

Tab 1	SB 258 by Jones ; (Similar to H 00531) Internship Tax Credit Program
Tab 2	SB 280 by Baxley (CO-INTRODUCERS) Berman, Bracy, Diaz ; (Compare to H 00157) Cardiopulmonary Resuscitation Training in Public Schools
Tab 3	SB 538 by Polsky ; (Similar to H 00099) Use of Epinephrine Auto-injectors on Public K-20 Campuses
Tab 4	SB 760 by Burgess ; (Identical to H 00355) Florida High School Athletic Association (FHSAA)

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Gruters, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, February 16, 2021
TIME: 9:00—11:30 a.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Gruters, Chair; Senator Jones, Vice Chair; Senators Berman, Bradley, Broxson, Diaz, Hutson, Passidomo, Polsky, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301

Presentations on the alignment between postsecondary education and labor market demand

Adrienne Johnston, Director of the Division of Workforce Services, Department of Economic Opportunity

Henry Mack, Chancellor of the Division of Career and Adult Education, Department of Education

Marshall Criser, Chancellor of the State University System of Florida

1	SB 258 Jones (Similar H 531)	Internship Tax Credit Program; Designating the "Florida Internship Tax Credit Program"; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit a qualified business may claim per student intern, etc.
		ED 02/16/2021 FT AP

2	SB 280 Baxley (Compare H 157)	Cardiopulmonary Resuscitation Training in Public Schools; Providing that school districts are encouraged to provide basic training in first aid, including cardiopulmonary resuscitation, in specified grades; requiring school districts to provide basic training in first aid, including cardiopulmonary resuscitation, in specified grades; revising requirements for instruction in cardiopulmonary resuscitation, etc.
		ED 02/16/2021 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, February 16, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 538 Polsky (Similar H 99)	Use of Epinephrine Auto-injectors on Public K-20 Campuses; Providing that state universities and Florida College System institutions are considered authorized entities for specified purposes relating to the emergency use of epinephrine auto-injectors; requiring, rather than authorizing, public schools to purchase or acquire a supply of epinephrine auto-injectors for specified purposes; requiring state universities and Florida College System institutions to purchase or acquire a supply of epinephrine auto-injectors for specified purposes, etc.	
		ED 02/16/2021 HP AP	
4	SB 760 Burgess (Identical H 355)	Florida High School Athletic Association (FHSAA); Requiring the FHSAA to allow certain schools and home education cooperatives to maintain full membership in the association or to join by sport; prohibiting the FHSAA from discouraging such school or cooperative from simultaneously maintaining membership in another athletic association; requiring, rather than authorizing, the FHSAA to allow public schools to join other athletic associations, etc.	
		ED 02/16/2021 CA RC	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 258

INTRODUCER: Senator Jones

SUBJECT: Internship Tax Credit Program

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 258 creates the “Florida Internship Tax Credit Program” to authorize a tax credit of \$2,000 for each degree-seeking student intern employed by a qualified business, up to a maximum of \$10,000 in any taxable year, beginning in taxable years on or after January 1, 2022. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue, and an authorization to carry forward any unused portion of a tax credit.

The bill does not have an impact on state revenues in 2021-2022. A revenue estimating conference is required to estimate the recurring fiscal impact of the bill.

The bill takes effect on July 1, 2021.

II. Present Situation:

Internships

The National Association of Colleges and Employers (NACE) defines an internship as “a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skill development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.”¹

¹ National Association of Colleges and Employers, *Position Statement: U.S. Internships*, <http://www.naceweb.org/advocacy/position-statements/united-states-internships.aspx> (last visited Feb. 3, 2021).

NACE further defines criteria to determine if an experience is a legitimate internship:²

- The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
- The skills or knowledge learned must be transferable to other employment settings.
- The experience has a defined beginning and end, and a job description with desired qualifications.
- There are clearly defined learning objectives or goals related to the professional goals of the student's academic coursework.
- There is supervision by a professional with expertise and educational or professional background in the field of the experience.
- There is routine feedback by the experienced supervisor.
- There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.

Internships are typically one-time work or service experiences related to the student's major or career goal. The internship plan generally involves students working in professional settings under the supervision and monitoring of practicing professionals. Internships can be paid³ or unpaid,⁴ and the student may or may not receive academic credit for performing the internship.⁵

Florida's Corporate Income Tax

It is the intent of the Legislature to subject corporations⁶ and other entities to taxation for the privilege of conducting business, deriving income, or existing within this state.⁷

² National Association of Colleges and Employers, *Position Statement: U.S. Internships*,

<http://www.naceweb.org/advocacy/position-statements/united-states-internships.aspx> (last visited Feb. 3, 2021).

³ The average hourly wage for interns in 2020 was \$19.54. National Association of Colleges and Employers, *2020 Internship & Co-op Survey Report, Executive Summary* (NACE Survey) (2020), available at

<https://www.naceweb.org/uploadedfiles/files/2020/publication/executive-summary/2020-nace-internship-and-co-op-survey-executive-summary.pdf>, at 3.

⁴ The U.S. Department of Labor (USDOL) provides information to help determine whether or not interns and students are considered employees entitled to minimum wages and overtime pay under the Fair Labor Standards Act. That test requires courts to analyze the "economic reality" of the intern's relationship with his or her employer to evaluate whether the internship is primarily for the economic benefit of the employer or primarily for the educational benefit of the intern. USDOL, U.S. Wage and Hour Division, *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act* (updated Jan. 2018), available at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs71.pdf>.

⁵ NACE Survey, *supra* note 3, at 2.

⁶ "Corporation" includes all domestic corporations; foreign corporations qualified to do business in this state or actually doing business in this state; specified corporations included in chapters 605, 609, 617, 618, 621, 622, and 623; foreign corporations not for profit carrying on their activities in this state; and all other organizations, associations, legal entities, and artificial persons created by or pursuant to the statutes of this state, the United States, or any other state, territory, possession, or jurisdiction. The term "corporation" does not include proprietorships; partnerships of any type; limited liability companies that are taxable as partnerships for federal income tax purposes; state or public fairs or expositions, under chapter 616; estates of decedents or incompetents; testamentary trusts; or private trusts. Section 220.03(1)(e), F.S.

⁷ Section 220.02(1), F.S.

Certain corporations doing business in Florida must pay a tax of 5.5 percent on income earned in Florida.⁸ The calculation of Florida corporate income tax starts with a corporation's federal taxable income.⁹ Taxable income earned by corporations operating in more than one state is taxed in Florida on an apportioned basis using a formula based 25 percent on property, 25 percent on payroll, and 50 percent on sales.¹⁰ Income that is apportioned to Florida using this formula is then subject to the Florida income tax. The first \$50,000 of net income is exempt, effective with tax years beginning January 1, 2013.¹¹

The Revenue Estimating Conference estimates 2021-2022 fiscal year gross corporate income tax collections of approximately \$2.67 billion.¹²

Corporate Tax Credits

Florida offers tax credits, refunds, and other incentives against the Florida corporate income tax liability to promote business development and job creation within the state.¹³ Such incentives related to employment include:

- The Rural and Urban Job Tax Credit Programs, which provide an incentive for eligible businesses, located within designated rural counties and urban areas, to create new jobs,¹⁴ valued at \$100,000 in 2019-2020¹⁵ and less than \$100,000 in 2020-2021.¹⁶
- Subtraction for Florida Employees Included in Calculation of Federal Employment Credits, which authorizes a deduction for the amount of wages and salaries paid to Florida employees for the taxable year for which no deduction is allowed under the Internal Revenue Code,¹⁷ valued at \$17.9 million in 2020-2021.¹⁸
- Enterprise Zone Jobs Tax Credit, which provides a credit of wages paid to new eligible employees who are residents of a Florida enterprise zone,¹⁹ valued at \$900,000 in 2020-2021.²⁰

⁸ Florida Revenue Estimating Conference, *2020 Florida Tax Handbook*, (Tax Handbook-2020), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2020.pdf>, at 61. For taxable years beginning January 1, 2019 through December 31, 2021, the rate is 4.458 percent, pursuant to s. 220.1105, F.S. *Id.*

⁹ Section 220.12, F.S.

¹⁰ Tax Handbook-2020, *supra* note 8. *See also* s. 220.15, F.S.

¹¹ *Id.* *See also* s. 220.14, F.S.

¹² Florida Revenue Estimating Conference, *General Revenue Fund, Changes to the Estimate* (December 21, 2020), available at <http://edr.state.fl.us/Content/conferences/generalrevenue/grchng.pdf>.

¹³ Florida Department of Revenue, *Corporate Income Tax Incentives (Incentives Related to Jobs)*, https://floridarevenue.com/taxes/taxesfees/Pages/corp_tax_incent.aspx (last visited Feb. 12, 2021).

¹⁴ Sections 220.1895 and 212.098, F.S., and ss. 220.1895 and 212.097, F.S.

¹⁵ Florida Revenue Estimating Conference, *2019 Florida Tax Handbook*, (Tax Handbook-2019), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2019.pdf>, at 65.

¹⁶ Tax Handbook 2020, *supra* note 8 at 68.

¹⁷ Section 220.13(1)(b)3., F.S.

¹⁸ Florida Department of Revenue, *supra* note 13.

¹⁹ Section 220.181, F.S.

²⁰ Tax Handbook-2020, *supra* note 16.

Credits against either the corporate income tax or the franchise tax are applied in an order established in law.²¹ There is presently no credit available against corporate income tax for employing degree-seeking student interns.²²

III. Effect of Proposed Changes:

The bill creates s. 220.198, F.S., to establish the “Florida Internship Tax Credit Program,” which authorizes a tax credit of \$2,000 for each degree-seeking student intern employed by a qualified business, up to a maximum of \$10,000 in any taxable year, beginning in taxable years on or after January 1, 2022. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue (DOR), and an authorization to carry forward any unused portion of a tax credit.

The bill defines a “degree-seeking student intern” as a person who is a junior or senior at a state university, a Florida College System (FCS) institution, a career center operated by a school district, or a charter technical career center, or any graduate student enrolled at a state university. The bill defines a “qualified business” as a business that is in existence and has been continuously operating for at least three years.

The bill authorizes a qualified business to receive a credit against the corporate income tax established in chapter 200, F.S., in the amount of \$2,000 per degree-seeking student intern employed by the qualified business. Under the bill, a business would qualify to receive the tax credit if:

- The business employed a degree-seeking student in an internship in which the student worked full time, which the bill defines as at least 30 hours per week, for at least nine consecutive weeks;
- The degree-seeking student intern employed by the qualified business had a minimum grade point average of 2.0 at the start of the internship;
- The state university, FCS institution, career center operated by a school district, or charter technical career center provides documentation attesting to the degree-seeking student intern’s enrollment status; and
- The qualified business provides documentation for the current taxable year to show that at least 20 percent of the business’s full-time employees were previously employed by that business as degree-seeking student interns, or the business:
 - For the three prior years on average, employed ten or fewer full-time employees;
 - Previously hired at least one degree-seeking student intern; and
 - For the current taxable year, employs on a full-time basis at least one employee who was previously employed by the business as a degree-seeking student intern.

²¹ Section 220.02(8), F.S. The credits are applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, and those enumerated in s. 220.196. *Id.*

²² Department of Revenue, *2020 Agency Legislative Bill Analysis of SB 1412* (Jan. 24, 2020), at 2.

The bill establishes a maximum credit of \$10,000 in any taxable year and authorizes a qualified business to carry forward any unused portion of the tax credit for up to two taxable years.

Finally, the bill authorizes the DOR to adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit. The rule may need to specify requirements not in the bill, such as timelines for approval of tax credits, and which entity receives the documentation of the student's enrollment status.

The tax credit established in the bill may provide an incentive for qualified businesses to provide internship opportunities for students.

The bill takes effect on July 1, 2021.

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:

Qualified businesses that employ student interns specified in the bill and meet specified requirements may decrease their tax liability up to \$10,000 in any taxable year.

C. Government Sector Impact:

The Revenue Estimating Conference (conference) has not estimated the fiscal impact of the bill, but the additional exemption is expected to have a negative fiscal impact.

In 2020, the conference estimated that the tax credit provisions of Senate Bill 1412 (2020) would have a fiscal impact of \$14.2 million in the first applicable fiscal year, increasing to \$14.8 million in the third fiscal year. The conference based its estimate on 2017 corporate income tax data to identify businesses with a positive tax liability after all other credits.

Also in 2020, the Department of Revenue estimated that implementation of the internship tax credit would require approximately 316 contractor hours and 624 in-house hours to provide modifications to the SUNTAX system. The cost was estimated at \$29,388 for the first fiscal year in effect.

VI. Technical Deficiencies:

The bill uses the term “degree-seeking student intern” in the provision of a tax credit established in the bill. However, career centers operated by school districts and charter technical career centers currently do not offer associate or baccalaureate degrees,²³ and so their students are not considered “degree-seeking.” Additionally, among the postsecondary education institutions included in the bill, only Florida College System institutions and state universities enroll students as juniors or seniors as part of a baccalaureate degree program. The sponsor may consider changing the definition to “student intern” and specify that the student must be enrolled in a degree, career certificate, or diploma program at a specified Florida postsecondary education institution.

VII. Related Issues:

The bill does not define an “internship” experience, and so it is unclear if any type of work-based educational experience may qualify, such as co-operative education, apprenticeships, practicums, service learning, clinical experience, or virtual internships. The bill does not specify if the internship may be paid or unpaid, or if the student must be receiving academic course credit for the internship experience. In addition, the Department of Revenue identified several issues with similar provisions in Senate Bill 1412 (2020):²⁴

- The bill does not amend s. 220.02(8), F.S., to specify in which order this tax credit is to be claimed against corporate income tax relative to other credits that may be claimed.

²³ Workforce education programs may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a FCS institution. Section 1011.80(2), F.S. Career centers offer adult general education, career certificates, applied technology diplomas, continuing workforce education, and apprenticeship and preapprenticeship programs. Section 1011.80(1), F.S. In 2019-2020, Lake Technical College, the state’s only charter technical center, offered only adult general education, applied technology diploma, and career certificate programs. Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, 2019-2020*, available at [2019/20 Charter Comparison Report.indd \(fldoe.org\)](#), at 10.

²⁴ Department of Revenue, *2020 Agency Legislative Bill Analysis of SB 1412* (Jan. 24, 2020), at 5.

- A tax credit provision in chapter 220, F.S., typically corresponds to an addition to s. 220.13, F.S., to prevent a taxpayer from taking an item or expense as a deduction from federal income and Florida income, and then also taking the same item or expense as a tax credit against Florida corporate income tax. The bill does not provide such corresponding provision.
- It is unclear whether an affiliated group filing a consolidated Florida return may take a tax credit of up to \$10,000 per corporation included in the consolidated filing, or whether the tax credit is limited to \$10,000 per filed return.

VIII. Statutes Affected:

This bill creates section 220.198 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Jones

35-00585-21

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A bill to be entitled

An act relating to an internship tax credit program; creating s. 220.198, F.S.; providing a short title; defining terms; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit a qualified business may claim per student intern; specifying a limit on the credit claimed per taxable year; authorizing the Department of Revenue to adopt certain rules; authorizing a qualified business to carry forward unused credit for a certain time; providing an effective date.

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

Section 1. Section 220.198, Florida Statutes, is created to read:

220.198 Internship tax credit program.—

(1) This section may be cited as the "Florida Internship Tax Credit Program."

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

(a) "Degree-seeking student intern" means a person who is a junior or senior 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, or any graduate student enrolled at a state university.

(b) "Full time" means at least 30 hours per week.

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(c) "Qualified business" means a business that is in existence and has been continuously operating for at least 3 years.

(3) For taxable years beginning on or after January 1, 2022, a qualified business may receive a tax credit for previously paid corporate income taxes imposed under this chapter in the amount of \$2,000 per student intern if:

(a) The qualified business employed a degree-seeking student in an internship in which the student worked full time for at least 9 consecutive weeks;

(b) The qualified business provides documentation for the current taxable year to show that at least 20 percent of the business's full-time employees were previously employed by that business as degree-seeking student interns;

(c) A degree-seeking student intern working for a qualified business had a minimum grade point average of 2.0 at the start of the internship; and

(d) The state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center has provided documentation attesting to the degree-seeking student intern's enrollment status.

(4) Notwithstanding paragraph (3)(b), a qualified business that, for the 3 prior years on average, employed 10 or fewer full-time employees may receive the tax credit if it provides documentation that it previously hired at least one degree-seeking student intern and, for the current taxable year, that it employs on a full-time basis at least one employee who was previously employed by that qualified business as a degree-

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59 seeking student intern.

60 (5) A qualified business may not claim a tax credit of more
61 than \$10,000 for previously paid corporate income taxes in any
62 one taxable year.

63 (6) The department may adopt rules governing the manner and
64 form of applications for the tax credit and establishing
65 qualification requirements for the tax credit.

66 (7) A qualified business awarded a tax credit for
67 previously paid corporate income taxes under this section may
68 carry forward any unused portion of a tax credit for up to 2
69 taxable years.

70 Section 2. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 280

INTRODUCER: Senator Baxley and others

SUBJECT: Cardiopulmonary Resuscitation Training in Public Schools

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 280 modifies the provision by school districts to provide basic training in first aid, including cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator during the instruction. Specifically the bill:

- Alters the encouragement for school districts to provide basic training in first aid, including cardiopulmonary resuscitation, for all students beginning in grade 6 and every 2 years thereafter to specify such instruction for students in grade 6 and grade 8.
- Requires school districts to provide basic training in first aid, including CPR, for all students in grade 9 and grade 11.
- Specifies the use of basic, hands-only CPR instruction. This instruction must be based on a one-hour, nationally recognized training program that uses the most current evidence-based emergency cardiovascular care guidelines.
- Removes requirement to use an automated external defibrillator in instructional practice when a school district has the equipment necessary to perform the instruction.

The bill may have an impact on school district costs. See Section V.

The bill takes effect July 1, 2021.

II. Present Situation:

Cardiac Arrest

Heart disease is the leading cause of death in the United States.¹ Sudden cardiac arrest is the leading cause of death for student athletes.²

Cardiac arrest is the abrupt loss of heart function in a person who may or may not have been diagnosed with heart disease. It can come on suddenly or in the wake of other symptoms. Cardiac arrest is often fatal if appropriate steps aren't taken immediately.³

More than 356,000 cardiac arrests occur outside a hospital in the United States each year.⁴ Among those cardiac arrests, 7,037 children experience cardiac arrest outside a hospital.⁵

Though the vast majority of cardiac arrests occur at home, about 19 percent in adults and 13 percent in children happen in public. Bystander cardiopulmonary resuscitation (CPR) can double or triple a person's chances of survival if started immediately.⁶

One major barrier to bystanders providing lifesaving care for cardiac arrest victims is a lack of training, especially in how to perform CPR.⁷

Certain people, including people in low-income, Black, and Hispanic neighborhoods, are less likely to receive CPR from bystanders than people in high-income white neighborhoods.⁸ Research has indicated that older age, lesser education, and lower income were associated with reduced likelihood of CPR training. These findings illustrate important gaps in CPR education in the United States and suggest the need to develop tailored CPR training efforts to address this variability.⁹

¹ Center for Disease Control and Prevention, *Heart Disease*, <https://www.cdc.gov/heartdisease/facts.htm> (last visited Feb. 5, 2021).

² Mayo Clinic, *Sudden death in young people: Heart problems often blamed*, <https://www.mayoclinic.org/diseases-conditions/sudden-cardiac-arrest/in-depth/sudden-death/art-20047571> (last visited Feb. 5, 2021). Section 1006.165(1)(b), F.S. requires a school employee or volunteer with current training in cardiopulmonary resuscitation and use of a defibrillator to be present at each athletic event during and outside of the school year, including athletic contests, practices, workouts, and conditioning sessions. The training must include completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of a defibrillator. Each employee or volunteer who is reasonably expected to use a defibrillator must complete this training.

³ American Heart Association, *About Cardiac Arrest*, <https://www.heart.org/en/health-topics/cardiac-arrest/about-cardiac-arrest> (Last visited Feb. 8, 2021).

⁴ *Id.*

⁵ American Academy of Pediatrics, *Advocating for Life Support training of Children, Parents, Caregivers, School Personnel, and the Public*, <https://pediatrics.aappublications.org/content/141/6/e20180705#ref-1> (last visited Feb. 8, 2021).

⁶ American Heart Association, *Why Women fear performing CPR on women – and what to do about it*, <https://www.heart.org/en/news/2020/11/23/why-people-fear-performing-cpr-on-women-and-what-to-do-about-it> (last visited Feb. 8, 2021).

⁷ University of Virginia Health, *Bystanders can Help More Cardiac Arrest Victims Survive*, <https://newsroom.uvahealth.com/2019/12/11/bystanders-save-cardiac-arrest-patients/> (last visited Feb. 8, 2021).

⁸ Centers for Disease Control and Prevention, *Three Things You May Not Know About CPR*, <https://www.cdc.gov/heartdisease/cpr.htm> (last visited Feb. 8, 2021).

⁹ Journal of the American Heart Association, *Cardiopulmonary Resuscitation Training Disparities in the United States*, <https://www.ahajournals.org/doi/10.1161/JAHA.117.006124> (last visited Feb. 12, 2021).

State Required Cardiopulmonary Resuscitation Training

According to the American Heart Association, 38 states and Washington D.C. have passed laws or adopted curriculum requiring hands-on, guidelines-based CPR training for students to graduate high school.¹⁰

Currently Florida school districts are encouraged, but not required, to provide basic training in first aid, including CPR for all students beginning in grade 6 and every two years thereafter. Private and public partnerships for providing training or necessary funding are also encouraged.¹¹

Next Generation Sunshine State Standards

There is currently one benchmark related to CPR within the Next Generation Sunshine State Standards for Physical Education, which requires students to demonstrate basic CPR procedures.¹² There are multiple courses at the high school level that incorporate instruction in basic first aid and CPR procedures, including:¹³

- Health Opportunities through Physical Education (HOPE);
- First Aid and Safety;
- Care and Prevention of Athletic Injuries;
- Water Safety;
- Personal Fitness Trainer;
- Access Health Opportunities Through Physical Education;
- Florida's Preinternational Baccalaureate Personal Fitness; and
- United States Coast Guard Leadership and Operations.

Although not a requirement, districts currently providing instruction offer hands-only CPR through HOPE and other physical education courses.¹⁴ According to the Florida Department of Education, most districts providing this instruction partner with the American Heart Association in their area, for both the instructors and necessary equipment. A program offered by the American Heart Association¹⁵ is an example of a nationally recognized training program using the most current evidence-based¹⁶ emergency cardiovascular care guidelines.

¹⁰ American Heart Association, *CPR training at school now required in 38 states*, <https://www.heart.org/en/news/2018/08/22/cpr-training-at-school-now-required-in-38-states> (last visited Feb. 5, 2021).

¹¹ Section 1003.453(3), F.S.

¹² CPALMS, Standards, *Physical Education, PE.912.M.1.17, Benchmark Information*, <https://www.cpalms.org/Public/PreviewStandard/Preview/8022> (last visited Feb. 12, 2021).

¹³ CPALMS, Standards, *Physical Education, PE.912.M.1.17, Related Courses*, <https://www.cpalms.org/Public/PreviewStandard/Preview/8022> (last visited Feb. 12, 2021). CPALMS, Course, *First Aid and Safety (#0800320)*, <https://www.cpalms.org/Public/PreviewCourse/Preview/4688> (last visited Feb. 12, 2021).

¹⁴ Email, Florida Department of Education, Legislative Affairs (Feb. 9, 2021).

¹⁵ American Heart Association, *CPR in Schools*, <https://cpr.heart.org/en/training-programs/community-programs/cpr-in-schools> (last visited Feb. 9, 2021).

¹⁶ "Evidence-based" implies sufficient clinical trial evidence to document the impact and need for each element of a specific guideline. National Center for Biotechnology Information, *Resuscitation Research and Continuous Quality Improvement* https://www.ncbi.nlm.nih.gov/books/NBK321500/#sec_000159 (last visited Feb. 12, 2021).

III. Effect of Proposed Changes:

SB 280 amends s. 1003.453(3), F.S., to specify that the encouragement for school districts to provide basic training in first aid, including cardiopulmonary resuscitation (CPR) applies to students in grade 6 and grade 8.

The bill requires school districts to provide basic training in first aid, including CPR, for all students in grade 9 and grade 11.

The bill clarifies instruction in CPR as basic, hands-only. The bill retains the requirement that a training program must use the most current evidence-based emergency cardiovascular care guidelines, but specifies that the instruction must be based on a one-hour nationally recognized training program. The bill does not specify a particular training program. Also, it is unclear if such instruction must be limited to one hour.

Hands-only CPR involves chest compressions only and does not require mouth-to-mouth breathing.¹⁷ Being trained in hands-only CPR increases the chances of a bystander taking action in a cardiac emergency.¹⁸ Requiring instruction in first aid and CPR may help a student prevent or mitigate a potentially life threatening situation.

Additionally, the bill removes the requirement to use an automated external defibrillator in instructional practice when a school district has the equipment necessary to perform the instruction.

This bill takes effect July 1, 2021.

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.

¹⁷ American Heart Association, *Hands-Only CPR*, <https://cpr.heart.org/en/cpr-courses-and-kits/hands-only-cpr> (Last visited Feb. 8, 2021).

¹⁸ American Heart Association, *FAQ: Hands-Only CPR*, available at https://cpr.heart.org/-/media/cpr-files/courses-and-kits/hands-only-cpr/handsonly-cpr-faqs-ucm_494175.pdf?la=en.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

A school district that does not already provide instruction in first aid and cardiopulmonary resuscitation may experience increased costs associated with the requirements of the bill. However, no new state funds are specifically appropriated for the implementation of these requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.453 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 Baxley

12-00084A-21

2021280__

1 A bill to be entitled
 2 An act relating to cardiopulmonary resuscitation
 3 training in public schools; amending s. 1003.453,
 4 F.S.; providing that school districts are encouraged
 5 to provide basic training in first aid, including
 6 cardiopulmonary resuscitation, in specified grades;
 7 requiring school districts to provide basic training
 8 in first aid, including cardiopulmonary resuscitation,
 9 in specified grades; revising requirements for
 10 instruction in cardiopulmonary resuscitation;
 11 providing an effective date.
 12
 13 WHEREAS, heart disease is the leading cause of death in the
 14 United States and Florida, and
 15 WHEREAS, sudden cardiac arrest is the leading cause of
 16 death on school campuses and of student athletes, and
 17 WHEREAS, an estimated 1 in 25 United States schools will
 18 have a sudden death on campus every year, and
 19 WHEREAS, in 2019, there were approximately 356,000 sudden
 20 cardiac arrests that occurred in the United States, including
 21 7,037 children under the age of 18 who experienced sudden
 22 cardiac arrest, and
 23 WHEREAS, 70 out of 100 of sudden cardiac arrests happen at
 24 home, and
 25 WHEREAS, 9 out of 10 of all sudden cardiac arrests are
 26 fatal, and
 27 WHEREAS, only 1 in 10 victims survive a sudden cardiac
 28 arrest, and
 29 WHEREAS, only 8 in 100 victims survive a sudden cardiac

Page 1 of 3

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

12-00084A-21

2021280__

30 arrest on school campuses in the United States, and
 31 WHEREAS, the American Heart Association estimates that at
 32 least 5 in 10 victims could survive if bystanders performed
 33 cardiopulmonary resuscitation (CPR) and used automated external
 34 defibrillators (AEDs) immediately after a cardiac arrest event,
 35 and
 36 WHEREAS, African Americans and Latinos are at least two
 37 times more likely to die from sudden cardiac arrest, African-
 38 American children are 41 percent less likely to receive CPR, and
 39 Floridians in poor areas are more likely to die due to lack of
 40 CPR education, and
 41 WHEREAS, a University of Washington study showed that 89 in
 42 100 victims on school campuses would survive a sudden cardiac
 43 arrest if a well-executed Cardiac Emergency Response Plan were
 44 implemented at the school campus, and
 45 WHEREAS, the chain of survival includes prompt recognition
 46 of a sudden cardiac arrest event, notification of emergency
 47 services, prompt CPR, AED defibrillation, and advanced cardiac
 48 life support, and
 49 WHEREAS, in Florida, there are over 40,000 heart disease
 50 deaths every single year, and
 51 WHEREAS, Florida is a leading state for heart disease,
 52 drownings, lightning strikes, accidental deaths, and accidental
 53 overdoses, all conditions for which the initial life-saving
 54 measure is CPR, NOW, THEREFORE,
 55
 56 Be It Enacted by the Legislature of the State of Florida:
 57
 58 Section 1. Subsection (3) of section 1003.453, Florida

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12-00084A-21

2021280__

59 Statutes, is amended to read:

60 1003.453 School wellness and physical education policies;
61 nutrition guidelines.-

62 (3) School districts are encouraged to provide basic
63 training in first aid, including cardiopulmonary resuscitation,
64 for all students, ~~beginning in grade 6 and grade 8 every 2 years~~
65 ~~thereafter.~~ School districts are required to provide basic
66 training in first aid, including cardiopulmonary resuscitation,
67 for all students in grade 9 and grade 11. Instruction in the use
68 of basic, hands-only cardiopulmonary resuscitation must be based
69 on a one-hour, nationally recognized training program that uses
70 the most current evidence-based emergency cardiovascular care
71 guidelines. The instruction must allow students to practice the
72 psychomotor skills associated with performing cardiopulmonary
73 resuscitation ~~and use an automated external defibrillator when a~~
74 ~~school district has the equipment necessary to perform the~~
75 ~~instruction.~~ Private and public partnerships for providing
76 training or necessary funding are encouraged.

77 Section 2. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 538

INTRODUCER: Senator Polsky

SUBJECT: Use of Epinephrine Auto-injectors on Public K-20 Campuses

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Pre-meeting
2.			HP	
3.			AP	

I. Summary:

SB 538 adds requirements related to the purchase and maintenance of a supply of epinephrine auto-injectors by K-12 public schools, Florida College System (FCS) institutions, and state universities. The bill makes mandatory provisions that are optional under current law related to the purchase and maintenance of a supply of epinephrine auto-injectors in K-12 public schools. Specifically, the bill requires K-12 public schools, FCS institutions, and state universities to:

- Purchase a supply of epinephrine auto-injectors and maintain them in a secure location in each school's or public postsecondary institution's cafeteria.
- Adopt a protocol developed by a licensed physician for the administration of epinephrine auto-injectors by the school's or public postsecondary institution's personnel.

The bill provides liability protections for FCS institutions and state universities who meet specified conditions and administer epinephrine to an individual in an emergency.

The bill takes effect July 1, 2021.

II. Present Situation:

Epinephrine Use

Anaphylaxis is a severe, whole-body allergic reaction to a chemical that has become an allergen.¹ The human body releases chemicals during anaphylaxis that can cause shock, resulting in a sudden drop in blood pressure and the release of histamines, which may restrict breathing.²

¹ U.S. National Library of Medicine, National Institute of Health, *Anaphylaxis*, <http://www.nlm.nih.gov/medlineplus/ency/article/000844.htm> (last visited Feb. 12, 2021).

² Mayo Foundation for Medical Education and Research, *First Aid: Anaphylaxis*, <http://www.mayoclinic.org/first-aid/first-aid-anaphylaxis/basics/art-20056608> (last visited Feb. 12, 2021).

Symptoms of anaphylaxis include rapid, weak pulse; skin rash; nausea; and vomiting.³ Common causes include certain medications, some foods, insect bites or stings, and exposure to latex.⁴ Food allergies are also the most common cause of anaphylaxis cases in children.⁵

An epinephrine auto-injector is a prescription medication in a specific dose-for-weight device that is packaged for self-delivery in the event of a life-threatening allergic reaction.⁶ An epinephrine injection is used along with emergency medical treatment to treat anaphylaxis. Epinephrine is in a class of medications called alpha- and beta-adrenergic agonists (sympathomimetic agents). It works by relaxing the muscles in the airways and tightening the blood vessels.⁷ Anaphylaxis requires an immediate injection of epinephrine. If anaphylaxis isn't treated right away, it can be fatal.⁸

Regulation

Subject to statutory exceptions, it is illegal for a drug manufacturer⁹ or wholesale distributor¹⁰ in Florida to distribute a prescription drug to a person without a prescription.¹¹ One such statutory exception authorizes a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or manufacturer.¹² In addition, a manufacturer or wholesale distributor of epinephrine auto-injectors may sell a prescription drug to:¹³

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

³ Mayo Foundation for Medical Education and Research, *First Aid: Anaphylaxis*, <http://www.mayoclinic.org/first-aid/first-aid-anaphylaxis/basics/art-20056608> (last visited Feb. 12, 2021).

⁴ Mayo Clinic, *Anaphylaxis - Definition*, <http://www.mayoclinic.org/diseases-conditions/anaphylaxis/basics/definition/con-20014324> (last visited: Feb. 12, 2021).

⁵ *Id.*

⁶ Rule 6A-6.0251, F.A.C.

⁷ National Institute of Health, Medline Plus, *Epinephrine Injection*, <https://medlineplus.gov/druginfo/meds/a603002.html> (last visited Feb. 11, 2021).

⁸ Mayo Clinic, *supra* note 4.

⁹ “Manufacturer” is defined in s. 499.003(29), F.S.

¹⁰ “Wholesale distributor” means a person, other than a manufacturer, a manufacturer’s co-licensed partner, a third-party logistics provider, or a repackager, who is engaged in wholesale distribution. Section 499.003(49), F.S.

¹¹ Section 499.005(14), F.S.

¹² Section 1002.20(3)(i), F.S.

¹³ Section 499.03(1), F.S.

Epinephrine in Schools

Federal law provides a financial incentive for schools to maintain a supply of epinephrine auto-injectors and permit trained personnel to administer it.¹⁴ A state receives priority under the federal Children's Asthma Treatment Grants Program¹⁵ if the state attorney general certifies adequate civil liability protections exist for personnel trained to administer epinephrine to a student, and the state requires K-12 public schools to:

- Permit trained personnel of the school to administer epinephrine to any student of the school reasonably believed to be having an anaphylactic reaction;
- Maintain a supply of epinephrine in a secure location that is easily accessible to trained personnel of the school for the purpose of administration to any student of the school reasonably believed to be having an anaphylactic reaction; and
- Have in place a plan for having on the premises of the school during all operating hours of the school one or more individuals who are trained personnel of the school.

Twelve states currently require schools to maintain a supply of epinephrine auto-injectors.¹⁶ K-12 public and private schools in Florida may purchase and maintain a supply of epinephrine auto-injectors in a secure, locked location on school premises for use if a student has an anaphylactic reaction.¹⁷ A participating school district or private school is required to adopt a protocol developed by a licensed physician for administration of the epinephrine by school personnel. The epinephrine auto-injectors may be administered by school personnel or self-administered by the student.¹⁸

A student may carry an epinephrine auto-injector to self-administer epinephrine with written authorization from a physician and parent.¹⁹ For each student authorized to carry an epinephrine auto-injector, the school nurse must develop an annual child-specific action plan for an anticipated health emergency in the school setting.²⁰

K-12 public schools, their employees, and physicians who provide the standing protocol, are exempted from liability for any injury arising from the use of an epinephrine auto-injector so long as the epinephrine auto-injector is administered by trained school personnel who follow the standing protocol and whose professional opinion is that the individual is having an anaphylactic

¹⁴ The School Access to Emergency Epinephrine Act of 2013, Pub. Law 113-48, H.R. 2094, 113th Cong. (Nov. 13, 2013).

¹⁵ 42 U.S.C. s. 280g.

¹⁶ Food Allergy and Anaphylaxis Connection Team, *Government Relations*, <https://www.foodallergyawareness.org/government-relations/school-access-to-emergency-epinephrine-act/>, (last visited Feb. 12, 2021). The states with laws that require schools to maintain a supply of epinephrine are Arizona, California, Connecticut, Delaware, Maryland, Michigan, Nebraska, New Jersey, North Carolina, Nevada, Utah, and Virginia.

¹⁷ Section 1002.20(3)(i), F.S.

¹⁸ *Id.*

¹⁹ Rule 6A-6.0251, F.A.C.

²⁰ *Id.* The annual plan is developed in cooperation with the student, parent, healthcare provider, and school personnel for the student with life threatening allergies and must specify that the emergency number 911 will be called immediately for an anaphylaxis event. It must also describe a plan of action if the student is unable to perform self-administration of the epinephrine auto-injector.

reaction.²¹ The liability protections apply unless the trained school personnel's action is willful and wanton and apply:²²

- Even if the individual to whom the epinephrine is administered has not been provided notice or has not signed a statement acknowledging that the school is not liable; or
- Regardless of whether authorization has been given by the parent or legal guardian of the student.

III. Effect of Proposed Changes:

SB 538 adds requirements related to the purchase and maintenance of a supply of epinephrine auto-injectors by K-12 public schools, Florida College System (FCS) institutions, and state universities. The bill makes mandatory provisions that are optional under current law related to the purchase and maintenance of a supply of epinephrine auto-injectors in K-12 public schools. Specifically, the bill requires K-12 public schools, FCS institutions, and state universities to:

- Purchase a supply of epinephrine auto-injectors and maintain them in a secure location in each school's or public postsecondary institution's cafeteria.
- Adopt a protocol developed by a licensed physician for the administration of epinephrine auto-injectors by the school's or public postsecondary institution's personnel.

The bill provides liability protections for FCS institutions and state universities who meet specified conditions and administer epinephrine to an individual in an emergency.

The bill adds to s. 381.88, F.S., state universities and FCS institutions to the list of entities specifically authorized to make a stock supply of epinephrine auto-injectors available to individuals who have not been certified to administer the auto-injector, if:²³

- The supply of epinephrine auto-injectors was prescribed by an authorized health care practitioner;
- The epinephrine auto-injectors are stored in a locked, secure container and are made available only upon remote authorization by an authorized health care practitioner;
- Administration of the auto-injector only occurs after consultation with the authorized health care practitioner by audio, televideo, or other similar means of electronic communication; and
- Administration of the auto-injector is limited to when a person is believed in good faith to be experiencing a severe allergic reaction.

The bill modifies s. 1002.20, F.S., to make mandatory, rather than optional, provisions related to epinephrine in K-12 public schools. The bill also creates s. 1004.0963, F.S., to add similar requirements for state universities and FCS institutions to maintain a supply of epinephrine. The bill requires each state university, FCS institution, and K-12 public school to:

- Purchase a supply of epinephrine auto-injectors from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for the epinephrine auto-injectors at fair market, free, or reduced prices for use in the event a student has an anaphylactic reaction.

²¹ Section 1002.20(3)(i)3., F.S.

²² *Id.*

²³ Section 381.885(4), F.S.

- Maintain auto-injectors in a secure location in each public school’s cafeteria or state university or FCS institution cafeterias. Schools retain the authority under current law and state universities and FCS institutions are authorized, to maintain auto-injectors in other secure locations on the public school’s, state university’s, or FCS institution’s premises. The bill defines “cafeteria” as a space to eat or that serves food and that has a capacity of 50 or more persons, including dining halls on a state university or FCS institution campus.

The bill requires each state university or FCS institution to adopt a protocol developed by a licensed physician for the administration by the state university’s or FCS institution’s personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection.

The bill aligns liability protections for state universities and FCS institutions with existing liability protections for the administration of epinephrine in K-12 public schools. The bill exempts an FCS institution or state university, their employees, agents, and the physician who provides the standing protocol from liability for any injury arising from the use of an epinephrine auto-injector so long as the epinephrine auto-injector is administered by trained school personnel who follow the standing protocol and whose professional opinion is that the individual is having an anaphylactic reaction. The liability protections apply unless the trained school personnel’s action is willful and wanton and apply:

- Even if the individual to whom the epinephrine is administered has not been provided notice or has not signed a statement acknowledging that the state university or FCS institution is not liable; or
- Regardless of whether authorization has been given by the individual or the individual’s parent or legal guardian if the individual is under the age of 18.

The administration of an epinephrine auto-injector pursuant to this bill may prevent the death of a student who experiences anaphylaxis on a school or public postsecondary institution campus.

The bill does not have an impact on state expenditures or revenues. However, the bill adds requirements for school districts, state universities, and FCS institutions to purchase and maintain a supply of epinephrine auto-injectors.

The bill takes effect July 1, 2021.

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:

According to the Florida Board of Governors of the State University System, state universities may incur an estimated expense of approximately \$696.52 for the purchase of each two-pack of epinephrine auto-injectors, which require periodic replacement.²⁴ K-12 public schools and Florida College System (FCS) institutions may incur similar expenses. The total expenses will depend on the number of qualifying cafeterias on public school, state university, and FCS institution sites.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.88 and 1002.20.

This bill creates section 1004.0963 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.

²⁴ Board of Governors, *Legislative Bill Analysis for SB 538* (2021), at 2.

B. Amendments:

None.

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

By Senator Polsky

29-00588-21

2021538__

A bill to be entitled

An act relating to the use of epinephrine auto-injectors on public K-20 campuses; amending s. 381.88, F.S.; providing that state universities and Florida College System institutions are considered authorized entities for specified purposes relating to the emergency use of epinephrine auto-injectors; amending s. 1002.20, F.S.; requiring, rather than authorizing, public schools to purchase or acquire a supply of epinephrine auto-injectors for specified purposes; requiring such epinephrine auto-injectors be maintained in a specified location; defining the term "cafeteria"; creating s. 1004.0963, F.S.; requiring state universities and Florida College System institutions to purchase or acquire a supply of epinephrine auto-injectors for specified purposes; providing requirements for such supplies of epinephrine auto-injectors; defining the term "cafeteria"; requiring state universities and Florida College System institutions to develop specified protocols; providing requirements for such protocols; providing liability for the use of such epinephrine auto-injectors; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 381.88, Florida Statutes, is amended to read:
381.88 Emergency allergy treatment.-

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

29-00588-21

2021538__

(2) As used in this section and s. 381.885, the term:

(b) "Authorized entity" means an entity or organization at or in connection with which allergens capable of causing a severe allergic reaction may be present. The term includes, but is not limited to, restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas. However, a school as described in s. 1002.20(3)(i) or s. 1002.42(17)(b), or a state university or Florida College System institution as described in s. 1004.0963, is an authorized entity for the purposes of s. 381.885(4) and (5) only.

Section 2. Paragraph (i) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

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

(3) HEALTH ISSUES.-

(i) *Epinephrine use and supply*.-

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to

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59 protect the safety of all students from the misuse or abuse of
60 auto-injectors. A school district, county health department,
61 public-private partner, and their employees and volunteers shall
62 be indemnified by the parent of a student authorized to carry an
63 epinephrine auto-injector for any and all liability with respect
64 to the student's use of an epinephrine auto-injector pursuant to
65 this paragraph.

66 2. ~~Each~~ A public school must ~~may~~ purchase a supply of
67 epinephrine auto-injectors from a wholesale distributor as
68 defined in s. 499.003 or ~~may~~ enter into an arrangement with a
69 wholesale distributor or manufacturer as defined in s. 499.003
70 for the epinephrine auto-injectors at fair market ~~fair market~~,
71 free, or reduced prices for use in the event a student has an
72 anaphylactic reaction. The epinephrine auto-injectors must be
73 maintained in a secure location in each school's cafeteria and
74 may be maintained in other secure locations on the public
75 school's premises. For purposes of this subparagraph, the term
76 "cafeteria" means a space to eat or that serves food and that
77 has a capacity of 50 or more persons. The participating school
78 district shall adopt a protocol developed by a licensed
79 physician for the administration by school personnel who are
80 trained to recognize an anaphylactic reaction and to administer
81 an epinephrine auto-injection. The supply of epinephrine auto-
82 injectors may be provided to and used by a student authorized to
83 self-administer epinephrine by auto-injector under subparagraph
84 1. or trained school personnel.

85 3. The school district and its employees, agents, and the
86 physician who provides the standing protocol for school
87 epinephrine auto-injectors are not liable for any injury arising

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29-00588-21

2021538__

88 from the use of an epinephrine auto-injector administered by
89 trained school personnel who follow the adopted protocol and
90 whose professional opinion is that the student is having an
91 anaphylactic reaction:

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

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

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

102 Section 3. Section 1004.0963, Florida Statutes, is created
103 to read:

104 1004.0963 Epinephrine use and supply.—

105 (1) Each state university or Florida College System
106 institution must purchase a supply of epinephrine auto-injectors
107 from a wholesale distributor as defined in s. 499.003 or enter
108 into an arrangement with a wholesale distributor or manufacturer
109 as defined in s. 499.003 for the epinephrine auto-injectors at
110 fair market, free, or reduced prices for use in the event an
111 individual has an anaphylactic reaction. The epinephrine auto-
112 injectors must be maintained in a secure location in each of the
113 state university's or Florida College System institution's
114 cafeterias and may be maintained in other secure locations on
115 each campus. For purposes of this section, the term "cafeteria"
116 means a space to eat or that serves food and that has a capacity

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2021538__

117 of 50 or more persons, including dining halls. The state
118 university or Florida College System institution shall adopt a
119 protocol developed by a licensed physician for the
120 administration by the state university's or Florida College
121 System institution's personnel who are trained to recognize an
122 anaphylactic reaction and to administer an epinephrine auto-
123 injection.

124 (2) The state university or Florida College System
125 institution and its employees, agents, and the physician who
126 provides the standing protocol for epinephrine auto-injectors
127 are not liable for any injury arising from the use of an
128 epinephrine auto-injector administered by trained state
129 university or Florida College System institution personnel who
130 follow the adopted protocol and whose professional opinion is
131 that the individual is having an anaphylactic reaction:

132 (a) Unless the trained state university or Florida College
133 System institution personnel's action is willful and wanton;

134 (b) Notwithstanding that the individual to whom the
135 epinephrine is administered has not been provided notice or has
136 not signed a statement acknowledging that the state university
137 or Florida College System institution is not liable; and

138 (c) Regardless of whether authorization has been given by
139 the individual or the individual's parent or legal guardian if
140 the individual is under the age of 18.

141 Section 4. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 760

INTRODUCER: Senator Burgess

SUBJECT: Florida High School Athletic Association (FHSAA)

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	Pre-meeting
2.			CA	
3.			RC	

I. Summary:

SB 760 enables public schools, virtual schools, and home education cooperatives to choose to maintain sport-selected membership, not only full membership, in the Florida High School Athletic Association (FHSAA) without penalty from the FHSAA.

The bill takes effect July 1, 2021.

II. Present Situation:

The Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is designated by law as the governing nonprofit organization of athletics in Florida public schools.¹ The FHSAA is not a state agency, but performs similar functions.² The FHSAA is required to adopt bylaws regulating student eligibility, student residency and transfer, recruiting, health and safety, and investigations and sanctions.³ The bylaws of the FHSAA govern high school athletic programs in its member schools, unless otherwise specifically provided by statute.⁴

If the FHSAA fails to meet requirements specified in law, the Commissioner of Education must designate a nonprofit organization to govern athletics with the approval of the State Board of Education.⁵

¹ Section 1006.20(1), F.S.

² *Id.*

³ Section 1006.20(2)(a), F.S.

⁴ Section 1006.20(1), F.S.

⁵ *Id.*

FHSAA Membership

Any high school⁶ in the state, including charter schools, virtual schools, and home education cooperatives,⁷ may become a member of the Florida High School Athletic Association (FHSAA) and participate in the activities of the FHSAA. However, membership in the FHSAA is not mandatory for any school.⁸ The FHSAA must allow a private school the option of maintaining full membership in the association or joining by sport, and may not discourage a private school from simultaneously maintaining membership in another athletic association.⁹ The FHSAA may allow a public school the option to apply for consideration to join another athletic association.¹⁰

Qualifications for membership in the FHSAA for a Florida secondary school that is accredited and registered with the Florida Department of Education, as well as a home education cooperative, include, but are not limited to:¹¹

- Approval by its governing body of the FHSAA bylaws as the rules governing its interscholastic athletic program;
- Payment of all dues and fees required of member schools;
- Maintenance of insurance coverage required of member schools; and
- Successful completion of the application and provisional period.

Among other responsibilities, the FHSAA Board of Directors approves schools or cooperatives for initial and continuing membership, adopts and amends administrative regulations to govern FHSAA programs, and serves as its highest appellate authority.¹²

The FHSAA defines full member schools as those enjoying all privileges of membership, including the privilege to:¹³

⁶ A senior high school is defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students at one or more grade levels from 9 through 12.” A combination school is defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students in both middle/junior high school grades and/or senior high school grades (i.e. K-12, K-8, 6-12, 7-12, etc.) under the direction of a single principal as defined in Bylaw 1.4.25 and located on the same campus, except for 9-12 high schools which have 9th grade centers at a separate location, with participation and enrollment based on a single campus site.” Middle/junior high schools may also join the FHSAA, such schools are defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students in middle school configurations (terminal grade of 6, 7 or 8) or junior high school configurations (terminal grade of 9).” Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1//2021_handbook_website_1001.pdf?id=292, at 9.

⁷ Defined as “a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12.” *Id.*

⁸ Section 1006.20(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1//2021_handbook_website_1001.pdf?id=292, at 9.

¹² *Id.*, at 9, 12, and 14. The FHSAA is composed of 16 individuals: four elected public school representatives, four elected private school representatives, two elected district school superintendents, two elected district school board members, three representatives appointed by the Commissioner of Education, and the Commissioner of Education or his/her designated representative. Florida High School Athletic Association, *Board of Directors*, https://fhsaa.com/sports/2020/3/11/Board_of_Directors.aspx (last visited Feb. 11, 2021).

¹³ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1//2021_handbook_website_1001.pdf?id=292, at 8 and 12. Other

- Compete in FHSAA championships;
- Vote in FHSAA elections;
- Seek election to positions in the FHSAA governance structure and substructures; and
- Make applications for and serve as host of multi-school events that require FHSAA office approval.

FHSAA bylaws state that the privilege to participate in the Florida High School State Championship Series is limited only to those senior high schools and combination schools duly elected to full membership in the FHSAA.¹⁴

A school may exercise the option of independent status.¹⁵ However, the FHSAA prohibits member schools from declaring independence in a sport and organizing a conference or league to conduct a playoff or championship without approval of the FHSAA Board of Directors.¹⁶

Athletic Associations

Other athletic associations within the state include the Florida Independent Christian Athletic Association and the Sunshine State Athletic Conference. Outside of Florida, at least a dozen states host multiple state-based athletic associations.¹⁷

III. Effect of Proposed Changes:

SB 760 requires the Florida High School Athletic Association (FHSAA) to allow a public school, a charter school, a virtual school, and a home education cooperative the option of maintaining full membership in the FHSAA or joining by sport. The bill specifies that the FHSAA may not discourage such school or cooperative from simultaneously maintaining membership in another athletic association.

The bill requires the FHSAA to allow a public school to join another athletic association, rather than providing the public school the option to apply for consideration to join.

The bill prohibits the FHSAA from taking any retributory or discriminatory action against any of its member schools that join another athletic association, not only against those who participate in interscholastic competition with non-FHSAA member Florida schools. The bill also prohibits the FHSAA from punishing, discouraging, intimidating, or penalizing any private school; public school, including a charter school; virtual school; and home education cooperative from choosing not to participate in the FHSAA for any sport.

categories of membership defined by the FHSAA include restricted member, applying member, provisional member, and membership by sport.

¹⁴ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1//2021_handbook_website_1001.pdf?id=292, at 8.

¹⁵ *Id.*, at 58. Reasons for independence include a newly opening school; a school that has consistently been unable to compete in the classification to which it is assigned; a school that is geographically isolated and chooses not to participate for financial reasons; a school whose educational philosophies prohibit such extended athletic participation; or a school that does not or cannot compete for religious reasons. *Id.*

¹⁶ *Id.*

¹⁷ See National Federation of State High School Associations, *State High School Associations Come in All Shapes and Sizes*, <https://www.nfhs.org/articles/state-high-school-associations-come-in-all-shapes-and-sizes/> (last visited Feb. 12, 2021).

The bill may offer a school that is a member of the FHSAA the flexibility to choose the athletic association appropriate for each of its offered sports, while ensuring the school can maintain privileges under the FHSAA.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.20 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Burgess

20-00571A-21

2021760__

1 A bill to be entitled
 2 An act relating to the Florida High School Athletic
 3 Association (FHSAA); amending s. 1006.20, F.S.;
 4 requiring the FHSAA to allow certain schools and home
 5 education cooperatives to maintain full membership in
 6 the association or to join by sport; prohibiting the
 7 FHSAA from discouraging such school or cooperative
 8 from simultaneously maintaining membership in another
 9 athletic association; requiring, rather than
 10 authorizing, the FHSAA to allow public schools to join
 11 other athletic associations; prohibiting the FHSAA
 12 from taking retributory or discriminatory actions
 13 against member schools that join other athletic
 14 associations; prohibiting the FHSAA from taking
 15 certain actions against specified entities that choose
 16 not to participate in the association for any sport;
 17 providing an effective date.
 18
 19 Be It Enacted by the Legislature of the State of Florida:
 20
 21 Section 1. Subsection (1) of section 1006.20, Florida
 22 Statutes, is amended to read:
 23 1006.20 Athletics in public K-12 schools.—
 24 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 25 School Athletic Association (FHSAA) is designated as the
 26 governing nonprofit organization of athletics in Florida public
 27 schools. If the FHSAA fails to meet the provisions of this
 28 section, the commissioner shall designate a nonprofit
 29 organization to govern athletics with the approval of the State

Page 1 of 3

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

20-00571A-21

2021760__

30 Board of Education. The FHSAA is not a state agency as defined
 31 in s. 120.52. The FHSAA shall be subject to the provisions of s.
 32 1006.19. A private school that wishes to engage in high school
 33 athletic competition with a public high school may become a
 34 member of the FHSAA. Any high school in the state, including
 35 charter schools, virtual schools, and home education
 36 cooperatives, may become a member of the FHSAA and participate
 37 in the activities of the FHSAA. However, membership in the FHSAA
 38 is not mandatory for any school. The FHSAA must allow a private
 39 school or a public school, including a charter school, a virtual
 40 school, and a home education cooperative, the option of
 41 maintaining full membership in the association or joining by
 42 sport and may not discourage such school or cooperative ~~a~~
 43 ~~private school~~ from simultaneously maintaining membership in
 44 another athletic association. The FHSAA must ~~may~~ allow a public
 45 school ~~the option to apply for consideration~~ to join another
 46 athletic association. The FHSAA may not deny or discourage
 47 interscholastic competition between its member schools and non-
 48 FHSAA member Florida schools, including members of another
 49 athletic governing organization, and may not take any
 50 retributory or discriminatory action against any of its member
 51 schools that join another athletic association or that
 52 participate in interscholastic competition with non-FHSAA member
 53 Florida schools. The FHSAA may not punish, discourage,
 54 intimidate, or penalize any private school or public school,
 55 including a charter school, a virtual school, and a home
 56 education cooperative, from choosing not to participate in the
 57 association for any sport. The FHSAA may not unreasonably
 58 withhold its approval of an application to become an affiliate

Page 2 of 3

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

20-00571A-21

2021760__

59 member of the National Federation of State High School
60 Associations submitted by any other organization that governs
61 interscholastic athletic competition in this state. The bylaws
62 of the FHSAA are the rules by which high school athletic
63 programs in its member schools, and the students who participate
64 in them, are governed, unless otherwise specifically provided by
65 statute. For the purposes of this section, "high school"
66 includes grades 6 through 12.

67 Section 2. This act shall take effect July 1, 2021.

Florida Department of Economic Opportunity

Workforce Services Division Director
Adrienne Johnston



February 16, 2021

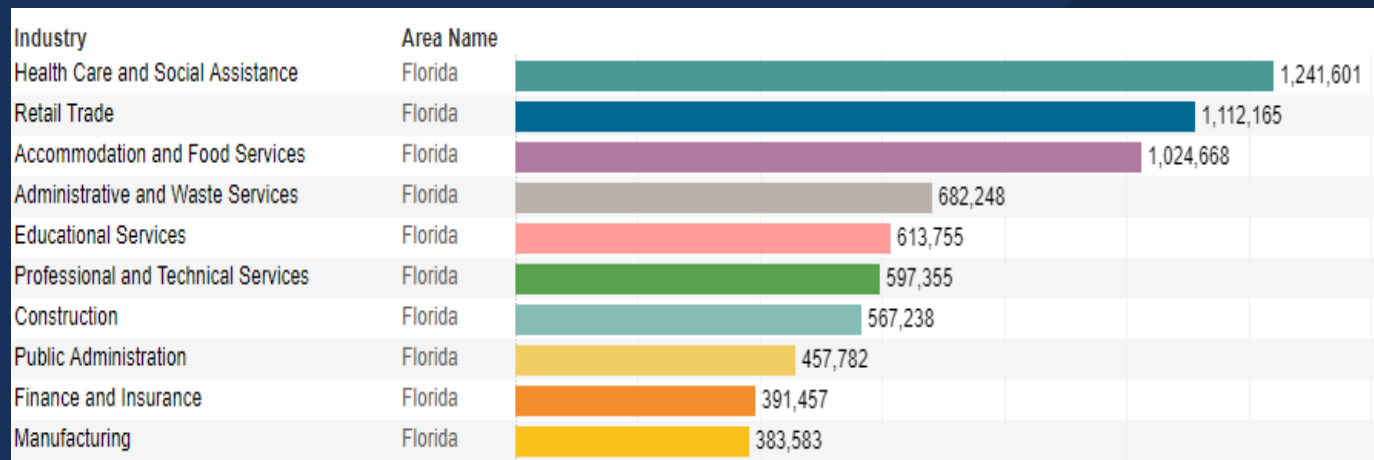
Bureau of Workforce Statistics and Economic Research

**Our mission is to produce, analyze and deliver labor statistics
to improve economic decision-making**

- Employment data are the state's most important economic indicators.
- Data collected under Federal/State Cooperative Statistical Programs.
- Comparable nationwide for all states, counties and metro areas.
- Collected through a combination of employer surveys, modeling and administrative records.

**Thanks to Florida employers, without them we would not be able to
provide data.**

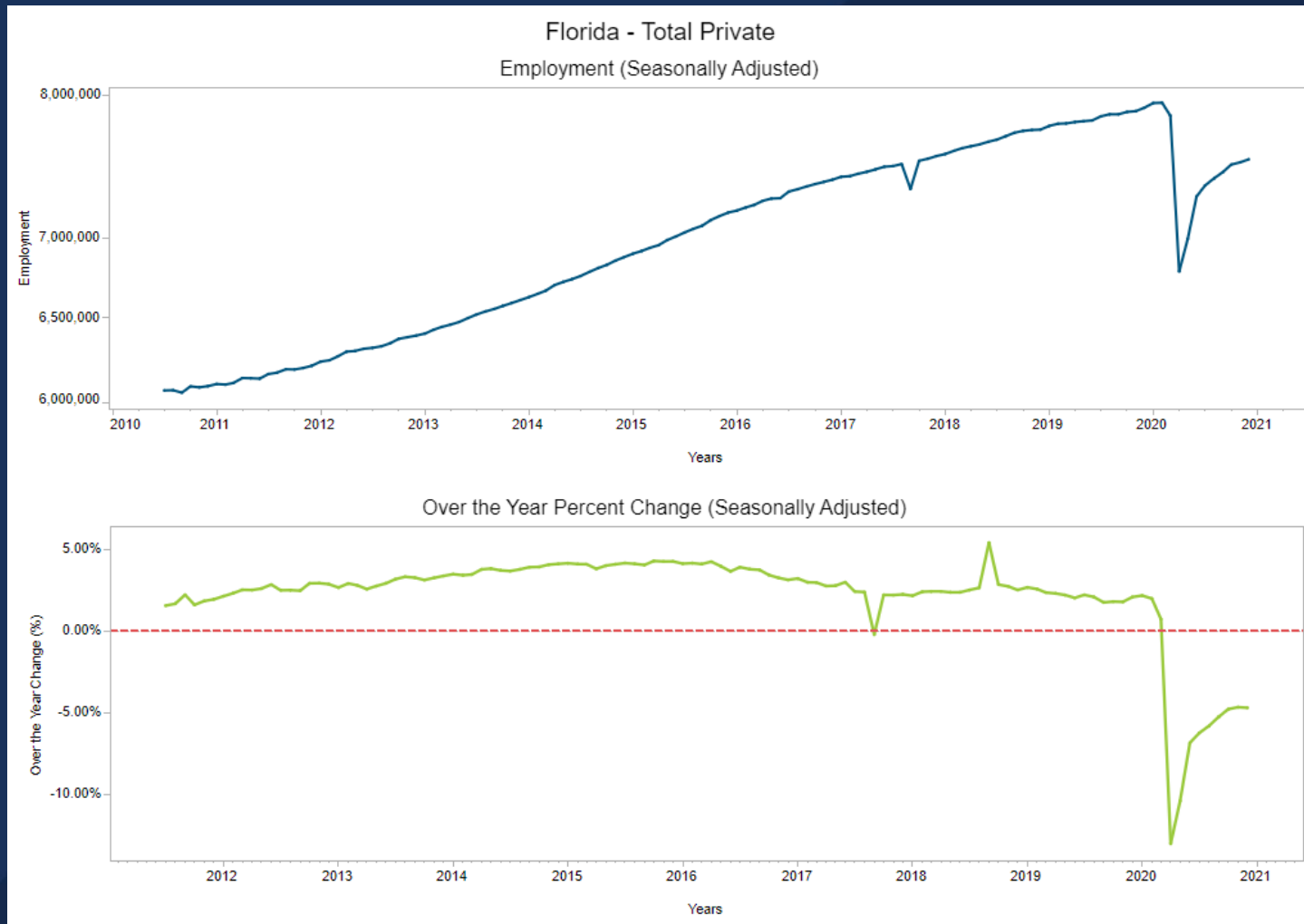
Quarterly Census of Employment and Wages (QCEW)



Did you know...
In 2009 Health Care and Social Assistance passed Retail Trade as the largest industry in Florida by employment?

- Employment and wages by industry, size and local area.
- Available statewide, metropolitan statistical areas (MSAs), counties and workforce regions.
- Serves as the foundation for most labor market and economic data.

Current Employment Statistics (CES)



- Monthly nonagricultural employment and earnings by industry and metro area.
- One of the most timely leading indicators of current economic conditions.

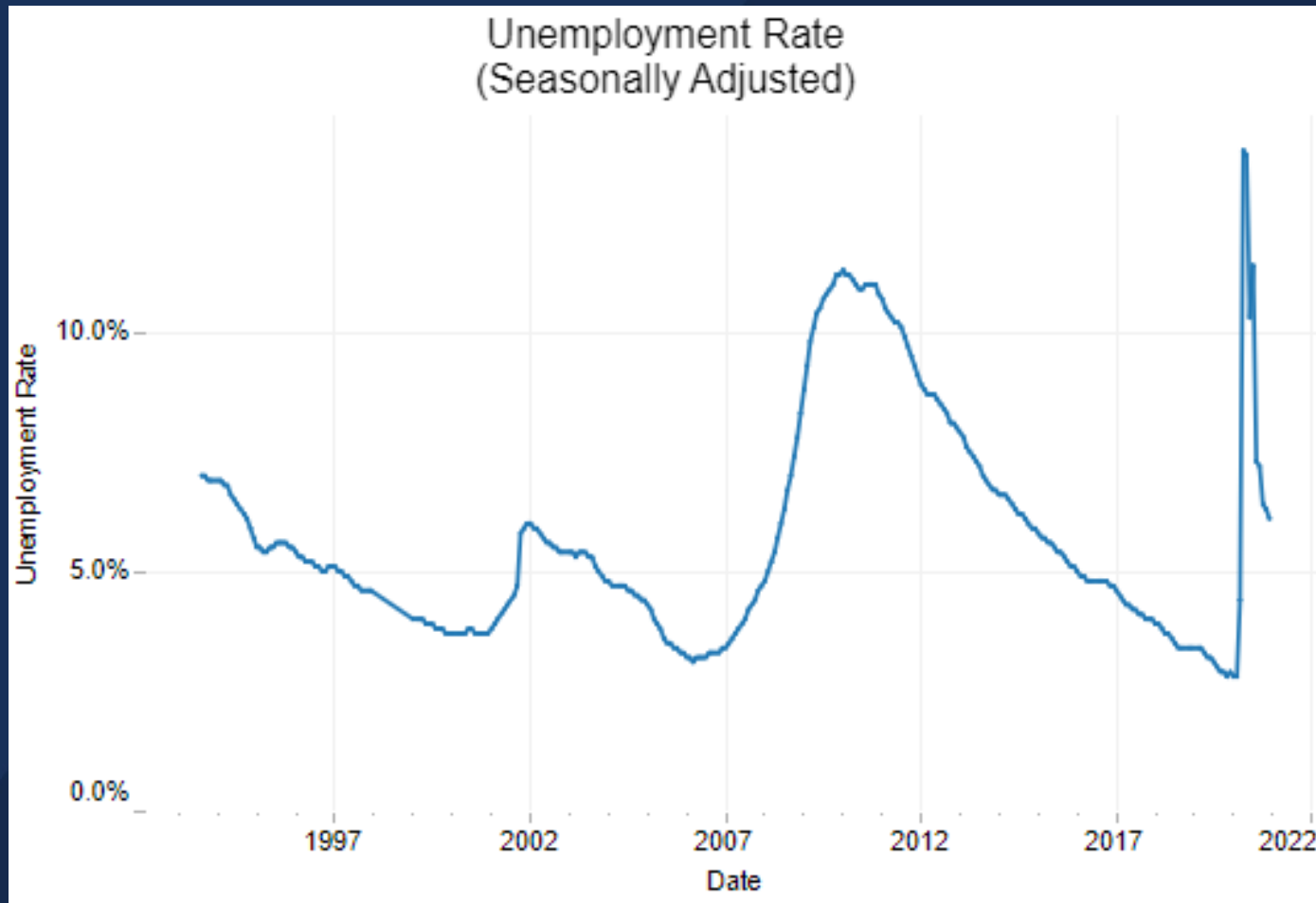
Did you know...

Florida has added over 700,000 jobs since April 2020.

Local Area Unemployment Statistics (LAUS)

Did you know...

Florida's unemployment rate was 6.1 percent in December 2020.



This program answers the questions:

- Who is in the labor force?
- How many people in each area are unemployed?
- What is the labor force participation rate?

Occupational Employment Statistics (OES)

Select Wage Rate Type

Hourly

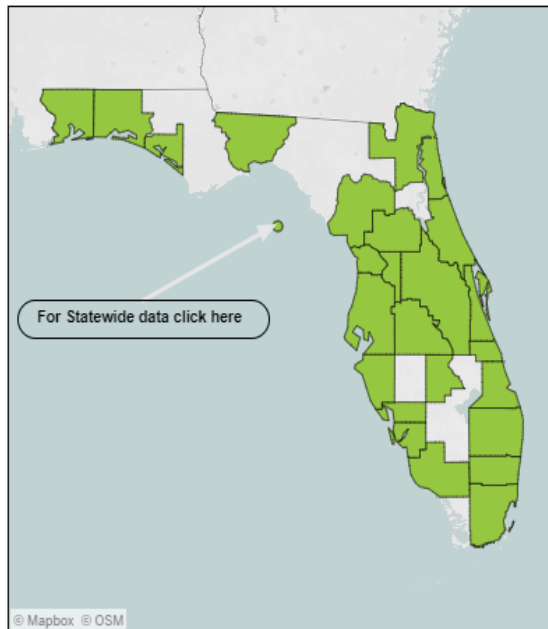
Select Occupational Group

(All)

Select Industry

10 - Total, All Industries

Select Region



Select a region on the map to update the table to the left.
 Hovering over the table data will highlight the area selected.

Note

- "Top 10" is based on the value the table is sorted by.
- The table is sorted by median wage by default.
- Sectors without data either do not have data based on applied filters or are suppressed due to confidentiality.

Top 10 Occupations in Florida Group: All Industry: 10 - Total, All Industries

Ococtile	Emplm..	Median Wage	Entry Wage	Mean Wage	Experienced Wage
Retail Salespersons	325,640	\$11.40	\$9.48	\$13.34	\$15.28
Customer Service Representatives	267,430	\$15.56	\$11.62	\$16.64	\$19.15
Fast Food and Counter Workers	242,300	\$9.63	\$9.06	\$10.40	\$11.07
Cashiers	229,830	\$10.58	\$9.24	\$11.08	\$12.00
Waiters and Waitresses	208,360	\$9.56	\$9.05	\$12.66	\$14.47
Office Clerks, General	191,650	\$15.23	\$10.77	\$16.51	\$19.38
Registered Nurses	181,670	\$31.65	\$24.57	\$32.50	\$36.47
Laborers and Freight, Stock, and Material Movers, Hand	156,120	\$13.07	\$10.35	\$14.59	\$16.72
Secretaries & Administrative Assistants, Except Legal, Medical, & Executive	129,470	\$16.61	\$11.87	\$17.34	\$20.07
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	116,830	\$11.47	\$9.68	\$12.77	\$14.32

Source

Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, Occupational Employment Statistics and Wages Program, 2019.

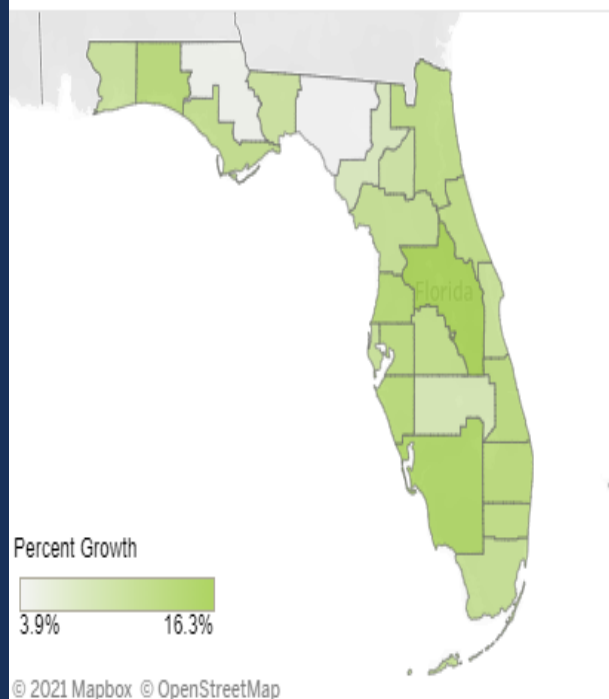
Did you know...
 Registered Nurses is one of the top 10 largest occupations in Florida and has an average entry wage of over \$24/hour?

Measures of Occupational Demand

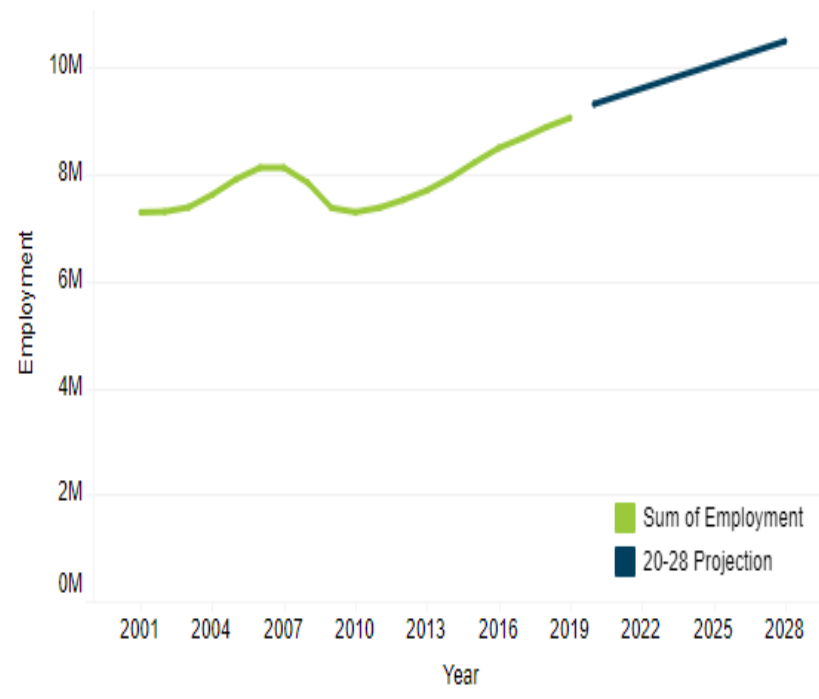
- Employment Projections
 - Long-Term Projections:
 - Eight Years, for career planning
 - Short-Term Projections:
 - Two Years, to forecast demand after a PSAV/Associate program
 - Mid-Term Projections:
 - Between Two Years and Eight Years
 - Job Openings and Labor Turnover Survey (JOLTS)
 - Online Job Advertisements
-

Employment Projections

Projected Employment Growth by Workforce Region



Employment History for 000000-Total, All Industries in Florida



Did you know...
Florida has a Projected Growth of 12.6 percent for All Industries.

- Industry Employment Projections:
 - National industry projections are a key input
- Occupational Employment Projections:
 - Change factors account for changing staffing needs for each industry
- Separations estimates account for openings due to retirements and career changes

Online Job Advertisements



FLORIDA ONLINE JOB DEMAND TOOL

Statewide Overview of Occupations and Employers

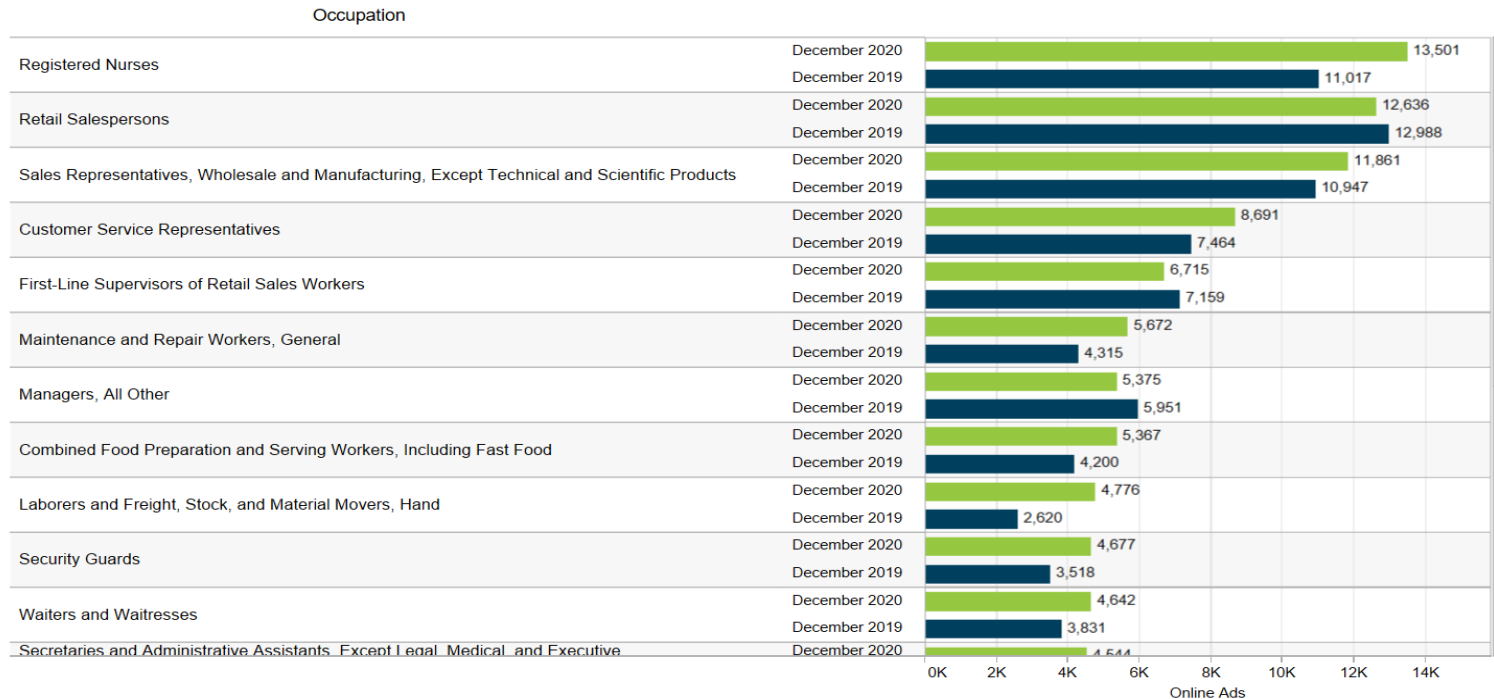
Select Category

- All Occupations
- STEM

[Next page >>](#)

TOTAL ONLINE ADS						
December 2020	November 2020	December 2019	Over the Month Change	Over the Month Percent Change	Over the Year Change	Over the Year Percent Change
370,983	359,184	339,616	11,799	3.3%	31,367	9.2%

TOP 20 ADVERTISED OCCUPATIONS



Statewide Demand Occupation List

2020-21 Florida Statewide Demand Occupations

Post-Secondary Adult Vocational Certificate or College

Credit Certificate/Associate Degree

Sorted by Occupational Title

SOC Code†	HSHW††	Occupational Title†	Annual	Annual	2018 Hourly Wage		FLDOE	In EFI	STEM	New
			Percent		Openings	Mean	Entry	Training		
			Growth				Code	Industry?	Occupation?	to List?
15-1122	HSHW	Information Security Analysts	3.36	578	44.21	27.96	3	Yes	Yes	
15-1132	HSHW	Software Developers, Applications	3.32	4,091	45.97	29.67	4	Yes	Yes	
31-9092		Medical Assistants	3.19	8,491	15.80	12.58	3	Yes	No	Yes
31-2021	HSHW	Physical Therapist Assistants	2.97	917	29.64	22.61	4	Yes	No	
29-2032	HSHW	Diagnostic Medical Sonographers	2.70	501	31.65	24.44	3	Yes	No	Yes
29-1126	HSHW	Respiratory Therapists	2.65	755	27.86	22.76	4	Yes	Yes	
31-9097		Phlebotomists	2.32	1,151	15.52	12.45	3	Yes	No	Yes
43-6013		Medical Secretaries	2.22	3,199	16.11	12.54	3	Yes	No	
23-2011	HSHW	Paralegals and Legal Assistants	2.16	3,335	24.10	15.87	3	Yes	No	
29-2021	HSHW	Dental Hygienists	2.14	1,028	30.80	22.22	4	Yes	Yes	

Potential Labor Supply Gaps

Preliminary Workforce Potential Supply Gap Analysis Florida Statewide - January 2021

SOC Title	2020 Employment	2028 Employment	Percent Growth	Employment Growth	2020-2028 Openings	Annual Opening	Unique Annual Job Postings	Educational Completers	Education Level	Potential Supply Gap Category
Child Care Workers	43,878	51,034	16.3	7,156	63,796	7,975	7,838	624	Postsecondary Non-degree Award	High
Industrial Machinery Mechanics	14,197	16,525	16.4	2,328	13,588	1,699	1,244	229	Postsecondary Non-degree Award	High
Automotive Service Technicians and Mechanics	53,198	56,011	5.3	2,813	45,348	5,669	14,063	1,015	Postsecondary Non-degree Award	High
Licensed Practical and Licensed Vocational Nurses	49,549	56,043	13.1	6,494	38,674	4,834	12,686	1,239	Postsecondary Non-degree Award	Moderate
Paralegals and Legal Assistants	32,185	36,013	11.9	3,828	32,684	4,086	6,426	1,102	Postsecondary Non-degree Award	Moderate
Elementary School Teachers	70,984	79,450	11.9	8,466	52,850	6,606	4,107	2,293	Bachelor's Degree	Moderate
Medical Assistants	59,834	72,851	21.8	13,017	71,483	8,935	14,988	3,253	Postsecondary Non-degree Award	Moderate
Accountants and Auditors	81,044	90,487	11.7	9,443	73,390	9,174	10,402	4,535	Bachelor's Degree	Moderate
Preschool Teachers	30,654	35,331	15.3	4,677	31,172	3,897	7,516	2,292	Associate Degree	Moderate
Aircraft Mechanics and Service Technicians	14,165	16,059	13.4	1,894	11,790	1,474	794	907	Postsecondary Non-degree Award	Low
Physical Therapist Assistants	6,827	8,849	29.6	2,022	9,794	1,224	1,413	755	Associate Degree	Low

Next Steps – Workforce Alignment

- New Methodology to Align Workforce Supply & Demand
- Supply Consists of:
 - Existing Workers
 - Workers that stay in same occupation
 - Workers that transfer to/from related or unrelated occupations
 - Workers that leave the workforce
 - Potential Workers
 - Job Seekers
 - High School Graduates
 - Adult Education Graduates
 - Associate Degree Graduates
 - Bachelor's & Higher Degree Graduates
- Demand Consists of:
 - Projected Annual Job Openings by Occupation



Career and Technical Education Programs and Labor Market Needs

Senate Presentation
January 26, 2021



Presented by -

**Henry Mack, Chancellor
Division of Career and Adult Education**

**Kathy Hebda, Chancellor
Division of Florida Colleges**



Definitions & Credentialing Award Types

Career and Technical Credential Types -Issued by Institutions

Definitions

Career Certificate – signifies a student has successfully completed a (clock hour) postsecondary career education program and is ready for employment in a field that requires non-college credit postsecondary training.

Applied Technology Diploma – signifies a student has successfully completed a (clock hour or college credit) postsecondary career education program and is ready for employment in a field; the program has embedded statewide articulation leading to the award of an AS degree.

Associate in Science/Associate in Applied Science Degree – prepares students for occupations that require a two-year technical degree.

College Credit Certificate – prepares students for entry into employment in a field that requires some college credit but less than a degree and signifies a student has successfully completed part of an A.S. degree.

Baccalaureate degree (workforce baccalaureate) – prepares students for occupations that require a four-year degree.

Examples

Florida Law Enforcement Academy, Automotive Service Technology

Dental Assisting Technology and Management—ATD

Nursing R.N. (A.S.), Automotive Service Management Technology (A.A.S.)

Paramedic, Business Entrepreneurship

Accounting, Business Administration

Career and Technical Credential Types -Issued by Florida Department of Education

Definitions

Apprenticeship Certificate of Completion – signifies a registered apprentice has successfully completed the technical and academic standards of a registered apprenticeship program.

Pre-Apprenticeship Certificate of Completion – signifies a registered pre-apprentice has successfully completed the technical and academic standards of a registered pre-apprenticeship program.

Examples*

Florida Electric Apprenticeship & Training GNJ Certificate of Completion
Piper Aircraft Apprenticeship Program, ING Certificate of Completion

Tampa Ironworkers Preapprenticeship JATC Certificate of Completion
Brevard Adult Education Preapprenticeship Program

*Certificate is signed by Chancellor of Career and Adult Education, State Apprenticeship director, and the program sponsor

Career and Technical Credential Types - Issued by 3rd Party Entity

Definitions

Industry Certification – a time-limited credential issued by an independent, 3rd party certifying entity

Licensure – credential issued for a purpose of qualification for practice in a certain occupation

Examples

AWS Certified Welder – SMAW Plate (AWELD012)
CompTIA A+ (COMPT001)
HVAC Excellence Employment Ready – Electrical (HVACE001)

Law Enforcement Officer (FLDLE004)
Firefighter II (FLSFM006)
Certified Nursing Assistant (FDMQA002)

Program Approval Process

Multilayered Approach to Program Approval



Certificate and Associate

- FDOE develops and maintains career & technical education (CTE) programs that align with 17 career clusters
- Programs are detailed in curriculum frameworks developed with education, business and industry, and trade associations
- Once State Board of Education (SBOE) approves a program, it may be offered by any institution in Florida



Apprenticeship

- Program sponsor submits apprenticeship agreement which outlines the terms and conditions for the training program to the department.
- Office of Apprenticeship conducts statutory and regulatory compliance review of the agreement.
- Office of Apprenticeship registers the program in federal apprenticeship database and notifies program of its approval to operate.



Baccalaureate

- State colleges may seek approval from SBOE to offer baccalaureate degrees in limited, high-demand workforce areas
- The process established in section 1007.33, Florida Statutes, requires colleges to partner with business/ industry to show demand and demonstrate unmet need through data
- The first annual CTE audit of the baccalaureate programs revealed that all programs are meeting market demand

Other Key Definitions

- **Middle to High Wage:** *Middle Wage* occupations at the state-level are those with a Mean Wage of \$15.13/hour and an Entry Wage of \$12.31/hour. Entry and average hourly wage thresholds for the Statewide Demand Occupation List (developed by DEO) are often used in establishing performance and/or alignment.
- **High Wage:** For state purposes, DEO identifies *High Wage* occupations at the state-level (via the Statewide Demand Occupation List) as those with a Mean Wage of \$23.72/hour and Entry Wage of \$15.13/hour.
- **High Demand:** Not defined in statute; DEO identifies high demand occupations on the Statewide Demand Occupation List as those with:
 - 500 annual openings and average growth rate of 1.26%; or,
 - 1,200 annual openings with any positive growth

**These criteria are also used on the CTE Audit to identify High Demand occupations. Further, DEO modifies these thresholds by region to identify regional High Demand occupations (found on the Regional Demand Occupation Lists).
- **Stackable Credentials:** The U.S. Department of Labor defines stackable credentials as part of a sequence of credentials that can be accumulated over time to build up an individual's qualifications and help them move along a career pathway or up a career ladder to different and potentially higher-paying jobs.

Lists, Resources, and Supply and Demand

Identification of Industry Recognized Credentials & Credentials of Value

CAPE Industry Certification Funding List (K-12)

- s. 1008.44(1), F.S.
- s. 1003.492, F.S.
- Used for Florida Education Finance Program (FEFP) supplemental FTE for industry certification attainment as well as school grades calculation (acceleration component)
- Joint development with CareerSource and Florida Department of Economic Opportunity
- List adopted annually by the State of Education

CAPE Postsecondary Industry Certification Funding List

- s. 1008.44(1), F.S.
- ss. 1011.80, 1011.81, F.S
- Used for performance funding for school districts and Florida College System institutions for occupational areas identified in the General Appropriations Act (GAA)
- List adopted annual in rule by the State Board of Education

Perkins V Industry Recognized Credentials (IRCs)

- Federal – Strengthening Career and Technical Education for the 21st Century Act (aka Perkins V)
- Included as a type of recognized postsecondary credentials for accountability measures for the Perkins V law
- Initial list is still under development but informed by prior Perkins IV work as well as the current CAPE Industry Certification Funding List
- Only list where certifications will be linked to programs (for postsecondary only)

Identification of other Valued Credentials or Programs (Continued)

Career and Technical Education Audit List

- s. 1003.491(5), F.S.
- Provides authority to Commissioner of Education to audit all workforce programs to ensure for alignment to market demand.
- Joint development with CareerSource and Florida Department of Economic Opportunity & other stakeholders.
- Lists to be annually reviewed and synced with curriculum framework review process/cycle to ensure for quality.

Rapid Credentialing Grant (GEER) Lists

- Two lists of short term CTE programs that met statewide benchmarks, aligned to a mid-to-high wage occupation
- Crosswalked list to EF's targeted industry sectors and CareerSource sector strategy;
- Developed NAICS to CIP Code crosswalk, matched against targeted industries
- Consists of short-term clock hour and credit and industry certification preparation courses.

CTE Audit: Year 1 Findings

1. Created direct links between CTE, Florida's talent pipeline and the resulting metrics of Florida's economic success.
2. Forensically identified high quality secondary and postsecondary CTE programs.
3. Aligned those high quality CTE programs with in-demand professions.
4. Districts, technical colleges and state colleges dropped hundreds of low-wage, low-demand CTE programs.
5. Increased accountability leading local programs' to create their own improvement plans.
6. Designed a regularly recurring process to ensure perpetual alignment between courses, programs and in-demand careers.

Credentials of Value

- Recently launched year-long initiative funded by BMGF grant (125k)
- With help of Education Strategy Group, convene statewide workgroup with cross-sector/agency representation:
 1. Evaluate statewide funding streams for CTE programs;
 2. Develop agreed definition for what makes a secondary and postsecondary degree/certificate/certification "valuable" in Florida;
 3. Develop and implement framework/methodology for measuring "value" to **create a statewide & regional lists.**

CTE Data Analytics Tool

- Invitation to Negotiate (ITN) is currently open for bids
- Multiple Functionalities
 - Collect and analyze Department student attainment & performance data of all credentialing award types, including non-degree credentials offered by Florida school districts, Florida technical colleges, Florida College System (FCS) institutions & WIOA providers/partners;
 - visualize credentialing program quality indicators as determined by the office of career and technical education (CTE) program quality;
 - develop a program inventory or registry of credentials to describe, on the one hand, local level credentialing programs available, and competencies/skills obtained, through an open data format that supports full transparency and interoperability
 - Automate the Perkins V Comprehensive Local Needs Assessment and the State and Local Performance Reviews of the annual CTE audit.

Classification of Instructional Programs (CIP)



Taxonomy for common reporting of academic and technical programs of study



Developed by the National Center for Education Statistics (NCES)



For the 2021-22 year, FDOE is working on updating based upon the 2020 CIP structure



Standard Occupational Classification (SOC) System



Federal standard classifying workers into occupational categories



All workers are classified into one of 867 detailed occupations

Multiple linkages between CIPs and SOCs exist

Network and System Administration/Administrator (CIP 11.1001)

Computer and Information Systems Managers (SOC 11-3021)

Network and Computer Systems Administrators (SOC 15-1142)

Information Security Analysts (SOC 15-1122)

Computer Network Support Specialists (SOC 11-1152)

Other Tools and Resources on Supply and Demand

Resources: Data Infrastructure

- **Statewide Longitudinal Data Systems:** Florida is unmatched in its infrastructure and capacity to collect and report timely, high-quality data on students across Florida's K-20 education system. Through the PK-20 Education Data Warehouse, the Florida Department of Education (department) provides stakeholders in public education with the capability of receiving timely, efficient, consistent responses to inquiries into Florida's kindergarten through university education.
- **Data Sharing Partnerships:** The Florida Education and Training Placement Information Program (FETPIP) is used to track employment, earnings and continuing education outcomes. The Department of Education and FETPIP have a longstanding positive relationship working closely with the state workforce agency. Through interagency data agreements, FETPIP has direct access to unit record student, graduate and leavers UI wage data to promote program improvement.



Resources: Tools for Identifying Unmet Need for FCS Institutions

- For the baccalaureate program approval process, the department has guidelines to assist colleges in determining the unmet need for their instructional programs, where:

$$\text{Demand} - \text{Supply} = \text{Unmet need}$$

- Demand is determined by analyzing the annual number of job openings in the region through the [State College Projections Portal](#).
- Supply is determined by calculating the annual number of postsecondary completers from nonpublic and public postsecondary institutions in the region. These data are available through the National Center for Education Statistics, [Integrated Postsecondary Education Data System](#).
- Unmet need is the difference between the total job openings and annual supply of completers.

Resources: State College Projections Portal


State Colleges Projections Portal

Home > Workforce Statistics > Products and Services > State Colleges Projections Portal

- Workforce Statistics Data Releases
- About Workforce Statistics
- Data Center
- Products and Services
 - Economic Impact Analysis
 - GIS Resources
 - Dashboards
 - Regional Labor Supply Dashboard
 - Online Job Demand Tool
 - State Colleges Projections Portal**
 - Labor Market Information Training
- Publications and Reports
- Related Resources
- A-Z Index

Allocated Projections for Florida Colleges

At the request of the Division of Florida Colleges, the Department of Economic Opportunity, Bureau of Labor Market Statistics produced special editions of industry and occupational projections for use in planning Florida College programs.



people leaving that occupation and the labor force.

[2019 - 2027 College Projections Dashboard](#)

Custom Tables for Florida Colleges:

[Employment Projections User Guide](#)

Contact Us

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wser.info@deo.myflorida.com

Florida Department of Economic Opportunity
MSC G-020
Tallahassee, FL
32399-4111

Workforce Statistics Customer Survey

<https://floridajobs.org/workforce-statistics/products-and-services/state-colleges-projections-portal>

Incentive Funds – Florida College System and School District Postsecondary

Florida College System

- \$14 million through specific appropriation 130 for FCS institutions to earn bonus funding for each student who earns an industry certification in select occupational areas such as public safety, health sciences, cybersecurity, welding, etc., as listed in the GAA
- \$10 million through the Work Florida Student Success Incentive Fund ("performance funding") to recognize FCS institutions for student completion and placement into high-demand jobs or high skill/high wage jobs.

School Districts

- \$6.5 million through Specific Appropriation 124 for school districts to earn bonus funding for each student who earns an industry certification in select occupational areas such as select health careers, advanced manufacturing, cybersecurity, welding, etc., as listed in the GAA.



State University System Workforce Initiatives

Marshall M. Criser III
Chancellor

February 16, 2021
www.flbog.edu

State University System Overview



12 public institutions

+420,000 students

+97,000 degrees awarded

2nd lowest tuition in the country

#1 state in the nation for higher education 2017, 2018, 2019



Aligning Degrees to Workforce Needs

- New Academic Program Review
- Periodic Review of Existing Programs
- Programs of Strategic Emphasis
- Ad-hoc Supply/Demand Analyses

Creating a Talent Pipeline to Diversify Florida's Economy

- SUS Career Centers
- Collaboration with Economic Development Stakeholders
- Research Opportunities for Students

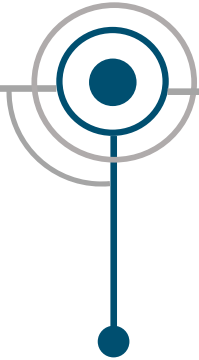
Assessing Student Outcomes

- PBF Metrics 1, 2, 6, 8
- Baccalaureate Follow-up Study

Aligning Degrees to Florida's Needs

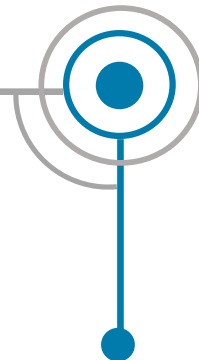


New Academic Programs



Board office reviews all new academic programs to ensure workforce demand

Existing Academic Programs



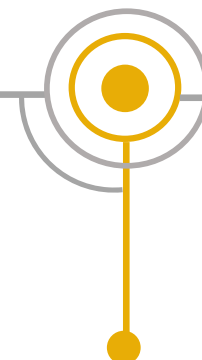
Board office periodically reviews existing academic programs to ensure efficient use of resources

Programs of Strategic Emphasis



Updated 2019 & 2020 to identify state workforce needs & emerging fields; used in PBF

Gap Analyses



Review of labor market data including workforce demand projections & related graduate production

Programs of Strategic Emphasis

used to align SUS degrees with Florida's economic & workforce needs



Education



Healthcare



Global



STEM



Gap Analysis

Based primarily on labor market supply/demand analysis

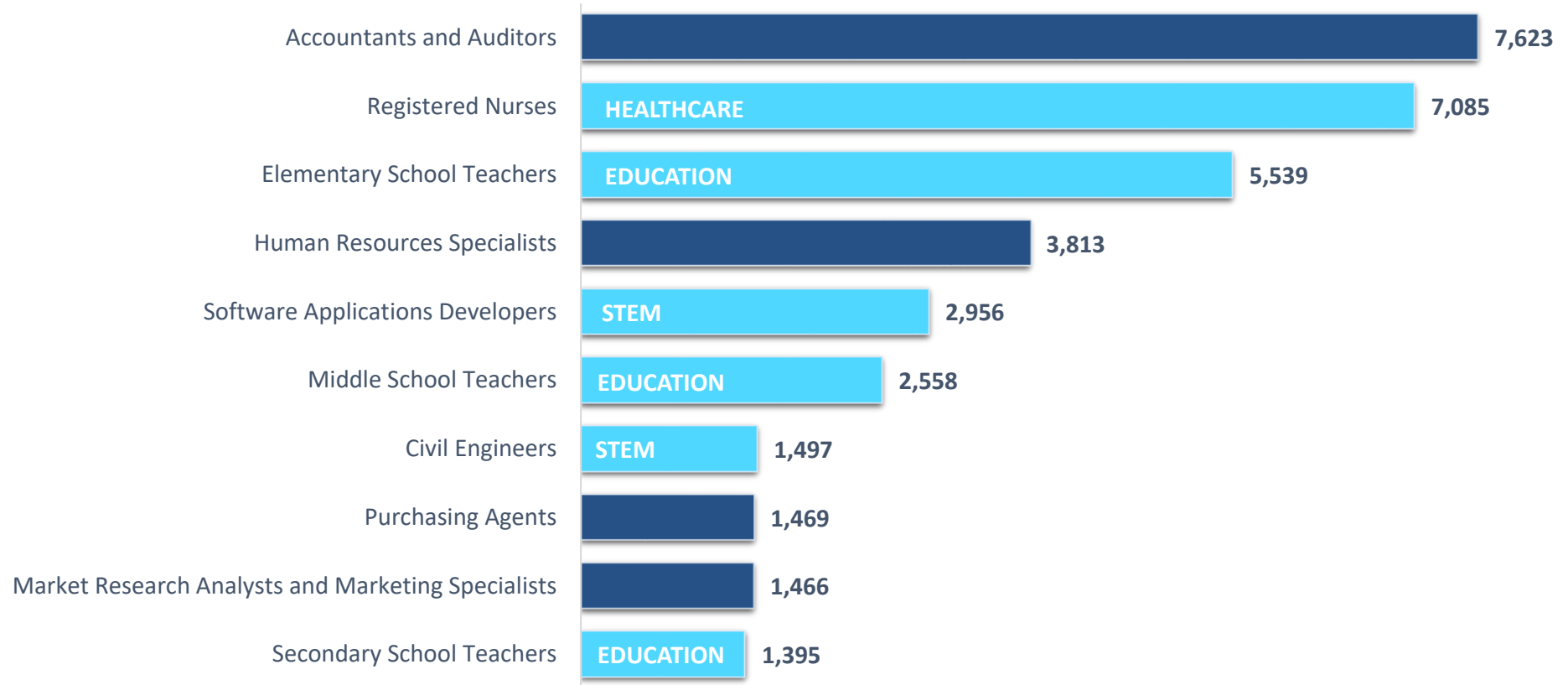
- Occupation requires a bachelor's degree minimum for entry level per BLS
- Supply data was adjusted to acknowledge graduate occupational choices
- Calculated gap of at least 100 openings
- Growth rate of at least 10.1%
- Median Florida wage of at least \$45,000 per year



Gap Analysis – Top Ten Occupations



CALCULATED GAP

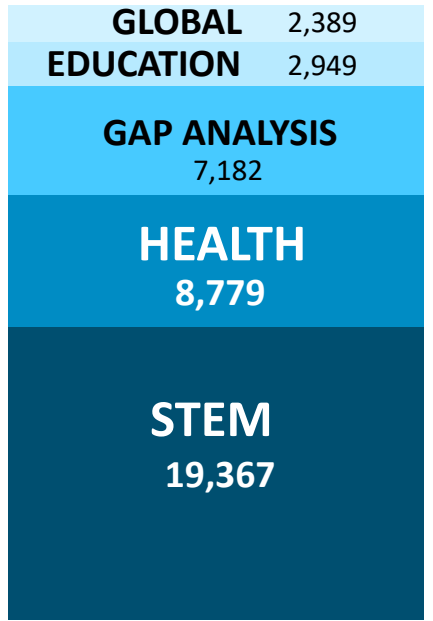


Source: Board of Governors Gap Analysis utilizing data from the Florida Department of Economic Opportunity, the National Center for Education Statistics' Integrated Postsecondary Data System (IPEDS), and the United States Department of Labor Bureau of Labor Statistics.



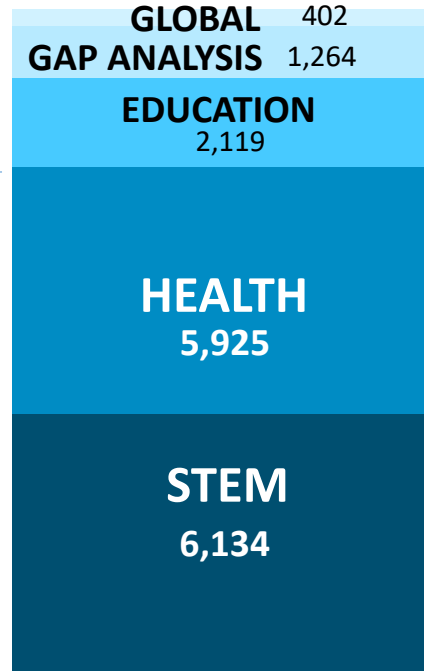
Programs of Strategic Emphasis Degrees Awarded

54%
of all Bachelor's Degrees



Most Degrees in
Programs of
Strategic Emphasis
are awarded in
STEM & Health

63%
of all Graduate Degrees

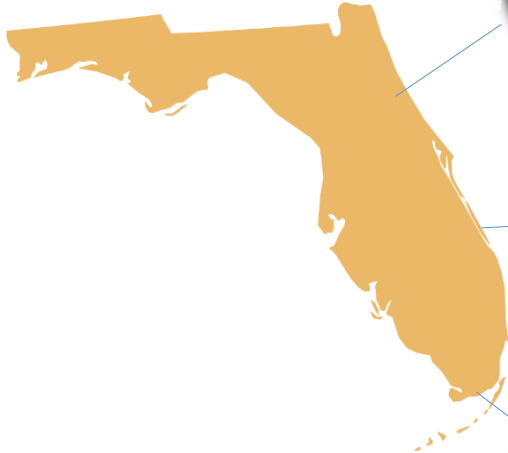


Source: Florida Board of Governors Office of Data Analytics, 1/19/21. Based on preliminary completer data for the 2019-20 academic year.

Strong Talent Pipeline to Diversify Florida's Economy



SUS Career Centers work to connect students with employers & prepare them for employment



Collaboration with economic development stakeholders to recruit & retain businesses



FLORIDA
DEPARTMENT OF
ECONOMIC
OPPORTUNITY



SUS research opportunities allow students to gain experience for future jobs



Post Graduation Outcomes

System 5-yr Trend

Metric 1

% of Bachelor's Grads Enrolled or Employed (\$25,000+)

↑ 4%

Metric 2

Median Wages of Bachelor's Graduates (Employed Full-Time)

↑ \$3,500

Impact:

More graduates are securing employment after graduation & earning higher wages



Programs of Strategic Emphasis

System 5-yr Trend

Metric 6

% of Bachelors Degrees Awarded within Programs of Strategic Emphasis

↑ 3%

Metric 8

% of Graduate Degrees Awarded within Programs of Strategic Emphasis

↑ 4%

Impact:

Universities are awarding **more bachelor's & graduate degrees** in areas critical to Florida



Baccalaureate Follow-up Study Outcomes 1, 5 & 10 years after graduation

**Most graduates were
employed & worked full-time**

**More than 1/3 of graduates
go on to receive another
credential**

**Wages increase 57%
by year 10**

<https://www.flbog.edu/resources/baccalaureate-follow-up-study/>

Baccalaureate Follow-up Study Outcomes 1, 5 & 10 years after graduation



<https://www.flbog.edu/resources/baccalaureate-follow-up-study/>



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