINER**  
2nd District

January 25, 2022

Re: SB 1122

Dear Chair Broxson,

I am respectfully requesting Senate Bill 1122, related to Student Fees, be placed on the agenda for the next meeting of the Appropriations Subcommittee on Education.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer".

Senator George Gainer  
District 2

### REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- Northwest Florida State College, 100 East College Boulevard, Building 330, Rooms 105 and 112, Niceville,
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Florida 32578 (850) 747-5454

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

02/16/2022

Meeting Date  
Appropriations Subcommittee on Education

# The Florida Senate APPEARANCE RECORD

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

1122

Bill Number or Topic

Amendment Barcode (if applicable)

Committee  
**Marti Coley**  
Name

Phone **850-209-0069**

Address **110 East College Ave.**

Email **marti@pinpointresults.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:

**Gulf Coast State College  
Foundation**

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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: CS/SB 1226

INTRODUCER: Education Committee and Senator Brandes

SUBJECT: Virtual Learning

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1226 creates the Florida Virtual School Justice Education Program (FLVS JEP) to serve specified Department of Correction (DOC) inmates, and makes a number of modifications to Florida Virtual School (FLVS) responsibilities and funding provisions. Specifically the bill:

- Authorizes the FLVS to offer online distance and blended learning courses.
- Removes authorization for the FLVS Board of Trustees to adopt specified procedures.
- Requires the FLVS, beginning in the 2022-2023 school year, to establish the FLVS JEP to offer inmates younger than 22 years of age the opportunity to earn a standard high school diploma.
- Adds students enrolled in the FLVS JEP as a priority population to be served by the school.
- Authorizes funding for full-time FLVS JEP students enrolled in online or blended learning courses, including during a specified summer school period.
- Requires students enrolled in the FLVS JEP to take all industry certification exams, national and statewide standardized assessments at the institution under the supervision of the DOC.
- Requires the FLVS JEP school performance be assessed based on demonstrated student learning gains and student progression.
- Requires blended or online learning courses to be delivered in an educational setting under the supervision of the DOC by FLVS certified personnel.
- Authorizes a student who turns 22 years of age to remain in the program if approved, but funding for such a student through the Florida Education Finance program is prohibited.



- Requires the DOE, with the assistance of the FLVS and the DOC, to select a common student assessment instrument and protocol for measuring student learning gains.
- Authorizes a student who is removed from the program to appeal to the DOE to seek reinstatement, subject to the final determination by the Commission of Education.
- Requires by July 1, 2023, and annually thereafter, the FLVS to negotiate a specified cooperative agreement with the DOC to implement the FLVS JEP.
- Specifies that the FLVS JEP does not prohibit a student from participating in other DOC educational programs.

The bill also modifies the definition of an FLVS full-time equivalent student to differentiate between online learning and blended learning funding models. In addition, the bill adds that students enrolled in the FLVS JEP are authorized for funding beyond the 180-day regular term.

The fiscal impact of the bill is indeterminate, but significant. *See* Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

## II. Present Situation:

### Digital Learning Now Act

In 2011, the Florida Legislature created the Digital Learning Now Act to provide all kindergarten through grade 12 students with access to multiple high quality part-time and full-time digital learning options, including:

- Part-time or full-time virtual charter school instruction.
- Florida Virtual School (FLVS).
- School district operated part-time or full-time virtual instruction program options.
- Other online and blended courses.<sup>1</sup>

### Blended Learning

School districts and charter schools may deliver blended learning courses consisting of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school, and the funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses.<sup>2</sup>

District virtual schools, virtual charter schools, and the FLVS are not expressly authorized to offer blended learning courses and are only funded through the Florida Education Finance Program (FEFP) for online courses completed through virtual learning.<sup>3</sup>

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<sup>1</sup> Section 1002.321(4) and Section 1002.455, F.S.

<sup>2</sup> Section 1003.498(1), F.S. Section 1002.33(7)(a), F.S.

<sup>3</sup> Section 1011.61, F.S.

## **Virtual Learning**

Florida defines a virtual instruction program as a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>4</sup>

### ***The Florida Virtual School***

The FLVS was established to develop and deliver online and distance learning education,<sup>5</sup> and is part of the Florida public school system.<sup>6</sup> The Commissioner of Education (commissioner) is charged with monitoring the FLVS. The FLVS is required to serve any student in the state who meets the profile for success, giving priority to students:

- Who need expanded access to courses in order to meet their educational goals.
- Seeking accelerated access to obtain a high school diploma at least one semester early.
- Who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

### **FLVS Governance**

The FLVS is governed by a Board of Trustees (BOT), comprised of seven members appointed by the Governor to four-year staggered terms that must, among other requirements:

- Be responsible for the development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and self-sufficient.
- Aggressively seek avenues to generate revenue to support future endeavors, and enter into agreements with distance learning providers.
- Be responsible for the administration and control of all local school funds.
- Administer and maintain personnel programs for all employees.
- Establish priorities for student enrollment.
- Maintain financial records and accounts.<sup>7</sup>

The BOT must submit an annual report to the Governor, the Legislature, the commissioner, and the SBE that addresses the FLVS and FLVS Global.<sup>8</sup> The report must describe operations, marketing, finances, accomplishments, recommendations regarding the unit cost of providing services to students, and recommendations regarding an accountability mechanism to assess the effectiveness of the services provided.

### **FLVS Operations**

The FLVS is authorized to provide full-time and part-time instruction for students in kindergarten through grade 12.<sup>9</sup> Public school students receiving full-time and part-time

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<sup>4</sup> Section 1002.45(1), F.S.

<sup>5</sup> Section 1002.37(1), F.S.

<sup>6</sup> Section 1000.04(5), F.S.

<sup>7</sup> Section 1002.37, F.S.

<sup>8</sup> FLVS Global provides instruction courseware, training, and expertise to online and blended programs for schools, districts, states, and international agencies. FLVS Global is now known as Flexpoint Education Cloud. FlexPoint Education Cloud, *About us*, <https://www.flvsglobal.net/about-us/> (last visited Jan. 27, 2022). Section 1002.37(7), F.S.

<sup>9</sup> Section 1002.37(9), F.S.

instruction by the FLVS must take all statewide assessments required pursuant to law.<sup>10</sup> In addition, the FLVS offers a comprehensive selection of courses that fulfill all state standards, including core courses, world language electives, Advanced Placement,<sup>11</sup> Advanced International Certificate of Education,<sup>12</sup> and Career and Technical Education (CTE)<sup>13</sup> courses.

As a public school, federal law requires FLVS to provide full-time enrolled students, regardless of disability, with an equal opportunity to participate in and benefit from the school's education program.<sup>14</sup>

The FLVS must receive a school grade for students receiving full-time instruction.<sup>15</sup>

Students enrolled full-time may earn a standard high school diploma from FLVS.<sup>16</sup> However, the FLVS does not currently offer a General Education Development (GED)<sup>17</sup> high school equivalency diploma program.<sup>18</sup>

### FLVS Funding

The FEFP is the primary mechanism for funding the operating costs of FLVS. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.<sup>19</sup> An FTE student in a virtual instruction program, virtual charter school, or FLVS is funded on performance and only funded if the student completes the course with a passing grade or credits earned.

Student membership in programs scheduled for more than 180 days is limited to students enrolled in Department of Juvenile Justice (DJJ) education programs, FLVS, and other specified

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<sup>10</sup> Section 1002.37(10), F.S.

<sup>11</sup> CollegeBoard, *Advanced Placement Program (AP)*, <https://parents.collegeboard.org/college-board-programs/advanced-placement-program#:~:text=Advanced%20Placement%20Program%20%28AP%29%201%20Fast%20Facts.%20There,just%20like%20when%20they%20take%20any%20other%20course.> (last visited Jan. 28, 2022).

<sup>12</sup> Cambridge Assessment International Education, *Cambridge AICE Diploma*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/> (last visited Jan. 28, 2022).

<sup>13</sup> FLVS, *Get Inspired with Career and Technical Education at FLVS, Find Your Path*, <https://www.flvs.net/online-courses/career-education-courses?source=courses/flex> (last visited Jan. 28, 2021).

<sup>14</sup> FLVS, *FLVS Full Time Frequently Asked Questions*, <https://www.flvs.net/full-time/more?source=2020info#faqs> (last visited Jan. 28, 2022).

<sup>15</sup> Section 1002.37(11), F.S.

<sup>16</sup> FLVS, *FLVS Full Time Frequently Asked Questions*, <https://www.flvs.net/full-time/more?source=2020info#faqs> (last visited Jan. 28, 2022).

<sup>17</sup> Florida offers the 2014 GED for Florida students seeking a high school equivalency diploma. Rule 6A-6.0201, F.A.C. Florida Department of Education, *High School Equivalency Diploma Program – GED Testing*, <https://www.fldoe.org/academics/career-adult-edu/hse/> (last visited Jan. 28, 2022).

<sup>18</sup> FLVS, *FLVS High School Courses*, <https://www.flvs.net/online-high-school-courses> (last visited Jan. 28, 2022). Email, Mike Miller, FLVS (Jan. 28, 2022).

<sup>19</sup> Section 1011.62, F.S.

virtual instruction programs. Funding on the basis of FTE membership beyond the 180-day regular term is provided only for students enrolled in DJJ programs.<sup>20</sup>

During the 2019-2020 school year, FLVS served 12,567 full-time students and over 360,753 semester courses were completed by part-time students.<sup>21</sup>

## **Florida High School Diploma**

### ***Requirements***

Florida law establishes academic requirements for earning a standard high school diploma to include five options:

- 24-credit program;
- Career and Technical Education Pathway;
- An International Baccalaureate curriculum;
- An Advanced International Certificate of Education curriculum; or
- 18-credit Academically Challenging Curriculum to Enhance Learning option.

The 24 credits required for a standard high school diploma include:

- Four credits in English Language Arts (ELA);
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- One credit in fine or performing arts, speech, and debate, or practical arts;
- One credit in physical education; and
- Eight credits in electives.

Within the 24 credits, at least one course must be completed through online learning. In addition to successful completion of the required courses a student must earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale and must pass the following required statewide standardized assessments:

- Grade 10 ELA assessment or earn a concordant score; and
- Algebra I end-of-course (EOC) assessment or earn a comparative score.<sup>22</sup>

## **School Grading System**

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how

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<sup>20</sup> DOE, *FTE General Instructions 2021-22* (2021), available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2122FTEGeneralInstructions.pdf>, at 39-50. Section 1011.61(1)(c)1.b(III)-(VI), F.S.

<sup>21</sup> DOE, *Fact Sheet, Office of Independent Education and Parental Choice* (2021), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

<sup>22</sup> In addition to the five options available for students to earn a standard diploma, students with disabilities have two additional options. Rule 6A-1.09963, F.A.C. DOE, *Standard Diploma Requirements*, <https://www.fldoe.org/core/fileparse.php/7764/urlt/StandardDiplomaRequirements.pdf> (last visited Jan., 25, 2022).

well each school is serving its students.<sup>23</sup> School grades are used in the state system of school improvement and accountability to determine the need for school intervention and support,<sup>24</sup> or to determine whether a school is eligible for school recognition funds.<sup>25</sup>

### ***School improvement rating***

School improvement ratings are calculated for alternative schools and exceptional student education center schools that choose to receive a school improvement rating in lieu of a school grade.<sup>26</sup> The commissioner prepares an annual report on the performance of each school receiving a school improvement rating.<sup>27</sup> Schools that elect a school improvement rating in lieu of a school grade will have the rating based on student learning gains for statewide, standardized assessments for ELA and mathematics<sup>28</sup>

The DJJ education program also includes the school improvement ratings required for alternative schools, however, the calculation is customized to meet the needs of the DJJ population.<sup>29</sup>

### **Department of Corrections**

The Department of Corrections (DOC) by mission is to provide a continuum of services to meet the needs of those entrusted to its care, creating a safe and professional environment with the outcome of reduced victimization, safer communities, and an emphasis on the premium of life. One aspect of the DOC's responsibility to affect positive results for the reintegrating the population and Florida's communities is to operate the Correctional Education Program (CEP).<sup>30</sup>

### ***Education for State Prisoners***

Section 944.801, F.S., establishes the CEP under the DOC, which must be composed of the educational facilities and services of all institutions and facilities housing inmates operated by the DOC. The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to specified staff.
- Monitoring, assessing, and reporting inmate education program services as required.
- Approving educational programs and developing procedures for admission.
- Entering into agreements, as appropriate, with colleges, universities, and public or private school districts, including charter schools and the FLVS.
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution.
- Selecting programs to add or delete from the vocational curriculum.

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<sup>23</sup> DOE, *2021 School Grades Overview* (2021), available at [2021 School Grades Overview \(fldoe.org\)](https://fldoe.org/grades/2021-overview)

<sup>24</sup> See s. 1008.33(4), F.S.

<sup>25</sup> See s. 1008.36, F.S.

<sup>26</sup> Section 1008.341; 1008.3415, F.S.; Rule 6A-1.099822 and 6A-1.099828, F.A.C.

<sup>27</sup> Section 1008.341(1), F.S.

<sup>28</sup> DOE, *2020-21 Guide to Calculating School Improvement Ratings, July 2021*, available at [2020-21 Guide to Calculating School Improvement Ratings for Alternative Schools and ESE Center Schools \(fldoe.org\)](https://fldoe.org/grades/2020-21-guide-to-calculating-school-improvement-ratings-for-alternative-schools-and-e-se-center-schools).

<sup>29</sup> DOE, *2020-21 Guide to Calculating DJJ Accountability Ratings, May 2021*, available at, <https://www.fldoe.org/core/fileparse.php/18534/urlt/DJJCalcGuide21.pdf>. Section 1003.52(3)(d), F.S.

<sup>30</sup> DOC, *2022 Legislative Bill Analysis of SB 1226* (Jan. 26, 2022) at 2.

- Ensuring that every inmate who has 2 years or more remaining to serve on his or her sentence and who lacks basic and functional literacy skills attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program.
- Recommending the award of additional incentives for inmates who receive a high school equivalency diploma or a vocational certificate.
- Ensuring that all education staff are certified in accordance with the DOE standards.<sup>31</sup>

The CEP is established in 51 state-operated institutions and 7 privately owned facilities across Florida. It is designed to prepare students for the GED examination and receipt of a State of Florida high school equivalency diploma in accordance with DOE adult education curriculum frameworks and performance standards. The CEP also offers CTE programs that are also aligned with DOE curriculum frameworks and performance standards. In addition to the opportunity to complete the GED and a variety of CTE certifications, the DOC offers job assignment credentialing programs that provide job-related instruction and industry-related credentials designed to improve the employability of Florida's workforce. The DOC holds active and outcome-based agreements and contracts with community providers, universities, and colleges to provide credits and credentials leading to licensure within the existing training courses in several state-operated institutions.

Participation in the CEP is not mandatory. The CEP operates by an assessment-based student progress monitoring process to gauge academic skills and readiness for the GED exam with educational services directed to inmates with the most critical need. This educational approach has been deliberately developed to address the educational needs of incarcerated adults while avoiding some of the challenges of treating them as youthful learners.

Not considered to be primarily an educational agency, but rather the state corrections agency for adjudicated adults, the CEP does not receive funding through the FEFPP, tabulate grade point averages, monitor credit accrual, nor retain or issue official transcripts for adult students.

As of January 2021, the DOC incarcerates approximately 80,000 persons. During 2020-2021, a total of 14,877 inmates participated in academic education programs resulting in the conferring of 812 GEDs with an operational cost of approximately \$1,300 per student. As measured through progress monitoring, 3,968 students made the following learning gains:

- 45.2 percent demonstrated gains of 1 or more levels in mathematics;
- 54.1 percent advanced 1 or more levels in reading; and
- 51 percent showed academic gains of 1 or more levels in language.

Traditionally the DOC tends to concentrate educational needs on the younger demographic, especially those who qualify under IDEA and are entitled to education services until the age of 22. Not all such inmates qualify for special education services, but for those that do, the DOC provides the required accommodations and modifications.

Currently there are 1,634 inmates under 22 years of age, housed at 100 institutions across the state, including 595 located at a privately operated facility managed by the Department of Management Services. Others are located at work camps and community release centers. Of

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<sup>31</sup> Section 944.801(3), F.S.

these, 1,196 are listed as not having a high school diploma or GED, and 206 are currently in restrictive housing or a disciplinary confinement setting. The highest level of education claimed is as follows:

Grade Level	Number of Inmates
Fourth Grade	2
Fifth Grade	2
Sixth Grade	15
Seventh Grade	25
Eighth	89
Ninth Grade	147
Tenth Grade	205
Eleventh Grade	258
Twelfth Grade	126
First Year of College	1
None	256
Unknown	70
<b>Total</b>	<b>1196</b>

Within this demographic, 380 are verified to have cognitive disabilities and are federally required to receive special education services. Of the 380 special education eligible inmates, 133 refused services and programming.<sup>32</sup>

In addition, the DOC has received \$750,000 in state funds to provide an online career education and high school diploma program for the same demographic of students. As authorized in the appropriation, the DOC may contract with the FLVS or similar provider to provide the program.<sup>33</sup>

**III. Effect of Proposed Changes:**

CS/SB 1226 creates s. 1002.371, F.S., to establish the Florida Virtual School Justice Education Program (FLVS JEP) to serve specified Department of Correction (DOC) inmates, and makes a number of modifications to Florida Virtual School (FLVS) responsibilities and funding provisions.

**Florida Virtual School**

The bill modifies the purpose of the FLVS to replace the development and delivery of online and distance learning education with the development and delivery of online distance and blended learning education. In addition the bill:

- Adds students enrolled in the FLVS JEP as a priority population to be served by the school.

<sup>32</sup> DOC, 2022 Legislative Bill Analysis of SB 1226 (Jan. 26, 2022).

<sup>33</sup> *Id.* at 6. s. 4, ch. 2020-111, L.O.F. Specific Appropriation, 714, s. 4, ch. 2021-36, L.O.F. The DOC posted a request for proposal for this program in Oct. 2020. Due to the lack of response, the DOC initiated a new procurement, an Intent to Negotiate (ITN-21-041) in November 2021 with responses scheduled back in March 2022. Email, Senate Appropriations Subcommittee on Education (Jan. 28, 2022).

- Requires the Board of Trustees (BOT) to enter into agreements with online distance and blended learning providers, rather than distance learning providers, and requires the BOT to submit to the State Board of Education (SBE) the number of students enrolled in the FLVS JEP program.
- Removes authorization for the BOT to adopt specified procedures.
- Beginning in 2022-2023, requires the FLVS to include specified FLVS JEP information in the required annual report submitted to the Governor, Legislature, Commissioner of Education (commissioner), and SBE.
- Requires students enrolled in the FLVS JEP to take all industry certification exams, national assessments, and statewide standardized assessment at the institution or facility operated by, or under the supervision of the DOC.
- Requires that FLVS JEP school performance be assessed based on demonstrated student learning gains and student progression.

### ***Florida Virtual School Justice Education Program***

The bill requires the FLVS to establish the FLVS JEP beginning in the 2022-2023 school year to offer inmates younger than 22 years of age housed in institutions and facilities operated by, or under the supervision of, the DOC the opportunity to earn a standard high school diploma. Specifically the bill:

- Requires blended or online learning courses to be delivered in an educational setting under the supervision of the DOC by FLVS-certified personnel.
- Defines a blended learning course as a course consisting of both traditional classroom and online instructional techniques. Students in such courses must be full-time students of the school, and that the funding, performance, and accountability requirements for such courses are the same as those for traditional classroom courses.
- Requires the FLVS JEP to include and receive funding for a specified summer school period.
- Authorizes a student who turns 22 years of age to remain in the program if approved, however funding for such a student through the FEFP is prohibited.
- Requires the DOE, with the assistance of the FLVS and the DOC, to select a common student assessment instrument and protocol for measuring student learning gains for students enrolled in the FLVS JEP. The assessment instrument and protocol must be jointly reviewed for effectiveness with changes implemented as necessary.
- Authorizes a student who is removed from the program to appeal to the DOE to seek reinstatement, subject to the final determination by the commissioner.
- Requires by July 1, 2023, and annually thereafter, the FLVS to negotiate a cooperative agreement with the DOC for the delivery of educational services to implement the FLVS JEP, which includes:
  - Roles and responsibilities of the FLVS and the DOC.
  - Resolution of administrative issues.
  - Allocation of resources.
  - Procedures for educational evaluation for exceptional education students.
  - Procedures for individualized progress monitoring plans.
  - Curriculum and delivery of instruction, including resources required for technology.
  - Procedures for assessments.
  - Classroom management procedures and attendance policies.
  - Procedures for the provision of qualified personnel.



- Provisions for improving skills in teaching and working with students in the FLVS JEP.
- Transition plans for student moving into and out of the FLVS JEP.
- Procedures for the documentation of credits earned.
- Methods and procedures for dispute resolution.
- Provisions for ensuring the safety of educational personnel and support of the FLVS JEP.
- Provides that FLVS is not required to provide more services than can be supported by the funds generated by students participating in the FLVS JEP.
- Specifies that participation in the FLVS JEP does not prohibit a student from participating in other DOC educational programs.
- Requires the SBE to adopt rules to administer the FLVS JEP.

The bill also modifies the definition of an FLVS full-time equivalent student to differentiate between online learning and blended learning funding models. In addition, the bill adds that students enrolled in the FLVS JEP are authorized for funding beyond the 180-day regular term.

The bill takes effect on July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

There is an indeterminate significant negative fiscal impact to the future costs for adding the additional FTE students to the Florida Education Finance Program.<sup>34</sup>

The Department of Corrections (DOC) recommends adding additional full-time equivalent (FTE) positions and costs as follows:

- Two FTE in the central office for infrastructure and security at a cost of \$194,472.
- One FTE per site at cost of \$73,462 per site to support the lifecycle management of the equipment, infrastructure, and related security to support the Florida Virtual School Justice Education Program (FLVS JEP). To scale the program statewide, the DOC recommends 50 site-based FTE at a cost of \$3,673,103.

In addition, the DOC estimates a technology impact to provide for the computer workstations, infrastructure, software licensing for a single site with 200 workstations to cost \$400,000-\$550,000 with \$200,000-\$250,000 of recurring funding annually. It is unclear what the technology impact may be to scale the program across the 100 facilities where eligible inmates are currently housed.

It is also unclear how these costs may be shared between the DOC and Florida Virtual School (FLVS) and if there is an additional fiscal impact to the FLVS or Department of Education to implement the FLVS JEP.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The establishment of the FLVS JEP may offer additional opportunities for up to 1,196 inmates to earn a standard high school diploma. It is unclear if this program competes with the \$750,000 allocation provided through the General Appropriations Act to the DOC for a similar program.<sup>35</sup>

Clarification may also be needed to ensure eligible inmates at a privately operated facility managed by the Department of Management Services may participate in the FLVS JEP.

There may be a conflict in statutory responsibilities authorizing the Commissioner of Education to act as the ultimate decision-maker in hearing inmate student appeals regarding reinstatement of a student inmate who has been removed from the Florida Virtual School Justice Education Program. Decisions impacting the daily lives of inmates are under the purview of the Secretary of Corrections pursuant to s. 20.315, F.S.<sup>36</sup>

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<sup>34</sup> Email, Senate Appropriations Subcommittee on Education (Jan. 30, 2022) (on file with Senate Committee on Education).

<sup>35</sup> DOC, *2022 Legislative Bill Analysis of SB 1226* (Jan. 26, 2022).

<sup>36</sup> *Id.*

**VIII. Statutes Affected:**

This bill substantially amends sections 1002.37, 1011.61, and 1011.62 of the Florida Statutes.

This bill creates section 1002.371 of the Florida Statutes.

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

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

**CS by Education on February 1, 2022:**

The committee substitute modifies provisions of s. 1002.37, F.S., the Florida Virtual School (FLVS). Specifically, the committee substitute:

- Revises the purpose of the FLVS to provide for the development and delivery of online distance and blended learning education rather than the development and delivery of online and blended learning education.
- Requires the Board of Trustees (BOT) to enter into agreements with online distance and blended learning providers, rather than blended learning providers,
- Removes authorization for the FLVS BOT to adopt specified procedures.
- Restores to current law, FLVS funding provisions under s. 1002.37, F.S.

**B. Amendments:**

None.

By the Committee on Education; and Senator Brandes

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1 A bill to be entitled  
 2 An act relating to virtual learning; amending s.  
 3 1002.37, F.S.; revising the purpose of the Florida  
 4 Virtual School to provide for the development and  
 5 delivery of online distance and blended learning;  
 6 requiring the Florida Virtual School to give priority  
 7 to students enrolled in certain Department of  
 8 Corrections education programs; conforming a reporting  
 9 requirement to changes made by the act; deleting  
 10 authorization for the board of trustees of the Florida  
 11 Virtual School to adopt procedures; revising the  
 12 requirements of a report that the board of trustees of  
 13 the Florida Virtual School must annually submit to  
 14 certain entities, beginning with a specified school  
 15 year; requiring students enrolled in the Florida  
 16 Virtual School Justice Education Program to take  
 17 specified examinations and assessments at institutions  
 18 or facilities operated by, or under the supervision  
 19 of, the Department of Corrections; providing for the  
 20 determination of Florida Virtual School performance  
 21 related to the Justice Education Program; creating s.  
 22 1002.371, F.S.; requiring the Florida Virtual School  
 23 to establish the Florida Virtual School Justice  
 24 Education Program, beginning with a specified school  
 25 year; providing the purpose of the program; specifying  
 26 criteria for course delivery; requiring the Florida  
 27 Virtual School to report program students separately  
 28 from other students for funding purposes; providing  
 29 for funding of students enrolled in the program;

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30 authorizing students who turn 22 years of age while  
 31 enrolled in the program to remain enrolled under  
 32 certain circumstances; prohibiting funding for such a  
 33 student from being reported through the Florida  
 34 Education Finance Program; requiring the Department of  
 35 Education, with assistance from specified entities, to  
 36 select a common student assessment instrument and  
 37 protocol for measuring student learning gains and  
 38 progression; requiring specified entities to jointly  
 39 review such assessment instrument and protocol and  
 40 implement changes as necessary; authorizing students  
 41 to appeal removal from the Florida Virtual School  
 42 Justice Education Program, subject to a final  
 43 determination on the appeal by the Commissioner of  
 44 Education; requiring the Florida Virtual School to  
 45 negotiate by a specified date and annually thereafter  
 46 a cooperative agreement with the Department of  
 47 Corrections to implement the Florida Virtual School  
 48 Justice Education Program for the delivery of  
 49 educational services to students under the  
 50 jurisdiction of the Department of Corrections;  
 51 providing requirements for such agreement; providing  
 52 construction; requiring the state board and the  
 53 Department of Corrections to adopt rules; amending s.  
 54 1011.61, F.S.; revising the definition of the term  
 55 "full-time equivalent student"; amending s. 1011.62,  
 56 F.S.; conforming a provision to changes made by the  
 57 act; providing an effective date.

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

60  
61 Section 1. Paragraphs (a) and (b) of subsection (1) and  
62 subsections (2), (7), and (11) of section 1002.37, Florida  
63 Statutes, are amended, and paragraph (e) is added to subsection  
64 (10) of that section, to read:

65 1002.37 The Florida Virtual School.—

66 (1) (a) The Florida Virtual School is established for the  
67 development and delivery of online ~~and~~ distance and blended  
68 learning education. The Commissioner of Education shall monitor  
69 the school's performance and report its performance to the State  
70 Board of Education and the Legislature.

71 (b) The mission of the Florida Virtual School is to provide  
72 students with technology-based educational opportunities to gain  
73 the knowledge and skills necessary to succeed. The school shall  
74 serve any student in this ~~the~~ state who meets the profile for  
75 success in this educational delivery context and shall give  
76 priority to:

77 1. Students who need expanded access to courses in order to  
78 meet their educational goals, such as home education students  
79 and students in inner-city and rural high schools who do not  
80 have access to higher-level courses.

81 2. Students seeking accelerated access in order to obtain a  
82 high school diploma at least one semester early.

83 3. Students who are children of an active duty member of  
84 the United States Armed Forces who is not stationed in this  
85 state whose home of record or state of legal residence is  
86 Florida.

87 4. Students enrolled in the Florida Virtual School Justice

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88 Education Program pursuant to s. 1002.371.

89  
90 The board of trustees of the Florida Virtual School shall  
91 identify appropriate performance measures and standards based on  
92 student achievement that reflect the school's statutory mission  
93 and priorities, and shall implement an accountability system for  
94 the school that includes assessment of its effectiveness and  
95 efficiency in providing quality services that encourage high  
96 student achievement, seamless articulation, and maximum access.

97 (2) The Florida Virtual School shall be governed by a board  
98 of trustees comprised of seven members appointed by the Governor  
99 to 4-year staggered terms. The board of trustees shall be a  
100 public agency entitled to sovereign immunity pursuant to s.  
101 768.28, and board members shall be public officers who shall  
102 bear fiduciary responsibility for the Florida Virtual School.  
103 The board of trustees shall have the following powers and  
104 duties:

105 (a)1. The board of trustees shall meet at least 4 times  
106 each year, upon the call of the chair, or at the request of a  
107 majority of the membership.

108 2. The fiscal year for the Florida Virtual School shall be  
109 the state fiscal year as provided in s. 216.011(1)(o).

110 (b) The board of trustees shall be responsible for the  
111 Florida Virtual School's development of a state-of-the-art  
112 technology-based education delivery system that is cost-  
113 effective, educationally sound, marketable, and capable of  
114 sustaining a self-sufficient delivery system through the Florida  
115 Education Finance Program.

116 (c) The board of trustees shall aggressively seek avenues

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117 to generate revenue to support its future endeavors, and shall  
 118 enter into agreements with online distance and blended learning  
 119 providers. The board of trustees may acquire, enjoy, use, and  
 120 dispose of patents, copyrights, and trademarks and any licenses  
 121 and other rights or interests thereunder or therein. Ownership  
 122 of all such patents, copyrights, trademarks, licenses, and  
 123 rights or interests thereunder or therein shall vest in the  
 124 state, with the board of trustees having full right of use and  
 125 full right to retain the revenues derived therefrom. Any funds  
 126 realized from patents, copyrights, trademarks, or licenses are  
 127 ~~shall be~~ considered internal funds as provided in s. 1011.07.  
 128 Such funds shall be used to support the school's marketing and  
 129 research and development activities in order to improve  
 130 courseware and services to its students.

131 (d) The board of trustees shall be responsible for the  
 132 administration and control of all local school funds derived  
 133 from all activities or sources and shall prescribe the  
 134 principles and procedures to be followed in administering these  
 135 funds.

136 (e) The Florida Virtual School may accrue supplemental  
 137 revenue from supplemental support organizations, which include,  
 138 but are not limited to, alumni associations, foundations,  
 139 parent-teacher associations, and booster associations. The  
 140 governing body of each supplemental support organization shall  
 141 recommend the expenditure of moneys collected by the  
 142 organization for the benefit of the school. Such expenditures  
 143 shall be contingent upon the review of the executive director.  
 144 The executive director may override any proposed expenditure of  
 145 the organization that would violate Florida law or breach sound

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146 educational management.

147 (f) In accordance with law and rules of the State Board of  
 148 Education, the board of trustees shall administer and maintain  
 149 personnel programs for all employees of the board of trustees  
 150 and the Florida Virtual School. The board of trustees may adopt  
 151 rules, policies, and procedures related to the appointment,  
 152 employment, and removal of personnel.

153 1. The board of trustees shall determine the compensation,  
 154 including salaries and fringe benefits, and other conditions of  
 155 employment for such personnel.

156 2. The board of trustees may establish and maintain a  
 157 personnel loan or exchange program by which persons employed by  
 158 the board of trustees for the Florida Virtual School as academic  
 159 administrative and instructional staff may be loaned to, or  
 160 exchanged with persons employed in like capacities by, public  
 161 agencies either within or without this state, or by private  
 162 industry. With respect to public agency employees, the program  
 163 authorized by this subparagraph shall be consistent with the  
 164 requirements of part II of chapter 112. The salary and benefits  
 165 of board of trustees personnel participating in the loan or  
 166 exchange program shall be continued during the period of time  
 167 they participate in a loan or exchange program, and such  
 168 personnel shall be deemed to have no break in creditable or  
 169 continuous service or employment during such time. The salary  
 170 and benefits of persons participating in the personnel loan or  
 171 exchange program who are employed by public agencies or private  
 172 industry shall be paid by the originating employers of those  
 173 participants, and such personnel shall be deemed to have no  
 174 break in creditable or continuous service or employment during

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175 such time.

176 3. The employment of all Florida Virtual School academic  
177 administrative and instructional personnel shall be subject to  
178 rejection for cause by the board of trustees, and shall be  
179 subject to policies of the board of trustees relative to  
180 certification, tenure, leaves of absence, sabbaticals,  
181 remuneration, and such other conditions of employment as the  
182 board of trustees deems necessary and proper, not inconsistent  
183 with law.

184 4. Each person employed by the board of trustees in an  
185 academic administrative or instructional capacity with the  
186 Florida Virtual School shall be entitled to a contract as  
187 provided by rules of the board of trustees.

188 5. All employees except temporary, seasonal, and student  
189 employees may be state employees for the purpose of being  
190 eligible to participate in the Florida Retirement System and  
191 receive benefits. The classification and pay plan, including  
192 terminal leave and other benefits, and any amendments thereto,  
193 shall be subject to review and approval by the Department of  
194 Management Services and the Executive Office of the Governor  
195 prior to adoption.

196 (g) The board of trustees shall establish priorities for  
197 admission of students in accordance with paragraph (1) (b).

198 (h) The board of trustees shall establish and distribute to  
199 all school districts and high schools in the state procedures  
200 for enrollment of students in courses offered by the Florida  
201 Virtual School.

202 (i) The board of trustees shall establish criteria defining  
203 the elements of an approved franchise. The board of trustees may

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204 enter into franchise agreements with Florida district school  
205 boards and may establish the terms and conditions governing such  
206 agreements. The board of trustees shall establish the  
207 performance and accountability measures and report the  
208 performance of each school district franchise to the  
209 Commissioner of Education.

210 (j) The board of trustees shall submit to the State Board  
211 of Education both forecasted and actual enrollments and credit  
212 completions for the Florida Virtual School, according to  
213 procedures established by the State Board of Education. At a  
214 minimum, such procedures must include the number of public,  
215 private, and home education students served, by program and by  
216 county of residence, and the number of students enrolled in the  
217 Florida Virtual School Justice Education Program pursuant to s.  
218 1002.371.

219 (k) The board of trustees shall provide for the content and  
220 custody of student and employee personnel records. Student  
221 records shall be subject to the provisions of s. 1002.22.  
222 Employee records shall be subject to the provisions of s.  
223 1012.31.

224 (l) The financial records and accounts of the Florida  
225 Virtual School shall be maintained under the direction of the  
226 board of trustees and under rules adopted by the State Board of  
227 Education for the uniform system of financial records and  
228 accounts for the schools of the state.

229  
230 The Governor shall designate the initial chair of the board of  
231 trustees to serve a term of 4 years. Members of the board of  
232 trustees shall serve without compensation, but may be reimbursed

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233 for per diem and travel expenses pursuant to s. 112.061. The  
 234 board of trustees shall be a body corporate with all the powers  
 235 of a body corporate and such authority as is needed for the  
 236 proper operation and improvement of the Florida Virtual School.  
 237 The board of trustees is specifically authorized to adopt rules  
 238 ~~and, policies, and procedures,~~ consistent with law and rules of  
 239 the State Board of Education related to governance, personnel,  
 240 budget and finance, administration, programs, curriculum and  
 241 instruction, travel and purchasing, technology, students,  
 242 contracts and grants, and property as necessary for optimal,  
 243 efficient operation of the Florida Virtual School. Tangible  
 244 personal property owned by the board of trustees shall be  
 245 subject to the provisions of chapter 273.

246 (7) The board of trustees shall annually submit to the  
 247 Governor, the Legislature, the Commissioner of Education, and  
 248 the State Board of Education the audit report prepared pursuant  
 249 to subsection (6) and a complete and detailed report setting  
 250 forth:

251 (a) The operations and accomplishments of the Florida  
 252 Virtual School within this the state and those occurring outside  
 253 this the state as Florida Virtual School Global and, beginning  
 254 with the 2022-2023 school year, the Florida Virtual School  
 255 Justice Education Program established under s. 1002.371.

256 (b) The marketing and operational plan for the Florida  
 257 Virtual School, ~~and~~ Florida Virtual School Global, and,  
 258 beginning with the 2022-2023 school year, the Florida Virtual  
 259 School Justice Education Program established under s. 1002.371,  
 260 including recommendations regarding methods for improving the  
 261 delivery of education through the Internet and other distance

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262 learning technology.

263 (c) The assets and liabilities of the Florida Virtual  
 264 School and Florida Virtual School Global at the end of the  
 265 fiscal year.

266 (d) Recommendations regarding the unit cost of providing  
 267 services to students through the Florida Virtual School, ~~and~~  
 268 Florida Virtual School Global, and, beginning with the 2022-2023  
 269 school year, the Florida Virtual School Justice Education  
 270 Program established under s. 1002.371. In order to most  
 271 effectively develop public policy regarding any future funding  
 272 of the Florida Virtual School, it is imperative that the cost of  
 273 the program is accurately identified. The identified cost of the  
 274 program must be based on reliable data.

275 (e) Recommendations regarding an accountability mechanism  
 276 to assess the effectiveness of the services provided by the  
 277 Florida Virtual School, ~~and~~ Florida Virtual School Global, and,  
 278 beginning with the 2022-2023 school year, the Florida Virtual  
 279 School Justice Education Program established under s. 1002.371.

280 (10)

281 (e) Students enrolled in the Florida Virtual School Justice  
 282 Education Program pursuant to s. 1002.371 must take all industry  
 283 certification examinations, national assessments, and statewide,  
 284 standardized assessments at the institution or facility operated  
 285 by, or under the supervision of, the Department of Corrections.

286 (11) The Florida Virtual School shall receive a school  
 287 grade pursuant to s. 1008.34 for students receiving full-time  
 288 instruction pursuant to this section. School performance for the  
 289 Florida Virtual School as it relates to the Justice Education  
 290 Program must be assessed based on student learning gains and



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291 student progression as demonstrated by the student assessment  
 292 instrument and protocol selected pursuant to s. 1002.371(6).  
 293 Section 2. Section 1002.371, Florida Statutes, is created  
 294 to read:  
 295 1002.371 Florida Virtual School Justice Education Program.-  
 296 (1) Beginning with the 2022-2023 school year, the Florida  
 297 Virtual School shall establish the Florida Virtual School  
 298 Justice Education Program to offer inmates younger than 22 years  
 299 of age housed in institutions and facilities operated by, or  
 300 under the supervision of, the Department of Corrections the  
 301 opportunity to earn a standard high school diploma pursuant to  
 302 s. 1003.4282. Courses must be delivered in an educational  
 303 setting under the supervision of the Department of Corrections  
 304 by Florida Virtual School personnel certified pursuant to s.  
 305 1012.55 who provide instruction through online courses pursuant  
 306 to s. 1002.37 or through blended learning courses consisting of  
 307 both traditional classroom and online instructional techniques.  
 308 Students in blended learning courses must be full-time students  
 309 of the school as provided in s. 1011.61(1)(a)1. The funding,  
 310 performance, and accountability requirements for blended  
 311 learning courses are the same as those for traditional classroom  
 312 courses.  
 313 (2) The Florida Virtual School shall separately report all  
 314 students enrolled in the program for purposes of the Florida  
 315 Education Finance Program.  
 316 (3) The Florida Virtual School shall receive state funds  
 317 for operating purposes as provided in the General Appropriations  
 318 Act for students enrolled in the program. The calculation to  
 319 determine the amount of state funds shall be as prescribed in s.

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320 1002.37(3)(f).  
 321 (4) The program must include and receive funding for a  
 322 summer school period that must begin on the day immediately  
 323 following the end of the regular school year and end on the day  
 324 immediately preceding the subsequent regular school year.  
 325 Students may not be funded for more than 25 hours per week of  
 326 instruction.  
 327 (5) A student who turns 22 years of age while enrolled in  
 328 the program may remain enrolled if his or her continued  
 329 enrollment is approved by the Florida Virtual School and the  
 330 Department of Corrections; however, funding for such a student  
 331 may not be reported through the Florida Education Finance  
 332 Program.  
 333 (6) The Department of Education, with the assistance of the  
 334 Florida Virtual School and the Department of Corrections, shall  
 335 select a common student assessment instrument and protocol for  
 336 measuring student learning gains and student progression for  
 337 students receiving full-time instruction pursuant to this  
 338 section. The Department of Education, the Florida Virtual  
 339 School, and the Department of Corrections, jointly, shall review  
 340 the effectiveness of such assessment instrument and protocol and  
 341 implement changes as necessary.  
 342 (7) A student who is removed from the program may appeal to  
 343 the Department of Education to seek reinstatement, subject to a  
 344 final determination on the appeal by the Commissioner of  
 345 Education.  
 346 (8) By July 1, 2023, and annually thereafter, the Florida  
 347 Virtual School shall negotiate a cooperative agreement with the  
 348 Department of Corrections for the delivery of educational

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349 services to students under the jurisdiction of the Department of  
 350 Corrections to implement the program. Such agreement must  
 351 provide for, but is not limited to:

352 (a) Roles and responsibilities of the Florida Virtual  
 353 School and the Department of Corrections, including the roles  
 354 and responsibilities of contract providers.

355 (b) Resolution of administrative issues, including  
 356 procedures for sharing information.

357 (c) Allocation of resources, including the maximization of  
 358 state and federal funding.

359 (d) Procedures for educational evaluation for exceptional  
 360 education students and those with special needs.

361 (e) Procedures for individualized progress monitoring plans  
 362 developed for all students not classified upon entry to the  
 363 program as exceptional education students. These plans must  
 364 address academic, literacy, career, and technical skills and  
 365 must include provisions for intensive remedial instruction in  
 366 areas of weakness.

367 (f) Curriculum and delivery of instruction, including  
 368 resources required for delivery of instruction through  
 369 technological means.

370 (g) Procedures for assessments, including, but not limited  
 371 to, industry certification examinations, national assessments,  
 372 and statewide, standardized assessments administered pursuant to  
 373 s. 1008.22 at an institution or facility operated by the  
 374 Department of Corrections.

375 (h) Classroom management procedures and attendance  
 376 policies.

377 (i) Procedures for provision of qualified personnel,

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378 whether supplied by the Florida Virtual School or the Department  
 379 of Corrections, and for the performance of their duties in a  
 380 Department of Corrections setting.

381 (j) Provisions for improving skills in teaching and working  
 382 with students in the program.

383 (k) Transition plans for students moving into and out of  
 384 the program, including graduates transitioning to postsecondary  
 385 education or into the workforce.

386 (l) Procedures and timelines for the timely documentation  
 387 of credits earned and the transfer of student records.

388 (m) Methods and procedures for dispute resolution.

389 (n) Provisions for ensuring the safety of education  
 390 personnel and support for the agreed-upon education program.

391 (9) This section and the cooperative agreement required  
 392 under subsection (8) do not require the Florida Virtual School  
 393 to provide more services than can be supported by the funds  
 394 generated by students participating in the program.

395 (10) This section does not prohibit a student from  
 396 participating in the Correctional Education Program pursuant to  
 397 s. 944.801.

398 (11) The State Board of Education and the Department of  
 399 Corrections shall adopt rules to administer this section.

400 Section 3. Paragraph (c) of subsection (1) of section  
 401 1011.61, Florida Statutes, is amended to read:

402 1011.61 Definitions.—Notwithstanding the provisions of s.  
 403 1000.21, the following terms are defined as follows for the  
 404 purposes of the Florida Education Finance Program:

405 (1) A “full-time equivalent student” in each program of the  
 406 district is defined in terms of full-time students and part-time

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407 students as follows:

408 (c)1. A "full-time equivalent student" is:

409 a. A full-time student in any one of the programs listed in  
410 s. 1011.62(1)(c); or

411 b. A combination of full-time or part-time students in any  
412 one of the programs listed in s. 1011.62(1)(c) which is the  
413 equivalent of one full-time student based on the following  
414 calculations:

415 (I) A full-time student in a combination of programs listed  
416 in s. 1011.62(1)(c) shall be a fraction of a full-time  
417 equivalent membership in each special program equal to the  
418 number of net hours per school year for which he or she is a  
419 member, divided by the appropriate number of hours set forth in  
420 subparagraph (a)1. The difference between that fraction or sum  
421 of fractions and the maximum value as set forth in subsection  
422 (4) for each full-time student is presumed to be the balance of  
423 the student's time not spent in a special program and shall be  
424 recorded as time in the appropriate basic program.

425 (II) A prekindergarten student with a disability shall meet  
426 the requirements specified for kindergarten students.

427 (III) A full-time equivalent student for students in  
428 kindergarten through grade 12 in a full-time virtual instruction  
429 program under s. 1002.45 or a virtual charter school under s.  
430 1002.33 shall consist of six full-credit completions or the  
431 prescribed level of content that counts toward promotion to the  
432 next grade in programs listed in s. 1011.62(1)(c). Credit  
433 completions may be a combination of full-credit courses or half-  
434 credit courses.

435 (IV) A full-time equivalent student for students in

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436 kindergarten through grade 12 in a part-time virtual instruction  
437 program under s. 1002.45 shall consist of six full-credit  
438 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
439 Credit completions may be a combination of full-credit courses  
440 or half-credit courses.

441 (V) A Florida Virtual School full-time equivalent student  
442 in an online program shall consist of six full-credit  
443 completions or the prescribed level of content that counts  
444 toward promotion to the next grade in the programs listed in s.  
445 1011.62(1)(c)1. and 3. for students participating in  
446 kindergarten through grade 12 part-time virtual instruction and  
447 the programs listed in s. 1011.62(1)(c) for students  
448 participating in kindergarten through grade 12 full-time virtual  
449 instruction. Credit completions may be a combination of full-  
450 credit courses or half-credit courses.

451 (VI) Each successfully completed full-credit course earned  
452 through an online course delivered by a district other than the  
453 one in which the student resides shall be calculated as 1/6 FTE.

454 (VII) A full-time equivalent student for courses requiring  
455 passage of a statewide, standardized end-of-course assessment  
456 under s. 1003.4282 to earn a standard high school diploma shall  
457 be defined and reported based on the number of instructional  
458 hours as provided in this subsection.

459 (VIII) For students enrolled in a school district as a  
460 full-time student, the district may report 1/6 FTE for each  
461 student who passes a statewide, standardized end-of-course  
462 assessment without being enrolled in the corresponding course.

463 2. A student in membership in a program scheduled for more  
464 or less than 180 school days or the equivalent on an hourly

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465 basis as specified by rules of the State Board of Education is a  
 466 fraction of a full-time equivalent membership equal to the  
 467 number of instructional hours in membership divided by the  
 468 appropriate number of hours set forth in subparagraph (a)1.;  
 469 however, for the purposes of this subparagraph, membership in  
 470 programs scheduled for more than 180 days is limited to students  
 471 enrolled in:

472 a. Juvenile justice education programs.  
 473 b. The Florida Virtual School.  
 474 c. Virtual instruction programs and virtual charter schools  
 475 for the purpose of course completion and credit recovery  
 476 pursuant to ss. 1002.45 and 1003.498. Course completion applies  
 477 only to a student who is reported during the second or third  
 478 membership surveys and who does not complete a virtual education  
 479 course by the end of the regular school year. The course must be  
 480 completed no later than the deadline for amending the final  
 481 student enrollment survey for that year. Credit recovery applies  
 482 only to a student who has unsuccessfully completed a traditional  
 483 or virtual education course during the regular school year and  
 484 must retake the course in order to be eligible to graduate with  
 485 the student's class.

486

487 The full-time equivalent student enrollment calculated under  
 488 this subsection is subject to the requirements in subsection  
 489 (4).

490

491 The department shall determine and implement an equitable method  
 492 of equivalent funding for schools operating under emergency  
 493 conditions, which schools have been approved by the department

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494 to operate for less than the minimum term as provided in s.  
 495 1011.60(2).

496 Section 4. Paragraph (f) of subsection (1) of section  
 497 1011.62, Florida Statutes, is amended to read:

498 1011.62 Funds for operation of schools.—If the annual  
 499 allocation from the Florida Education Finance Program to each  
 500 district for operation of schools is not determined in the  
 501 annual appropriations act or the substantive bill implementing  
 502 the annual appropriations act, it shall be determined as  
 503 follows:

504 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 505 OPERATION.—The following procedure shall be followed in  
 506 determining the annual allocation to each district for  
 507 operation:

508 (f) *Supplemental academic instruction allocation.*—

509 1. There is created the supplemental academic instruction  
 510 allocation to provide supplemental academic instruction to  
 511 students in kindergarten through grade 12.

512 2. The supplemental academic instruction allocation shall  
 513 be provided annually in the Florida Education Finance Program as  
 514 specified in the General Appropriations Act. These funds are in  
 515 addition to the funds appropriated on the basis of FTE student  
 516 membership in the Florida Education Finance Program and shall be  
 517 included in the total potential funds of each district.  
 518 Beginning with the 2018-2019 fiscal year, each school district  
 519 that has a school earning a grade of "D" or "F" pursuant to s.  
 520 1008.34 must use that school's portion of the supplemental  
 521 academic instruction allocation to implement intervention and  
 522 support strategies for school improvement pursuant to s. 1008.33

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523 and for salary incentives pursuant to s. 1012.2315(3) or salary  
 524 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided  
 525 through a memorandum of understanding between the collective  
 526 bargaining agent and the school board that addresses the  
 527 selection, placement, and expectations of instructional  
 528 personnel and school administrators. For all other schools, the  
 529 school district's use of the supplemental academic instruction  
 530 allocation may include, but is not limited to, the use of a  
 531 modified curriculum; reading instruction; after-school  
 532 instruction; tutoring; mentoring; a reduction in class size;  
 533 extended school year; intensive skills development in summer  
 534 school; dropout prevention programs as defined in ss. 1003.52  
 535 and 1003.53(1)(a), (b), and (c); and other methods of improving  
 536 student achievement. Supplemental academic instruction may be  
 537 provided to a student in any manner and at any time during or  
 538 beyond the regular 180-day term identified by the school as  
 539 being the most effective and efficient way to best help that  
 540 student progress from grade to grade and to graduate.

541 3. The supplemental academic instruction allocation shall  
 542 consist of a base amount that has a workload adjustment based on  
 543 changes in unweighted FTE. The supplemental academic instruction  
 544 allocation shall be recalculated during the fiscal year. Upon  
 545 recalculation of funding for the supplemental academic  
 546 instruction allocation, if the total allocation is greater than  
 547 the amount provided in the General Appropriations Act, the  
 548 allocation shall be prorated to the level provided to support  
 549 the appropriation, based on each district's share of the total.

550 4. Funding on the basis of FTE membership beyond the 180-  
 551 day regular term shall be provided in the FEFP only for students

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552 enrolled in juvenile justice education programs, the Florida  
 553 Virtual School Justice Education Program pursuant to s.  
 554 1002.371, or in education programs for juveniles placed in  
 555 secure facilities or programs under s. 985.19. Funding for  
 556 instruction beyond the regular 180-day school year for all other  
 557 K-12 students shall be provided through the supplemental  
 558 academic instruction allocation and other state, federal, and  
 559 local fund sources with ample flexibility for schools to provide  
 560 supplemental instruction to assist students in progressing from  
 561 grade to grade and graduating.

562 Section 5. This act shall take effect July 1, 2022.

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The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** February 3, 2022

---

I respectfully request that **Senate Bill # 1226**, relating to Virtual Learning, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes  
Florida Senate, District 24

100  
412K

1226

# The Florida Senate APPEARANCE RECORD

02/16/2022

Meeting Date

Bill Number or Topic

App Subc. on Ed.  
Committee

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

Amendment Barcode (if applicable)

Name

Dannie McMillon

Phone

407-855-7604

Address

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ORLANDO  
City

FL  
State

32809  
Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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.

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: CS/SB 1386

INTRODUCER: Education Committee and Senator Diaz

SUBJECT: School Personnel

DATE: February 15, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1386 addresses requirements for school personnel. Specifically, the bill:

- Adds criminal penalties for failing to report offenses against students by authority figures.
- Shifts from the district school board to the employing entity the entity with whom a complete set of fingerprints must be filed to complete the background screening required upon employment for personnel in a virtual instruction program, an alternative school, or a charter school other than a school of hope.
- Provides that the procedures established by the district school superintendent for evaluating the performance of instructional, administrative, and supervisory personnel set the standards of service to be offered to the public and are not subject to collective bargaining.

The fiscal impact of the bill is indeterminate. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Offenses Against Students by Authority Figures**

The Department of Education (DOE) is required to maintain a disqualification list to include:

- 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.



- The identity of any person who has been permanently disqualified by the Commissioner of Education 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 educator screening standards.<sup>1</sup>

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.<sup>2</sup>

An individual who violates the requirements of the disqualification list commits a third-degree felony.<sup>3</sup> In addition, it is a second-degree felony for an authority figure in a school to solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student.<sup>4</sup>

### **Criminal History Background Screening**

Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school<sup>5</sup> or any public school, including a charter school, and instructional staff of any approved virtual instruction program<sup>6</sup> must file with the district school board for the district in which the school serves or is located a complete set of fingerprints. The fingerprints must be:

- Taken by an authorized law enforcement agency or an employee of the school or district school board who is trained to take fingerprints.
- Submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for national criminal records checks.

The screening cost is borne by the district school board, the charter school, the employee, the contractor, or other person subject to the screening requirements. A district school board is required to reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the FDLE or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.<sup>7</sup>

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<sup>1</sup> Section 1001.10(4)(b), F.S.

<sup>2</sup> Sections 1002.33(12)(g)1., 1002.421(1)(o), F.S., 1012.315, F.S.

<sup>3</sup> Section 1012.796(10), F.S.

<sup>4</sup> Section 800.101(3), F.S.

<sup>5</sup> An alternative school is a school that provides dropout prevention and academic intervention services. Section 1008.341(2), F.S.

<sup>6</sup> Section 1002.45(2)(a)3., F.S. A virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both. Section 1002.45(1)(a)2., F.S.

<sup>7</sup> Section 1012.32, F.S.

A person is ineligible for employment if the person has committed certain disqualifying offenses specified in law<sup>8</sup> or rule<sup>9</sup> of the state board of education. FBI criminal history record information may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.<sup>10</sup>

### **Retention of Applicant Fingerprints**

The FDLE must retain the fingerprints and report any arrest record of a person that is identified with the retained fingerprints to the employing or contracting district school board or the district school board with which the person is affiliated.<sup>11</sup> Employees and contracted personnel subject to these fingerprinting requirements must be rescreened every five years.<sup>12</sup>

Each school district is required to participate in this search process by payment of an annual fee to the FDLE and by informing the FDLE of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained. The FDLE is required to set the amount of the annual fee to be imposed upon each school district for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and the dissemination of search results. The fee may be borne by the district school board, the contractor, or the person fingerprinted.<sup>13</sup>

### **Evaluation System Approval and Reporting**

It is the right of the public employer to determine unilaterally the purpose of each of its constituent agencies, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations.<sup>14</sup>

The district school superintendent is required to establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The district school superintendent must also:

- Provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes.
- Report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the DOE.<sup>15</sup>

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<sup>8</sup> See s. 1012.315, F.S., for a list of disqualifying offenses.

<sup>9</sup> Rule 6A-5.056(8), F.A.C.

<sup>10</sup> 28 C.F.R. s. 50.12(b).

<sup>11</sup> Section 1012.32(3), F.S.

<sup>12</sup> Sections 1012.465 and 1012.56(10), F.S.

<sup>13</sup> Section 1012.32(3)(b), F.S.

<sup>14</sup> Section 447.209, F.S.

<sup>15</sup> Section 1012.34(1)(a), F.S.

### **III. Effect of Proposed Changes:**

CS/SB 1386 addresses requirements for school personnel, including penalties related to offenses against students by authority figures, background screening requirements, and district school board personnel evaluation procedures and criteria.

#### **Offenses Against Students by Authority Figures**

The bill addresses penalties for failing to report offenses against students by authority figures. Specifically, the bill provides that:

- A person who is required to make a report regarding an incident of sexual misconduct with a student which could impact an educator's inclusion on the disqualification list maintained by the Department of Education and knowingly or willfully fails to make such report, or knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree.
- A person who knowingly or willfully submits inaccurate, incomplete, or untruthful information with respect to a report regarding an incident of sexual misconduct with a student which could impact an educator's inclusion on the disqualification list commits a misdemeanor of the first degree.
- A person who knowingly or willfully coerces or threatens any other person with the intent to alter testimony or a written report regarding an incident of sexual misconduct with a student which could impact an educator's inclusion on the disqualification list commits a misdemeanor of the first degree.

#### **School Personnel Background Screening Requirements**

The bill shifts from the district school board to the employing entity the entity with whom the complete set of fingerprints must be filed to complete the background screening required upon employment for personnel in a virtual instruction program, an alternative school, or a charter school other than a school of hope. Consequently, the bill provides that:

- The cost of background screening is borne by the employing entity.
- The FDLE must report arrests of school personnel to the employing entity instead of the school district.
- Unless a person is otherwise disqualified by law, the employing entity has the sole authority for determining a person's employment eligibility.

The bill defines "employing entity" as a district school board, charter school, alternative school, or any other entity that requires employees to complete a background screening to provide services in a district school system.

The shift in screening responsibilities to the employing entity may reduce the time to complete the background screening process for employers other than district school boards. In addition, redundant background screenings for employing entities that contract with or provide services in more than one school district may be reduced or eliminated.

### Evaluation System Approval and Reporting

The bill provides that the procedures established by the district school superintendent for evaluating the performance of instructional, administrative, and supervisory personnel set the standards of service to be offered to the public and are not subject to collective bargaining.

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:

The Florida Constitution prohibits public employees from striking.<sup>16</sup> To balance that prohibition, public employees have a constitutional right to bargain collectively.<sup>17</sup> However, the Florida Supreme Court has stated, “in the sensitive area of labor relations between public employees and public employer, it is requisite that the Legislature enact appropriate legislation setting out standards and guidelines and otherwise regulate the subject within the limits of [the constitutional right to work.]”<sup>18</sup>

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>16</sup> Art. I, s. 6, Fla. Const., provides, “[t]he right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.”

<sup>17</sup> *Orange County Classroom Teachers Ass’n v. Sch. Dist. of Orange County*, No. CA18050, at 41 (Fla. PERC May 27, 2021) (Supplemental Recommended Order), *adopted with exceptions* (Fla. PERC Sept. 24, 2021) (Final Order No. 21U-285), available at <http://perc.myflorida.com/co/allorderresults.aspx?CaseID=37365>, *appeal docketed*, No. 5D21-2607 (Fla. 5th DCA Oct. 22, 2021).

<sup>18</sup> *Dade County Classroom Teachers’ Ass’n v. Ryan*, 225 So. 2d 903, 906 (Fla. 1969).

**B. Private Sector Impact:**

The fiscal impact to the private sector is indeterminate. The Florida Department of Law Enforcement (FDLE) reports that there will be a one-time increase in background checks as individuals will be required to be rescreened under the new employing entity holding the fingerprints. Employers or their employees that provide services in only one school district may experience an indeterminate negative fiscal impact associated with the initial rescreening. Employers that contract with or provide services in more than one school district may experience a cost savings due to the reduction of redundant background screenings.

**C. Government Sector Impact:**

The fiscal impact is indeterminate. FDLE reports that there will be a one-time increase in background checks as individuals will be required to be rescreened under the new employing entity holding the fingerprints. Charter schools that are public employers or their employees that provide services in only one school district may experience an indeterminate negative fiscal impact associated with the initial one-time rescreening.<sup>19</sup>

Charter schools that are public employers that contract with or provide services to more than one district school board may experience a cost savings due to the reduction of redundant background screenings.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 800.101, 1012.32, and 1012.34 of the Florida Statutes.

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

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

**CS by Education on February 1, 2022:**

The committee substitute:

- Adds penalties for failing to report offenses against students by authority figures.
- Provides that the procedures established by the district school superintendent for evaluating the performance of instructional, administrative, and supervisory personnel set the standards of service to be offered to the public and are not subject to collective bargaining.

<sup>19</sup> Florida Department of Law Enforcement, 2022 *FDLE Legislative Bill Analysis for SB 1386*.

- Makes the bill effective upon becoming law.

B. Amendments:

None.

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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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By the Committee on Education; and Senator Diaz

581-02603-22

20221386c1

1 A bill to be entitled  
 2 An act relating to school personnel; amending s.  
 3 800.101, F.S.; prohibiting a person who is required to  
 4 make certain reports concerning sexual misconduct with  
 5 a student from knowingly or willfully failing to make  
 6 such report or knowingly or willfully preventing  
 7 another person from doing so; prohibiting a person  
 8 from knowingly or willfully submitting inaccurate,  
 9 incomplete, or untruthful information with respect to  
 10 a report concerning sexual misconduct with a student;  
 11 prohibiting a person from knowingly or willfully  
 12 coercing or threatening any other person with the  
 13 intent to alter testimony or a written report  
 14 concerning sexual misconduct with a student; providing  
 15 criminal penalties; amending s. 1012.32, F.S.;

16 specifying that certain instructional and  
 17 noninstructional personnel must file fingerprints with  
 18 the employing entity or alternative school, as  
 19 applicable, rather than the district school board;  
 20 conforming provisions to changes made by the act;  
 21 providing that an employing entity has the sole  
 22 authority for determining the employment eligibility  
 23 of certain personnel; providing an exception;  
 24 requiring the Department of Law Enforcement to report  
 25 the results from background screenings to the  
 26 employing entity; defining the term "employing  
 27 entity"; amending s. 1012.34, F.S.; providing that  
 28 certain procedures established by district school  
 29 superintendents set the standards of service to be

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30 offered to the public within the meaning of a  
 31 specified provision and are not subject to the  
 32 collective bargaining process; providing an effective  
 33 date.  
 34

35 Be It Enacted by the Legislature of the State of Florida:  
 36

37 Section 1. Present subsection (4) of section 800.101,  
 38 Florida Statutes, is redesignated as subsection (5), new  
 39 subsection (4) is added to that section, and subsection (3) of  
 40 that section is amended, to read:

41 800.101 Offenses against students by authority figures.—  
 42 (3) A person who violates subsection (2) ~~this section~~  
 43 commits a felony of the second degree, punishable as provided in  
 44 s. 775.082, s. 775.083, or s. 775.084.

45 (4) (a) A person who is required to make a report regarding  
 46 an incident of sexual misconduct with a student which could  
 47 impact an educator's inclusion on the disqualification list  
 48 maintained by the Department of Education pursuant to s.  
 49 1001.10(4) (b) and who knowingly or willfully fails to make such  
 50 report, or knowingly or willfully prevents another person from  
 51 doing so, commits a misdemeanor of the first degree, punishable  
 52 as provided in s. 775.082 or s. 775.083.

53 (b) A person who knowingly or willfully submits inaccurate,  
 54 incomplete, or untruthful information with respect to a report  
 55 regarding an incident of sexual misconduct with a student which  
 56 could impact an educator's inclusion on the disqualification  
 57 list maintained by the Department of Education pursuant to s.  
 58 1001.10(4) (b) commits a misdemeanor of the first degree,

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59 punishable as provided in s. 775.082 or s. 775.083.

60 (c) A person who knowingly or willfully coerces or  
 61 threatens any other person with the intent to alter testimony or  
 62 a written report regarding an incident of sexual misconduct with  
 63 a student which could impact an educator's inclusion on the  
 64 disqualification list maintained by the Department of Education  
 65 pursuant to s. 1001.10(4)(b) commits a misdemeanor of the first  
 66 degree, punishable as provided in s. 775.082 or s. 775.083.

67 Section 2. Subsection (2) and paragraph (b) of subsection  
 68 (3) of section 1012.32, Florida Statutes, are amended, and  
 69 subsection (4) is added to that section, to read:

70 1012.32 Qualifications of personnel.—

71 (2)(a) Instructional and noninstructional personnel ~~who are~~  
 72 hired or contracted to fill positions that require direct  
 73 contact with students in any district school system or  
 74 university lab school must, upon employment or engagement to  
 75 provide services, undergo background screening as required under  
 76 s. 1012.465 or s. 1012.56, whichever is applicable.

77 (b)1. Instructional and noninstructional personnel ~~who are~~  
 78 hired or contracted to fill positions in a charter school other  
 79 than a school of hope as defined in s. 1002.333, and members of  
 80 the governing board of such charter school, in compliance with  
 81 s. 1002.33(12)(g), upon employment, engagement of services, or  
 82 appointment, shall undergo background screening as required  
 83 under s. 1012.465 or s. 1012.56, whichever is applicable, by  
 84 filing with the employing entity ~~district school board for the~~  
 85 ~~school district in which the charter school is located~~ a  
 86 complete set of fingerprints taken by an authorized law  
 87 enforcement agency or an employee of the school ~~or school~~

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88 ~~district~~ who is trained to take fingerprints.

89 2. Instructional and noninstructional personnel ~~who are~~  
 90 hired or contracted to fill positions in a school of hope as  
 91 defined in s. 1002.333, and members of the governing board of  
 92 such school of hope, shall file with the school of hope a  
 93 complete set of fingerprints taken by an authorized law  
 94 enforcement agency, by an employee of the school of hope ~~or~~  
 95 ~~school district~~ who is trained to take fingerprints, or by any  
 96 other entity recognized by the Department of Law Enforcement to  
 97 take fingerprints.

98 (c) Instructional and noninstructional personnel ~~who are~~  
 99 hired or contracted to fill positions that require direct  
 100 contact with students in an alternative school that operates  
 101 under contract with a district school system must, upon  
 102 employment or engagement to provide services, undergo background  
 103 screening as required under s. 1012.465 or s. 1012.56, whichever  
 104 is applicable, by filing with the alternative school ~~district~~  
 105 ~~school board for the school district to which the alternative~~  
 106 ~~school is under contract~~ a complete set of fingerprints taken by  
 107 an authorized law enforcement agency or an employee of the  
 108 school ~~or school district~~ who is trained to take fingerprints.

109 (d) Student teachers and persons participating in a field  
 110 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 111 district school system, lab school, or charter school must, upon  
 112 engagement to provide services, undergo background screening as  
 113 required under s. 1012.56.

114  
 115 Required fingerprints must be submitted to the Department of Law  
 116 Enforcement for statewide criminal and juvenile records checks

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20221386c1

117 and to the Federal Bureau of Investigation for federal criminal  
 118 records checks. A person subject to this subsection who is found  
 119 ineligible for employment under s. 1012.315, or otherwise found  
 120 through background screening to have been convicted of any crime  
 121 involving moral turpitude as defined by rule of the State Board  
 122 of Education, ~~may shall~~ not be employed, engaged to provide  
 123 services, or serve in any position that requires direct contact  
 124 with students. Probationary persons subject to this subsection  
 125 who are terminated because of their criminal record have the  
 126 right to appeal such decisions. Except for a person's  
 127 ineligibility for employment as provided in this section, an  
 128 employing entity has the sole authority for determining a  
 129 person's employment eligibility. The cost of the background  
 130 screening may be borne by the employing entity ~~district school~~  
 131 ~~board, the charter school, the employee, the contractor, or a~~  
 132 ~~person subject to this subsection. A district school board shall~~  
 133 ~~reimburse a charter school the cost of background screening if~~  
 134 ~~it does not notify the charter school of the eligibility of a~~  
 135 ~~governing board member or instructional or noninstructional~~  
 136 ~~personnel within the earlier of 14 days after receipt of the~~  
 137 ~~background screening results from the Florida Department of Law~~  
 138 ~~Enforcement or 30 days of submission of fingerprints by the~~  
 139 ~~governing board member or instructional or noninstructional~~  
 140 ~~personnel.~~

(3)

142 (b) The Department of Law Enforcement shall search all  
 143 arrest fingerprints received under s. 943.051 against the  
 144 fingerprints retained in the statewide automated biometric  
 145 identification system under paragraph (a). Any arrest record

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146 ~~that is~~ identified with the retained fingerprints of a person  
 147 subject to the background screening under this section must  
 148 ~~shall~~ be reported to the employing entity ~~or contracting school~~  
 149 ~~district or the school district with which the person is~~  
 150 ~~affiliated.~~ Each employing entity ~~school district~~ is required to  
 151 participate in this search process by payment of an annual fee  
 152 to the Department of Law Enforcement and by informing the  
 153 Department of Law Enforcement of any change in the ~~affiliation,~~  
 154 ~~employment, or contractual status or place of affiliation,~~  
 155 ~~employment, or contracting~~ of its instructional and  
 156 noninstructional personnel whose fingerprints are retained under  
 157 paragraph (a). The Department of Law Enforcement shall adopt a  
 158 rule setting the amount of the annual fee to be imposed upon  
 159 each employing entity ~~school district~~ for performing these  
 160 searches and establishing the procedures for the retention of  
 161 instructional and noninstructional personnel fingerprints and  
 162 the dissemination of search results. The fee may be borne by the  
 163 employing entity ~~district school board, the contractor, or the~~  
 164 ~~person fingerprinted.~~

165 (4) For purposes of this section, the term "employing  
 166 entity" means a district school board, charter school,  
 167 alternative school, or any other entity that requires employees  
 168 to complete a background screening pursuant to this section.

169 Section 3. Paragraph (a) of subsection (1) of section  
 170 1012.34, Florida Statutes, is amended to read:

171 1012.34 Personnel evaluation procedures and criteria.—

172 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

173 (a) For the purpose of increasing student academic  
 174 performance by improving the quality of instructional,

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175 administrative, and supervisory services in the public schools  
176 of ~~this the~~ state, the district school superintendent shall  
177 establish procedures for evaluating the performance of duties  
178 and responsibilities of all instructional, administrative, and  
179 supervisory personnel employed by the school district. The  
180 procedures established by the district school superintendent set  
181 the standards of service to be offered to the public within the  
182 meaning of s. 447.209 and are not subject to the collective  
183 bargaining process. The district school superintendent shall  
184 provide instructional personnel the opportunity to review their  
185 class rosters for accuracy and to correct any mistakes. The  
186 district school superintendent shall report accurate class  
187 rosters for the purpose of calculating district and statewide  
188 student performance and annually report the evaluation results  
189 of instructional personnel and school administrators to the  
190 Department of Education in addition to the information required  
191 under subsection (5).

192 Section 4. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

2/16/2022

Meeting Date

CS/SB 1386

Bill Number or Topic

APP. Subco. EDUCATION

Committee

Amendment Barcode (if applicable)

Name Jose ALVCON

Phone 561-319-7789

Address 1002 Kentucky Ave

Street

Email JoseALVCON99@HOTMAIL.com

Fort Pierce

FL

34950

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/16/22

Meeting Date

SB 1386

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Vanessa Alarcon

Phone

561-319-7788

Address

1002 Kentucky Ave

Email

Street

Fort Pierce

FL.

34950

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 1386

Bill Number or Topic

2/16/22

Meeting Date

Senate Ed. Approps.

Committee

Amendment Barcode (if applicable)

Name Megan Fay

Phone 850-222-9075

Address 124 W. Jefferson Street

Email megan@ccfia.com

Tallahassee FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Florida Association of District School Superintendents

[ ] 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)

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The Florida Senate

APPEARANCE RECORD

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

2/16/22 Meeting Date

SB 1286 Bill Number or Topic

Ed Approps Committee

Amendment Barcode (if applicable)

Shan Goff Name

shaka@excelined.org Phone

250 S. Monroe St Address Street

850-544-6128 Email

Tall City, FL State, 32301 Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Foundation for Florida's Future

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

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

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The Florida Senate

APPEARANCE RECORD

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

2/16/22

Meeting Date

1386

Bill Number or Topic

Sen. Education

Committee

Amendment Barcode (if applicable)

Name

Michael Monroe

Phone

850-510-1645

Address

213 S. Adams Street

Street

Email

michael.monroe@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:

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

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

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

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** KB 412                      **Case No.:** -  
**Caption:** Senate Appropriations Subcommittee on Education

**Type:**  
**Judge:**

**Started:** 2/16/2022 1:01:30 PM  
**Ends:** 2/16/2022 1:53:41 PM              **Length:** 00:52:12

1:01:32 PM      Sen. Broxson (Chair)  
1:02:16 PM      S1122  
1:02:30 PM      Sen. Gainer  
1:03:41 PM      Sen. Broxson  
1:04:01 PM      Marti Coley, Gulf Coast State College Foundation (waives in support)  
1:04:51 PM      S268  
1:05:06 PM      Sen. Diaz  
1:05:28 PM      Am. 718116  
1:05:38 PM      Sen. Diaz  
1:06:11 PM      Sen. Broxson  
1:06:25 PM      Sen. Hutson  
1:07:00 PM      Sen. Broxson  
1:07:10 PM      Sen. Gibson  
1:07:32 PM      Sen. Diaz  
1:07:53 PM      Sen. Gibson  
1:08:02 PM      Sen. Diaz  
1:08:34 PM      Anthony Verdugo, Christian Family Coalition  
1:09:57 PM      Christian Camara  
1:11:12 PM      Sen. Gibson  
1:12:13 PM      Sen. Diaz  
1:12:55 PM      S340  
1:13:05 PM      Sen. Garcia  
1:14:19 PM      Lisa Hurley, Epilepsy Foundation of America (waives in support)  
1:14:27 PM      Dannie McMillon, Florida PTA (waives in support)  
1:14:47 PM      Steve Schale, Epilepsy Florida (waives in support)  
1:15:21 PM      Sen. Broxson  
1:15:35 PM      Sen. Garcia  
1:16:19 PM      S236  
1:16:27 PM      Sen. Jones  
1:18:31 PM      Shan Goff, Foundation for Florida's Future (waives in support)  
1:18:33 PM      Addison Davis, Superintendent, Hillsborough County Public School (waives in support)  
1:18:42 PM      James McFaddin, Autism Speak (waives in support)  
1:18:49 PM      D. McMillon (waives in support)  
1:18:54 PM      Caitlyn Clibbon, Disability Rights Florida (waives in support)  
1:19:01 PM      Damian Jane, Miami-Dade County Public Schools (waives in support)  
1:19:11 PM      Chadwich Leonard, Florida Education Association (waives in support)  
1:19:23 PM      Sen. Broxson  
1:19:35 PM      Sen. Jones  
1:20:26 PM      S390  
1:20:31 PM      Sen. Book  
1:21:39 PM      D. McMillon (waives in support)  
1:21:44 PM      Mary-Lynn Cullen, Advocacy Institute for Children (waives in support)  
1:21:51 PM      C. Clibbon  
1:23:55 PM      S1226  
1:24:05 PM      Sen. Brandes  
1:25:11 PM      Sen. Gruters  
1:25:22 PM      Sen. Brandes  
1:25:55 PM      Sen. Gruters  
1:26:04 PM      Sen. Brandes  
1:26:33 PM      Sen. Cruz  
1:27:05 PM      Sen. Brandes  
1:27:15 PM      Sen. Cruz



1:27:26 PM Sen. Brandes  
1:27:38 PM Sen. Cruz  
1:27:57 PM Sen. Brandes  
1:29:00 PM Sen. Cruz  
1:29:06 PM Sen. Brandes  
1:30:14 PM Sen. Hutson  
1:30:39 PM Sen. Brandes  
1:30:56 PM D. McMillon (waives in support)  
1:31:01 PM Sen. Gibson  
1:31:52 PM Sen. Hutson  
1:32:42 PM Sen. Broxson  
1:33:54 PM Sen. Brandes  
1:35:19 PM S554  
1:35:29 PM Sen. Cruz  
1:37:51 PM S802  
1:38:00 PM Sen. Gruters  
1:38:32 PM Am. 291680  
1:38:44 PM Sen. Gruters  
1:40:17 PM Dr. Danielle Thomas, Florida School Board Association (waives in support)  
1:40:30 PM Sen. Polsky  
1:41:14 PM Sen. Broxson  
1:42:05 PM Timothy Parson, Florida Sheriffs Association (waives in support)  
1:42:13 PM D. McMillon (waives in support)  
1:42:25 PM Sen. Broxson  
1:42:43 PM Sen. Gruters  
1:44:05 PM S1386  
1:44:09 PM Sen. Diaz  
1:45:16 PM Sen. Cruz  
1:46:01 PM Sen. Diaz  
1:47:04 PM Sen. Cruz  
1:47:15 PM Sen. Diaz  
1:47:45 PM Sen. Cruz  
1:47:58 PM Sen. Diaz  
1:48:29 PM S. Goff (waives in support)  
1:48:32 PM Megan Fay, Florida Association of District School Superintendents (waives in support)  
1:48:46 PM Vanessa Alarcon  
1:49:39 PM Michael Monroe, Florida Education Association  
1:51:37 PM Jose Alarcon