

<b>Tab 1</b>	<b>SB 410</b> by <b>Rodriguez</b> ; (Identical to H 00189) Photographic Enforcement of School Zone Speed Limits				
<b>Tab 2</b>	<b>SB 418</b> by <b>Pizzo (CO-INTRODUCERS) Jones</b> ; (Identical to H 00055) Assistive Technology Advisory Council				
<b>Tab 3</b>	<b>SB 480</b> by <b>Burgess</b> ; (Identical to H 00361) Required Instruction in Public Schools				
<b>Tab 4</b>	<b>SB 506</b> by <b>Diaz</b> ; Hope Scholarship Program				
<b>Tab 5</b>	<b>SB 522</b> by <b>Bradley</b> ; (Similar to H 00605) Full-time Equivalent Student Membership for International General Certificate of Secondary Education Students				
<b>Tab 6</b>	<b>SB 538</b> by <b>Hooper</b> ; (Identical to H 00255) Private Instructional Personnel Providing Applied Behavior Analysis Services				
<b>Tab 7</b>	<b>SB 622</b> by <b>Diaz</b> ; (Identical to H 00609) Florida Institute for Charter School Innovation				
<b>Tab 8</b>	<b>SB 638</b> by <b>Perry</b> ; (Identical to H 00277) Early Childhood Music Education Incentive Pilot Program				
<b>Tab 9</b>	<b>SB 758</b> by <b>Diaz</b> ; Education				
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<b>Tab 10</b>	<b>SB 790</b> by <b>Hooper</b> ; (Similar to H 00365) Computer Science and Technology Instruction				

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

**EDUCATION**  
**Senator Gruters, Chair**  
**Senator Jones, Vice Chair**

**MEETING DATE:** Tuesday, November 30, 2021  
**TIME:** 12:30—3:00 p.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
1	<b>SB 410</b> Rodriguez (Identical H 189)	Photographic Enforcement of School Zone Speed Limits; Authorizing counties and municipalities to enforce school speed zones through the use of speed detection systems; authorizing counties and municipalities to install, or contract with a vendor to install, speed detection systems; requiring counties and municipalities that install speed detection systems to provide certain notification to the public; authorizing counties and municipalities to authorize traffic infraction enforcement officers to issue certain traffic citations, etc.	ED 11/30/2021 ATD AP
2	<b>SB 418</b> Pizzo (Identical H 55)	Assistive Technology Advisory Council; Revising provisions relating to the membership of and appointments and reappointments to the Assistive Technology Advisory Council; requiring council members to select a chair from among the council membership; revising provisions relating to committees appointed to perform the council's functions; expanding the council's functions to include fundraising activities, etc.	ED 11/30/2021 CM RC
3	<b>SB 480</b> Burgess (Identical H 361)	Required Instruction in Public Schools; Requiring members of the instructional staff of public schools to provide instruction on social media literacy; defining the term "social media"; requiring district school boards to make social media literacy instructional material available online, etc.	ED 11/30/2021 AED AP

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, November 30, 2021, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 506</b> Diaz	Hope Scholarship Program; Revising the purpose of the Hope Scholarship Program; revising program eligibility; providing for the use of funds under the program; revising school district, Department of Education, parent, and nonprofit scholarship-funding organization obligations under the program; authorizing payment of scholarship funds by organizations to be made by deposit into the student's account instead of by individual warrant made payable to the student's parent, etc.	ED 11/30/2021 AED AP
5	<b>SB 522</b> Bradley (Similar H 605)	Full-time Equivalent Student Membership for International General Certificate of Secondary Education Students; Providing a specified amount of full-time equivalent membership for each student enrolled in an International General Certificate of Secondary Education (pre-AICE) course who receives a score of "E" or higher on the corresponding pre-AICE subject examination, etc.	ED 11/30/2021 AED AP
6	<b>SB 538</b> Hooper (Identical H 255)	Private Instructional Personnel Providing Applied Behavior Analysis Services; Revising the definition of the term "private instructional personnel" to include certain registered behavior technicians, etc.	ED 11/30/2021 HP RC
7	<b>SB 622</b> Diaz (Identical H 609)	Florida Institute for Charter School Innovation; Requiring the Department of Education to collaborate with the Florida Institute for Charter School Innovation in developing a sponsor evaluation framework for charter schools; establishing the institute at Miami Dade College; authorizing the institute to apply for and receive certain grants; requiring the District Board of Trustees of Miami Dade College to establish policies regarding the institute, etc.	ED 11/30/2021 AED AP

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, November 30, 2021, 12:30—3:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 638</b> Perry (Identical H 277)	Early Childhood Music Education Incentive Pilot Program; Extending the expiration date of the Early Childhood Music Education Incentive Pilot Program, etc.	ED 11/30/2021 AP
9	<b>SB 758</b> Diaz	Education; Establishing the Charter School Review Commission within the Department of Education; requiring the Commissioner of Education to appoint members; authorizing the commission to solicit and review charter school applications; requiring that the district school board that oversees the school district where a charter school approved by the commission will be located shall serve as the charter school's sponsor; providing that certain additional tax millage is part of school districts' operating discretionary millage levy, etc.	ED 11/30/2021 AED AP
10	<b>SB 790</b> Hooper (Similar H 365)	Computer Science and Technology Instruction; Requiring public schools to provide computer science instruction conforming to specified requirements; requiring the Florida Virtual School to offer computer science courses identified in the Course Code Directory; requiring school districts that do not offer an identified course to provide students access to the course through the Florida Virtual School or other means approved by the department; requiring instructional personnel who meet specified criteria to receive a bonus, etc.	ED 11/30/2021 AED AP

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 410

INTRODUCER: Senator Rodriguez

SUBJECT: Photographic Enforcement of School Zone Speed Limits

DATE: November 29, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 410 authorizes a local government to install an automated speed detection system in a school speed zone and appoint traffic infraction enforcement officers to issue traffic citations to persons that are detected as exceeding a school zone speed limit by at least 10 miles per hour. Under the bill, a county or municipality may enforce school speed zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session. The bill authorizes a traffic infraction enforcement officer employed by a sheriff's department or police department of a municipality to issue a fine of \$158 or a traffic citation for violations of school speed zone requirements as detected by a speed detection system in a school speed zone.

In order to use a speed detection system to enforce school speed zone requirements, the bill requires:

- The speed detection system to be permitted, placed, and installed in accordance with regulations developed by the Florida Department of Transportation.
- The local government to notify the public of the speed detection system through a 30-day public awareness campaign.
- A notice of violation to be mailed to the registered owner of the motor vehicle alleged to be in violation within 30 days of the violation and include information regarding the right to pay a \$158 fine, review the evidence, request a hearing, or submit an affidavit identifying another person as the person in violation.

The bill provides that a traffic citation must be issued to a person who does not pay the fine or submit a specified affidavit within 30 days of the notification of violation.

The bill does not require the expenditure of state funds.

The bill takes effect upon becoming law.

## II. Present Situation:

The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles (DHSMV); the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws in Florida on all the streets and highways and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.<sup>1</sup>

Local authorities may also exercise police power on streets and highways within their jurisdiction. This authority includes establishing speed limits and regulating traffic by means of police officers or official traffic control devices.<sup>2</sup>

### Traffic Safety Enforcement

The Florida Department of Transportation (FDOT) compiles and publishes a manual of uniform traffic control devices for use on the streets and highways in Florida.<sup>3</sup> The driver of any vehicle is legally obligated to obey the instructions of any properly placed official traffic control device unless otherwise authorized by a police officer.<sup>4</sup> There is a point system for convictions of violations of motor vehicle laws to determine whether a person may continue to operate a motor vehicle. The DHSMV is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violating motor vehicle laws or ordinances amounting to 12 or more points as determined by the point system. The suspension may not exceed a period of 1 year.<sup>5</sup>

Evidence of the speed of a vehicle measured by any radar speed-measuring device is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles, unless such evidence is obtained by an officer who:<sup>6</sup>

- Has satisfactorily completed the radar training course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17(1)(b).
- Has made an independent visual determination that the vehicle is operating in excess of the applicable speed limit.
- Has written a citation based on evidence obtained from radar when conditions permit the clear assignment of speed to a single vehicle.
- Is using radar which has no automatic speed locks and no audio alarms, unless disconnected or deactivated.
- Is operating radar with audio Doppler engaged.
- Is using a radar unit which meets the minimum design criteria for such units established by the DHSMV.<sup>7</sup>

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<sup>1</sup> Section 316.640(1)(a), F.S.

<sup>2</sup> Section 316.008(1), F.S.

<sup>3</sup> Section 316.0745(2), F.S.; Rule 14-15.010, F.A.C.

<sup>4</sup> Section 316.074(1), F.S.

<sup>5</sup> Section 322.27(3), F.S.

<sup>6</sup> Section 316.1906(2), F.S.

<sup>7</sup> The DHSMV adopts by rule the minimum design criteria for radar units and laser devices and maintains a list of approved speed measuring devices. Rules 15B-2.0082, 2.013-2.014, F.A.C.

Whenever any peace officer engaged in the enforcement of the motor vehicle laws uses an electronic, electrical, mechanical, or other device used to determine the speed of a motor vehicle on any highway, road, street, or other public way, such device shall be of a type approved by the DHSMV and shall have been tested to determine that it is operating accurately. Tests for this purpose must be made not less than once each 6 months.<sup>8</sup> Any police officer, upon receiving information relayed to him or her from a fellow officer stationed on the ground or in the air operating such a device that a driver of a vehicle has violated the speed laws, may arrest the driver for violation of said laws where reasonable and proper identification of the vehicle and the speed of same has been communicated to the arresting officer.<sup>9</sup>

Traffic infraction detectors are allowed on state roads when permitted by the FDOT. Traffic infraction detectors are also allowed on streets and highways under the jurisdiction of counties or municipalities in accordance with placement and installation specifications developed by the FDOT.<sup>10</sup> The authority that installs a traffic infraction detector is required to notify the public using uniform signals and devices adopted by the FDOT and, if the authority has never used a traffic infraction detector program, must make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.<sup>11</sup>

### ***Traffic Infraction Enforcement Officers***

The DHSMV, a county, or a municipality may authorize a traffic infraction enforcement officer to issue traffic citations to persons who violate properly placed official traffic control devices.<sup>12</sup> If a traffic infraction detector identifies a vehicle disobeying a properly placed official traffic control device, the visual information is captured and reviewed by the traffic infraction enforcement officer. A notification must be sent to the registered owner<sup>13</sup> of the vehicle within 30 days of the alleged violation. The notice must be accompanied by a photograph or other recorded image of the violation, a statement of the vehicle owner's right to review images or video of the violation, and the time and place, or Internet location where the evidence may be reviewed.<sup>14</sup>

### **Penalty**

A fine of \$158 is levied on violators who violate properly placed official traffic control devices.<sup>15</sup> Violations of properly placed official traffic control devices enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>16</sup>

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<sup>8</sup> Section 316.1905(1), F.S.

<sup>9</sup> Section 316.1905(2), F.S.

<sup>10</sup> Section 316.0776(1), F.S.

<sup>11</sup> Section 316.0776, F.S.

<sup>12</sup> Section 316.0083(1)(a), F.S.

<sup>13</sup> The first name on the registration in cases of joint registration is considered the registered owner. Section 316.0083(1)(c)1.c., F.S.

<sup>14</sup> Section 316.0083(1)(b), F.S.

<sup>15</sup> Section 316.0083(1)(b)3.a., F.S.

<sup>16</sup> Section 322.27(3)(d)6., F.S.

### Request for Hearing

A person who receives a notice of violation may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing.<sup>17</sup>

If the registered owner of the vehicle does not submit payment or otherwise contest the notice of violation within 60 days of being notified, the traffic infraction enforcement officer must issue and send by certified mail a uniform traffic citation to the registered owner. The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.<sup>18</sup> The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.<sup>19</sup> A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator.<sup>20</sup>

### Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:<sup>21</sup>

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a uniform traffic citation for the alleged violation issued by a law enforcement officer.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the uniform traffic citation was issued.<sup>22</sup>

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a

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<sup>17</sup> Section 316.0083(1)(b)1.c., F.S.

<sup>18</sup> Section 316.0083(1)(b), F.S.

<sup>19</sup> Section 316.0083(1)(e), F.S.

<sup>20</sup> Section 316.650(3)(c), F.S.

<sup>21</sup> Section 316.0083(1)(d), F.S.

<sup>22</sup> Section 316.0083(1)(d), F.S.



further proceeding regarding that person's alleged violation.<sup>23</sup> Submission of a false affidavit is a second degree misdemeanor.<sup>24</sup>

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.<sup>25</sup> If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.<sup>26</sup>

A person is ordinarily issued four points against their driver's license for a violation of an official traffic control signal device.<sup>27</sup> However, no points may be imposed for violating an official traffic control device when enforced by a traffic infraction enforcement officer, and the violation may not be used for purposes of setting motor vehicle insurance rates.<sup>28</sup>

### **School Speed Zones**

The FDOT establishes a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private, and publishes a manual containing all such specifications and requirements.<sup>29</sup> Upon request from the appropriate local government, the FDOT must install and maintain such traffic and pedestrian control devices on state-maintained roads for all prekindergarten early-intervention schools that receive federal funding through the Headstart program.<sup>30</sup>

The FDOT is further required to maintain school zones located on state-maintained primary or secondary roads.<sup>31</sup> The FDOT may enter into agreements with counties or municipalities whereby the local governmental entities maintain specified school zones on state-maintained primary or secondary roads.<sup>32</sup> Counties are required to maintain school zones on county roads outside of municipalities, and municipalities are required to maintain school zones located in a municipality.<sup>33</sup>

### **School Speed Limits**

A school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit may be more than 20 miles per hour in an urbanized area. School zone speed limits may be in force only from 30 minutes before to 30 minutes after the periods of time when pupils are arriving or leaving a regularly scheduled breakfast program or school session.<sup>34</sup>

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<sup>23</sup> Section 316.0083(1)(d), F.S.

<sup>24</sup> Section 316.0083(1)(d)5., F.S.

<sup>25</sup> *Id.*

<sup>26</sup> Section 318.18(15), F.S.

<sup>27</sup> Section 322.27(3)(d)6., F.S.

<sup>28</sup> *Id.*

<sup>29</sup> Section 316.1895(1)(a), F.S.; Rule 14-15.012, F.A.C.

<sup>30</sup> Section 316.1895(2), F.S.

<sup>31</sup> Section 316.1895(3)(a), F.S.

<sup>32</sup> Section 316.1895(3)(a), F.S.

<sup>33</sup> Section 316.1895(3), F.S.

<sup>34</sup> Section 316.1895(5), F.S.

### *School Speed Zone Signage*

Permanent signs designating school zones and school zone speed limits must be uniform in size and color and have the times during which the restrictive speed limit is enforced clearly designated thereon. Other devices, such as flashing beacons activated by a time clock, may be used as an alternative to posting the times during which the restrictive school speed limit is enforced.<sup>35</sup>

Portable signs designating school zones and school zone speed limits must be uniform in size and color. Such signs must be erected on the roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions.<sup>36</sup> For any newly established school zone or any school zone in which the signing has been replaced, a sign stating “Speeding Fines Doubled” must be installed within the school zone.<sup>37</sup>

### *School Speed Zone Fines*

A person may not drive a vehicle in a school zone at a speed greater than that posted in the school zone.<sup>38</sup> A person exceeding the speed limit in a school zone or designated school crossing must pay a fine equal to double the standard amounts for exceeding the speed limit. Therefore, the fine in a school zone for exceeding the speed limit by:<sup>39</sup>

- 1-9 mph is \$50.
- 10-14 mph is \$200.
- 15-19 mph is \$300.
- 20-29 mph is \$350.
- 30 mph and above is \$500.

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

SB 410 authorizes a local government to install an automated speed detection system in a school speed zone and appoint traffic infraction enforcement officers to issue traffic citations to persons that are detected as exceeding a school zone speed limit by at least 10 miles per hour. Under the bill, a county or municipality may enforce school speed zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session. The bill authorizes a traffic infraction enforcement officer employed by a sheriff’s department or police department of a municipality to issue a fine of \$158 or a traffic citation for violations of school speed zone requirements as detected by a speed detection system in a school speed zone.

In order to use a speed detection system to enforce school speed zone requirements, the bill requires:

- The speed detection system to be permitted, placed, and installed in accordance with regulations developed by the Florida Department of Transportation (FDOT).
- The local government to notify the public of the speed detection system through a 30-day public awareness campaign.

<sup>35</sup> Section 316.1895(6), F.S.

<sup>36</sup> Section 316.1895(7), F.S.

<sup>37</sup> Section 316.1895(6), F.S.

<sup>38</sup> Section 316.1895(10), F.S.

<sup>39</sup> Section 318.18(3), F.S.

- A notice of violation to be mailed to the registered owner of the motor vehicle alleged to be in violation within 30 days of the violation and include information regarding the right to pay a \$158 fine, review the evidence, request a hearing, or submit an affidavit identifying another person as the person in violation.

The bill provides that a traffic citation must be issued to a person who does not pay the fine or submit an affidavit identifying another person as the person in violation within 30 days of the notification of violation.

### **Traffic Safety Enforcement**

The bill modifies s. 316.0776, F.S., to authorize a speed detection system to be installed on a municipal or county road, or a state road when permitted by the FDOT, but must be placed and installed in accordance with regulations developed by the FDOT. The bill requires the FDOT to establish such placement and installation specifications by August 1, 2022. The bill adds a definition of a speed detection system to s. 316.003, F.S., defining a speed detection system as an automated system used to record a vehicle's speed using radar and to capture a photograph or video of a vehicle that exceeds the speed limit in force at the time of violation. However, the bill specifies that speed detection systems supplement the enforcement of school speed zones, and do not prohibit law enforcement officers from issuing citations for violations of school speed zones.

### ***Traffic Infraction Enforcement Officer***

The bill modifies s. 316.1906, F.S., to define a "traffic infraction enforcement officer" as one who is employed or appointed and satisfies the requirements established in law for the designation by the Florida Department of Highway Safety and Motor Vehicles (DHSMV) of traffic infraction enforcement officers, with or without compensation, and who is vested with authority to enforce a violation of school speed zone requirements as detected by a speed detection system.

The bill authorizes a traffic infraction enforcement officer to review photographic or electronic images, streaming video, or evidence of the speed of a vehicle as measured by a speed detection system to satisfy existing legal requirements for the officer to make an independent visual determination that a vehicle is operating in excess of the applicable speed limit.

Authorizing traffic infraction enforcement officers to issue traffic citations through the use of speed detection systems may assist in the enforcement of speed limits.

### **School Speed Zones**

The bill modifies s. 316.008, F.S., to authorize a county or municipality to install, or contract with a vendor to install, a speed detection system within 1,000 feet of a school zone to enforce speed limits in school speed zones. Under the bill, a county or municipality may enforce school speed zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session through the use of a speed detection system for the measurement of speed and recording of photographs or videos for violations that are in excess of 10 miles per hour over the speed limit in force at the time of the violation.

The enforcement by a speed detection system of speed limits in school speed zones may improve the safety of pedestrians in school speed zones during the entire school day.

### ***School Speed Zone Signage***

A school zone's compliance with the legal requirements for establishing, installing, maintaining, and providing notice of a school speed zone and speed detection system creates a rebuttable presumption that the school zone is being properly maintained, even if the school zone does not include a sign stating "Speeding Fines Doubled."

The bill requires the county or municipality that installs a speed detection system to notify the public, using FDOT uniform signals and devices, that a speed detection system may be in use and to specifically include notification of camera or video enforcement of violations. For speed detection systems enforcing traffic control requirements in school speed zones, a sign stating "Speeding Fines Doubled," is not required when a violation of school speed zone requirements is enforced by a speed detection system in a school speed zone.

When a local authority first begins a speed detection system program, the bill requires the authority to make a public announcement and conduct a public awareness campaign on the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program and notify the public of the specific date on which the program will commence. During the 30-day public awareness campaign, the bill requires a motor vehicle operator found to have violated school speed zone requirements by a speed detection system to be issued a warning for the violation and provides that the motor vehicle operator is not liable for the doubled fine for exceeding the speed limit in a school zone.

The required signage and public awareness campaign may assist in ensuring drivers obey speed limits in school speed zones.

### ***School Zone Speed Limits***

The bill creates s. 316.1896, F.S., to provide for enforcement of school speed zone requirements through the use of a speed detection system. The bill authorizes a traffic infraction enforcement officer employed by a sheriff's department or police department of a municipality to issue a traffic citation for violations of school speed zone requirements as detected by a speed detection system in a school speed zone. The bill also authorizes a sheriff's department or police department of a municipality to designate employees as traffic infraction enforcement officers to enforce school speed zone requirements. The bill expressly does not prohibit:

- A review of information from a speed detection system by an authorized employee or agent of a county or municipality before issuance of the traffic citation by the traffic infraction enforcement officer.
- A county or municipality from issuing notifications to the registered owner of the motor vehicle regarding potential remedies available and opportunities to resolve the fine.

### **Notification of Violation**

The bill prescribes the timeline for notifying a person of a violation of school speed zone requirements as detected by a speed detection system and the procedures for resolving the

violation. The bill specifies that the term “person” includes a natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of the violation. The bill requires that the notification of violation:

- Be sent by first-class mail to the registered owner of the vehicle within 30 days after the violation.
- Include a notice that the owner has the right to review, in person or remotely, the photographic or electronic images or streaming video and the evidence of the speed of the vehicle as measured by a speed detection system which constitute a rebuttable presumption against the owner of the vehicle.
- State the time and place or website where the images or video and evidence of speed may be examined and observed.
- Be accompanied by, or direct the person to a website that provides, information on the person’s right to request a hearing and on all court costs related thereto and a form used for requesting a hearing.

#### Affidavit of Dispute

In order to avoid court fees, costs, and the issuance of a traffic citation, the bill requires a person who receives a notification of violation to, within 30 days after the notification, either:

- Pay to the applicable county or municipality the penalty of \$158.
- Furnish an affidavit and supporting documentation establishing that:
  - The motor vehicle was, at the time of the violation, in the care, custody, or control of another person, including the name, address, date of birth, and, if known, the driver license number of the other person, or, if the vehicle was alleged stolen, the police report indicating that the motor vehicle was stolen;
  - A uniform traffic citation was issued by law enforcement to the driver of the motor vehicle for the alleged violation including the serial number of the uniform traffic citation; or
  - The motor vehicle’s owner was deceased on or before the date that the uniform traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner’s estate or other designated person or family member.

If the motor vehicle’s owner to whom a uniform traffic citation has been issued is deceased, the bill provides that the affidavit must include a certified copy of the owner’s death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing that the deceased owner’s motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
- Documented proof that the registered license plate belonging to the deceased owner’s vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation.
- A copy of the police report showing that the deceased owner’s registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

The authority to submit an affidavit identifying an alternate violator may ensure registered motor vehicle owners are not unfairly fined.

#### Request for Hearing

The bill alternatively authorizes a person to request a hearing within 30 days after the notification of violation and prohibits any requirement that the person submit a payment or fee before the hearing requested by the person. The bill provides that a person who initiates a proceeding to challenge the violation waives any challenge or dispute as to the delivery of the notification of violation.

#### Penalty

The bill modifies s. 318.18, F.S., to provide that a person cited for exceeding the speed limit in a school zone as indicated by a speed detection device and enforced by a traffic infraction enforcement officer must pay a fine of \$158. The bill modifies s. 322.27, F.S., to specify that no points may be imposed for a violation of unlawful speed in a school speed zone when enforced by a traffic infraction enforcement officer relying on a speed detection enforcement system in a school speed zone. The bill also provides that a violation of school speed zone requirements as detected by a speed detection system may not be used for purposes of setting motor vehicle insurance rates.

The bill requires penalties that are assessed and collected by the county or municipality, less the amount the county or municipality is specifically authorized by the bill to retain, to be paid by electronic funds transfer to the Department of Revenue weekly. The bill requires that, in addition to the payment, a detailed summary of the penalties remitted must be reported to the Department of Revenue. The bill requires that the \$158 fines collected by the county or municipality be remitted as follows:

- Sixty dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund.
- Eighty-four dollars must be retained by the county or municipality and be used to administer speed detection systems in school zones or other public safety initiatives.
- Four dollars must be remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
- Six dollars must be remitted to the public school district in which the violation occurred and be used for school security initiatives or to improve the safety of student walking conditions. Funds so remitted must be shared with charter schools in the district, based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment, and be used for school security initiatives or to improve the safety of student walking conditions.
- Four dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund for the benefit of the Coach Aaron Feis Guardian Program.

#### Traffic Citation

If, within 30 days after the notification of violation, the registered owner has not paid the fine, requested a hearing, or submitted an affidavit disputing the allegations, the bill requires a traffic

citation to be issued by mailing the traffic citation by certified mail to the first name appearing on the registration of the motor vehicle involved in the violation, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. Except for the method of mailing, which must be first class for a notice of violation and certified mail for a traffic citation, the bill requires the traffic citation to conform to the notice requirements included within the notification of violation. The bill specifies that delivery of the traffic citation constitutes notification, and if a person initiates a proceeding to challenge the citation, the person waives any challenge or dispute as to the delivery of the traffic citation.

The bill amends s. 316.650, F.S., to require a traffic infraction enforcement officer to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of issuance of the traffic citation to the violator.

The bill provides in s. 318.14, F.S., that persons cited for violating school speed zone requirements as detected by a speed detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing. The bill provides that, if a hearing is requested, the traffic infraction enforcement officer must provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

The bill authorizes an owner to avoid liability for paying the traffic citation by submitting an affidavit following the same requirements for challenging a notification of violation. The bill provides that the affidavit is admissible in a proceeding for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The bill provides that the submission of a false affidavit is a misdemeanor of the second degree.

The bill also provides that the owner of a leased vehicle for which a traffic citation is issued for violating school speed zone requirements is not responsible for paying the traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

The bill requires the issuing governmental entity, upon receipt of the affidavit and required documentation, to dismiss the citation and provide proof of such dismissal to the person who submitted the affidavit. Within 30 days of receipt of an affidavit, the bill requires the governmental entity to send a notification of violation to the person identified in the affidavit as having care, custody, or control of the motor vehicle at the time of the violation.

### Hearing Procedures

The bill specifies that a hearing to challenge a traffic citation issued by a traffic infraction enforcement officer for school speed zone violations must be conducted under the procedures established in law for traffic citations issued by traffic infraction enforcement officers and as follows:

- The DHSMV must publish and make available electronically to each county and municipality a model request for hearing form to assist each local government that is issuing

notifications of school speed zone violations resulting from the use of a speed detection system.

- The county or municipality electing to authorize traffic infraction enforcement officers to issue traffic citations must designate by resolution existing staff to serve as the clerk to the local hearing officer.
- Any person, referenced in the bill as the “petitioner,” who elects to request a hearing must be scheduled for a hearing by the clerk to the local hearing officer. The clerk must furnish the petitioner with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer at least five calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty assessed, plus the administrative costs of \$50 as established in law, before the start of the hearing.
- All testimony at the hearing must be under oath and recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer and the petitioner and may take testimony from others. The local hearing officer must review the photographic or electronic images or streaming video and the evidence of the speed of the vehicle as measured by the speed detection system. Formal rules of evidence do not apply, but due process must be observed and govern the proceedings.
- At the conclusion of the hearing, the local hearing officer must determine whether a violation of school speed zone requirements occurred and either uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notification of violation is upheld, require the petitioner to pay the penalty previously assessed, and may also require the petitioner to pay county or municipal costs not to exceed \$250 as established in law. The final administrative order must be mailed to the petitioner by first-class mail.
- An aggrieved party may, within 30 days of the date of the final administrative order, appeal to the circuit court. Such an appeal does not initiate a new hearing, but is limited to appellate review of the record created before the enforcement board.

The bill provides that the photographic or electronic images, the streaming video evidence, and the evidence of the speed of the vehicle as measured by a speed detection system attached to or referenced in the traffic citation are evidence of a violation of school speed zone requirements and are admissible in any proceeding to enforce school speed zone requirements. The bill further provides that the images or video and evidence of speed raise a rebuttable presumption that the motor vehicle named in the report or shown in the images or video was used in violation of school speed zone requirements.

The bill provides that a speed detection system is exempt from the design requirements for radar units established by the DHSMV. Instead, the bill requires a speed detection system to have the ability to perform self-tests as to its detection accuracy, which must be performed at least once every 30 days. The bill requires the law enforcement agency, or an agent acting on behalf of the law enforcement agency, that is operating a speed detection system to maintain a log of the results of the system’s self-tests, and to perform an independent calibration test on the speed detection system at least once every 12 months. The bill provides that the self-test logs, as well as the results of the annual calibration test, are admissible in any court proceeding for a traffic



citation issued for a violation of school speed zone requirements as detected by a speed detection system.

The hearing procedures and evidentiary measures included in the bill may assist in supporting the fair administration of the enforcement of school speed zone requirements by a speed detection system and a traffic infraction enforcement officer.

The bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 410 will generate an indeterminable amount of revenue for private companies that manufacture and install speed detection systems.<sup>40</sup>

C. Government Sector Impact:

If a county or municipality elects to begin a speed detection system program the bill may have a positive fiscal impact on state government revenues by increasing enforcement of

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<sup>40</sup> Florida Department of Education, *2022 Agency Bill Analysis of SB 410* (Oct. 13, 2021), at 4.

school speed zone limits resulting in more fines being remitted to the General Revenue Fund.

If a county or municipality elects to begin a speed detection system program the bill may have a positive fiscal impact on local governments by increasing enforcement of school speed zone limits resulting in more fines being remitted to the county or municipality and school district where the violation occurred.

Local government costs associated with using speed detection equipment in school zones may vary depending on the unique needs and circumstances in each county or municipality. Costs may be influenced by numerous factors, such as equipment choices, operational and administrative decisions made by the county or municipality, and contractual agreements with vendors.<sup>41</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.0776, 316.1906, 318.18, 322.27, 316.306, 316.640, 316.650, 318.14, 318.21, and 655.960.

This bill creates section 316.1896 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>41</sup> Florida Department of Education, *2022 Agency Bill Analysis of SB 410* (Oct. 13, 2021), at 4.

By Senator Rodriguez

39-00541-22

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1 A bill to be entitled  
 2 An act relating to photographic enforcement of school  
 3 zone speed limits; amending s. 316.003, F.S.; defining  
 4 the term "speed detection system"; amending s.  
 5 316.008, F.S.; authorizing counties and municipalities  
 6 to enforce school speed zones through the use of speed  
 7 detection systems; providing a rebuttable presumption;  
 8 authorizing counties and municipalities to install, or  
 9 contract with a vendor to install, speed detection  
 10 systems; amending s. 316.0776, F.S.; authorizing the  
 11 installation of speed detection systems on state  
 12 roads, when permitted by the Department of  
 13 Transportation, and on streets and highways under the  
 14 jurisdiction of counties and municipalities, in  
 15 accordance with certain placement and installation  
 16 specifications; requiring the department to establish  
 17 such specifications by a certain date; requiring  
 18 counties and municipalities that install speed  
 19 detection systems to provide certain notification to  
 20 the public; providing signage requirements; requiring  
 21 counties and municipalities that have never conducted  
 22 a speed detection system program to conduct a public  
 23 awareness campaign before commencing enforcement using  
 24 such system; providing penalties in effect during the  
 25 public awareness campaign; creating s. 316.1896, F.S.;  
 26 authorizing counties and municipalities to authorize  
 27 traffic infraction enforcement officers to issue  
 28 certain traffic citations; providing construction;  
 29 providing notification requirements and procedures;

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30 authorizing a person who receives a notification of  
 31 violation to request a hearing within a specified  
 32 timeframe; defining the term "person"; providing for  
 33 waiver of challenge or dispute as to the delivery of  
 34 the notification of violation; requiring counties and  
 35 municipalities to pay certain funds to the Department  
 36 of Revenue; providing for the distribution of funds;  
 37 providing requirements for issuance of a traffic  
 38 citation; providing for waiver of challenge or dispute  
 39 as to the delivery of the traffic citation; providing  
 40 notification requirements and procedures; specifying  
 41 that the registered owner of a motor vehicle is  
 42 responsible and liable for paying a traffic citation;  
 43 providing exceptions; requiring an owner of a motor  
 44 vehicle to furnish an affidavit under certain  
 45 circumstances; specifying requirements for such  
 46 affidavit; providing a criminal penalty for submitting  
 47 a false affidavit; providing that certain images or  
 48 video and evidence of speed are admissible in certain  
 49 proceedings; providing a rebuttable presumption;  
 50 providing construction; providing requirements and  
 51 procedures for hearings; amending s. 316.1906, F.S.;  
 52 revising the definition of the term "officer";  
 53 authorizing a traffic infraction enforcement officer  
 54 to satisfy a certain requirement by reviewing certain  
 55 images or video and evidence of speed; providing  
 56 requirements for speed detection systems; requiring a  
 57 law enforcement agency and its agents operating a  
 58 speed detection system to maintain a log of results of

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59 the system's self-tests; requiring a law enforcement  
60 agency and its agents to perform independent  
61 calibration tests of such systems; providing that  
62 self-test logs and calibration test results are  
63 admissible in certain court proceedings; amending s.  
64 318.18, F.S.; providing penalties; amending s. 322.27,  
65 F.S.; prohibiting points from being imposed against a  
66 driver license for certain infractions enforced by a  
67 traffic infraction enforcement officer; prohibiting  
68 such infractions from being used to set motor vehicle  
69 insurance rates; amending ss. 316.306, 316.640,  
70 316.650, 318.14, 318.21, and 655.960, F.S.; conforming  
71 cross-references and provisions to changes made by the  
72 act; providing an effective date.

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

75 Section 1. Present subsections (82) through (109) of  
76 section 316.003, Florida Statutes, are redesignated as  
77 subsections (83) through (110), respectively, a new subsection  
78 (82) is added to that section, and subsection (64) of that  
79 section is amended, to read:

80 316.003 Definitions.—The following words and phrases, when  
81 used in this chapter, shall have the meanings respectively  
82 ascribed to them in this section, except where the context  
83 otherwise requires:

84 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided  
85 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place  
86 used for vehicular travel by the owner and those having express  
87

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88 or implied permission from the owner, but not by other persons.  
89 (82) SPEED DETECTION SYSTEM.—An automated system used to  
90 record a vehicle's speed using radar and to capture a photograph  
91 or video of a vehicle that exceeds the speed limit in force at  
92 the time of violation.  
93 Section 2. Subsection (9) is added to section 316.008,  
94 Florida Statutes, to read:  
95 316.008 Powers of local authorities.—  
96 (9) (a) A county or municipality may enforce school speed  
97 zones, as provided in s. 316.1895, within 1 hour before, during  
98 the entirety of, and within 1 hour after a regularly scheduled  
99 school session through the use of a speed detection system for  
100 the measurement of speed and recording of photographs or videos  
101 for violations that are in excess of 10 miles per hour over the  
102 speed limit in force at the time of the violation. A school  
103 zone's compliance with s. 316.1895, except for s. 316.1895(6)  
104 relating to a sign stating "Speeding Fines Doubled" as otherwise  
105 specified in s. 316.0776, creates a rebuttable presumption that  
106 the school zone is being properly maintained.  
107 (b) A county or municipality may install, or contract with  
108 a vendor to install, a speed detection system within 1,000 feet  
109 of a school zone to enforce speed limits in school speed zones,  
110 as provided in s. 316.1895.  
111 Section 3. Subsection (3) is added to section 316.0776,  
112 Florida Statutes, to read:  
113 316.0776 Traffic infraction detectors; speed detection  
114 systems; placement and installation.—  
115 (3) A speed detection system may be installed on a state  
116 road when permitted by the Department of Transportation and in

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 117 accordance with placement and installation specifications  
 118 developed by the Department of Transportation. A speed detection  
 119 system may be installed on a street or highway under the  
 120 jurisdiction of a county or a municipality in accordance with  
 121 placement and installation specifications established by the  
 122 Department of Transportation. The Department of Transportation  
 123 shall establish such placement and installation specifications  
 124 by August 1, 2022.

125 (a) If a county or municipality installs a speed detection  
 126 system, the county or municipality must notify the public that a  
 127 speed detection system may be in use and must specifically  
 128 include notification of camera or video enforcement of  
 129 violations. Such signage used to notify the public must meet the  
 130 specifications for uniform signals and devices adopted by the  
 131 Department of Transportation pursuant to s. 316.0745. For speed  
 132 detection systems enforcing s. 316.1895 in school speed zones,  
 133 this paragraph shall govern the signage notifying the public of  
 134 the use of a speed detection system, and a sign stating  
 135 "Speeding Fines Doubled," as provided in s. 316.1895(6), is not  
 136 required when a violation of s. 316.1895 is enforced by a speed  
 137 detection system in a school speed zone.

138 (b) If a county or municipality begins a speed detection  
 139 system program in a county or municipality that has never  
 140 conducted such a program, the respective county or municipality  
 141 shall make a public announcement and conduct a public awareness  
 142 campaign on the proposed use of speed detection systems at least  
 143 30 days before commencing enforcement under the speed detection  
 144 system program and notify the public of the specific date on  
 145 which the program will commence. During the 30-day public

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 146 awareness campaign about the speed detection system program, a  
 147 motor vehicle operator found to have violated s. 316.1895 by a  
 148 speed detection system shall be issued a warning for the  
 149 violation and is not liable for the civil penalty imposed under  
 150 s. 318.18(3)(d).

151 Section 4. Section 316.1896, Florida Statutes, is created  
 152 to read:

153 316.1896 School speed zones; speed detection system  
 154 enforcement; penalties; appeal procedure.—

155 (1) For purposes of administering this section, a county or  
 156 municipality may authorize a traffic infraction enforcement  
 157 officer under s. 316.640 to issue a traffic citation for a  
 158 violation of s. 316.1895 that occurs within 1 hour before,  
 159 during, or within 1 hour after a regularly scheduled school  
 160 session which is in excess of 10 miles per hour over the speed  
 161 limit in force at the time of the violation. Such violation must  
 162 be evidenced by a speed detection system. This subsection does  
 163 not prohibit a review of information from a speed detection  
 164 system by an authorized employee or agent of a county or  
 165 municipality before issuance of the traffic citation by the  
 166 traffic infraction enforcement officer. This subsection does not  
 167 prohibit a county or municipality from issuing notifications as  
 168 provided in subsection (2) to the registered owner of the motor  
 169 vehicle in violation of s. 316.1895.

170 (2) Within 30 days after a violation, notification must be  
 171 sent to the registered owner of the motor vehicle involved in  
 172 the violation specifying the remedies available under s. 318.14  
 173 and that the violator must pay the penalty under s. 318.18(3)(d)  
 174 to the county or municipality, or furnish an affidavit in

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175 accordance with subsection (8), within 30 days after the date of  
 176 the notification of violation in order to avoid court fees,  
 177 costs, and the issuance of a traffic citation. The notification  
 178 of violation must:

179 (a) Be sent by first-class mail.

180 (b) Include a notice that the owner has the right to  
 181 review, in person or remotely, the photographic or electronic  
 182 images or streaming video and the evidence of the speed of the  
 183 vehicle as measured by a speed detection system which constitute  
 184 a rebuttable presumption against the owner of the vehicle.

185 (c) State the time when and place or website where the  
 186 images or video and evidence of speed may be examined and  
 187 observed.

188 (3) Notwithstanding any other law, a person who receives a  
 189 notification of violation under this section may request a  
 190 hearing within 30 days after the notification of violation or  
 191 pay the penalty pursuant to the notification of violation, but a  
 192 payment or fee may not be required before the hearing requested  
 193 by the person. The notification of violation must be accompanied  
 194 by, or direct the person to a website that provides, information  
 195 on the person's right to request a hearing and on all court  
 196 costs related thereto and a form used for requesting a hearing.  
 197 As used in this subsection, the term "person" includes a natural  
 198 person, the registered owner or co-owner of a motor vehicle, or  
 199 the person identified in an affidavit as having actual care,  
 200 custody, or control of the motor vehicle at the time of the  
 201 violation.

202 (4) If the registered owner or co-owner of the motor  
 203 vehicle; the person designated as having care, custody, or

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204 control of the motor vehicle at the time of the violation; or an  
 205 authorized representative of the owner, co-owner, or designated  
 206 person initiates a proceeding to challenge the violation, such  
 207 person waives any challenge or dispute as to the delivery of the  
 208 notification of violation.

209 (5) Penalties assessed and collected by the county or  
 210 municipality authorized to collect the funds provided for in  
 211 this section, less the amount retained by the county or  
 212 municipality pursuant to paragraph (b), shall be paid to the  
 213 Department of Revenue weekly. Payment by the county or  
 214 municipality to the state must be made by means of electronic  
 215 funds transfer. In addition to the payment, a detailed summary  
 216 of the penalties remitted shall be reported to the Department of  
 217 Revenue. Penalties to be assessed and collected by the county or  
 218 municipality as established in s. 318.18(3)(d) shall be remitted  
 219 as follows:

220 (a) Sixty dollars shall be remitted to the Department of  
 221 Revenue for deposit into the General Revenue Fund.

222 (b) Eighty-four dollars shall be retained by the county or  
 223 municipality and shall be used to administer speed detection  
 224 systems in school zones or other public safety initiatives.

225 (c) Four dollars shall be remitted to the Department of  
 226 Revenue for deposit into the Department of Law Enforcement  
 227 Criminal Justice Standards and Training Trust Fund.

228 (d) Six dollars shall be remitted to the public school  
 229 district in which the violation occurred and shall be used for  
 230 school security initiatives or to improve the safety of student  
 231 walking conditions. Funds remitted under this paragraph shall be  
 232 shared with charter schools in the district, based on each

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233 charter school's proportionate share of the district's total  
 234 unweighted full-time equivalent student enrollment, and shall be  
 235 used for school security initiatives or to improve the safety of  
 236 student walking conditions.

237 (e) Four dollars shall be remitted to the Department of  
 238 Revenue for deposit into the General Revenue Fund for the  
 239 benefit of the Coach Aaron Feis Guardian Program.

240 (6) A traffic citation shall be issued by mailing the  
 241 traffic citation by certified mail to the address of the  
 242 registered owner of the motor vehicle involved in the violation  
 243 if payment has not been made within 30 days after notification  
 244 under subsection (2), if the registered owner has not requested  
 245 a hearing as authorized under subsection (3), or if the  
 246 registered owner has not submitted an affidavit in accordance  
 247 with subsection (8).

248 (a) Delivery of the traffic citation constitutes  
 249 notification under this subsection. If the registered owner or  
 250 co-owner of the motor vehicle; the person designated as having  
 251 care, custody, or control of the motor vehicle at the time of  
 252 the violation; or a duly authorized representative of the owner,  
 253 co-owner, or designated person initiates a proceeding to  
 254 challenge the citation pursuant to this section, such person  
 255 waives any challenge or dispute as to the delivery of the  
 256 traffic citation.

257 (b) In the case of joint ownership of a motor vehicle, the  
 258 traffic citation shall be mailed to the first name appearing on  
 259 the motor vehicle registration, unless the first name appearing  
 260 on the registration is a business organization, in which case  
 261 the second name appearing on the registration may be used.

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262 (c) Included with the notification to the registered owner  
 263 of the motor vehicle involved in the infraction shall be a  
 264 notice that the owner has a right to review, in person or  
 265 remotely, the photographic or electronic images or streaming  
 266 video and the evidence of the speed of the vehicle as measured  
 267 by a speed detection system which constitute a rebuttable  
 268 presumption against the owner of the vehicle. The notice must  
 269 state the time when and place or website where the images or  
 270 video and evidence of speed may be examined and observed.

271 (7) The registered owner of the motor vehicle involved in  
 272 the violation is responsible and liable for paying the uniform  
 273 traffic citation issued for a violation of s. 316.1895 unless  
 274 the owner can establish that:

275 (a) The motor vehicle was, at the time of the violation, in  
 276 the care, custody, or control of another person;

277 (b) A uniform traffic citation was issued by law  
 278 enforcement to the driver of the motor vehicle for the alleged  
 279 violation of s. 316.1895; or

280 (c) The motor vehicle's owner was deceased on or before the  
 281 date that the uniform traffic citation was issued, as  
 282 established by an affidavit submitted by the representative of  
 283 the motor vehicle owner's estate or other designated person or  
 284 family member.

285 (8) To establish such facts under subsection (7), the  
 286 registered owner of the motor vehicle shall, within 30 days  
 287 after the date of issuance of the traffic citation, furnish to  
 288 the appropriate governmental entity an affidavit setting forth  
 289 detailed information supporting an exception under subsection  
 290 (7).

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291 (a) An affidavit supporting an exemption under paragraph  
 292 (7) (a) must include the name, address, date of birth, and, if  
 293 known, the driver license number of the person who leased,  
 294 rented, or otherwise had care, custody, or control of the motor  
 295 vehicle at the time of the alleged violation. If the motor  
 296 vehicle was stolen at the time of the alleged violation, the  
 297 affidavit must include the police report indicating that the  
 298 motor vehicle was stolen.

299 (b) If a uniform traffic citation for a violation of s.  
 300 316.1895 was issued at the location of the violation by a law  
 301 enforcement officer, the affidavit must include the serial  
 302 number of the uniform traffic citation.

303 (c) If the motor vehicle's owner to whom a uniform traffic  
 304 citation has been issued is deceased, the affidavit must include  
 305 a certified copy of the owner's death certificate showing that  
 306 the date of death occurred on or before the issuance of the  
 307 uniform traffic citation and one of the following:

308 1. A bill of sale or other document showing that the  
 309 deceased owner's motor vehicle was sold or transferred after his  
 310 or her death but on or before the date of the alleged violation.

311 2. Documented proof that the registered license plate  
 312 belonging to the deceased owner's vehicle was returned to the  
 313 department or any branch office or authorized agent of the  
 314 department after his or her death but on or before the date of  
 315 the alleged violation.

316 3. A copy of the police report showing that the deceased  
 317 owner's registered license plate or motor vehicle was stolen  
 318 after his or her death but on or before the date of the alleged  
 319 violation.

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320  
 321 Upon receipt of the affidavit and documentation required under  
 322 this paragraph, the governmental entity must dismiss the  
 323 citation and provide proof of such dismissal to the person who  
 324 submitted the affidavit.

325 (9) Upon receipt of an affidavit, the person designated as  
 326 having care, custody, or control of the motor vehicle at the  
 327 time of the violation may be issued a notification of violation  
 328 pursuant to subsection (2) for a violation of s. 316.1895. The  
 329 affidavit is admissible in a proceeding pursuant to this section  
 330 for the purpose of providing proof that the person identified in  
 331 the affidavit was in actual care, custody, or control of the  
 332 motor vehicle. The owner of a leased vehicle for which a traffic  
 333 citation is issued for a violation of s. 316.1895 is not  
 334 responsible for paying the traffic citation and is not required  
 335 to submit an affidavit as specified in this subsection if the  
 336 motor vehicle involved in the violation is registered in the  
 337 name of the lessee of such motor vehicle.

338 (10) If a county or municipality receives an affidavit  
 339 under subsection (8), the notification of violation required  
 340 under subsection (2) must be sent to the person identified in  
 341 the affidavit within 30 days after receipt of the affidavit.

342 (11) The submission of a false affidavit is a misdemeanor  
 343 of the second degree, punishable as provided in s. 775.082 or s.  
 344 775.083.

345 (12) The photographic or electronic images, the streaming  
 346 video evidence, and the evidence of the speed of the vehicle as  
 347 measured by a speed detection system attached to or referenced  
 348 in the traffic citation are evidence of a violation of s.

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 349 316.1895 and are admissible in any proceeding to enforce this  
 350 section. The images or video and evidence of speed raise a  
 351 rebuttable presumption that the motor vehicle named in the  
 352 report or shown in the images or video was used in violation of  
 353 s. 316.1895.

354 (13) This section supplements the enforcement of s.  
 355 316.1895 by law enforcement officers and does not prohibit a law  
 356 enforcement officer from issuing a traffic citation for a  
 357 violation of s. 316.1895.

358 (14) A hearing under this section shall be conducted under  
 359 the procedures established by s. 316.0083(5) and as follows:

360 (a) The department shall publish and make available  
 361 electronically to each county and municipality a model request  
 362 for hearing form to assist each local government administering  
 363 this section.

364 (b) The county or municipality electing to authorize  
 365 traffic infraction enforcement officers to issue traffic  
 366 citations under subsection (6) shall designate by resolution  
 367 existing staff to serve as the clerk to the local hearing  
 368 officer.

369 (c) Any person, herein referred to as the "petitioner," who  
 370 elects to request a hearing under subsection (3) shall be  
 371 scheduled for a hearing by the clerk to the local hearing  
 372 officer. The clerk must furnish the petitioner with notice to be  
 373 sent by first-class mail. Upon receipt of the notice, the  
 374 petitioner may reschedule the hearing once by submitting a  
 375 written request to reschedule to the clerk to the local hearing  
 376 officer at least 5 calendar days before the day of the  
 377 originally scheduled hearing. The petitioner may cancel his or

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 378 her appearance before the local hearing officer by paying the  
 379 penalty assessed under subsection (2), plus the administrative  
 380 costs established in s. 316.0083(5) (c), before the start of the  
 381 hearing.

382 (d) All testimony at the hearing shall be under oath and  
 383 shall be recorded. The local hearing officer shall take  
 384 testimony from a traffic infraction enforcement officer and the  
 385 petitioner and may take testimony from others. The local hearing  
 386 officer shall review the photographic or electronic images or  
 387 streaming video and the evidence of the speed of the vehicle as  
 388 measured by a speed detection system made available under  
 389 paragraph (2) (b). Formal rules of evidence do not apply, but due  
 390 process shall be observed and govern the proceedings.

391 (e) At the conclusion of the hearing, the local hearing  
 392 officer shall determine whether a violation under this section  
 393 occurred and shall uphold or dismiss the violation. The local  
 394 hearing officer shall issue a final administrative order  
 395 including the determination and, if the notification of  
 396 violation is upheld, require the petitioner to pay the penalty  
 397 previously assessed under subsection (2), and may also require  
 398 the petitioner to pay county or municipal costs not to exceed  
 399 the amount established in s. 316.0083(5) (e). The final  
 400 administrative order shall be mailed to the petitioner by first-  
 401 class mail.

402 (f) An aggrieved party may appeal a final administrative  
 403 order consistent with the process provided in s. 162.11.

404 Section 5. Paragraph (d) of subsection (1) and paragraph  
 405 (b) of subsection (2) of section 316.1906, Florida Statutes, are  
 406 amended, and subsection (3) is added to that section, to read:

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407 316.1906 Radar speed-measuring devices; evidence,  
408 admissibility.—

409 (1) DEFINITIONS.—

410 (d) "Officer" means any:

411 1. "Law enforcement officer" who is elected, appointed, or  
412 employed full time by any municipality or the state or any  
413 political subdivision thereof; who is vested with the authority  
414 to bear arms and make arrests; and whose primary responsibility  
415 is the prevention and detection of crime or the enforcement of  
416 the penal, criminal, traffic, or highway laws of the state;

417 2. "Part-time law enforcement officer" who is employed or  
418 appointed less than full time, as defined by an employing  
419 agency, with or without compensation; who is vested with  
420 authority to bear arms and make arrests; and whose primary  
421 responsibility is the prevention and detection of crime or the  
422 enforcement of the penal, criminal, traffic, or highway laws of  
423 the state; or

424 3. "Auxiliary law enforcement officer" who is employed or  
425 appointed, with or without compensation; who aids or assists a  
426 full-time or part-time law enforcement officer; and who, while  
427 under the direct supervision of a full-time or part-time law  
428 enforcement officer, has the authority to arrest and perform law  
429 enforcement functions.

430 4. "Traffic infraction enforcement officer" who is employed  
431 or appointed and satisfies the requirements of s.  
432 316.640(1)(b)3., with or without compensation, and who is vested  
433 with authority to enforce a violation of s. 316.1895 pursuant to  
434 s. 316.1896.

435 (2) Evidence of the speed of a vehicle measured by any

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436 radar speed-measuring device shall be inadmissible in any  
437 proceeding with respect to an alleged violation of provisions of  
438 law regulating the lawful speed of vehicles, unless such  
439 evidence of speed is obtained by an officer who:

440 (b) Has made an independent visual determination that the  
441 vehicle is operating in excess of the applicable speed limit. A  
442 traffic infraction enforcement officer may satisfy this  
443 paragraph through a review of photographic or electronic images,  
444 streaming video, or evidence of the speed of the vehicle as  
445 measured by a speed detection system.

446 (3) A speed detection system is exempt from the design  
447 requirements for radar units established by the department. A  
448 speed detection system must have the ability to perform self-  
449 tests as to its detection accuracy. The system must perform a  
450 self-test at least once every 30 days. The law enforcement  
451 agency, or an agent acting on behalf of the law enforcement  
452 agency, operating a speed detection system shall maintain a log  
453 of the results of the system's self-tests. The law enforcement  
454 agency, or an agent acting on behalf of the law enforcement  
455 agency, operating a speed detection system shall also perform an  
456 independent calibration test on the speed detection system at  
457 least once every 12 months. The self-test logs, as well as the  
458 results of the annual calibration test, are admissible in any  
459 court proceeding for a traffic citation issued for a violation  
460 of s. 316.1895 enforced pursuant to s. 316.1896.

461 Section 6. Present paragraphs (d) through (h) of subsection  
462 (3) of section 318.18, Florida Statutes, are redesignated as  
463 paragraphs (e) through (i), respectively, and a new paragraph  
464 (d) is added to that subsection to read:

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465 318.18 Amount of penalties.—The penalties required for a  
 466 noncriminal disposition pursuant to s. 318.14 or a criminal  
 467 offense listed in s. 318.17 are as follows:

468 (3)

469 (d) Notwithstanding paragraphs (b) and (c), a person cited  
 470 for exceeding the speed limit in a school zone as provided in s.  
 471 316.1895, when enforced by a traffic infraction enforcement  
 472 officer pursuant to s. 316.1896, shall pay a fine of \$158.

473 Section 7. Paragraph (d) of subsection (3) of section  
 474 322.27, Florida Statutes, is amended to read:

475 322.27 Authority of department to suspend or revoke driver  
 476 license or identification card.—

477 (3) There is established a point system for evaluation of  
 478 convictions of violations of motor vehicle laws or ordinances,  
 479 and violations of applicable provisions of s. 403.413(6)(b) when  
 480 such violations involve the use of motor vehicles, for the  
 481 determination of the continuing qualification of any person to  
 482 operate a motor vehicle. The department is authorized to suspend  
 483 the license of any person upon showing of its records or other  
 484 good and sufficient evidence that the licensee has been  
 485 convicted of violation of motor vehicle laws or ordinances, or  
 486 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 487 more points as determined by the point system. The suspension  
 488 shall be for a period of not more than 1 year.

489 (d) The point system shall have as its basic element a  
 490 graduated scale of points assigning relative values to  
 491 convictions of the following violations:

- 492 1. Reckless driving, willful and wanton—4 points.  
 493 2. Leaving the scene of a crash resulting in property

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494 damage of more than \$50—6 points.

495 3. Unlawful speed, or unlawful use of a wireless  
 496 communications device, resulting in a crash—6 points.

497 4. Passing a stopped school bus:

498 a. Not causing or resulting in serious bodily injury to or  
 499 death of another—4 points.

500 b. Causing or resulting in serious bodily injury to or  
 501 death of another—6 points.

502 5. Unlawful speed:

503 a. Not in excess of 15 miles per hour of lawful or posted  
 504 speed—3 points.

505 b. In excess of 15 miles per hour of lawful or posted  
 506 speed—4 points.

507 c. No points shall be imposed for a violation of unlawful  
 508 speed as provided in s. 316.1895 when enforced by a traffic  
 509 infraction enforcement officer pursuant to s. 316.1896. In  
 510 addition, a violation of s. 316.1895 when enforced by a traffic  
 511 infraction enforcement officer pursuant to s. 316.1896 may not  
 512 be used for purposes of setting motor vehicle insurance rates.

513 6. A violation of a traffic control signal device as  
 514 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
 515 However, no points shall be imposed for a violation of s.  
 516 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 517 stop at a traffic signal and when enforced by a traffic  
 518 infraction enforcement officer. In addition, a violation of s.  
 519 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 520 stop at a traffic signal and when enforced by a traffic  
 521 infraction enforcement officer may not be used for purposes of  
 522 setting motor vehicle insurance rates.

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523 7. All other moving violations (including parking on a  
524 highway outside the limits of a municipality)—3 points. However,  
525 no points shall be imposed for a violation of s. 316.0741 or s.  
526 316.2065(11); and points shall be imposed for a violation of s.  
527 316.1001 only when imposed by the court after a hearing pursuant  
528 to s. 318.14(5).

529 8. Any moving violation covered in this paragraph,  
530 excluding unlawful speed and unlawful use of a wireless  
531 communications device, resulting in a crash—4 points.

532 9. Any conviction under s. 403.413(6)(b)—3 points.

533 10. Any conviction under s. 316.0775(2)—4 points.

534 11. A moving violation covered in this paragraph which is  
535 committed in conjunction with the unlawful use of a wireless  
536 communications device within a school safety zone—2 points, in  
537 addition to the points assigned for the moving violation.

538 Section 8. Paragraph (a) of subsection (3) of section  
539 316.306, Florida Statutes, is amended to read:

540 316.306 School and work zones; prohibition on the use of a  
541 wireless communications device in a handheld manner.—

542 (3)(a)1. A person may not operate a motor vehicle while  
543 using a wireless communications device in a handheld manner in a  
544 designated school crossing, school zone, or work zone area as  
545 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph  
546 shall only be applicable to work zone areas if construction  
547 personnel are present or are operating equipment on the road or  
548 immediately adjacent to the work zone area. For the purposes of  
549 this paragraph, a motor vehicle that is stationary is not being  
550 operated and is not subject to the prohibition in this  
551 paragraph.

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552 2. Effective January 1, 2020, a law enforcement officer may  
553 stop motor vehicles and issue citations to persons who are  
554 driving while using a wireless communications device in a  
555 handheld manner in violation of subparagraph 1.

556 Section 9. Paragraph (a) of subsection (5) of section  
557 316.640, Florida Statutes, is amended to read:

558 316.640 Enforcement.—The enforcement of the traffic laws of  
559 this state is vested as follows:

560 (5)(a) Any sheriff's department or police department of a  
561 municipality may employ, as a traffic infraction enforcement  
562 officer, any individual who successfully completes instruction  
563 in traffic enforcement procedures and court presentation through  
564 the Selective Traffic Enforcement Program as approved by the  
565 Division of Criminal Justice Standards and Training of the  
566 Department of Law Enforcement, or through a similar program, but  
567 who does not necessarily otherwise meet the uniform minimum  
568 standards established by the Criminal Justice Standards and  
569 Training Commission for law enforcement officers or auxiliary  
570 law enforcement officers under s. 943.13. Any such traffic  
571 infraction enforcement officer who observes the commission of a  
572 traffic infraction or, in the case of a parking infraction, who  
573 observes an illegally parked vehicle may issue a traffic  
574 citation for the infraction when, based upon personal  
575 investigation, he or she has reasonable and probable grounds to  
576 believe that an offense has been committed which constitutes a  
577 noncriminal traffic infraction as defined in s. 318.14. In  
578 addition, any such traffic infraction enforcement officer may  
579 issue a traffic citation under ss. 316.0083 and 316.1896 ~~ss.~~  
580 ~~316.0083~~. For purposes of enforcing s. 316.0083, and s. 316.1895

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581 pursuant to s. 316.1896 ~~s. 316.0083~~, any sheriff's department or  
582 police department of a municipality may designate employees as  
583 traffic infraction enforcement officers. The traffic infraction  
584 enforcement officers must be physically located in the county of  
585 the respective sheriff's or police department.

586 Section 10. Paragraphs (a) and (c) of subsection (3) of  
587 section 316.650, Florida Statutes, are amended to read:

588 316.650 Traffic citations.—

589 (3) (a) Except for a traffic citation issued pursuant to s.  
590 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic  
591 enforcement officer, upon issuing a traffic citation to an  
592 alleged violator of any provision of the motor vehicle laws of  
593 this state or of any traffic ordinance of any municipality or  
594 town, shall deposit the original traffic citation or, in the  
595 case of a traffic enforcement agency that has an automated  
596 citation issuance system, the chief administrative officer shall  
597 provide by an electronic transmission a replica of the citation  
598 data to a court having jurisdiction over the alleged offense or  
599 with its traffic violations bureau within 5 days after issuance  
600 to the violator.

601 (c) If a traffic citation is issued under s. 316.0083 or s.  
602 316.1896, the traffic infraction enforcement officer shall  
603 provide by electronic transmission a replica of the traffic  
604 citation data to the court having jurisdiction over the alleged  
605 offense or its traffic violations bureau within 5 days after the  
606 date of issuance of the traffic citation to the violator. If a  
607 hearing is requested, the traffic infraction enforcement officer  
608 shall provide a replica of the traffic notice of violation data  
609 to the clerk for the local hearing officer having jurisdiction

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610 over the alleged offense within 14 days.

611 Section 11. Subsection (2) of section 318.14, Florida  
612 Statutes, is amended to read:

613 318.14 Noncriminal traffic infractions; exception;  
614 procedures.—

615 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,  
616 and 316.1896, any person cited for a violation requiring a  
617 mandatory hearing listed in s. 318.19 or any other criminal  
618 traffic violation listed in chapter 316 must sign and accept a  
619 citation indicating a promise to appear. The officer may  
620 indicate on the traffic citation the time and location of the  
621 scheduled hearing and must indicate the applicable civil penalty  
622 established in s. 318.18. For all other infractions under this  
623 section, except for infractions under s. 316.1001, the officer  
624 must certify by electronic, electronic facsimile, or written  
625 signature that the citation was delivered to the person cited.  
626 This certification is prima facie evidence that the person cited  
627 was served with the citation.

628 Section 12. Subsections (4), (5), and (15) of section  
629 318.21, Florida Statutes, are amended to read:

630 318.21 Disposition of civil penalties by county courts.—All  
631 civil penalties received by a county court pursuant to the  
632 provisions of this chapter shall be distributed and paid monthly  
633 as follows:

634 (4) Of the additional fine assessed under s. 318.18(3)(g)  
635 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must  
636 be remitted to the Department of Revenue for deposit in the  
637 Grants and Donations Trust Fund of the Division of Blind  
638 Services of the Department of Education, and 60 percent must be

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639 distributed pursuant to subsections (1) and (2).

640 (5) Of the additional fine assessed under s. 318.18(3)(g)  
 641 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent  
 642 must be remitted to the Department of Revenue for deposit in the  
 643 Grants and Donations Trust Fund of the Division of Vocational  
 644 Rehabilitation of the Department of Education, and 40 percent  
 645 must be distributed pursuant to subsections (1) and (2).

646 (15) Of the additional fine assessed under s. 318.18(3)(f)  
 647 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of  
 648 the moneys received from the fines shall be appropriated to the  
 649 Agency for Health Care Administration as general revenue to  
 650 provide an enhanced Medicaid payment to nursing homes that serve  
 651 Medicaid recipients with brain and spinal cord injuries. The  
 652 remaining 50 percent of the moneys received from the enhanced  
 653 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be  
 654 remitted to the Department of Revenue and deposited into the  
 655 Department of Health Emergency Medical Services Trust Fund to  
 656 provide financial support to certified trauma centers in the  
 657 counties where enhanced penalty zones are established to ensure  
 658 the availability and accessibility of trauma services. Funds  
 659 deposited into the Emergency Medical Services Trust Fund under  
 660 this subsection shall be allocated as follows:

661 (a) Fifty percent shall be allocated equally among all  
 662 Level I, Level II, and pediatric trauma centers in recognition  
 663 of readiness costs for maintaining trauma services.

664 (b) Fifty percent shall be allocated among Level I, Level  
 665 II, and pediatric trauma centers based on each center's relative  
 666 volume of trauma cases as calculated using the hospital  
 667 discharge data collected pursuant to s. 408.061.

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668 Section 13. Subsection (1) of section 655.960, Florida  
 669 Statutes, is amended to read:

670 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 671 section and ss. 655.961-655.965, unless the context otherwise  
 672 requires:

673 (1) "Access area" means any paved walkway or sidewalk which  
 674 is within 50 feet of any automated teller machine. The term does  
 675 not include any street or highway open to the use of the public,  
 676 as defined in s. 316.003(88)(a) or (b) ~~s. 316.003(87)(a) or (b)~~,  
 677 including any adjacent sidewalk, as defined in s. 316.003.

678 Section 14. This act shall take effect upon becoming a law.

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## Federal Law

In 2004, the Assistive Technology Act of 1998 was amended by the Assistive Technology Act of 2004 (Act), to recognize the substantial progress that had been made in the development of assistive technology devices that benefit individuals with disabilities.<sup>2</sup> The Act required the Secretary of Education to support state grant programs that assist states in undertaking activities for maintaining and strengthening a permanent comprehensive statewide program of technology related assistance, for individuals with disabilities of all ages.<sup>3</sup> In addition, the Act required states to establish advisory councils for the purpose of consumer-response and consumer-driven advice to the state for planning of the implementation and evaluation of activities carried out through the grants made available by the act.<sup>4</sup>

The state implemented advisory council must be comprised of the following members:<sup>5</sup>

- Individuals with disabilities that use assistive technology or the family members or guardians of the individuals;
- A representative of a state center for Independent living;
- A representative of the state workforce development board established under section 101 of the Workforce Innovation and Opportunity Act;
- A representative of the State educational agency;
- Representatives of other state agencies, public agencies, or private organizations, as determined by the state.

Further, states are required to ensure a majority, not less than 51 percent, of the members of the advisory council, are members appointed as individuals with disabilities or family members or guardians of individuals with disabilities that use assistive technology.<sup>6</sup> The council must also be geographically representative of the state and reflect the diversity of the state.<sup>7</sup>

## Florida Law

The Assistive Technology Advisory Council (Council) is responsible for ensuring consumer involvement in the creation, application, and distribution of technology-related assistance to and for persons who have disabilities.<sup>8</sup> The Council acts as the board of directors and provides direction, through a not-for-profit corporation created by the Division of Vocational Rehabilitation (DVR) of the Department of Education, to Florida's Alliance for Assistive Services and Technology.<sup>9</sup>

The Council may not exceed 27 members at any one time. The Council must be composed of the following members:<sup>10</sup>

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<sup>2</sup> 29 U.S.C. s. 3001, et. seq.

<sup>3</sup> Pub. .L. No. 108-364 (Oct. 25, 2004).

<sup>4</sup> 29 U.S.C. s. 3003(c)(2)(A).

<sup>5</sup> 29 U.S.C. s 3003(c)(2)(B)(i).

<sup>6</sup> 29 U.S.C. s. 3003(c)(2)(B)(ii)(I).

<sup>7</sup> 29 U.S.C. s 3003(c)(2)(B)(iii).

<sup>8</sup> Section. 413.407, F.S.

<sup>9</sup> Section 413.407, F.S.(2)(a). Florida's Alliance for Assistive Services is a project sponsored by the Department of Education for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices. *Id.*

<sup>10</sup> Section 413.407 (1)(a), F.S



- Individuals who have disabilities<sup>11</sup> and who are assistive technology consumers or family members or guardians of those individuals, who must make up a majority of the membership;
- Representatives of consumer organizations concerned with assistive technology;
- Representatives of business and industry, including the insurance industry, concerned with assistive technology;
- A representative of the Division of Vocational Rehabilitation;
- A representative of the Division of Blind Services;
- A representative of the Florida Independent Living Council;
- A representative of CareerSource Florida, Inc.;
- A representative of the Department of Education;
- Representatives of other state agencies that provide or coordinate services for persons with disabilities.

The Council is appointed by the Commissioner of Education from a list of candidates proposed by the director of the DVR.<sup>12</sup> The Council is required to appoint two co-chairs among the membership of the Council.<sup>13</sup> Members of the Council serve for a term of three years and cannot serve more than two consecutive terms, and a member that has served two consecutive terms must be retired from the council for at least one year prior to reappointment.<sup>14</sup>

Members of the Council are required to appoint committees made up of members of the council to focus on specific issues within the council's mandates. The Council's committees shall include, but are not limited to:<sup>15</sup>

- An interagency committee composed of those members representing state agencies. The interagency committee shall work towards the development of cooperative agreements among government agencies and perform such other duties as the council deems appropriate. The interagency committee's members shall assign staff from their respective agencies to the alliance, as an in-kind contribution for a specified period of time, to review federal and state legislation and agency policies and practices and to identify both facilitators of, and barriers to, accessibility and utilization of assistive technology services, devices, and funding sources.
- A technology-awareness committee to guide the council's public awareness, coordination, and collaboration activities.
- A public policy and advocacy committee to review federal and state legislation and agency policies and practices and to identify facilitators of and barriers to access and utilization of assistive technology services, devices, and funding sources.

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

SB 418 modifies s. 413.407, F.S., to revise the composition of the Florida Assistive Technology Council (Council) to allow only one representative of a consumer organization and one representative of business and industry, and authorizes a representative from a center for

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<sup>11</sup> A disability means a physical or mental impairment that constitutes or results in a substantial impediment to employment. Section 413.20(7), F.S.

<sup>12</sup> Section 413.407(1)(b), F.S.

<sup>13</sup> Section.413.407(1)(d), F.S.

<sup>14</sup> Section 413.407(1)(e), F.S.

<sup>15</sup> Section 413.407(2)(b), F.S.

independent living, rather than from the Florida Independent Living Council. The bill also provides that a representative from another state agency that provides or coordinates services for persons with disabilities can be added to the Council if requested by a majority vote of the Council members, that representative must be appointed by the head of the corresponding state agency. Finally, the bill removes the requirement that Council membership cannot exceed 27 members.

The bill further aligns the Council membership with federal requirements that members of the Council be geographically representative of the state, reflective of the diversity of the state's population with respect to race, ethnicity, age, gender, type of disability, and type of disability-related services and devices received. The bill directs the Council to elect a single chair of the council. The bill maintains the limit of two consecutive terms for members, but revises the number of years a council member must be retired from the Council after two terms to be reappointed, from one year to three years.

The bill deletes the requirement that Council members form a technology awareness committee and a public policy and advocacy committee. The bill removes the interagency committee, assigning the duties of the committee to the members representing state agencies. The bill also allows Council members to participate in fundraising activities on behalf of the Council, which could lead to additional funding for the Council.

The bill takes effect on July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 413.407 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 Pizzo

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1 A bill to be entitled  
 2 An act relating to the Assistive Technology Advisory  
 3 Council; amending s. 413.407, F.S.; revising  
 4 provisions relating to the membership of and  
 5 appointments and reappointments to the Assistive  
 6 Technology Advisory Council; requiring council members  
 7 to select a chair from among the council membership;  
 8 revising provisions relating to committees appointed  
 9 to perform the council's functions; expanding the  
 10 council's functions to include fundraising activities;  
 11 providing an effective date.

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

15 Section 1. Section 413.407, Florida Statutes, is amended to  
 16 read:

17 413.407 Assistive Technology Advisory Council.—There is  
 18 created the Assistive Technology Advisory Council, responsible  
 19 for ensuring consumer involvement in the creation, application,  
 20 and distribution of technology-related assistance to and for  
 21 persons who have disabilities. The council shall fulfill its  
 22 responsibilities through statewide policy development, ~~both~~  
 23 state and federal legislative initiatives, advocacy at ~~both~~ the  
 24 state and federal levels level, planning of statewide resource  
 25 allocations, policy-level management, and reviews of ~~both~~  
 26 consumer responsiveness and the adequacy of program service  
 27 delivery, and by performing the functions listed in this  
 28 section.

29 (1) (a) The council shall be composed of:

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30 1. Persons ~~Individuals~~ who have disabilities and who are  
 31 assistive technology consumers or family members or guardians of  
 32 those ~~persons individuals~~.

33 2. A representative ~~Representatives of a~~ consumer  
 34 organization ~~organizations~~ concerned with assistive technology.

35 3. A representative ~~Representatives of~~ business and  
 36 industry, including the insurance industry, concerned with  
 37 assistive technology.

38 4. A representative of the Division of Vocational  
 39 Rehabilitation.

40 5. A representative of the Division of Blind Services.

41 6. A representative of a center for independent living the  
 42 Florida Independent Living Council.

43 7. A representative of CareerSource Florida, Inc.

44 8. A representative of the Department of Education.

45 9. A representative ~~Representatives of~~ any other state  
 46 agency agencies that provides or coordinates provide or  
 47 coordinate services for persons with disabilities, if requested  
 48 by a majority vote of the council members.

49 ~~Total membership on the council may not exceed 27 at any one~~  
 50 ~~time. A majority of the members shall be appointed in accordance~~  
 51 ~~with subparagraph 1.~~

52 (b) Members of the council shall be appointed by the  
 53 Commissioner of Education from a list of candidates proposed by  
 54 the division director. However, a member who is a representative  
 55 of a state agency shall be appointed by the head of that state  
 56 agency.

57 (c) A majority of council members must ~~shall~~ be persons who  
 58

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59 have disabilities as defined in s. 413.20 and ~~s. 413.20(7)~~ who  
60 are ~~also~~ consumers of assistive technology or family members or  
61 guardians of such persons.

62 (d) Members of the council must be geographically  
63 representative of the state and reflect the diversity of the  
64 state's population with respect to race, ethnicity, gender, age,  
65 type of disability, and type of disability-related services and  
66 devices received.

67 ~~(e)(d)~~ The members of the council shall select a chair ~~two~~  
68 ~~co-chairs~~ from among the membership of the council.

69 ~~1. One co-chair may be selected from the group described in~~  
70 ~~paragraph (c) and one co-chair shall be selected from the other~~  
71 ~~council members.~~

72 ~~2. The chair~~ ~~No co-chair~~ may not be an elected member or an  
73 employee of a state agency or of any political subdivision of  
74 the state.

75 ~~(f)1.(e)1.~~ Each member of the council shall serve for a  
76 term of not more than 3 years, except that a member appointed to  
77 fill a vacancy occurring before ~~prior to~~ the expiration of the  
78 term for which a predecessor was appointed shall be appointed  
79 for the remainder of such term.

80 ~~2. A~~ ~~No~~ member of the council may not serve more than two  
81 consecutive terms; however, any appointment under subparagraph  
82 1., if for less than 18 months, is ~~shall~~ ~~not~~ be considered a  
83 term for the purposes of this section.

84 ~~3. A~~ member who has served two consecutive terms and has  
85 been retired from the council for at least 3 years ~~1 year~~ may be  
86 reappointed to the council on the same basis as a new member.

87 ~~(g)(f)~~ Any vacancy occurring in the membership of the

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88 council shall be filled in the same manner as the original  
89 appointment. A vacancy does not affect the power of the  
90 remaining members to execute the duties of the council.

91 (2) In addition to the other functions specified in this  
92 section, the council shall:

93 (a) Act as the board of directors of a not-for-profit  
94 corporation created by the division. Through the corporation,  
95 the council shall provide direction to ~~the Florida~~ Florida's  
96 Alliance for Assistive Services and Technology, a project  
97 sponsored by the department for the coordination and delivery of  
98 appropriate, cost-effective, state-of-the-art assistive  
99 technology services and devices.

100 (b) Appoint committees made up of members of the council to  
101 focus on specific issues within the council's mandate.  
102 Committees may request and accept in-kind contributions of  
103 personnel from public or private entities to supply such  
104 staffing as the committees deem necessary to carry out their  
105 individual mandates. ~~These committees shall include, but are not~~  
106 ~~limited to:~~

107 1. Members who are representatives of state agencies  
108 serving on the committees ~~An interagency committee composed of~~  
109 ~~those members representing state agencies. The interagency~~  
110 ~~committee shall work towards the development of cooperative~~  
111 ~~agreements among government agencies and perform such other~~  
112 ~~duties as the council deems appropriate.~~

113 2. Members who are representatives of state agencies  
114 serving on the committees ~~The interagency committee's members~~  
115 ~~shall assign staff from their respective agencies to the~~  
116 ~~alliance, as an in-kind contribution for a specified period of~~

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117 time, to review federal and state legislation and agency  
 118 policies and practices and to identify both facilitators of, and  
 119 barriers to, accessibility and utilization of assistive  
 120 technology services, devices, and funding sources.

121 ~~2. A technology awareness committee to guide the council's~~  
 122 ~~public awareness, coordination, and collaboration activities.~~

123 ~~3. A public policy and advocacy committee to review federal~~  
 124 ~~and state legislation and agency policies and practices and to~~  
 125 ~~identify facilitators of and barriers to access and utilization~~  
 126 ~~of assistive technology services, devices, and funding sources.~~

127 (c) Review and approve all reports, recommendations, and  
 128 proposed actions of committee staff.

129 (d) Appoint the executive director of the alliance who is-  
 130 The executive director shall be responsible for the overall  
 131 administration and day-to-day direction of the alliance,  
 132 including the as well as supervision of all staff.

133 (e) Annually review and approve the strategic or business  
 134 plan of the alliance, as submitted by the executive director.

135 (f) Submit an annual comprehensive report of the activities  
 136 of the council, the corporation, and the alliance to the  
 137 division director.

138 (g) Perform ~~such~~ other functions, including fundraising  
 139 activities, as the council determines to be appropriate which  
 140 are comparable to functions performed by the council.

141 (h) Convene at least four meetings each year in locations  
 142 that such places as it determines to be necessary to conduct  
 143 council business and may conduct such forums or hearings as it  
 144 ~~the council~~ considers appropriate. The council shall make a  
 145 report of each meeting which must contain ~~shall include~~ a record

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146 of its discussions and recommendations and must, ~~all of which~~  
 147 ~~reports shall~~ be made available to the public.

148 (3) In accordance with Pub. L. No. 108-364, the council  
 149 shall:

150 (a) Investigate financing options that will increase access  
 151 to and funding for assistive technology devices and assistive  
 152 technology services.

153 (b) Develop assistive technology demonstrations,  
 154 reutilization programs, and loan programs.

155 (c) Provide training and technical assistance in order to  
 156 increase knowledge and awareness of the uses and benefits of  
 157 assistive technology devices and assistive technology services.

158 (d) Promote public awareness activities designed to provide  
 159 information relating to the benefits of assistive technology  
 160 devices and assistive technology services.

161 (e) Promote coordination and collaboration among public and  
 162 private entities that are responsible for policies, procedures,  
 163 or funding for the provision of assistive technology devices and  
 164 assistive technology services.

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

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 480

INTRODUCER: Senator Burgess

SUBJECT: Required Instruction in Public Schools

DATE: November 29, 2021

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

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

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**I. Summary:**

SB 480 requires public schools to provide instruction on social media literacy, and defines “social media” as a form of interactive electronic communication through an Internet website or application by which a user creates a service-specific identifying profile to connect with other users for the purpose of communicating and sharing information. Additionally, the bill requires district school boards to make social media literacy instructional material available online.

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

This bill is effective July 1, 2022.

**II. Present Situation:**

**Impacts of Social Media**

Social media plays an integral role in today’s culture. Surveys show that ninety percent of teens ages 13-17 have used social media.<sup>1</sup> Seventy-five percent of teenagers report having at least one active social media profile by age 17 and over two-thirds of teens have their own mobile devices with internet capabilities.<sup>2</sup> There are benefits and potentials risks when using social media.<sup>3</sup>

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<sup>1</sup> University of Nevada, Reno School of Medicine, *Teens and social media: When is it too much?* (January 2019), <https://med.unr.edu/news/archive/2019/coppes-teens-and-social-media>, (last visited Nov. 19, 2021).

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

<sup>3</sup> American Academy of Child & Adolescent Psychiatry, *Social Media and Teens* (March 2018), [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Social-Media-and-Teens-100.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx), (last visited Nov. 19, 2021).

Potential benefits of social media include:

- Staying connected to friends.
- Meeting new friends with shared interests.
- Finding community and support for specific activities.
- Sharing art work or music.
- Exploring and expressing themselves.

Potential risks of social media include:

- Exposure to harmful or inappropriate content.
- Exposure to dangerous people.
- Cyberbullying.
- Oversharing personal information.
- Exposure to excessive advertisements.
- Privacy concerns including the collection of data about teen users.
- Identity theft or being hacked.
- Interference with sleep, exercise, homework, or family activities.

### **Required Instruction in Schools**

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.<sup>4</sup> Each district school board must provide appropriate instruction to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.<sup>5</sup>

Instructional staff of public schools,<sup>6</sup> subject to the rules of the SBE and the district school board, must provide instruction in:<sup>7</sup>

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the United States.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.

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<sup>4</sup> Section 1000.03(4), F.S.

<sup>5</sup> In 2020, the SBE adopted new standards for English language arts and mathematics, called the Benchmarks for Excellent Student Thinking (BEST) standards. The English language arts standards implementation began with the 2021-2022 school year and implementation of the math standards begin in the 2022-2023 school year. Section 1003.42(1), F.S.

<sup>6</sup> Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

<sup>7</sup> Section 1003.42(2), F.S.



- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.

### **Social Media Instruction in Schools**

Students are not required to receive instruction on social media. However, there is an instructional model for a social media course<sup>8</sup> available in CPALMS.<sup>9</sup> The purpose of the social media course is to enable students to develop fundamental skills in the use of social media across print, multimedia, web, and broadcast platforms, including ethical and legal uses.

The content should include, but not be limited to, the following:

- Demonstrating entry-level skills in digital communication and packaging them across the platforms/mediums of print, multimedia, online, and broadcast;
- Demonstrating fundamental skills in social media platforms and their uses; expressing social connections with maturity and complexity appropriate to writer, audience, purpose, and context;
- Using fundamental research skills and networking formats;
- Collaborating amongst peers; and
- Using effective listening, speaking, and viewing strategies with emphasis on the use of evidence to support or refute a claim in multimedia presentations, class discussions, and extended text discussions.

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

The bill amends s. 1003.42, F.S. to require instructional staff of public schools to provide instruction on social media literacy.

The bill defines “social media” as a form of interactive electronic communication through an Internet website or application by which a user creates a service-specific identifying profile to connect with other users of the Internet website or application for the purpose of communicating and sharing information, ideas, news, stories, opinions, images, and other content.

Requiring instruction on social media literacy could provide students with a better understanding of the benefits and risks of communicating and sharing information on social media platforms.

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<sup>8</sup> CPALMS, Course, *Social Media 1* (#1006375), <https://www.cpalms.org/PreviewCourse/Preview/17758>, (last visited Nov. 19, 2021).

<sup>9</sup> CPALMS is the State of Florida's official source for standards information and course descriptions. It provides access to thousands of standards-aligned, free, and high-quality instructional/educational resources that have been developed specifically for the standards and vetted through a rigorous review process. CPALMS, *About CPALMS*, [http://www.cpalms.org/CPALMS/about\\_us.aspx](http://www.cpalms.org/CPALMS/about_us.aspx), (last visited Nov. 19, 2021).

Additionally, the bill requires district school boards to make social media literacy instructional material available online and to notify parent of the material's online availability.

This bill is effective July 1, 2022.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For those school districts that do not already provide social media literacy instruction, there may be a cost associated with including this instruction in the required curriculum.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.42 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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By Senator Burgess

20-00447B-22

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1 A bill to be entitled  
 2 An act relating to required instruction in public  
 3 schools; amending s. 1003.42, F.S.; requiring members  
 4 of the instructional staff of public schools to  
 5 provide instruction on social media literacy; defining  
 6 the term "social media"; requiring district school  
 7 boards to make social media literacy instructional  
 8 material available online; providing an effective  
 9 date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13 Section 1. Paragraph (u) is added to subsection (2) of  
 14 section 1003.42, Florida Statutes, to read:

15 1003.42 Required instruction.—

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

23 (u) Social media literacy. For purposes of this paragraph,  
 24 "social media" means a form of interactive electronic  
 25 communication through an Internet website or application by  
 26 which a user creates a service-specific identifying user profile  
 27 to connect with other users of the Internet website or  
 28 application for the purpose of communicating and sharing  
 29 information, ideas, news, stories, opinions, images, and other

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30 content. District school boards shall make social media literacy  
 31 instructional material available online and notify parents of  
 32 the material's online availability.  
 33

34 The State Board of Education is encouraged to adopt standards  
 35 and pursue assessment of the requirements of this subsection. A  
 36 character development program that incorporates the values of  
 37 the recipients of the Congressional Medal of Honor and that is  
 38 offered as part of a social studies, English Language Arts, or  
 39 other schoolwide character building and veteran awareness  
 40 initiative meets the requirements of paragraphs (s) and (t).

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

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 506

INTRODUCER: Senator Diaz

SUBJECT: Hope Scholarship Program

DATE: November 29, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 506 expands eligibility for the Hope Scholarship Program (Hope program) to include a student who attends a school overseen by a district school board that is subject to ongoing action initiated by the State Board of Education (SBE) for non-compliance with state law or state board rule.

The bill provides flexibility for parents to use program funds in a variety of ways through an education savings account (ESA) and makes a number of other modifications to the Hope program. In addition, the bill:

- Authorizes ESA funds to be used for instructional materials, curriculum, tuition and fees, fees for specified assessments, and contributions to the Stanley G. Tate Florida Prepaid College Program or Florida College Savings program, for an eligible student who opts to attend a private school.
- Specifies that a student subjected to a qualified incident is eligible for a Hope program scholarship, and that the student’s parents must be notified of the scholarship option, regardless of the outcome of any investigation.
- Requires each school district and the Florida Department of Education (DOE) to publish specified information about the Hope program on the district’s website. Additionally, the bill requires the DOE to:
  - Deny or terminate program participation upon a parent’s failure to meet compliance requirements specified in the bill.
  - Require each nonprofit scholarship funding organization (SFO) to verify specified expenditures before the distribution of funds for specified uses; and
  - Investigate any written complaint of a program violation by a parent, a student, a private school, a public school a school district, an SFO, or another appropriate party.
- Authorizes the DOE, at the direction of the Commissioner of Education, to suspend or revoke the program participation or use of program funds:

- Modifies parent and student responsibilities and authorizes a parent to move the student from one eligible private school another. In addition, the parent:
  - Must renew participation in the program each year.
  - Is responsible for making authorized uses of program funds.
  - Must sign an agreement with the SFO and annually submit a sworn compliance statement meeting specified requirements to satisfy or maintain program eligibility.
- Adds that an SFO must verify that scholarship funds are used for authorized purposes, and document each student’s eligibility before granting a scholarship.
- Authorizes payment of the scholarship to a student’s account, rather than by individual warrant made payable to the student’s parent. In addition the bill specifies that:
  - Accrued interest in the student’s account is in addition to the awarded funds; and
  - A student’s scholarship award may not be reduced for specified fees.

The bill also adds language to the tax credit contribution election form to include a public school student who attends a school overseen by a district school board that is subject to ongoing action by the SBE.

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

The bill takes effect on July 1, 2022.

## II. Present Situation:

### Education Choice

Across the United States, an evolving school choice landscape reflects changes in the accessibility and desirability of an array of education options, including traditional and nontraditional public schools, private schools, and homeschooling.<sup>1</sup> All 50 states and the District of Columbia provide parents the ability to send their child to a school outside of their zoned school.<sup>2</sup> Twenty-seven states and the District of Columbia have enacted policies designed to broaden access to a private education.<sup>3</sup> The three primary policies states have adopted that expand private education choices include:<sup>4</sup>

- School vouchers;
- Scholarship tax credits; and
- Education savings accounts.

<sup>1</sup> National Center for Education Statistics, *School Choice in the United States 2019* (2019), available at <https://nces.ed.gov/pubs2019/2019106.pdf> at ix.

<sup>2</sup> National Conference of State Legislatures, *Interactive Guide to School Choice Laws* <https://www.ncsl.org/research/education/interactive-guide-to-school-choice.aspx> (last visited Nov. 18, 2021).

<sup>3</sup> National Conference of State Legislatures, *Private School Choice* <https://www.ncsl.org/research/education/private-school-choice635174504.aspx> (last visited Nov. 18, 2021).

<sup>4</sup> School vouchers are state-funded scholarships that pay for students to attend private school rather than public school. Scholarship tax credits allow individuals and corporations to allocate a portion of their owed state taxes to private nonprofit scholarship organizations that issue public and private school scholarships to K-12 students. Education Savings Accounts are state-funded grants deposited into special savings accounts from which parents can withdraw funds for certain educational expenses. *Id.*

## Education Choice in Florida

Approximately 45 percent of Florida's Pre-Kindergarten through grade 12 students participate in education choice programs in Florida.<sup>5</sup> Students in all programs must meet school attendance requirements through:<sup>6</sup>

- Enrolling in a public school;
- Enrolling in a private school;<sup>7</sup>
- Participating in a home education program directed by his or her parent;<sup>8</sup> or
- Enrolling in a private tutoring program.<sup>9</sup>

To help students take advantage of educational choice options, Florida offers multiple student scholarship programs for students who meet the eligibility requirements:

- The John M. McKay Scholarship for Students with Disabilities Program (McKay program),<sup>10</sup> a school voucher program;
- The Florida Tax Credit Scholarship Program (FTC program),<sup>11</sup> a tax-credit scholarship program;
- The Family Empowerment Scholarship Program (FES program),<sup>12</sup> a school voucher program for students of families with limited financial means and students of military families, and an education savings account (ESA) program for students with disabilities; and
- The Hope Scholarship Program (Hope program), a school voucher program serving students who have reported an incident of battery, harassment, hazing, bullying or other encounter as defined in law.<sup>13</sup>

### *Hope Scholarship Program*

The Hope Scholarship Program (Hope program) was established in 2018<sup>14</sup> as a tax credit scholarship program to provide the parent of a public school student in kindergarten through grade 12 an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school if that student has

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<sup>5</sup> ReimaginedEd, Once Again, Charter Schools Dominate Florida's Education Choice Landscape, Florida's K-12 School Choice Options, <https://www.reimaginedonline.org/2021/01/once-again-charter-schools-dominate-floridas-education-choice-landscape/> (last visited Nov. 18, 2021).

<sup>6</sup> Section 1003.01(13), F.S.

<sup>7</sup> A private school is defined as an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade and is below college level. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. A home education program is not considered a private school. Section 1002.01(2), F.S.

<sup>8</sup> A home education program is defined as the sequentially progressive instruction of a student directed by his or her parent in order to satisfy attendance requirements. Section 1002.01(1), F.S.

<sup>9</sup> Section 1002.43, F.S.

<sup>10</sup> Section 1002.39, F.S., and Rule 6A-6.0970, F.A.C.

<sup>11</sup> Section 1002.395, F.S., and Rule 6A-6.0960, F.A.C.

<sup>12</sup> Section 1002.394, F.S., and Rule 6A-6.0952, F.A.C.

<sup>13</sup> Section 1002.40, F.S., and Rule 6A-6.0951, F.A.C.

<sup>14</sup> Section 16, ch. 2018-6, L.O.F.

been subjected to an incident of battery; harassment;<sup>15</sup> hazing; bullying; kidnapping; physical attack; robbery; sexual offenses; threat or intimidation; or fighting at school.<sup>16</sup>

### Program Prohibitions

A student is not eligible for a Hope program scholarship while he or she is enrolled in a public school or Department of Juvenile Justice program; receiving another state educational scholarship pursuant to Florida law; enrolled in a home education or private tutoring program; or enrolled in the Florida School for the Deaf and the Blind. The student is also limited to participating in no more than two state-funded virtual courses per year.<sup>17</sup>

### Eligibility Term

The term of the scholarship continues until the student returns to public school or graduates from high school.<sup>18</sup>

### School District Obligations and Parental Options

Upon receipt of a report of an incident, the school principal must provide a copy of the report to the parent and investigate the incident. Within 24 hours after receipt of the report, the principal must provide a copy of the report to the parent and to the superintendent. The school district must notify the parent of the scholarship upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first. The school district must also offer the parent an opportunity to enroll his or her student in a different public school or attend an eligible private school through the Hope program.<sup>19</sup> A parent who chooses to enroll his or her student in a public school located outside the district in which the student resides is eligible for a transportation scholarship.<sup>20</sup>

### Private School Obligations

Private schools participating in the scholarship program must comply with the general laws governing private schools, pursuant to s. 1002.421, F.S., and must annually administer or make provision for participating students in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Florida Department of Education (DOE) or take the statewide standardized assessments.<sup>21</sup>

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<sup>15</sup> Harassment includes “COVID-19 harassment” defined as any threatening, discriminatory, insulting, or dehumanizing verbal, written or physical conduct an individual student suffers in relation to, or as a result of, school district protocols for COVID-19, including masking requirements, the separation or isolation of students, or COVID-19 testing requirements, that have the effect of substantially interfering with a student’s educational performance, opportunities or benefits. Eligibility under COVID-19 harassment extends through the 2021-2022 school year. Department of Education, *Emergency Rule 6AER21-02 COVID-19 Hope Scholarship Transfer Procedures* (2021), available at <https://www.fldoe.org/core/fileparse.php/19994/urlt/hope.pdf>. Rule 6A-6.0951, F.A.C.

<sup>16</sup> Section 1002.40(1) and (6), F.S. The student subjected to a specified incident is eligible for a Hope program scholarship whether or not the incident is substantiated. Rule 6A-6.0951, F.A.C.

<sup>17</sup> Section 1002.40(4), F.S.

<sup>18</sup> Section 1002.40(5), F.S.

<sup>19</sup> Section 1002.40(6), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 1002.40(7), F.S.



If a private school fails to meet requirements specified in law, the Commissioner of Education (commissioner) may determine that the private school is ineligible to participate in the program.<sup>22</sup>

#### Florida Department of Education (DOE) Obligations

The DOE is required to:<sup>23</sup>

- Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication;
- Maintain a list of nationally norm-referenced tests to satisfy testing requirements;
- Require quarterly reports by the nonprofit SFOs regarding the number of students and private schools enrolled; and
- Contract with an independent entity to annually evaluate the program.

#### Parent and Student Obligations

Parents must meet participation requirements for the Hope program, which include all of the following:<sup>24</sup>

- Selecting an eligible private school.
- Informing the child's school district when withdrawing a child to attend a private school.
- Remaining in attendance at the private school throughout the school year.
- Ensuring the student takes the required norm-referenced assessment.
- Restrictively endorsing the scholarship warrant to the private school.

A parent who fails to comply with this paragraph forfeits the scholarship.<sup>25</sup>

#### Nonprofit Scholarship-funding Organization (SFO) Obligations

The scholarship is directly administered by state-approved nonprofit SFOs, which have multiple obligations, including:<sup>26</sup>

- Reviewing applications to determine student eligibility.
- Notifying parents of their receipt of a scholarship.
- Establishing deadlines for parents to confirm participation.
- Awarding scholarships and giving priority to renewing students.
- Preparing quarterly reports to the DOE.
- Notifying the DOE of any violation of Hope program requirements.

#### Auditor General Obligations

The Auditor General is required to conduct an annual operational audit of accounts and records of each organization that participates in the program.<sup>27</sup>

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<sup>22</sup> Section 1002.40(7), F.S.

<sup>23</sup> Section 1002.40(8), F.S.

<sup>24</sup> Section 1002.40(9), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> Section 1002.40(10), F.S.

<sup>27</sup> Section 1002.40(12), F.S.

### Scholarship Funding Tax Credit

Funding for the program comes from taxpayers who elect to donate up to \$105 of the sales tax they pay when purchasing a motor vehicle in Florida.<sup>28</sup> Dealers collect the contributions and remit the funds to participating SFOs. Dealers may claim a tax credit<sup>29</sup> only for the funds which are remitted to the SFO.<sup>30</sup> The eligible contribution must be accompanied by a contribution election form.<sup>31</sup> Eligible contributions used to fund the Hope program may be used to fund FTC program scholarships, with conditions. An SFO may carry forward to the next state fiscal year no more than five percent of net eligible contributions to the Hope program.<sup>32</sup>

In the 2020-2021 school year, \$78.2 million in contributions were available to fund scholarships for eligible students.<sup>33</sup>

### Scholarship Funding and Payment

The calculated amount for a student to attend an eligible private school must be calculated in accordance with the FES program.<sup>34</sup> The maximum amount awarded to a student enrolled in a public school located outside of the district in which the student resides is \$750.<sup>35</sup>

During the 2020-2021 school year, Hope program scholarships in the amount of \$2.9 million were awarded to a total of 488 students.<sup>36</sup> As of November 2021, 217 scholarships were awarded to students for the 2021-2022 school year with total scholarship funding of \$380,560.<sup>37</sup>

<sup>28</sup> Department of Revenue, *2021 Legislative Bill Analysis of SB 506* (Nov. 8, 2021).

<sup>29</sup> The purchaser of a motor vehicle is granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization for the Hope Scholarship Program against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle, except that a credit may not exceed the tax that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Section 212.1832(1), F.S.

<sup>30</sup> Department of Revenue, *2021 Legislative Bill Analysis of SB 506* (Nov. 8, 2021).

<sup>31</sup> Section 1002.40(13), F.S. The contribution election form that must include the following: “THE HOPE SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT.”

<sup>32</sup> Section 1002.40(11)(i), F.S.

<sup>33</sup> PreK-12 Appropriations Subcommittee, *Overview of School/Education Choice for K-12 Students*, Presentation to the PreK-12 Appropriations Subcommittee, The Florida House of Representatives (Nov. 3, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3094&Session=2022&DocumentType=Meeting%20Packets&FileName=pka%2011-3-21%20REVISED.pdf> at 19-20.

<sup>34</sup> Section 1002.40(11), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> PreK-12 Appropriations Subcommittee, *Overview of School/Education Choice for K-12 Students*, Presentation to the PreK-12 Appropriations Subcommittee, The Florida House of Representatives (Nov. 3, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3094&Session=2022&DocumentType=Meeting%20Packets&FileName=pka%2011-3-21%20REVISED.pdf> at 19-20.

<sup>37</sup> PreK-12 Appropriations Subcommittee, *Update and Discussion on Fiscal Year 2021-2022 School Choice Enrollments and Funding*, Presentation to the PreK-12 Appropriations Subcommittee, The Florida House of Representatives (Nov. 3, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3094&Session=2022&DocumentType=Meeting%20Packets&FileName=pka%2011-3-21%20REVISED.pdf> at 10.

## State Board of Education Oversight of District School Boards

The State Board of Education (SBE) oversees the performance of district school boards in enforcement of all laws and rules.<sup>38</sup> In order to ensure compliance with law or state board rule, the SBOE is authorized to request and receive information, data, and reports from school districts.<sup>39</sup> In addition the commissioner:<sup>40</sup>

- May investigate allegations of noncompliance with law or state board rule and determine probable cause.
- Must report determinations of probable cause to the SBE which must require the district school board to document compliance with law or state board rule.
- Must report to the SBE any findings by the Auditor General that a district school board is acting without statutory authority or contrary to general law.

If the district school board cannot satisfactorily document compliance, the SBE may order compliance within a specified timeframe. If the SBE determines that a district school board is unwilling or unable to comply with law or state board rule within the specified timeframe, the SBE is authorized to initiate any of the following actions:

- Report to the Legislature that the school district is unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.
- Withhold the transfer of specified funds until the school district complies with law or state board rule.
- Declare the school district ineligible for competitive grants.
- Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

As of October, 2021 the SBE authorized the commissioner to financially sanction district school boards in the amounts of the salaries of elected school board members in eight school districts due to school districts' violations of law during the 2021-2022 school year.<sup>41</sup>

### III. Effect of Proposed Changes:

SB 506 modifies s. 1002.40, F.S. to expand the purpose of the Hope Scholarship Program (Hope program) to include a student who attends a school overseen by a district school board that is subject to ongoing action initiated by the State Board of Education (SBE) for non-compliance with state law or state board rule. Such program expansion may increase participation in the program. The bill also specifies that program eligibility is not dependent on the outcome of an investigation into a reported incident.

The bill provides flexibility for parents to use program funds in a variety of ways through an education savings account (ESA) and makes a number of other modifications to the Hope program.

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<sup>38</sup> Section 1008.32, F.S.

<sup>39</sup> Section 1008.32(1), F.S.

<sup>40</sup> Section 1008.32, F.S.

<sup>41</sup> Florida Department of Education, *State Board of Education Sanctions School Districts for Failure to Follow the Law*, <https://www.fldoe.org/newsroom/latest-news/state-board-of-education-sanctions-school-districts-for-failure-to-follow-the-law.stml> (last visited Nov. 17, 2021).

### **Authorized Uses of Program Funds**

For an eligible student who opts to attend a private school, the bill authorizes ESA funds to be used for the following:

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- Curriculum;<sup>42</sup>
- Tuition and fees at an eligible private school;
- Fees for nationally standardized, norm-referenced achievement tests and other assessments; and
- Contributions to the Stanley G. Tate Florida Prepaid College Program or Florida College Savings program.<sup>43</sup>

### **Eligibility Term**

The bill modifies requirements to the term of the Hope program scholarship. The scholarship remains in force until:

- The parent does not renew program eligibility;
- The nonprofit scholarship funding organization (SFO) determines that the student is not eligible for program renewal;
- The Commissioner of Education (commissioner) suspends or revokes program participation or use of funds; or
- The student's parent has forfeited participation for failure to comply with specified requirements.

The bill authorizes that program expenditures may continue until the account balance is expended or the account is closed and requires that any remaining funds revert to the SFO after:

- Denial or revocation of program eligibility by the commissioner for fraud or abuse; or
- Two consecutive fiscal years during which an account has been inactive.

### **School District Obligations and Parental Options**

The bill modifies school district obligations and parental options, which include:

- Requiring the school district to provide parents notice of the scholarship regardless of the outcome of any investigation.
- Authorizing the parent of an eligible student to apply directly to an SFO for a scholarship after the submission of a report, and requiring the parent to include a copy of the submitted report with the application.
- Requiring each school district to publish specified information about the Hope program on the district's website homepage.

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<sup>42</sup> Curriculum is defined in the bill as a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

<sup>43</sup> See Sections 1009.98 and 1009.981, F.S.

### **Department of Education Obligations**

The bill adds the program award amount per student and the total expenditures for authorized uses of funds to the quarterly reports the Florida Department of Education (DOE) must require of the SFOs. In addition, the bill adds that the DOE must;

- Publish and update specified information about the Hope program on the DOE website;
- Deny or terminate program participation upon a parent's failure to meet specified compliance requirements;
- Notify the parent and the SFO when a scholarship account is closed and program funds revert to the SFO;
- Require each SFO to verify specified eligible expenditures before the distribution of funds for instructional materials and curriculum; and
- Investigate any written complaint of a program violation by a parent, a student, a private school, a public school, a school district, an SFO, or another appropriate party.

At the direction of the commissioner, the bill authorizes the DOE to:

- Suspend or revoke program participation or use of program funds by the student or participation or eligibility of an SFO, eligible private school, or other party for a program violation.
- Determine the length of, and conditions for, lifting a suspension or revocation.
- Recover unexpended program funds to recover funds that were not authorized for use.

In determining whether to suspend or revoke participation or to lift a suspension or revocation, the bill authorizes the DOE to consider factors including:

- Acts or omissions that led to a previous suspension or revocation of participation in a state or federal program or an education scholarship program;
- Failure to reimburse the organization for funds improperly received or retained;
- Failure to reimburse government funds improperly received or retained;
- Imposition of a prior criminal sanction related to the person or entity or its officers or employees;
- Imposition of a civil fine or an administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to a person's or an entity's management or operation; or
- Other types of criminal proceedings in which the person or entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

### **Parent and Student Responsibilities**

The bill modifies parent and student responsibilities and authorizes that a parent, upon reasonable notice to the SFO, may move the student from one eligible private school to another. In addition, the parent:

- Must renew participation in the program each year.
- Is responsible for making authorized uses of program funds and for all authorized uses of program funds in excess of the amount of the scholarship.
- Must sign an agreement with the SFO and annually submit a sworn compliance statement, with specified provisions, to satisfy or maintain program eligibility.

A student whose participation in the program is not renewed may continue to spend scholarship funds in his or her account from prior years unless the account must be closed. If a parent does not make authorized uses of program funds for the student, and the student's account has been inactive for two consecutive years, the student is ineligible for additional scholarship payments until the SFO verifies that expenditures from the account have occurred.

The bill specifies that a participant who fails to meet the parent and student responsibilities forfeits the scholarship.

### **Nonprofit Scholarship Funding Organization Obligations**

The bill requires that an SFO establish and maintain separate accounts for each eligible student; verify that scholarship funds are used for authorized purposes; and document each scholarship student's eligibility for a fiscal year before granting a scholarship for that year.

### **Funding and Payment**

The bill removes the requirement for scholarship payment to be made by individual warrant made payable to the student's parent and adds that the payment may be deposited into the student's account established by the SFO. In addition the bill adds that:

- Accrued interest in the student's account is in addition to, and not part of, the awarded funds and program funds include both the awarded funds and accrued interest; and
- A student's scholarship award may not be reduced for debit card or electronic payment fees.

### **Scholarship Funding Tax Credits**

The bill adds language to the tax credit contribution election form to include a public school student who attends a school overseen by a district school board that is subject to ongoing action by the SBE.

The bill takes effect on July 1, 2022.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Revenue may incur operational costs associated with updating the contribution election form. Because the additional number of students who will qualify for the Hope Scholarship Program cannot be determined, the fiscal impact of the bill is indeterminate. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.<sup>44</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 213.053, 1002.394, 1002.395, and 1002.40.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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<sup>44</sup> Department of Revenue, *2021 Legislative Bill Analysis of SB 506* (Nov. 8, 2021).

By Senator Diaz

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1 A bill to be entitled  
 2 An act relating to the Hope Scholarship Program;  
 3 amending s. 1002.40, F.S.; revising the purpose of the  
 4 Hope Scholarship Program; defining terms and revising  
 5 definitions; deleting obsolete language; revising  
 6 program eligibility; providing for the use of funds  
 7 under the program; revising the term of a program  
 8 scholarship; revising school district, Department of  
 9 Education, parent, and nonprofit scholarship-funding  
 10 organization obligations under the program;  
 11 authorizing payment of scholarship funds by  
 12 organizations to be made by deposit into the student's  
 13 account instead of by individual warrant made payable  
 14 to the student's parent; providing that accrued  
 15 interest in the student's account is in addition to,  
 16 and not part of, awarded funds; providing that program  
 17 funds include both the awarded funds and accrued  
 18 interest; prohibiting a student's scholarship award  
 19 from being reduced for debit card or electronic  
 20 payment fees; conforming provisions to changes made by  
 21 the act; amending ss. 213.053, 1002.394, and 1002.395,  
 22 F.S.; conforming cross-references; providing an  
 23 effective date.

24  
 25 Be It Enacted by the Legislature of the State of Florida:

26  
 27 Section 1. Section 1002.40, Florida Statutes, is amended to  
 28 read:  
 29 1002.40 The Hope Scholarship Program.—

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30 (1) PURPOSE.—The Hope Scholarship Program is established to  
 31 provide the parent of a public school student who was subjected  
 32 to an incident listed in subsection (3) or who attends a school  
 33 overseen by a district school board that is subject to ongoing  
 34 action initiated by the State Board of Education pursuant to s.  
 35 1008.32(4)(b), (c), or (d) an opportunity to transfer the  
 36 student to another public school or to request a scholarship for  
 37 the student to enroll in and attend an eligible private school.  
 38 (2) DEFINITIONS.—As used in this section, the term:  
 39 (a) "Curriculum" means a complete course of study for a  
 40 particular content area or grade level, including any required  
 41 supplemental materials and associated online instruction.  
 42 (b) "Dealer" has the same meaning as provided in s. 212.06.  
 43 (c) ~~(b)~~ "Department" means the Department of Education.  
 44 (d) ~~(e)~~ "Designated agent" has the same meaning as provided  
 45 in s. 212.06(10).  
 46 (e) ~~(d)~~ "Eligible contribution" or "contribution" means a  
 47 monetary contribution from a person purchasing a motor vehicle,  
 48 subject to the restrictions provided in this section, to an  
 49 eligible nonprofit scholarship-funding organization. The person  
 50 making the contribution may not designate a specific student as  
 51 the beneficiary of the contribution.  
 52 (f) ~~(e)~~ "Eligible nonprofit scholarship-funding  
 53 organization" or "organization" has the same meaning as provided  
 54 in s. 1002.395(2)(f).  
 55 (g) ~~(f)~~ "Eligible private school" has the same meaning as  
 56 provided in s. 1002.395(2)(g).  
 57 (h) "Inactive" means that no eligible expenditures have  
 58 been made from an account funded pursuant to subsection (12).

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59 ~~(i)(g)~~ "Motor vehicle" has the same meaning as provided in  
60 s. 320.01(1)(a), but does not include a heavy truck, truck  
61 tractor, trailer, or motorcycle.

62 ~~(j)(h)~~ "Parent" means a resident of this state who is a  
63 parent, as defined in s. 1000.21, and whose student reported an  
64 incident in accordance with subsection ~~(7)~~ ~~(6)~~ or whose student  
65 attends a school overseen by a district school board that is  
66 subject to ongoing action initiated by the State Board of  
67 Education pursuant to s. 1008.32(4)(b), (c), or (d).

68 ~~(k)(i)~~ "Program" means the Hope Scholarship Program.

69 ~~(l)(j)~~ "School" means any educational program or activity  
70 conducted by a public K-12 educational institution, any school-  
71 related or school-sponsored program or activity, and riding on a  
72 school bus, as defined in s. 1006.25(1), including waiting at a  
73 school bus stop.

74 ~~(k) "Unweighted FTE funding amount" means the statewide~~  
75 ~~average total funds per unweighted full-time equivalent funding~~  
76 ~~amount that is incorporated by reference in the General~~  
77 ~~Appropriations Act, or by a subsequent special appropriations~~  
78 ~~act, for the applicable state fiscal year.~~

79 (3) PROGRAM ELIGIBILITY. ~~Beginning with the 2018-2019~~  
80 ~~school year,~~ Contingent upon available funds, and on a first-  
81 come, first-served basis, a student enrolled in a Florida public  
82 school in kindergarten through grade 12 is eligible for a  
83 scholarship under this program if:

84 ~~(a) The student or student's parent reported an incident in~~  
85 ~~accordance with subsection (6), regardless of the outcome of any~~  
86 investigation. For purposes of this section, the term "incident"  
87 means battery; harassment; hazing; bullying; kidnapping;

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88 physical attack; robbery; sexual offenses, harassment, assault,  
89 or battery; threat or intimidation; or fighting at school, as  
90 defined by the department in accordance with s. 1006.09(6); or

91 (b) The student attends a school overseen by a district  
92 school board that is subject to ongoing action initiated by the  
93 State Board of Education pursuant to s. 1008.32(4)(b), (c), or  
94 (d).

95 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

96 (a) Program funds awarded to a student who meets the  
97 eligibility requirements in subsection (3) and who opts to  
98 enroll in and attend an eligible private school may be used for:

99 1. Instructional materials, including digital devices,  
100 digital periphery devices, and assistive technology devices that  
101 allow a student to access instruction or instructional content  
102 and training on the use of and maintenance agreements for these  
103 devices.

104 2. Curriculum as defined in subsection (2).

105 3. Tuition and fees at an eligible private school.

106 4. Fees for nationally standardized, norm-referenced  
107 achievement tests, Advanced Placement Examinations, industry  
108 certification examinations, assessments related to postsecondary  
109 education, or other assessments.

110 5. Contributions to the Stanley G. Tate Florida Prepaid  
111 College Program pursuant to s. 1009.98 or the Florida College  
112 Savings Program pursuant to s. 1009.981 for the benefit of the  
113 eligible student.

114 (b) Program funds awarded to a student who meets the  
115 eligibility requirements in subsection (3) and who opts to  
116 transfer to a public school located outside the district in

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117 which the student resides pursuant to s. 1002.31 may be used to  
118 transport the student.

119 (5) PROGRAM PROHIBITIONS.—Payment of a scholarship to a  
120 student enrolled in a private school may not be made if a  
121 student is:

122 (a) Enrolled in a public school, including, but not limited  
123 to, the Florida School for the Deaf and the Blind; the College-  
124 Preparatory Boarding Academy; a developmental research school  
125 authorized under s. 1002.32; or a charter school authorized  
126 under s. 1002.33, s. 1002.331, or s. 1002.332;

127 (b) Enrolled in a school operating for the purpose of  
128 providing educational services to youth in the Department of  
129 Juvenile Justice commitment programs;

130 (c) Participating in a virtual school, correspondence  
131 school, or distance learning program that receives state funding  
132 pursuant to the student's participation unless the participation  
133 is limited to no more than two courses per school year; or

134 (d) Receiving any other educational scholarship pursuant to  
135 this chapter.

136 (6)-(5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity  
137 of educational choice;r

138 (a) A Hope scholarship shall remain in force until:

139 1. The student returns to public school or graduates from  
140 high school, whichever occurs first. A scholarship student who  
141 enrolls in a public school or public school program is  
142 considered to have returned to a public school for the purpose  
143 of determining the end of the scholarship's term;

144 2. The parent does not renew program eligibility;

145 3. The organization determines that the student is not

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146 eligible for program renewal;

147 4. The Commissioner of Education suspends or revokes  
148 program participation or use of funds; or

149 5. The student's parent has forfeited participation in the  
150 program for failure to comply with subsection (10).

151 (b) Reimbursements for program expenditures may continue  
152 until the account balance is expended or the account is closed.

153 (c) A student's scholarship account must be closed and any  
154 remaining funds, including, but not limited to, contributions  
155 made to the Stanley G. Tate Florida Prepaid College Program or  
156 earnings from or contributions made to the Florida College  
157 Savings Program using program funds pursuant to subparagraph  
158 (4) (a) 5., shall revert to the organization after:

159 1. Denial or revocation of program eligibility by the  
160 commissioner for fraud or abuse, including, but not limited to,  
161 the student or student's parent accepting any payment, refund,  
162 or rebate, in any manner, from a provider of any goods or  
163 services received pursuant to subsection (4); or

164 2. Two consecutive fiscal years during which an account has  
165 been inactive.

166 (7)-(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

167 (a) Upon receipt of a report of an incident, the school  
168 principal, or his or her designee, shall provide a copy of the  
169 report to the parent and investigate the incident to determine  
170 if the incident must be reported as required by s. 1006.09(6).  
171 Within 24 hours after receipt of the report, the principal or  
172 his or her designee shall provide a copy of the report to the  
173 parent of the alleged offender and to the superintendent. Upon  
174 conclusion of the investigation or within 15 days after the

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175 incident was reported, whichever occurs first, the school  
 176 district shall notify the parent of the program and offer the  
 177 parent an opportunity to enroll his or her student in another  
 178 public school that has capacity or to request and receive a  
 179 scholarship to attend an eligible private school, subject to  
 180 available funding. The school district shall provide such notice  
 181 and offer regardless of the outcome of any investigation.

182 (b) A parent of a student who is eligible pursuant to  
 183 paragraph (3) (a) may, at any time after the submission of the  
 184 report, apply directly to an organization participating in the  
 185 scholarship program for a scholarship. The parent must include a  
 186 copy of the submitted report with the application.

187 (c) A parent who chooses to enroll his or her student in a  
 188 public school located outside the district in which the student  
 189 resides pursuant to s. 1002.31 shall be eligible for a  
 190 scholarship to transport the student as provided in paragraph  
 191 (12) (b) ~~(11) (b)~~.

192 (d) ~~(b)~~ For each student participating in the program in a  
 193 eligible private school who chooses to participate in the  
 194 statewide assessments under s. 1008.22 or the Florida Alternate  
 195 Assessment, the school district in which the student resides  
 196 must notify the student and his or her parent about the  
 197 locations and times to take all statewide assessments.

198 (e) Each school district shall publish information about  
 199 the program on the district's website homepage. At a minimum,  
 200 the published information must include a website link to the  
 201 program published on the Department of Education website as well  
 202 as a telephone number and an e-mail address that students and  
 203 parents may use to contact relevant personnel in the school

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204 district to obtain information about the scholarship program.

205 (8) ~~(7)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
 206 eligible private school may be sectarian or nonsectarian and  
 207 shall:

208 (a) Comply with all requirements for private schools  
 209 participating in state school choice scholarship programs  
 210 pursuant to this section and s. 1002.421.

211 (b)1. Annually administer or make provision for students  
 212 participating in the program in grades 3 through 10 to take one  
 213 of the nationally norm-referenced tests identified by the  
 214 department or the statewide assessments pursuant to s. 1008.22.  
 215 Students with disabilities for whom standardized testing is not  
 216 appropriate are exempt from this requirement. A participating  
 217 private school shall report a student's scores to his or her  
 218 parent.

219 2. Administer the statewide assessments pursuant to s.  
 220 1008.22 if a private school chooses to offer the statewide  
 221 assessments. A participating private school may choose to offer  
 222 and administer the statewide assessments to all students who  
 223 attend the private school in grades 3 through 10 and must submit  
 224 a request in writing to the department by March 1 of each year  
 225 in order to administer the statewide assessments in the  
 226 subsequent school year.

227  
 228 If a private school fails to meet the requirements of this  
 229 subsection or s. 1002.421, the commissioner may determine that  
 230 the private school is ineligible to participate in the program.

231 (9) ~~(8)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—

232 (a) The department shall:

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233 ~~1.(a)~~ Cross-check the list of participating scholarship  
 234 students with the public school enrollment lists to avoid  
 235 duplication.

236 ~~2.(b)~~ Maintain a list of nationally norm-referenced tests  
 237 identified for purposes of satisfying the testing requirement in  
 238 paragraph (10) (g) ~~(9) (f)~~. The tests must meet industry standards  
 239 of quality in accordance with State Board of Education rule.

240 ~~3.(e)~~ Require quarterly reports by an eligible nonprofit  
 241 scholarship-funding organization regarding the number of  
 242 students participating in the program, the private schools in  
 243 which the students are enrolled, the program award amount per  
 244 student, the total expenditures for the purposes specified in  
 245 subsection (4), and other information deemed necessary by the  
 246 department.

247 ~~4.(d)~~ Contract with an independent entity to provide an  
 248 annual evaluation of the program by:

249 ~~a.1-~~ Reviewing the school bullying prevention education  
 250 program, climate, and code of student conduct of each public  
 251 school from which 10 or more students transferred to another  
 252 public school or private school using the Hope scholarship to  
 253 determine areas in the school or school district procedures  
 254 involving reporting, investigating, and communicating a parent's  
 255 and student's rights that are in need of improvement. At a  
 256 minimum, the review must include:

257 ~~(I)a-~~ An assessment of the investigation time and quality  
 258 of the response of the school and the school district.

259 ~~(II)b-~~ An assessment of the effectiveness of communication  
 260 procedures with the students involved in an incident, the  
 261 students' parents, and the school and school district personnel.

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262 ~~(III)e-~~ An analysis of school incident and discipline data.

263 ~~(IV)d-~~ The challenges and obstacles relating to  
 264 implementing recommendations from the review.

265 ~~b.2-~~ Reviewing the school bullying prevention education  
 266 program, climate, and code of student conduct of each public  
 267 school to which a student transferred if the student was from a  
 268 school identified in subparagraph 1. in order to identify best  
 269 practices and make recommendations to a public school at which  
 270 the incidents occurred.

271 ~~c.3-~~ Reviewing the performance of participating students  
 272 enrolled in a private school in which at least 51 percent of the  
 273 total enrolled students in the prior school year participated in  
 274 the program and in which there are at least 10 participating  
 275 students who have scores for tests administered.

276 ~~d.4-~~ Surveying the parents of participating students to  
 277 determine academic, safety, and school climate satisfaction and  
 278 to identify any challenges to or obstacles in addressing the  
 279 incident or relating to the use of the scholarship.

280 5. Publish and update, as necessary, information on the  
 281 department website about the program, including, but not limited  
 282 to, student eligibility criteria, parental responsibilities, and  
 283 relevant data.

284 6. Deny or terminate program participation upon a parent's  
 285 failure to comply with subsection (10).

286 7. Notify the parent and the organization when a  
 287 scholarship account is closed and program funds revert to the  
 288 organization.

289 8. Require each organization to verify eligible  
 290 expenditures before the distribution of funds for any

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291 expenditures made pursuant to subparagraphs (4) (a)1. and 2.  
 292 Review of expenditures made for services specified in  
 293 subparagraphs (4) (a)3., 4., and 5. may be completed after the  
 294 purchase is made.  
 295 9. Investigate any written complaint of a violation of this  
 296 section by a parent, a student, a private school, a public  
 297 school, a school district, an organization, or another  
 298 appropriate party in accordance with the process established  
 299 under s. 1002.421.  
 300 (b) At the direction of the commissioner, the department  
 301 may:  
 302 1. Suspend or revoke the program participation or use of  
 303 program funds by the student or the participation or eligibility  
 304 of an organization, eligible private school, or other party for  
 305 a violation of this section.  
 306 2. Determine the length of, and conditions for lifting, a  
 307 suspension or revocation specified in this paragraph.  
 308 3. Recover unexpended program funds to recover program  
 309 funds that were not authorized for use. Funds recovered in this  
 310 manner must be returned to the organization.  
 311  
 312 In determining whether to suspend or revoke participation or to  
 313 lift a suspension or revocation in accordance with this  
 314 paragraph, the department may consider factors that include, but  
 315 are not limited to, acts or omissions that led to a previous  
 316 suspension or revocation of participation in a state or federal  
 317 program or an education scholarship program; failure to  
 318 reimburse the organization for funds improperly received or  
 319 retained; failure to reimburse government funds improperly

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320 received or retained; imposition of a prior criminal sanction  
 321 related to the person or entity or its officers or employees;  
 322 imposition of a civil fine or an administrative fine, license  
 323 revocation or suspension, or program eligibility suspension,  
 324 termination, or revocation related to a person's or an entity's  
 325 management or operation; or other types of criminal proceedings  
 326 in which the person or entity or its officers or employees were  
 327 found guilty of, regardless of adjudication, or entered a plea  
 328 of nolo contendere or guilty to, any offense involving fraud,  
 329 deceit, dishonesty, or moral turpitude.  
 330 (10) (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 331 PARTICIPATION.—A parent who applies for a Hope scholarship is  
 332 exercising his or her parental option to place his or her  
 333 student in an eligible private school or another public school.  
 334 (a) The parent must select an eligible private school or  
 335 another public school and apply for the admission of his or her  
 336 student.  
 337 (b) The parent must inform the student's school district  
 338 when the parent withdraws his or her student to attend an  
 339 eligible private school or a public school in a different school  
 340 district.  
 341 (c) Any student participating in the program must remain in  
 342 attendance throughout the school year unless excused by the  
 343 school for illness or other good cause.  
 344 (d) Each parent and each student has an obligation to the  
 345 private school to comply with such school's published policies.  
 346 (e) Upon reasonable notice to the department and the school  
 347 district, the parent may remove the student from the private  
 348 school and place the student in a public school in accordance

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349 with this section.

350 (f) Upon reasonable notice to the organization, the  
 351 student's parent may move the student from one eligible private  
 352 school to another eligible private school.

353 (g) The parent must ensure that the student participating  
 354 in the program takes the norm-referenced assessment offered by  
 355 the private school. The parent may also choose to have the  
 356 student participate in the statewide assessments pursuant to s.  
 357 1008.22. If the parent requests that the student take the  
 358 statewide assessments pursuant to s. 1008.22 and the private  
 359 school has not chosen to offer and administer the statewide  
 360 assessments, the parent is responsible for transporting the  
 361 student to the assessment site designated by the school  
 362 district.

363 (h)(g) Upon receipt of a scholarship warrant, the parent to  
 364 whom the warrant is made must restrictively endorse the warrant  
 365 to the private school for deposit into the account of such  
 366 school. If payment is made by funds transfer in accordance with  
 367 paragraph (12) (d) ~~(11) (d)~~, the parent must approve each payment  
 368 before the scholarship funds may be deposited. The parent may  
 369 not designate any entity or individual associated with the  
 370 participating private school as the parent's attorney in fact to  
 371 endorse a scholarship warrant or approve a funds transfer. A  
 372 parent who fails to comply with this paragraph forfeits the  
 373 scholarship.

374 (i) The parent must renew participation in the program each  
 375 year. A student whose participation in the program is not  
 376 renewed may continue to spend scholarship funds in his or her  
 377 account from prior years unless the account must be closed

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378 pursuant to paragraph (6) (c).

379 (j) The parent is responsible for making authorized uses of  
 380 program funds and for all authorized uses of program funds in  
 381 excess of the amount of the scholarship. If a parent does not  
 382 make authorized uses of program funds for the student, and the  
 383 student's account has been inactive for 2 consecutive fiscal  
 384 years, the student is ineligible for additional scholarship  
 385 payments until the organization verifies that expenditures from  
 386 the account have occurred.

387 (k) The parent must sign an agreement with the organization  
 388 and annually submit a sworn compliance statement to the  
 389 organization to satisfy or maintain program eligibility,  
 390 including eligibility to receive and spend program payments, by  
 391 affirming that:

392 1. The student is enrolled in and in good standing with an  
 393 eligible private school or a public school.

394 2. The student remains in attendance throughout the school  
 395 year unless excused by the school for illness or other good  
 396 cause.

397 3. Program funds are used only for authorized uses as  
 398 described in subsection (4); that any prepaid college plan or  
 399 college savings plan funds contributed will not be transferred  
 400 to another beneficiary while the plan contains funds contributed  
 401 pursuant to this section; and that the parent will not receive a  
 402 payment, refund, or rebate of any funds provided under this  
 403 section.

404 (l) A participant who fails to comply with this subsection  
 405 forfeits the scholarship.

406 (11)(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-

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407 FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
408 organization may establish scholarships for eligible students  
409 by:

410 (a) Receiving applications and determining student  
411 eligibility in accordance with the requirements of this section.

412 (b) Notifying parents of their receipt of a scholarship on  
413 a first-come, first-served basis, based upon available funds.

414 (c) Establishing a date by which the parent of a  
415 participating student must confirm continuing participation in  
416 the program.

417 (d) Awarding scholarship funds to eligible students, giving  
418 priority to renewing students from the previous year.

419 (e) Preparing and submitting quarterly reports to the  
420 department pursuant to paragraph (9) (a) 3 ~~(e)~~. In addition, an  
421 eligible nonprofit scholarship-funding organization must submit  
422 in a timely manner any information requested by the department  
423 relating to the program.

424 (f) Establishing and maintaining separate accounts for each  
425 eligible student. For each account, the organization shall  
426 maintain a record of accrued interest that is retained in the  
427 student's account and available only for authorized uses of  
428 program funds.

429 (g) Verifying that scholarship funds are used for the  
430 authorized purposes described in subsection (4).

431 (h) Documenting each scholarship student's eligibility for  
432 a fiscal year before granting a scholarship for that fiscal  
433 year. A student is ineligible for a scholarship if the student's  
434 account has been inactive for 2 consecutive fiscal years.

435 (i) Notifying the department of any violation of this

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436 section.

437 (12) ~~(11)~~ FUNDING AND PAYMENT.—

438 (a) ~~For students initially eligible in the 2019-2020 school~~  
439 ~~year or thereafter,~~ The calculated amount for a student to  
440 attend an eligible private school shall be calculated in  
441 accordance with s. 1002.394(12) (a).

442 (b) The maximum amount awarded to a student enrolled in a  
443 public school located outside of the district in which the  
444 student resides shall be \$750.

445 (c) When a student enters the program, the eligible  
446 nonprofit scholarship-funding organization must receive all  
447 documentation required for the student's participation,  
448 including, if applicable, a copy of the report of the incident  
449 received pursuant to subsection (7) ~~(6)~~ and the private school's  
450 and student's fee schedules. The initial payment shall be made  
451 after verification of admission acceptance, and subsequent  
452 payments shall be made upon verification of continued enrollment  
453 and attendance at the private school.

454 (d) Payment of the scholarship by the eligible nonprofit  
455 scholarship-funding organization may be deposited into the  
456 student's account established by the organization ~~by individual~~  
457 ~~warrant made payable to the student's parent~~ or by funds  
458 transfer, including, but not limited to, debit cards, electronic  
459 payment cards, or any other means of payment that the department  
460 deems to be commercially viable or cost-effective. Accrued  
461 interest in the student's account is in addition to, and not  
462 part of, the awarded funds. Program funds include both the  
463 awarded funds and accrued interest ~~If payment is made by~~  
464 ~~warrant, the warrant must be delivered by the eligible nonprofit~~

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465 ~~scholarship funding organization to the private school of the~~  
 466 ~~parent's choice, and the parent shall restrictively endorse the~~  
 467 ~~warrant to the private school.~~ If payments are made by funds  
 468 transfer, the parent must approve each payment before the  
 469 scholarship funds may be deposited. The parent may not designate  
 470 any entity or individual associated with the participating  
 471 private school as the parent's attorney in fact to ~~endorse a~~  
 472 ~~scholarship warrant or~~ approve a funds transfer. A student's  
 473 scholarship award may not be reduced for debit card or  
 474 electronic payment fees.

475 (e) An eligible nonprofit scholarship-funding organization  
 476 shall obtain verification from the private school of a student's  
 477 continued attendance at the school for each period covered by a  
 478 scholarship payment.

479 (f) Payment of the scholarship shall be made by the  
 480 eligible nonprofit scholarship-funding organization no less  
 481 frequently than on a quarterly basis.

482 (g) An eligible nonprofit scholarship-funding organization,  
 483 subject to the limitations of s. 1002.395(6)(j)1., may use  
 484 eligible contributions received during the state fiscal year in  
 485 which such contributions are collected for administrative  
 486 expenses.

487 (h) Moneys received pursuant to this section do not  
 488 constitute taxable income to the qualified student or his or her  
 489 parent.

490 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5  
 491 percent of net eligible contributions may be carried forward to  
 492 the following state fiscal year by an eligible scholarship-  
 493 funding organization. For audit purposes, all amounts carried

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494 forward must be specifically identified for individual students  
 495 by student name and by the name of the school to which the  
 496 student is admitted, subject to the requirements of ss. 1002.21  
 497 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and  
 498 regulations issued pursuant to such requirements. Any amounts  
 499 carried forward shall be expended for annual scholarships or  
 500 partial-year scholarships in the following state fiscal year.  
 501 Net eligible contributions remaining on June 30 of each year  
 502 which are in excess of the 5 percent that may be carried forward  
 503 shall be transferred to other eligible nonprofit scholarship-  
 504 funding organizations participating in the Hope Scholarship  
 505 Program to provide scholarships for eligible students. All  
 506 transferred funds must be deposited by each eligible nonprofit  
 507 scholarship-funding organization receiving such funds into the  
 508 scholarship account of eligible students. All transferred  
 509 amounts received by an eligible nonprofit scholarship-funding  
 510 organization must be separately disclosed in the annual  
 511 financial audit requirement under s. 1002.395(6)(m). If no other  
 512 eligible nonprofit scholarship-funding organization participates  
 513 in the Hope Scholarship Program, net eligible contributions in  
 514 excess of the 5 percent may be used to fund scholarships for  
 515 students eligible under s. 1002.395 only after fully exhausting  
 516 all contributions made in support of scholarships under that  
 517 section in accordance with the priority established in s.  
 518 1002.395(6)(e) before ~~prior to~~ awarding any initial  
 519 scholarships.

520 (13) ~~(12)~~ OBLIGATIONS OF THE AUDITOR GENERAL.—

521 (a) The Auditor General shall conduct an annual operational  
 522 audit of accounts and records of each organization that

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 523 participates in the program. As part of this audit, the Auditor  
 524 General shall verify, at a minimum, the total number of students  
 525 served and transmit that information to the department. The  
 526 Auditor General shall provide the commissioner with a copy of  
 527 each annual operational audit performed pursuant to this  
 528 paragraph within 10 days after the audit is finalized.

529 (b) The Auditor General shall notify the department of any  
 530 organization that fails to comply with a request for  
 531 information.

532 (14)~~(13)~~ SCHOLARSHIP FUNDING TAX CREDITS.—

533 (a) A tax credit is available under s. 212.1832(1) for use  
 534 by a person that makes an eligible contribution. Eligible  
 535 contributions shall be used to fund scholarships under this  
 536 section and may be used to fund scholarships under s. 1002.395.  
 537 Each eligible contribution is limited to a single payment of  
 538 \$105 per motor vehicle purchased at the time of purchase of a  
 539 motor vehicle or a single payment of \$105 per motor vehicle  
 540 purchased at the time of registration of a motor vehicle that  
 541 was not purchased from a dealer, except that a contribution may  
 542 not exceed the state tax imposed under chapter 212 that would  
 543 otherwise be collected from the purchaser by a dealer,  
 544 designated agent, or private tag agent. Payments of  
 545 contributions shall be made to a dealer at the time of purchase  
 546 of a motor vehicle or to a designated agent or private tag agent  
 547 at the time of registration of a motor vehicle that was not  
 548 purchased from a dealer. An eligible contribution shall be  
 549 accompanied by a contribution election form provided by the  
 550 Department of Revenue. The form shall include, at a minimum, the  
 551 following brief description of the Hope Scholarship Program and

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 552 the Florida Tax Credit Scholarship Program: "THE HOPE  
 553 SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS  
 554 SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL OR  
 555 WHO ATTENDS A SCHOOL OVERSEEN BY A DISTRICT SCHOOL BOARD THAT IS  
 556 SUBJECT TO ONGOING ACTION BY THE STATE BOARD OF EDUCATION THE  
 557 OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE  
 558 PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL  
 559 ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES  
 560 A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP  
 561 TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also  
 562 include, at a minimum, a section allowing the consumer to  
 563 designate, from all participating scholarship funding  
 564 organizations, which organization will receive his or her  
 565 donation. For purposes of this subsection, the term "purchase"  
 566 does not include the lease or rental of a motor vehicle.

567 (b) A dealer, designated agent, or private tag agent shall:

568 1. Provide the purchaser the contribution election form, as  
 569 provided by the Department of Revenue, at the time of purchase  
 570 of a motor vehicle or at the time of registration of a motor  
 571 vehicle that was not purchased from a dealer.

572 2. Collect eligible contributions.

573 3. Using a form provided by the Department of Revenue,  
 574 which shall include the dealer's or agent's federal employer  
 575 identification number, remit to an organization no later than  
 576 the date the return filed pursuant to s. 212.11 is due the total  
 577 amount of contributions made to that organization and collected  
 578 during the preceding reporting period. Using the same form, the  
 579 dealer or agent shall also report this information to the  
 580 Department of Revenue no later than the date the return filed

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581 pursuant to s. 212.11 is due.

582 4. Report to the Department of Revenue on each return filed  
583 pursuant to s. 212.11 the total amount of credits granted under  
584 s. 212.1832 for the preceding reporting period.

585 (c) An organization shall report to the Department of  
586 Revenue, on or before the 20th day of each month, the total  
587 amount of contributions received pursuant to paragraph (b) in  
588 the preceding calendar month on a form provided by the  
589 Department of Revenue. Such report shall include:

590 1. The federal employer identification number of each  
591 designated agent, private tag agent, or dealer who remitted  
592 contributions to the organization during that reporting period.

593 2. The amount of contributions received from each  
594 designated agent, private tag agent, or dealer during that  
595 reporting period.

596 (d) A person who, with the intent to unlawfully deprive or  
597 defraud the program of its moneys or the use or benefit thereof,  
598 fails to remit a contribution collected under this section is  
599 guilty of theft, punishable as follows:

600 1. If the total amount stolen is less than \$300, the  
601 offense is a misdemeanor of the second degree, punishable as  
602 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
603 the offender is guilty of a misdemeanor of the first degree,  
604 punishable as provided in s. 775.082 or s. 775.083. Upon a third  
605 or subsequent conviction, the offender is guilty of a felony of  
606 the third degree, punishable as provided in s. 775.082, s.  
607 775.083, or s. 775.084.

608 2. If the total amount stolen is \$300 or more, but less  
609 than \$20,000, the offense is a felony of the third degree,

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610 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

611 3. If the total amount stolen is \$20,000 or more, but less  
612 than \$100,000, the offense is a felony of the second degree,  
613 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

614 4. If the total amount stolen is \$100,000 or more, the  
615 offense is a felony of the first degree, punishable as provided  
616 in s. 775.082, s. 775.083, or s. 775.084.

617 (e) A person convicted of an offense under paragraph (d)  
618 shall be ordered by the sentencing judge to make restitution to  
619 the organization in the amount that was stolen from the program.

620 (f) Upon a finding that a dealer failed to remit a  
621 contribution under subparagraph (b)3. for which the dealer  
622 claimed a credit pursuant to s. 212.1832(2), the Department of  
623 Revenue shall notify the affected organizations of the dealer's  
624 name, address, federal employer identification number, and  
625 information related to differences between credits taken by the  
626 dealer pursuant to s. 212.1832(2) and amounts remitted to the  
627 eligible nonprofit scholarship-funding organization under  
628 subparagraph (b)3.

629 (g) Any dealer, designated agent, private tag agent, or  
630 organization that fails to timely submit reports to the  
631 Department of Revenue as required in paragraphs (b) and (c) is  
632 subject to a penalty of \$1,000 for every month, or part thereof,  
633 the report is not provided, up to a maximum amount of \$10,000.  
634 Such penalty shall be collected by the Department of Revenue and  
635 shall be transferred into the General Revenue Fund. Such penalty  
636 must be settled or compromised if it is determined by the  
637 Department of Revenue that the noncompliance is due to  
638 reasonable cause and not due to willful negligence, willful

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639 neglect, or fraud.

640 ~~(15)(14)~~ LIABILITY.—The state is not liable for the award  
641 of or any use of awarded funds under this section.

642 ~~(16)(15)~~ SCOPE OF AUTHORITY.—This section does not expand  
643 the regulatory authority of this state, its officers, or any  
644 school district to impose additional regulation on participating  
645 private schools beyond those reasonably necessary to enforce  
646 requirements expressly set forth in this section.

647 ~~(17)(16)~~ RULES.—The State Board of Education shall adopt  
648 rules to administer this section, except the Department of  
649 Revenue shall adopt rules to administer subsection (14) ~~(13)~~.

650 Section 2. Paragraph (a) of subsection (22) of section  
651 213.053, Florida Statutes, is amended to read:

652 213.053 Confidentiality and information sharing.—

653 (22) (a) The department may provide to an eligible nonprofit  
654 scholarship-funding organization, as defined in s. 1002.40, a  
655 dealer's name, address, federal employer identification number,  
656 and information related to differences between credits taken by  
657 the dealer pursuant to s. 212.1832(2) and amounts remitted to  
658 the eligible nonprofit scholarship-funding organization under s.  
659 1002.40(14)(b)3 ~~s. 1002.40(13)(b)3~~. The eligible nonprofit  
660 scholarship-funding organization may use the information for  
661 purposes of recovering eligible contributions designated for  
662 that organization that were collected by the dealer but never  
663 remitted to the organization.

664 Section 3. Paragraph (a) of subsection (12) of section  
665 1002.394, Florida Statutes, is amended to read:

666 1002.394 The Family Empowerment Scholarship Program.—

667 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

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668 (a)1. Scholarships for students determined eligible  
669 pursuant to paragraph (3) (a) are established for up to 18,000  
670 students annually beginning in the 2019-2020 school year.  
671 Beginning in the 2020-2021 school year, the maximum number of  
672 students participating in the scholarship program under this  
673 section shall annually increase by 1.0 percent of the state's  
674 total public school student enrollment. An eligible student who  
675 meets any of the following requirements shall be excluded from  
676 the maximum number of students if the student:

677 a. Received a scholarship pursuant to s. 1002.395 during  
678 the previous school year but did not receive a renewal  
679 scholarship based solely on the eligible nonprofit scholarship-  
680 funding organization's lack of available funds after the  
681 organization fully exhausted its efforts to use funds available  
682 for awards under ss. 1002.395 and 1002.40(12)(i) ~~ss. 1002.395~~  
683 ~~and 1002.40(11)(i)~~. Eligible nonprofit scholarship-funding  
684 organizations with students who meet the criterion in this  
685 subparagraph must annually notify the department in a format and  
686 by a date established by the department. The maximum number of  
687 scholarships awarded pursuant to this subparagraph may ~~shall~~ not  
688 exceed 15,000 per school year;

689 b. Is a dependent child of a member of the United States  
690 Armed Forces, a foster child, or an adopted child; or

691 c. Is determined eligible pursuant to subparagraph (3) (a)1.  
692 or subparagraph (3) (a)2. and either spent the prior school year  
693 in attendance at a Florida public school or, beginning in the  
694 2022-2023 school year, is eligible to enroll in kindergarten.  
695 For purposes of this subparagraph, the term "prior school year  
696 in attendance" means that the student was enrolled and reported

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697 by a school district for funding during either the preceding  
698 October or February Florida Education Finance Program surveys in  
699 kindergarten through grade 12, which includes time spent in a  
700 Department of Juvenile Justice commitment program if funded  
701 under the Florida Education Finance Program.

702 2. The scholarship amount provided to a student for any  
703 single school year shall be for tuition and fees for an eligible  
704 private school, not to exceed annual limits, which shall be  
705 determined in accordance with this subparagraph. The calculated  
706 amount for a participating student shall be based upon the grade  
707 level and school district in which the student was assigned as  
708 100 percent of the funds per unweighted full-time equivalent in  
709 the Florida Education Finance Program for a student in the basic  
710 program established pursuant to s. 1011.62(1)(c)1., plus a per-  
711 full-time equivalent share of funds for all categorical  
712 programs, except for the Exceptional Student Education  
713 Guaranteed Allocation.

714 3. The amount of the scholarship shall be the calculated  
715 amount or the amount of the private school's tuition and fees,  
716 whichever is less. The amount of any assessment fee required by  
717 the participating private school and any costs to provide a  
718 digital device, including Internet access, if necessary, to the  
719 student may be paid from the total amount of the scholarship.

720 4. A scholarship of \$750 may be awarded to a student who is  
721 determined eligible pursuant to subparagraph (3)(a)1. or  
722 subparagraph (3)(a)2. and enrolled in a Florida public school  
723 that is different from the school to which the student was  
724 assigned or in a lab school as defined in s. 1002.32 if the  
725 school district does not provide the student with transportation

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726 to the school.

727 5. Upon notification from the organization on July 1,  
728 September 1, December 1, and February 1 that an application has  
729 been approved for the program, the department shall verify that  
730 the student is not prohibited from receiving a scholarship  
731 pursuant to subsection (6). The organization must provide the  
732 department with the documentation necessary to verify the  
733 student's participation. Upon verification, the department shall  
734 transfer, from state funds only, the amount calculated pursuant  
735 to subparagraph 2. to the organization for quarterly  
736 disbursement to parents of participating students each school  
737 year in which the scholarship is in force. For a student exiting  
738 a Department of Juvenile Justice commitment program who chooses  
739 to participate in the scholarship program, the amount of the  
740 Family Empowerment Scholarship calculated pursuant to  
741 subparagraph 2. must be transferred from the school district in  
742 which the student last attended a public school before  
743 commitment to the Department of Juvenile Justice. When a student  
744 enters the scholarship program, the organization must receive  
745 all documentation required for the student's participation,  
746 including the private school's and the student's fee schedules,  
747 at least 30 days before the first quarterly scholarship payment  
748 is made for the student.

749 6. The initial payment shall be made after the  
750 organization's verification of admission acceptance, and  
751 subsequent payments shall be made upon verification of continued  
752 enrollment and attendance at the private school. Payment must be  
753 by individual warrant made payable to the student's parent or by  
754 funds transfer or any other means of payment that the department

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 755 deems to be commercially viable or cost-effective. If the  
 756 payment is made by warrant, the warrant must be delivered by the  
 757 organization to the private school of the parent's choice, and  
 758 the parent shall restrictively endorse the warrant to the  
 759 private school. An organization shall ensure that the parent to  
 760 whom the warrant is made has restrictively endorsed the warrant  
 761 to the private school for deposit into the account of the  
 762 private school or that the parent has approved a funds transfer  
 763 before any scholarship funds are deposited.

Section 4. Paragraphs (e) and (f) of subsection (6) of  
 section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(e) Must give first priority to eligible renewal students  
 who received a scholarship from an eligible nonprofit  
 scholarship-funding organization or from the State of Florida  
 during the previous school year. The eligible nonprofit  
 scholarship-funding organization must fully apply and exhaust  
 all funds available under this section and s. 1002.40(12)(i) ~~s.~~  
~~1002.40(11)(i)~~ for renewal scholarship awards before awarding  
 any initial scholarships.

(f) Must provide a renewal or initial scholarship to an  
 eligible student on a first-come, first-served basis unless the  
 student qualifies for priority pursuant to paragraph (e). Each  
 eligible nonprofit scholarship-funding organization must refer  
 any student eligible for a scholarship pursuant to this section  
 who did not receive a renewal or initial scholarship based

36-00358B-22 2022506\_\_  
 784 solely on the lack of available funds under this section and s.  
 785 1002.40(12)(i) ~~s. 1002.40(11)(i)~~ to another eligible nonprofit  
 786 scholarship-funding organization that may have funds available.  
 787

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

Section 5. This act shall take effect July 1, 2022.

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 522

INTRODUCER: Senator Bradley

SUBJECT: Full-time Equivalent Student Membership for International General Certificate of Secondary Education Students

DATE: November 29, 2021      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	<b>Pre-meeting</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 522 provides for bonus funding to schools and districts who have students who are enrolled in an International General Certificate of Secondary Education (pre-AICE) course and who pass the corresponding subject examinations.

The bill does not have an impact on state revenues or expenditures. School districts that offer pre-AICE courses and examinations may earn additional bonus funding.

This bill takes effect July 1, 2022.

**II. Present Situation:**

**Advanced International Certificate of Education (AICE)**

Successful completion of an Advanced International Certificate of Education (AICE) curriculum<sup>1</sup> is one option for a student to graduate from high school in Florida with a standard high school diploma.<sup>2</sup> The Cambridge AICE Diploma is a certificate that requires learners to study a compulsory core subject with specified Cambridge subjects drawn from the three curriculum areas: mathematics and science (Group 1); languages (Group 2); and arts and humanities (Group 3). There is also the option to study interdisciplinary subjects (Group 4). In

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<sup>1</sup> Cambridge International AS and A Level qualifications offer a choice of 55 subjects, which schools can offer in almost any combination. An AS Level course typically lasts one academic year; an A Level course typically takes two years. Cambridge Assessment International Assessment, *Curriculum*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-international-as-and-a-levels/curriculum/> (last visited Nov. 17, 2021).

<sup>2</sup> Section 1003.4282(1)(a), F.S.

order to achieve the Cambridge AICE Diploma, learners must achieve a minimum of seven credits, with at least one credit from Groups 1, 2, and 3.<sup>3</sup>

### **Cambridge International General Certificate of Secondary Education (pre-AICE)**

Prior to enrolling in Cambridge AICE courses, a student can enroll in Cambridge IGCSE, the International General Certificate of Secondary Education (pre-AICE).<sup>4</sup> Over 100 pre-AICE courses are offered in the United States, as well as internationally, in six subject groups:<sup>5</sup>

- Creative and Professional;
- English language and literature;
- Humanities and social sciences;
- Languages;
- Mathematics; and
- Sciences.

Students enrolled in certain pre-AICE courses, like Spanish or Cambridge pre-AICE Mathematics, take several courses prior to taking the course examination, meaning the course sequence could extend beyond one year before the student sits for the examination. Cambridge pre-AICE examination sessions occur twice a year in June and in November.<sup>6</sup>

The pre-AICE exams are graded on an A\*- G grading scale, whereas AICE exams are graded on an A\*-E<sup>7</sup> grading scale. Although the pre-AICE exams and AICE exams have different grading scales, the exam grades, for the most part, correspond to the same letter grades.<sup>8</sup> For both the pre-AICE and AICE exams, a score of “E” or higher is considered “passing” as it corresponds with a United States (U.S.) letter grade of “C” or higher. For the pre-AICE exam, scores of “F,” “G,” and “U” correspond to a U.S. letter grade of D+, D, and F respectively.<sup>9</sup> For AICE exams, students can also earn a score of “U” which corresponds to a U.S. letter grade of “F” similar to the pre-AICE exams.<sup>10</sup>

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<sup>3</sup> Cambridge Assessment International Education, *Cambridge AICE Diploma qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/qualification/> (last visited Nov. 17, 2021).

<sup>4</sup> Cambridge Assessment International Education, *Cambridge IGCSE*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/> (last visited Nov. 17, 2021).

<sup>5</sup> Cambridge Assessment International Education, *Cambridge IGCSE subjects*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/subjects/#> (last visited Nov. 18, 2021).

<sup>6</sup> Cambridge Assessment International Education, *Cambridge IGCSE qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/qualification/> (last visited Nov. 17, 2021).

<sup>7</sup> Email, Sherry Reach, Cambridge Assessment International Education (Nov. 22, 2021) (on file with the Senate Committee on Education).

<sup>8</sup> Cambridge Assessment International Education, *Guide to Cambridge courses and exams for US higher education*, <https://www.cambridgeinternational.org/usa/higher-ed/guide-to-cambridge/> (last visited Nov. 22, 2021).

<sup>9</sup> Email, Sherry Reach, Cambridge Assessment International Education (Nov 22, 2021) (on file with the Senate Committee on Education). The passing score of “E” for pre-AICE exams corresponds with the score needed on AICE exams to count for postsecondary credit under Florida’s statewide articulation agreement.

<sup>10</sup> Email, Sherry Reach, Cambridge Assessment International Education (Nov 22, 2021) (on file with the Senate Committee on Education).

Pre-AICE exam <sup>11</sup>	AICE exam	U.S. letter grade
A*	A*	A+
A	A	A
B	B	B+
C	C	B
D	D	C+
E	E	C
F		D+
G		D
U	U	F

### AICE and pre-AICE in Florida

The AICE program is one of a number of articulated acceleration programs, which are intended to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, or increase the depth of study available for a particular subject.<sup>12</sup> The law provides the following benefits to schools and students engaged in the AICE program:

- Successful completion of a course examination qualifies for college credit.<sup>13</sup>
- The percentage of a school's students eligible to earn college credit favorably affects the school's grade.<sup>14</sup>
- A grade earned in AICE or pre-AICE is assigned additional weight for determining student eligibility for a Bright Futures scholarship.<sup>15</sup>
- A student who earns an AICE Diploma is not required to achieve a score on a college entrance exam to qualify for a Bright Futures scholarship.<sup>16</sup>
- Classroom teachers and school districts receive funding incentives based on the performance of each student in AICE examinations.<sup>17</sup>

In spring 2021, 36 pre-AICE course were offered by Florida School districts with a total enrollment of 52,764 in the 36 different pre-AICE courses.<sup>18</sup> In the 2019-2020 school year, there were 668 pre-AICE exams administered in Florida, 440 earned a grade of E or higher.<sup>19</sup>

<sup>11</sup> Email, Sherry Reach, Cambridge Assessment International Education (Nov 22, 2021) (on file with the Senate Committee on Education).

<sup>12</sup> Section 1007.27(1), F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement (AP), credit by examination, the International Baccalaureate (IB) Program, and the Advanced International Certificate of Education (AICE) Program.

<sup>13</sup> Section 1003.4295, F.S.

<sup>14</sup> Section 1008.34(3)(b)2.b., F.S.

<sup>15</sup> Section 1009.531(3)(a), F.S.

<sup>16</sup> Florida Department of Education, *2021-22 Bright Futures Student Handbook*, at 5, <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf> (last visited Nov. 22, 2021)

<sup>17</sup> Section 1011.62(1)(m), F.S.

<sup>18</sup> Florida Department of Education, *Course Enrollment State Report, Survey 3, 2020-2021*, <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml>. The total enrollment is not an individual student count enrolled in Pre-AICE courses. (Last visited 11/17/2021).

<sup>19</sup> Email, Sherry Reach, Cambridge Assessment International Education (Nov 22, 2021) (on file with the Senate Committee on Education). Many schools offer the IGCSE curriculum to develop the skills and content mastery required for future AICE courses without administering the IGCSE exams.



### **Funds for the Operations of Schools – AICE and Pre-AICE Incentive Funding**

The Florida Education Finance Program (FEFP) provides a funding incentive for school districts with students in AICE courses who successfully complete AICE examinations or earn an AICE diploma.<sup>20</sup> A value of 0.16 full-time equivalent (FTE) student membership is calculated for each student enrolled in a full-credit AICE course who receives a score of E or higher, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.<sup>21</sup>

Additionally, school districts are required to distribute to each classroom teacher who provided AICE or pre-AICE instruction:<sup>22</sup>

- A bonus of \$50 for each student taught by the AICE teacher in each full-credit AICE course who receives a score of “E” or higher on the AICE exam. For pre-AICE teachers a \$25 bonus for each student taught by the pre-AICE teacher in each pre-AICE course, who receives a score of “E” or higher on the pre-AICE examination.
- An additional bonus of \$500 is allotted to each AICE teacher in a school designated with a grade of “D” or “F” who has at least one student scoring “E” or higher on the full-credit AICE examination, regardless of the number of classes taught or number of such students.
- An additional \$250 to each pre-AICE teacher in school designated with a school grade of “D” or “F” who has at least one student scoring “E” or higher on the pre-AICE examination in that class.

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

SB 522 requires that a value of 0.08 full-time equivalent be calculated for each student enrolled in an International General Certificate of Secondary Education (pre-AICE) course and who receives a score of “E” or higher on the corresponding pre-AICE subject examination. The additional incentive funding for successful completion of pre-AICE examinations may lead to more schools and districts expanding pre-AICE and AICE opportunities for students and increase the number of students participating in AICE programs and earning an AICE high school diploma.

The bill takes effect on July 1, 2022.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

<sup>20</sup> See 1011.62, F.S. Florida also provides incentive funds for dual enrollment, exploratory career education, the International Baccalaureate Program, advanced placement courses, and career-themed courses, among others.

<sup>21</sup> Section 1011.62(1)(m), F.S.

<sup>22</sup> *Id.*

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not have an impact on state revenues or expenditures. School districts that offer International General Certificate of Secondary Education (pre-AICE) courses and examinations may receive bonus funding for students who successfully complete pre-AICE subject examinations.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1011.62 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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By Senator Bradley

5-00665-22

2022522\_\_

1 A bill to be entitled  
 2 An act relating to full-time equivalent student  
 3 membership for International General Certificate of  
 4 Secondary Education students; amending s. 1011.62,  
 5 F.S.; providing a specified amount of full-time  
 6 equivalent membership for each student enrolled in an  
 7 International General Certificate of Secondary  
 8 Education (pre-AICE) course who receives a score of  
 9 "E" or higher on the corresponding pre-AICE subject  
 10 examination; making a technical change; providing an  
 11 effective date.

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

15 Section 1. Paragraph (m) of subsection (1) of section  
 16 1011.62, Florida Statutes, is amended to read:

17 1011.62 Funds for operation of schools.—If the annual  
 18 allocation from the Florida Education Finance Program to each  
 19 district for operation of schools is not determined in the  
 20 annual appropriations act or the substantive bill implementing  
 21 the annual appropriations act, it shall be determined as  
 22 follows:

23 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 24 OPERATION.—The following procedure shall be followed in  
 25 determining the annual allocation to each district for  
 26 operation:

27 (m) *Calculation of additional full-time equivalent*  
 28 *membership based on Advanced International Certificate of*  
 29 *Education examination scores of students.*—A value of 0.16 full-

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

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30 time equivalent student membership shall be calculated for each  
 31 student enrolled in a full-credit Advanced International  
 32 Certificate of Education course who receives a score of E or  
 33 higher on a subject examination. A value of 0.08 full-time  
 34 equivalent student membership shall be calculated for each  
 35 student enrolled in a half-credit Advanced International  
 36 Certificate of Education course who receives a score of E or  
 37 higher on a subject examination. A value of 0.08 full-time  
 38 equivalent student membership shall be calculated for each  
 39 student enrolled in an International General Certificate of  
 40 Secondary Education (pre-AICE) course who receives a score of  
 41 "E" or higher on the corresponding pre-AICE subject examination.  
 42 A value of 0.3 full-time equivalent student membership shall be  
 43 calculated for each student who receives an Advanced  
 44 International Certificate of Education diploma. Such value shall  
 45 be added to the total full-time equivalent student membership in  
 46 basic programs for grades 9 through 12 in the subsequent fiscal  
 47 year. Each school district shall allocate at least 80 percent of  
 48 the funds received from the Advanced International Certificate  
 49 of Education bonus FTE funding, in accordance with this  
 50 paragraph, to the school program that generated the funds and to  
 51 school programs administered by the University of Cambridge  
 52 Local Examinations Syndicate that prepare prospective students  
 53 to enroll in Advanced International Certificate of Education  
 54 courses. These funds shall be expended solely for the payment of  
 55 costs associated with the application and registration process;  
 56 program fees and site licenses; training, professional  
 57 development, salaries, benefits, and bonuses for instructional  
 58 personnel and program coordinators; examination and diploma

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59 fees; membership fees; supplemental books; instructional  
 60 supplies, materials, and equipment; and other activities that  
 61 identify prospective Advanced International Certificate of  
 62 Education students or prepare prospective students to enroll in  
 63 Advanced International Certificate of Education courses. The  
 64 school district shall distribute to each classroom teacher who  
 65 provided Advanced International Certificate of Education or pre-  
 66 AICE International General Certificate of Secondary Education  
 67 ~~(pre-AICE)~~ instruction:

68 1. A bonus in the amount of \$50 for each student taught by  
 69 the Advanced International Certificate of Education teacher in  
 70 each Advanced International Certificate of Education course who  
 71 receives a score of E or higher on the Advanced International  
 72 Certificate of Education examination. A bonus in the amount of  
 73 \$25 for each student taught by the pre-AICE teacher in each pre-  
 74 AICE course who receives a score of E or higher on the pre-AICE  
 75 examination.

76 2. An additional bonus of \$500 to each Advanced  
 77 International Certificate of Education teacher in a school  
 78 designated with a grade of "D" or "F" who has at least one  
 79 student scoring E or higher on the Advanced International  
 80 Certificate of Education examination, regardless of the number  
 81 of classes taught or of the number of students scoring an E or  
 82 higher on the Advanced International Certificate of Education  
 83 examination.

84 3. Additional bonuses of \$250 each to teachers of pre-AICE  
 85 classes in a school designated with a grade of "D" or "F" which  
 86 has at least one student scoring an E or higher on the pre-AICE  
 87 examination in that class. Teachers receiving an award under

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

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88 subparagraph 2. are not eligible for a bonus under this  
 89 subparagraph.

90  
 91 Bonuses awarded to a teacher according to this paragraph shall  
 92 be in addition to any regular wage or other bonus the teacher  
 93 received or is scheduled to receive.

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 538

INTRODUCER: Senator Hooper

SUBJECT: Private Instructional Personnel Providing Applied Behavior Analysis Services

DATE: November 29, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazes</u>	<u>Bouck</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>HP</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 538 expands the list of private instructional personnel who may provide applied behavior analysis services in public schools. Specifically, the bill authorizes services by registered behavior technicians who hold a nationally recognized certification and practice under the supervision of either certified behavior analysts or professionals licensed under chapter 490 or chapter 491 of the Florida Statutes.

The bill takes effect on July 1, 2022

**Present Situation:**

**Applied Behavior Analysis**

Behavior Analysis measures outcomes directly through data collection and direct observation of behavior.<sup>1</sup> Applied Behavior Analysis (ABA) is the use of principled methods of behavior analysis to bring about meaningful changes in socially important behaviors.<sup>2</sup> ABA is best known for its success in treating individuals with autism spectrum disorder and other developmental disabilities.<sup>3</sup> Florida law defines ABA as the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including but not limited to, the use of direct

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<sup>1</sup> Florida Association for Behavior Analysis, *What is Behavior Analysis?*, <https://www.fabaworld.org/what-is-behavior-analysis> (last visited Nov. 19, 2021).

<sup>2</sup> Association of Professional Behavior Analysts, *Identifying Applied Behavior Analysis Interventions white paper*, (2017), available at <https://cdn.ymaws.com/www.apbahome.net/resource/collection/1FDDDBDD2-5CAF-4B2A-AB3F-DAE5E72111BF/APBAwhitepaperABAinterventions.pdf>, at 16.

<sup>3</sup> Behavior Analyst Certification Board, *Autism & Intellectual/Development Disabilities*, [https://www.bacb.com/wp-content/uploads/2020/05/Behavioral-Treatment-of-Autism-and-Other-Developmental-Disabilities-Fact-Sheet\\_210108.pdf](https://www.bacb.com/wp-content/uploads/2020/05/Behavioral-Treatment-of-Autism-and-Other-Developmental-Disabilities-Fact-Sheet_210108.pdf) (last visited Nov. 18, 2021).

observation, measurement, and functional analysis of the relations between environment and behavior.<sup>4</sup>

### **Applied Behavior Analysis Providers in Florida**

Florida statutes do not define requirements for licensure or certification for behavior analysts or other types of ABA providers. The Agency for Persons with Disabilities relies on the Behavior Analyst Certification Board (BACB)<sup>5</sup> for its certification program and does not independently certify behavior analysts.<sup>6</sup> Nationally, individuals can become certified behavior analysts through the BACB. The BACB provides three credentials for behavior analysts<sup>7</sup> the Board Certified Behavior Analyst (BCBA), Board Certified Assistant Behavior Analyst (BCaBA), and the Registered Behavior Technician (RBT). The requirements for the credentials are outlined below:

- Board Certified Behavior Analyst:<sup>8</sup>
  - At least a master's degree in applied behavior analysis or a closely-related field;
  - Completion of 270 hours of graduate-level instruction in specified behavior analysis topics;
  - Completion of specified hours of supervised experiential training in ABA; and,
  - Passage of the BCBA examination.
- Board Certified Assistant Behavior Analyst:<sup>9</sup>
  - At least a bachelor's degree;
  - Completion of 180 classroom hours of instruction in specified behavior analysis topics;
  - Completion of specified hours of supervised experiential training in ABA; and,
  - Passage of the BCaBA examination.
- Registered Behavior Technician:<sup>10</sup>
  - At least a high school diploma;
  - Be at least 18 years old;
  - Completion of 40 hours of training in specified behavior analysis topics;
  - Completion of the RBT competency assessment; and
  - Passage of the RBT examination.

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<sup>4</sup> Sections 627.6686(2)(a), F.S. and 641.31908(2)(a), F.S.

<sup>5</sup> The BACB is a nonprofit corporation that was established in 1998 to offer accredited behavior analysis certification programs that meet certification needs identified by behavior analysts, governments, and consumers of behavior-analytic services.

<sup>6</sup> Rule 65G-4.001(5), F.A.C. The rule also lists persons licensed in accordance with Chapter 490 or 491, F.S. can serve as behavior analysts.

<sup>7</sup> Behavior Analyst Certification Board, Credentials, <https://www.bacb.com/>. The BACB also offered a Florida Certified Behavior Analyst, who have the same responsibilities as a BCBA, but the certification is not valid in other states. <https://www.bacb.com/flcba/> (last visited Nov. 19, 2021).

<sup>8</sup> Behavior Analyst Certification Board, *Board Certified Behavior Analyst Handbook*, [https://www.bacb.com/wp-content/uploads/2021/09/BCBAHandbook\\_210915-2.pdf](https://www.bacb.com/wp-content/uploads/2021/09/BCBAHandbook_210915-2.pdf) (last visited Nov. 19, 2021).

<sup>9</sup> Behavior Analyst Certification Board, *Board Certified Assistant Behavior Analyst Handbook*, [https://www.bacb.com/wp-content/uploads/2021/09/BCaBAHandbook\\_210915-2.pdf](https://www.bacb.com/wp-content/uploads/2021/09/BCaBAHandbook_210915-2.pdf) (last visited Nov. 19, 2021).

<sup>10</sup> Behavior Analyst Certification Board, *Registered Behavior Technician Handbook*, [https://www.bacb.com/wp-content/uploads/2021/09/RBTHandbook\\_210915-3.pdf](https://www.bacb.com/wp-content/uploads/2021/09/RBTHandbook_210915-3.pdf) (Nov. 22, 2021).

The RBT is a paraprofessional certified in behavior analysis. RBTs assist in delivering behavior-analytic services and practice under the direction and close supervision of an RBT Supervisor and/or an RBT Requirements Coordinator, who are responsible for all work RBTs perform.<sup>11</sup>

### **ABA Services in a Florida Public School Setting**

Behavior analysis in education provides a scientific approach to designing, implementing, and evaluating instruction based on analyzing interactions between what the teacher does and student learning.<sup>12</sup>

Section 1003.572, F.S., was created in 2013,<sup>13</sup> to encourage cooperation and coordination of services for students with disabilities through public and private instructional collaboration. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, act as a team with instructional personnel in the educational setting, and provide services in the educational setting.<sup>14</sup> Private instructional personnel must undergo a background screening and may serve at the time and place determined by the public school.<sup>15</sup>

The statute defines the following as private instructional personnel:<sup>16</sup>

- Individuals certified under s. 393.1717 or licensed under chapter 490<sup>18</sup> or chapter 491<sup>19</sup> of the Florida Statutes for applied behavior analysis services as defined in ss. 627.6686 and 641.31098, F.S..
- Speech-language pathologists licensed under s. 468.1185, F.S..
- Occupational therapists licensed under part III of chapter 468.
- Physical therapists licensed under chapter 486.
- Psychologists licensed under chapter 490.
- Clinical social workers licensed under chapter 491.

The statute does not expressly address other behavior analysis professionals, such as BCaBAs or RBTs who implement the treatment plans established by behavior analysts.

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<sup>11</sup> Behavior Analyst Certification Board, *Registered Behavior Technician Handbook, at 1 (2021)*, available at [https://www.bacb.com/wp-content/uploads/2021/09/RBTHandbook\\_210915-3.pdf](https://www.bacb.com/wp-content/uploads/2021/09/RBTHandbook_210915-3.pdf) (Last visited Nov. 22, 2021).

<sup>12</sup> Behavior Analyst Certification Board, *Behavior Analysis in Education*, [https://www.bacb.com/wp-content/uploads/2020/05/Behavior-Analysis-in-Education-Fact-Sheet\\_210108.pdf](https://www.bacb.com/wp-content/uploads/2020/05/Behavior-Analysis-in-Education-Fact-Sheet_210108.pdf) (last visited Nov. 22, 2021).

<sup>13</sup> Section 5, ch. 2013-36, L.O.F.

<sup>14</sup> Section 1003.572(3), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1003.572(1), F.S.

<sup>17</sup> Section 393.17 authorizes the Agency for Persons with Disabilities to establish a certification process for behavior analysts and requires the agency to recognize the certification of behavior analysts awarded by a nonprofit corporation that adheres to national standards of boards that determine professional credentials and whose mission is to meet professional credentialing needs identified by behavior analysts, state governments, and consumers of behavior analysis services. The Agency for Persons with disabilities promulgated these requirements in rule 65G-4.001(5), F.A.C.

<sup>18</sup> Chapter 490, “Psychological Services Act” regulates psychological services in the state of Florida, including but not limited to, the process and requirements to become a Florida Department of Health licensed psychologist, defining the scope of practice of psychology, and the continuing education requirements of a licensed psychologist.

<sup>19</sup> Chapter 491, regulates mental health counseling, clinical social work, and marriage and family therapy, including but not limited to the process and requirements to become a Florida Department of Health licensed marriage and family therapist, clinical social worker, and mental health counselor.



**II. Effect of Proposed Changes:**

SB 538 expands the list of approved private instructional providers who may provide services to students with disabilities to include registered behavior technicians who hold a nationally recognized paraprofessional certification in behavior analysis. The registered behavior analyst would be required to practice under the supervision of an individual licensed under chapter. 490 or 491 or a certified behavior analyst.

This change may result in more parents and school districts hiring or contracting with registered behavior technicians, which in turn may result in more children who need behavior analysis services provided with services.

**III. 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.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends section 1003.572 of the Florida Statutes.

**VIII. 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 Hooper

16-00652A-22

2022538\_\_

1 A bill to be entitled  
2 An act relating to private instructional personnel  
3 providing applied behavior analysis services; amending  
4 s. 1003.572, F.S.; revising the definition of the term  
5 "private instructional personnel" to include certain  
6 registered behavior technicians; providing an  
7 effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Present paragraphs (b) through (f) of subsection  
12 (1) of section 1003.572, Florida Statutes, are redesignated as  
13 paragraphs (c) through (g), respectively, and a new paragraph  
14 (b) is added to that subsection, to read:

15 1003.572 Collaboration of public and private instructional  
16 personnel.—

17 (1) As used in this section, the term "private  
18 instructional personnel" means:

19 (b) Registered behavior technicians who have a nationally  
20 recognized paraprofessional certification in behavior analysis  
21 and who practice under the supervision of individuals described  
22 in paragraph (a) by assisting and supporting such individuals in  
23 the provision of applied behavior analysis services.

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

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 622

INTRODUCER: Senator Diaz

SUBJECT: Florida Institute for Charter School Innovation

DATE: November 29, 2021      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 622 establishes the Florida Institute for Charter School Innovation (institute) at Miami Dade College to improve charter school authorizing practices in the state. Additionally, the bill requires the Department of Education to collaborate with the institute in developing the sponsor evaluation framework.

The bill provides an appropriation of \$1 million in recurring general revenue funds. See Section V.

The bill takes effect on July 1, 2022.

**II. Present Situation:**

Charter school authorizers oversee a school’s compliance with the terms of the charter contract, which includes monitoring school performance and ensuring that the schools adhere to criteria in state law. In addition, authorizers grant or deny charter applications and revoke charters when appropriate.<sup>1</sup> According to the National Association of Charter School Authorizers (NACSA), quality authorizing is essential to ensure that charter schools are successful in providing a high-quality education to public school students. Successful authorizers ensure that charter schools use the flexibility they are granted under state law to meet their students’ needs and spend tax dollars appropriately.<sup>2</sup>

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<sup>1</sup> Education Commission of the States, *Charter Authorizers: What they are & why they matter*, available at <https://www.ecs.org/wp-content/uploads/Charter-Authorizers-What-they-are-and-why-they-matter.pdf>.

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

## Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.<sup>3</sup> Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.<sup>4</sup> Between the 2009-2010 and 2018-2019 school years, the percentage of all public schools that were charter schools increased from 5 to 8 percent, and the total number of charter schools increased from 5,000 to 7,400. The percentage of public school students nationwide attending public charter schools increased from 3 to 7 percent between fall 2009 and fall 2018.<sup>5</sup>

All charter schools in Florida are public schools and are part of the state’s public education system.<sup>6</sup> During the 2020-2021 school year, 341,926 students were enrolled in 687 charter schools in Florida.<sup>7</sup> Seventy percent of the students attending charter schools in the 2020-2021 school year were minorities. Hispanic students comprised 45 percent of Florida’s charter school enrollment, and 19 percent were African-American students.<sup>8</sup>

## Charter School Sponsors

A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.<sup>9</sup> A state university may sponsor a charter developmental research school (charter lab school)<sup>10</sup> and upon the approval by the State Board of Education (SBE), may sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.<sup>11</sup> Additionally, Florida College System (FCS) institutions, upon the approval of the SBE, may sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certification to eligible charter school students.<sup>12</sup>

A charter school sponsor has several responsibilities, including:<sup>13</sup>

- Approving or denying charter school applications.
- Overseeing each sponsored school’s progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state’s education accountability system.

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<sup>3</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2021), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

<sup>4</sup> Education Commission of the States, *50-State Comparison: Charter School Policies* <https://www.ecs.org/charter-school-policies/> (last visited November 17, 2021).

<sup>5</sup> National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last visited November 17, 2021).

<sup>6</sup> Section 1002.33(1), F.S.

<sup>7</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2021), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> Section 1002.33(5)(a)1., F.S.

<sup>10</sup> Section 1002.33(5)(a)2., F.S.

<sup>11</sup> Section 1002.33(5)(a)3, F.S.

<sup>12</sup> A charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. Section 1002.33(5)(a)3.b., F.S. and Section 1002.34(3)(b), F.S.

<sup>13</sup> Section 1002.33(5)(b), F.S.

- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative and educational services<sup>14</sup> and may withhold a fee of up to five percent of each charter school's total operating funds.<sup>15</sup>

### **Charter School Sponsor Accountability**

To ensure charter school sponsor accountability, the Department of Education (DOE), in collaboration with charter school sponsors and operators, must develop a sponsor evaluation framework that must address, at a minimum:

- The sponsor's strategic vision for charter school authorizing and progress towards that vision.
- Alignment of the sponsor's policies and practices to best practices for charter school authorizing.
- Academic and financial performance of all operating charter schools overseen by the sponsor.
- The status of charter schools authorized by the sponsor, including approved, operating and closed schools.

Additionally, the DOE must compile the results of the evaluation framework, by sponsor, which must be included in its annual charter school sponsor report.

### **Charter School Authorization**

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.<sup>16</sup> All charter applicants must prepare and submit a standard application, which:<sup>17</sup>

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.

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<sup>14</sup> Administrative and educational services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services. Section 1002.33(20)(a)1., F.S.

<sup>15</sup> Section 1002.33(20)(a)2., F.S.

<sup>16</sup> Section 1002.33(3)(a), F.S.

<sup>17</sup> Section 1002.33(6)(a), F.S. Charter school applications are incorporated into SBE Rule 6A-6.0786, F.A.C.

- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.<sup>18</sup>

A sponsor receives and reviews all charter school applications using the evaluation instrument developed by the Department of Education and, within 90 calendar days of receipt, must by majority vote approve or deny the application. A sponsor must receive and consider charter school applications received for charter schools to be opened at a time determined by the applicant.<sup>19</sup>

If an application is denied, the sponsor must within ten calendar days provide specific written reasons, based upon good cause, for its denial to the applicant and the DOE.<sup>20</sup> The applicant has 30 calendar days to file an appeal with the SBE after the denial of or failure to act upon an application. The state board's decision is a final action subject to judicial review in the District Court of Appeal.<sup>21</sup>

### **Causes for Nonrenewal or Termination**

A charter school sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate a charter, but may terminate or not renew a charter for any of the following reasons:<sup>22</sup>

- Failure to participate in the state's education accountability system or failure to meet the charter's requirements for student performance.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

A sponsor must provide 90-days written notice to the charter school prior to termination or nonrenewal, except that a charter may be terminated immediately if the sponsor sets forth particular facts and circumstances indicating an immediate and serious danger to the health, safety or welfare of the students.<sup>23</sup> The sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of an immediate termination. The governing board is entitled to a formal hearing with an administrative law judge, who must issue a final order to the sponsor. The governing board may appeal the final order in the District Court

<sup>18</sup> Section 1002.45(1)(d), F.S.

<sup>19</sup> Section 1002.33(6)(b), F.S.

<sup>20</sup> Section 1002.33(6)(b)3.a., F.S.

<sup>21</sup> Section 1002.33(6)(c)-(d), F.S.; *see also* s. 120.68, F.S.

<sup>22</sup> Section 1002.33(8)(a)1.-4., F.S.

<sup>23</sup> Section 1002.33(8)(b) and (c), F.S.

of Appeal. Under these circumstances, the sponsor must assume operation of the charter school throughout the pendency of the hearing.<sup>24</sup>

### III. Effect of Proposed Changes:

SB 622 creates s. 1004.88, F.S., to establish the Florida Institute for Charter School Innovation (institute) at Miami Dade College to improve charter school authorizing practices. Specifically, the bill requires the institute to:

- Create a state resource of best practices for charter applications and review.
- Provide charter school sponsors with training, technical assistance, and support in reviewing initial and renewal applications.
- Conduct applied research on policy and practices related to charter schools.
- Conduct or compile basic research on the status of educational choice, charter authorizing, and charter school performance, amongst other topics.
- Collaborate with the Department of Education (DOE) in developing the sponsor evaluation framework.
- Disseminate information to teacher educators regarding research-based charter school teaching practices.
- Host research workshops and conference that allow charter school sponsors, operators, students, and parents to engage in charter school topics.

Additionally, the bill modifies s. 1002.33, F.S., to specify that the DOE must collaborate with the institute, along with charter school sponsors and operators, in developing the sponsor evaluation framework.

The bill takes effect on July 1, 2022.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

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<sup>24</sup> Section 1002.33(8)(c), F.S. The sponsor must assume operation of the charter school, unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students.



E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill specifies a \$1 million recurring appropriation from the General Revenue Fund to Miami Dade College to create and implement the Florida Institute for Charter School Innovation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.33 of the Florida Statutes.

This bill creates section 1004.88 of the Florida Statutes.

This bill creates an undesignated section of Florida Law.

**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 Diaz

36-00746-22

2022622\_\_

1 A bill to be entitled  
 2 An act relating to the Florida Institute for Charter  
 3 School Innovation; amending s. 1002.33, F.S.;  
 4 requiring the Department of Education to collaborate  
 5 with the Florida Institute for Charter School  
 6 Innovation in developing a sponsor evaluation  
 7 framework for charter schools; creating s. 1004.88,  
 8 F.S.; establishing the institute at Miami Dade  
 9 College; providing the purpose of the institute;  
 10 specifying the duties of the institute; authorizing  
 11 the institute to apply for and receive certain grants;  
 12 requiring the District Board of Trustees of Miami Dade  
 13 College to establish policies regarding the institute;  
 14 providing an appropriation; providing an effective  
 15 date.  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. Paragraph (c) of subsection (5) of section  
 20 1002.33, Florida Statutes, is amended to read:  
 21 1002.33 Charter schools.—  
 22 (5) SPONSOR; DUTIES.—  
 23 (c) *Sponsor accountability.*—  
 24 1. The department ~~shall~~, in collaboration with charter  
 25 school sponsors, ~~and~~ charter school operators, ~~and the Florida~~  
 26 Institute for Charter School Innovation established under s.  
 27 1004.88 shall develop a sponsor evaluation framework that must  
 28 address, at a minimum:  
 29 a. The sponsor's strategic vision for charter school

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

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2022622\_\_

30 authorization and the sponsor's progress toward that vision.  
 31 b. The alignment of the sponsor's policies and practices to  
 32 best practices for charter school authorization.  
 33 c. The academic and financial performance of all operating  
 34 charter schools overseen by the sponsor.  
 35 d. The status of charter schools authorized by the sponsor,  
 36 including approved, operating, and closed schools.  
 37 2. The department shall compile the results by sponsor and  
 38 include the results in the report required under sub-sub-  
 39 subparagraph (b)1.k.(III).  
 40 Section 2. Section 1004.88, Florida Statutes, is created to  
 41 read:  
 42 1004.88 Florida Institute for Charter School Innovation.—  
 43 (1) The Florida Institute for Charter School Innovation is  
 44 established at Miami Dade College for the purpose of improving  
 45 charter school authorizing practices in this state.  
 46 (2) The institute shall do all of the following:  
 47 (a) Create a state resource of best practices for charter  
 48 school applications and application review.  
 49 (b) Provide charter school sponsors with training,  
 50 technical assistance, and support in reviewing initial and  
 51 renewal charter applications.  
 52 (c) Conduct applied research on policy and practices  
 53 related to charter schools.  
 54 (d) Conduct or compile basic research on the status of  
 55 educational choice, charter authorizing, and charter school  
 56 performance in this state, and other topics related to charter  
 57 schools.  
 58 (e) Collaborate with the Department of Education in

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

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59 developing the sponsor evaluation framework pursuant to s.

60 1002.33(5)(c).

61 (f) Disseminate information regarding research-based  
62 charter school teaching practices to teacher educators in this  
63 state.

64 (g) Host research workshops and conferences that allow  
65 charter school sponsors, charter school operators, students, and  
66 parents to engage in topics related to charter schools.

67 (3) The institute may apply for and receive federal, state,  
68 or local agency grants for the purposes of this section.

69 (4) The District Board of Trustees of Miami Dade College  
70 shall establish policies for the supervision, administration,  
71 and governance of the institute.

72 Section 3. For the 2022-2023 fiscal year, the sum of \$1  
73 million in recurring funds is appropriated from the General  
74 Revenue Fund to Miami Dade College to create and implement the  
75 Florida Institute for Charter School Innovation, established by  
76 this act.

77 Section 4. This act shall take effect July 1, 2022.

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 638

INTRODUCER: Senator Perry

SUBJECT: Early Childhood Music Education Incentive Pilot Program

DATE: November 29, 2021      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 638 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2022, to June 30, 2023.

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

This bill takes effect upon becoming a law.

**II. Present Situation:**

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

For a school district to be eligible for participation in the pilot program, the district school superintendent must certify to the Commissioner of Education (commissioner) that specified elementary schools within the district have established a comprehensive music education program that:<sup>3</sup>

- Includes all students enrolled at the school in kindergarten through grade 2;
- Is staffed by certified music educators;
- Provides music instruction for at least 30 consecutive minutes two days a week;
- Complies with class size requirements under the law;<sup>4</sup> and

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<sup>1</sup> Section 69, ch. 2017-116, L.O.F.

<sup>2</sup> Section 1003.481(1), F.S.

<sup>3</sup> Section 1003.481(2)(a)-(e), F.S.

<sup>4</sup> The maximum number of students assigned to each teacher who is teaching core-curriculum courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students. Section 1003.03(1)(a), F.S.

- Complies with the Department of Education’s standards for early childhood music education programs for students in kindergarten through grade 2.

The commissioner must select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district’s proximity to the University of Florida and needs-based criteria established by the State Board of Education.<sup>5</sup> Selected school districts must annually receive \$150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.<sup>6</sup>

The University of Florida’s College of Education is required to collaborate with Florida International University’s School of Music to evaluate the effectiveness of the pilot program.<sup>7</sup> Upon completion, the results of the evaluation must be shared with the Florida Center for Partnerships in Arts-Integrated Teaching.

The State Board of Education is authorized to adopt rules to administer the pilot program.<sup>8</sup>

The Legislature appropriated \$400,000 for the pilot program in each of the 2020-2021 and 2021-2022 fiscal years.<sup>9</sup> The unexpended amount of \$150,400 reverted to the state and was re-appropriated and distributed to participating school districts for the 2021-2022 fiscal year.<sup>10</sup> Of the appropriated funds, the Department of Education has authorized \$411,589 to participating school districts.<sup>11</sup> The Department of Education has authorized \$138,811 to the University of Florida to evaluate the effectiveness of the pilot program.<sup>12</sup>

As of August 2021, a total of 10 schools from the Alachua, Marion, and Miami-Dade school districts have been selected to participate in the program and were serving approximately 2,085 students in kindergarten through second grade.<sup>13</sup>

The pilot program is scheduled to expire on June 30, 2022.<sup>14</sup>

### III. Effect of Proposed Changes:

SB 638 extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2022, to June 30, 2023.

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

This bill takes effect upon becoming a law.

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<sup>5</sup> Section 1003.481(3)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 1003.481(4), F.S.

<sup>8</sup> Section 1003.481(5), F.S.

<sup>9</sup> Specific Appropriation 114, s.2, ch. 2020-111, L.O.F.; and Specific Appropriation 110, s. 2, ch. 2021-36, L.O.F.

<sup>10</sup> Email, Office of Senator Keith Perry (Nov. 23, 2021). *See also* s. 33, ch. 2021-36, L.O.F.

<sup>11</sup> Email, Jessica Fowler, Florida Department of Education (Nov. 23, 2021).

<sup>12</sup> *Id.*

<sup>13</sup> Email, Office of Senator Keith Perry (Nov. 23, 2021).

<sup>14</sup> Section 1003.481(6), F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.481 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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By Senator Perry

8-00173-22

2022638\_\_

1                                   A bill to be entitled  
2           An act relating to the Early Childhood Music Education  
3           Incentive Pilot Program; amending s. 1003.481, F.S.;  
4           extending the expiration date of the Early Childhood  
5           Music Education Incentive Pilot Program; providing an  
6           effective date.  
7  
8   Be It Enacted by the Legislature of the State of Florida:  
9  
10           Section 1. Subsection (6) of section 1003.481, Florida  
11           Statutes, is amended to read:  
12           1003.481 Early Childhood Music Education Incentive Pilot  
13           Program.—  
14           (6) This section expires June 30, 2023 ~~2022~~.  
15           Section 2. This act shall take effect upon becoming a law.



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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 758

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: November 29, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 758 creates the Charter School Review Commission (CSRC) within the Florida Department of Education. Under the bill, the CSRC:

- Consists of seven members, selected by the Commissioner of Education, and subject to confirmation by the Senate.
- Is provided the same powers as a sponsor in regard to reviewing and approving charter schools. If a charter school is approved, the district school board of the school district where the proposed charter school will be located must be the sponsor and supervisor of the proposed charter school.
- Decisions may be appealed to the State Board of Education.

The bill revises the terms for charter renewal and the procedures and causes of nonrenewal or termination of a charter. The bill removes the requirement that any facility used as a charter school obtain a special exemption from existing zoning and land use designations. Finally, the bill amends requirements for the district school board's levy of local capital improvement millage.

The fiscal impact of the bill is indeterminate.

The bill takes effect on July 1, 2022.

**II. Present Situation:**

**Charter Schools**

Charter schools are public schools that operate under a performance contract, or a "charter" which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter

school governing board and the sponsor details the school's mission, program, goals, students served, methods of assessment and ways to measure success.<sup>1</sup>

As of the 2018-2019 school year, over 3.3 million students attend charter schools in over 44 states, representing 6.5 percent of all public school students in the United States.<sup>2</sup> Forty-four states have enacted laws that govern the operation of charter schools, authorizers, and sponsors.<sup>3</sup> Twenty of the 44 states, enacted laws that provided for more than one charter school authorizer in the state, examples of authorizers include but are not limited to, local school districts, the state department of education, an independent chartering board, and higher education institutions.<sup>4</sup>

### **Charter Schools in Florida**

All charter schools in Florida are public schools and are part of the state's program of public education. In the 2020-21 school year, 341,926 students were enrolled in 687 charter schools in 47 of Florida's school districts.<sup>5</sup> Approximately 70 percent of the students served by charter schools were minorities. Hispanic students comprised 45 percent of Florida's charter school enrollment and 19 percent were African-American students.<sup>6</sup>

### ***Charter School Sponsors***

Under Florida law, the following entities may approve and sponsor a charter school:

- A district school board may approve a charter school in the county over which the district school board has jurisdiction.<sup>7</sup>
- A state university may sponsor a charter developmental research school (charter lab school).<sup>8</sup>
- A state university may, upon approval by the Florida Department of Education (DOE), solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.<sup>9</sup>
- A Florida College System (FCS) institution may, upon approval by the DOE, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students.<sup>10</sup>

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<sup>1</sup> Florida Department of Education, *FAQ, What are charter schools?* <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Nov 23, 2021).

<sup>2</sup> National Alliance for Public Charter Schools, *FAQ, How many charter schools and students are there?* <https://data.publiccharters.org/digest/charter-school-data-digest/how-many-charter-schools-and-students-are-there/> (last visited Nov. 23, 2021).

<sup>3</sup> Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited Nov. 23, 2021).

<sup>4</sup> National Association of Charter School Authorizers, *Charter School Authorizers by State*, <https://www.qualitycharters.org/state-policy/multiple-authorizers/list-of-charter-school-authorizers-by-state/> (last visited Nov. 23, 2021).

<sup>5</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet, Florida's Charter Schools*, (2021) available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> Section 1002.33(5)(a)1., F.S.

<sup>8</sup> Section 1002.33(5)(a)2., F.S.

<sup>9</sup> Section 1002.33(5)(a)3.a., F.S.

<sup>10</sup> Section 1002.33(5)(a)3.b., F.S.

- A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment.<sup>11</sup>
- A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment.<sup>12</sup>

A charter school sponsor has several responsibilities, including:<sup>13</sup>

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative and educational services<sup>14</sup> and may withhold a fee of up to five percent of each charter school's total operating funds.<sup>15</sup>

### ***Charter School Application Process***

Any person or entity that is seeking to open a charter school must prepare and submit an application on the Model Florida Charter Application, prepared by the DOE,<sup>16</sup> to the intended sponsor. The charter school application must:<sup>17</sup>

- Demonstrate how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provide a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contain goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- Describe the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

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<sup>11</sup> Section 1002.33(15)(b), F.S.

<sup>12</sup> Section 1002.33(15)(c), F.S.

<sup>13</sup> Section 1002.33(5)(b), F.S.

<sup>14</sup> Administrative and educational services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services. Section 1002.33(20)(a)1, F.S.

<sup>15</sup> Section 1002.33(20)(a)2., F.S.

<sup>16</sup> Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

<sup>17</sup> Section 1002.33(6)(a)1.-7., F.S.

- Contain an annual financial plan for each year requested by the charter for operation of the school for up to five years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- Disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.
- Contain additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

Upon receipt of the application the sponsor must review and evaluate the application using the standard Model Charter School Application Evaluation Instrument, and must within 90 calendar days approve or deny the application by majority vote.<sup>18</sup> If the sponsor denies a charter school application or fails to act on an application, the charter school applicant may appeal to the State Board of Education (SBE) and must notify the sponsor of the appeal.<sup>19</sup> Upon the SBE receipt of the appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission.<sup>20</sup> The SBE must, by a majority vote, accept or reject the appeal submission no later than 90 calendar days after the appeal is filed.<sup>21</sup> The SBE's decision is a final action subject to judicial review in the District Court of Appeal.<sup>22</sup>

In 2020, 60 percent of the approximately 60 charter school applications were approved. This is an increase from the 45.7 percent approval rate for approximately 90 applications in 2019.<sup>23</sup>

### ***Charter School Appeal Commission***

The Charter School Appeal Commission (commission) was established to assist the commissioner and the SBE with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.<sup>24</sup> The commissioner appoints the members of the commission, of which one-half of the must represent sponsors and one-half must represent charter schools who are currently operating in Florida.<sup>25</sup> The commission provides a written recommendation to the SBE as to whether the appeal should be upheld or denied.<sup>26</sup>

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<sup>18</sup> Section 1002.33(6)(b), F.S. Charter school model evaluation tools are incorporated into SBE Rule 6A-6.0786, F.A.C.

<sup>19</sup> Section 1002.33 (6)(c)1., F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 1002.33(6)(c)3.a., F.S.

<sup>22</sup> Section 1002.33(6)(c) and (d), F.S. *See also* s. 120.68, F.S.

<sup>23</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet, Florida's Charter Schools*, (2021) available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

<sup>24</sup> Section 1002.33(6)(e)1., F.S.

<sup>25</sup> Section 1002.33(6)(e)3., F.S.

<sup>26</sup> Section 1002.33(6)(e)5., F.S.

### ***The Charter Agreement***

The terms and conditions for the operation of a charter school are set forth by the sponsor and the charter school applicant in a contractual agreement called the charter.<sup>27</sup> The initial term of the charter is for 5 years, excluding two planning years.<sup>28</sup> The charter may be renewed under a 15-year charter if the charter school(s) have been operating for a minimum of 3 years and is demonstrating exemplary academic programming and fiscal management.<sup>29</sup> The 15-year charter must be granted to a charter school that has received a school grade of “A” or “B” in 3 of the past 4 years and is not in a state of financial emergency.<sup>30</sup>

A sponsor may choose not to renew or terminate the charter if the sponsor finds that one of the following exists:

- Failure to participate in the state’s education accountability system created in s. 1008.31, F.S. as required in this section, or failure to meet the requirements for student performance stated in the charter.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

### ***Charter School Facilities***

Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37, F.S.<sup>31</sup> A library, community service, museum, performing arts, theatre, cinema, church, FCS institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.<sup>32</sup> If a charter school is housed in a facility that is not one of the eight facilities specified in statute the charter school facility would be required to obtain a special exception, have the facility rezoned, or receive a land use change.

### **District School Tax – Charter School Capital Outlay**

In order to receive funds under the Florida Education Finance Program for the operation of schools, a district school board must levy the millage<sup>33</sup> set for its required local effort from

<sup>27</sup> Section 1002.33(7), F.S. Standard charter school contract is incorporated into SBE Rule 6A-6.0786, F.A.C.

<sup>28</sup> Section 1002.33(7)(a)12., F.S. charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor.

<sup>29</sup> Section 1002.33(7)(c)1., F.S.

<sup>30</sup> Section 1002.33(7)(c)2., F.S.

<sup>31</sup> Section 1002.33(18)(a), F.S. Section 1013.37, F.S., delineates the uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards.

<sup>32</sup> Section 1002.33(18)(c), F.S.

<sup>33</sup> Section 200.001, (3)(a)-(e), F.S. defines school millage rates in five categories: nonvoted required school operating millage, nonvoted discretionary school operating millage, voted district school operating millage, nonvoted district school capital improvement millage and voted district school debt service millage.

property taxes. A school district's millage rate may not exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year.<sup>34</sup> In addition to the required local effort millage levy, each district school board may levy a nonvoted operating discretionary millage. The Legislature annually prescribes in the General Appropriations Act the maximum amount of operating discretionary millage a district may levy.<sup>35</sup>

In addition to the maximum millage levy for the required local effort and the nonvoted operating discretionary millage, each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools and for district schools to fund, in part:

- New construction, and remodeling, renovation, maintenance, and repair of existing school plants or leased facilities.
- The purchase, lease-purchase, or lease of school buses.
- The purchase, lease-purchase, or lease of new and replacement equipment, including computer hardware and software for instructional purposes.
- Lease and lease-purchase agreements for educational facilities.
- Costs directly related to compliance with state and federal environmental regulations.
- The cost of the opening day collection for the library media center of a new school.

If funds appropriated through the Charter School Capital Outlay Allocation are less than the average charter school capital outlay funds per unweighted full-time equivalent (FTE) student for the 2018-19 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year and adjusted by changes in the Consumer Price Index, charter schools must also receive a portion of the revenue from the 1.5 discretionary millage levied by the school district.<sup>36</sup> For fiscal year 2021-2022, school districts are not required to share revenue from the 1.5 discretionary millage levy because the Legislature appropriated \$182,864,353 in the Charter School Capital Outlay Allocation,<sup>37</sup> which meets the funding requirement for charter schools in Florida law. School districts are not prohibited from sharing any 1.5 discretionary millage revenue with charter schools, but the amount appropriated in fiscal year 2021-2022 does not require a school district to do so.<sup>38</sup>

### III. Effect of Proposed Changes:

SB 758 establishes the Charter School Review Commission (CSRC) and modifies provisions relating to charter school sponsors, facilities, and district school taxes for capital outlay.

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<sup>34</sup> Section 1011.71(1), F.S. The state average millage was set at 3.606; for the 67 school districts the approved millage varied from 3.734 (Suwannee) to 1.486 mills (Monroe). Florida Department of Education, *2021-22 Funding for Florida School Districts (2021)*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 4.

<sup>35</sup> Section 1011.71(1), F.S. The maximum nonvoted discretionary millage which may be levied pursuant to s. 1011.71(1), F.S., by district school boards in Fiscal Year 2021-2022 is 0.748 mills. Specific Appropriation 90, ch. 2021-36, L.O.F.

<sup>36</sup> Section 1013.62(1), F.S.

<sup>37</sup> Specific Appropriation 19, s. 2, ch. 2021-036 L.O.F.

<sup>38</sup> Florida Department of Education, *2021-22 Funding for Florida School Districts (2021)*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 4.

## Charter School Review Commission

The bill creates s. 1002.3301, F.S., to establish the CSRC within the Florida Department of Education, which may solicit, review, and approve applications for charter schools that are overseen by district school boards. The Commissioner of Education is required to select seven members for the CRSC who have charter school experience, subject to confirmation by the Senate. The CRSC members must be appointed to four year terms. However, for the purpose of achieving staggered terms, the bill requires that for initial appointments to the CSRC 3 members must be appointed to 2-year terms and 4 members must be appointed to 4-year terms.

The bill provides the CSRC with the same powers and duties that charter school sponsors currently have in Florida law with regards to reviewing and approving charter schools.<sup>39</sup> However, the bill requires the district school board to serve as the sponsor of and supervisor for the new charter school.<sup>40</sup> Further, the school district is required to contract with the new charter school within 30 calendar days after the CSRC's decision. The bill specifies that decisions of the CRSC are subject to the current appeals process provided in law.

## Charter School Sponsors

The bill amends s. 1002.33, F.S., to modify requirements relating to charter school sponsor duties. The bill:

- Specifies that a charter school sponsor may impose additional reporting requirements only if a charter school has been identified as having a deteriorating financial condition<sup>41</sup> or financial emergency.<sup>42</sup>
- Modifies the criteria for nonrenewal or termination of a charter to to:
  - Specify that a charter school must be under a deteriorating financial condition or financial emergency in order for a sponsor to not renew or terminate a charter for fiscal management.
  - Remove “other good cause shown” as a ground for the termination or nonrenewal of a charter school.
- Specifies requirements relating to charter school renewal terms, specifically the bill:
  - Requires that the charter of a charter school must be renewed for no less than a five-year term if it meets the existing requirements for renewal and has received a school grade

<sup>39</sup> Section 1002.33, F.S. delineates the powers and duties of sponsors in regards to the charter school application process.

<sup>40</sup> *Duval County School Bd. v. State, Bd. of Educ.*, 998 So.2d 641 (2008). In 2006, the Florida legislature enacted s. 1002.335, F.S., which established the “Florida Schools of Excellence Commission” as an independent, state-level entity with the power to approve and act as sponsor for charter schools throughout the State of Florida. The court found that the “Florida Schools of Excellence Commission” conflicted with article IX section 4 of the Florida Constitution.

<sup>41</sup> Section 1002.345(1)(a)3., F.S., defines a “deteriorating financial condition” as a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in 218.503, (1) F.S.

<sup>42</sup> Under s. 1002.345(2)(a)1., F.S., a financial emergency is when a financial audit conducted by a certified public accountant reveals that one or more of the conditions in s. 218.503 (1), F.S., have occurred or will occur if action is not taken to assist the charter school or charter technical career center.

- lower than a “B” in the most recent graded school year, except as provided in law for grades of “F.”<sup>43</sup>
- Requires that a 15-year charter renewal be granted if a charter school has received a school grade of “A” or “B” in the most recent graded school year, rather than in 3 of the past 4 years, and is not in a state of financial emergency.

### **Charter School Facilities**

The bill provides that any facility, rather than those specified in law, that houses a charter school may provide space under its current zoning and land use designations.

### **District School Taxes – Charter School Capital Outlay**

The bill modifies s. 1011.71, F.S., to specify that the additional 1.5 mills school districts are authorized to levy against the taxable value for school purposes for charter schools and for district schools, is part of the school district’s operating discretionary millage levy.<sup>44</sup>

The bill takes effect on July 1, 2022.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

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<sup>43</sup> It is unclear if the exception to granting a five-year charter is limited to two consecutive grades of “F,” which typically requires termination of a charter, or if the exception includes all the provisions in s. 1002.33(9)(n), F.S., which include requirements for a charter school that earns a grade of “D” or “F,” or three consecutive grades of “C.”

<sup>44</sup> The intent of this language is unclear. The additional 1.5 mills that school boards can levy authorized in s. 1011.71(2), F.S., is intended for local capital improvements, not for operations. It is unclear if the bill includes operating discretionary millage in the revenue that may be used for capital projects along with the revenue from the 1.5 millage levy, or if the language modifies the allocation of capital outlay millage funds to charter schools under s. 1013.62, F.S., to require a district school board share the revenue from the 1.5 millage levy with charter schools in the district.



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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The financial impact is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1011.71.

This bill creates section 1002.3301 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.



936236

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 360 - 430

and insert:

Section 3. (1) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of the current methodologies for the distribution of capital outlay funds to charter schools. Based on its analysis, the office shall recommend any changes to provide an equitable allocation of capital outlay funds for all public schools. The analysis must include, at a minimum:



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12           (a) An analysis of the calculation methodology for the  
13 allocation of state funds appropriated in the General  
14 Appropriations Act under s. 1013.62(2), Florida Statutes.

15           (b) An analysis of the calculation methodology to determine  
16 the amount of revenue that a school district must distribute to  
17 a charter school under s. 1013.62(3), Florida Statutes.

18           (c) For the most recent three years, a comparison of the  
19 charter school capital outlay amounts between the allocation of  
20 state funds and revenue that would result from the discretionary  
21 millage authorized under s. 1011.71(2), Florida Statutes.

22           (d) Other state policies and methodologies for the  
23 distribution of charter school capital outlay funds.

24           (2) The office shall submit a report of its findings and  
25 recommendations to the Governor, the President of the Senate,  
26 and the Speaker of the House of Representatives by January 1,  
27 2023.

28  
29 ===== T I T L E   A M E N D M E N T =====

30 And the title is amended as follows:

31           Delete lines 38 - 40

32 and insert:

33           requiring the Office of Program Policy Analysis and  
34           Government Accountability to conduct an analysis of  
35           charter school capital outlay and submit a report to  
36           the Governor and the Legislature by a specified date;  
37           providing an

By Senator Diaz

36-00698-22

2022758\_\_

1 A bill to be entitled  
 2 An act relating to education; creating s. 1002.3301,  
 3 F.S.; establishing the Charter School Review  
 4 Commission within the Department of Education;  
 5 providing the purpose of the commission; specifying  
 6 membership of the commission and the duration of  
 7 members' terms; requiring the Commissioner of  
 8 Education to appoint members; providing that a  
 9 majority of the commission members constitutes a  
 10 quorum; providing that the commission has the same  
 11 powers and duties as sponsors do in reviewing and  
 12 approving charter schools; designating the district  
 13 school board where a proposed charter school will be  
 14 located as the school's sponsor and supervisor;  
 15 requiring a district school board to take specified  
 16 actions within a certain timeframe regarding the  
 17 commission's granting of a charter school application;  
 18 providing for the appeal of commission decisions;  
 19 amending s. 1002.33, F.S.; providing legislative  
 20 intent; authorizing the commission to solicit and  
 21 review charter school applications; requiring that the  
 22 district school board that oversees the school  
 23 district where a charter school approved by the  
 24 commission will be located shall serve as the charter  
 25 school's sponsor; prohibiting sponsors from imposing  
 26 additional reporting requirements on a charter school  
 27 so long as the charter school meets specified  
 28 requirements; revising the terms and conditions for  
 29 charter renewal; revising the procedure and causes for

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30 nonrenewal or termination of a charter; providing that  
 31 any facility may provide space to charter schools  
 32 under its existing zoning and land use designations  
 33 without obtaining a special exception, rezoning, or a  
 34 land use change; requiring that educational impact  
 35 fees required to be paid in connection with new  
 36 residential dwelling units be designated instead for  
 37 the construction of charter school facilities;  
 38 amending s. 1011.71, F.S.; providing that certain  
 39 additional tax millage is part of school districts'  
 40 operating discretionary millage levy; providing an  
 41 effective date.

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

43 Section 1. Section 1002.3301, Florida Statutes, is created  
 44 to read:

45 1002.3301 Charter School Review Commission.—The Charter  
 46 School Review Commission is created within the Department of  
 47 Education to review and approve applications for charter schools  
 48 overseen by district school boards.

49 (1) The commission shall consist of seven members who have  
 50 charter school experience, selected by the Commissioner of  
 51 Education and subject to confirmation by the Senate. The  
 52 commissioner shall designate one member as the chair. Each  
 53 member shall be appointed to a 4-year term. However, for the  
 54 purpose of achieving staggered terms, of the initial  
 55 appointments, three members shall be appointed to 2-year terms  
 56 and four members shall be appointed to 4-year terms. All

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59 subsequent appointments shall be for 4-year terms. A majority of  
60 the members of the commission constitutes a quorum.

61 (2) The commission has the same powers and duties as  
62 sponsors pursuant to s. 1002.33 in regard to reviewing and  
63 approving charter schools.

64 (3) The district school board of the school district where  
65 the proposed charter school will be located shall be the sponsor  
66 of and supervisor for the new charter school and shall provide  
67 an initial proposed charter contract to the charter school  
68 pursuant to s. 1002.33(7)(b) within 30 calendar days after the  
69 commission's decision granting an application.

70 (4) The decisions of the commission may be appealed in  
71 accordance with s. 1002.33(6)(c).

72 Section 2. Subsection (2), paragraphs (a) and (b) of  
73 subsection (5), paragraph (c) of subsection (7), paragraph (a)  
74 of subsection (8), and paragraphs (c) and (f) of subsection (18)  
75 of section 1002.33, Florida Statutes, are amended, to read:

76 1002.33 Charter schools.—

77 (2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

78 (a) Charter schools in Florida shall be guided by the  
79 following principles:

80 1. Meet high standards of student achievement while  
81 providing parents flexibility to choose among diverse  
82 educational opportunities within this the state's public school  
83 system.

84 2. Promote enhanced academic success and financial  
85 efficiency by aligning responsibility with accountability.

86 3. Provide parents with sufficient information on whether  
87 their child is reading at grade level and whether the child

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88 gains at least a year's worth of learning for every year spent  
89 in the charter school.

90 (b) Charter schools shall fulfill the following purposes:

91 1. Improve student learning and academic achievement.

92 2. Increase learning opportunities for all students, with  
93 special emphasis on low-performing students and reading.

94 3. Encourage the use of innovative learning methods.

95 4. Require the measurement of learning outcomes.

96 (c) Charter schools may fulfill the following purposes:

97 1. Create innovative measurement tools.

98 2. Provide rigorous competition within the public school  
99 system to stimulate continual improvement in all public schools.

100 3. Expand the capacity of the public school system.

101 4. Mitigate the educational impact created by the  
102 development of new residential dwelling units.

103 5. Create new professional opportunities for teachers,  
104 including ownership of the learning program at the school site.

105 (d) It is the intent of the Legislature that charter school  
106 students be considered as important as all other students in  
107 this state and, to that end, comparable funding levels from  
108 existing and future sources should be maintained for charter  
109 school students.

110 (5) SPONSOR; DUTIES.—

111 (a) Sponsoring entities.—

112 1. A district school board may sponsor a charter school in  
113 the county over which the district school board has  
114 jurisdiction.

115 2. A state university may grant a charter to a lab school  
116 created under s. 1002.32 and shall be considered to be the

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117 school's sponsor. Such school shall be considered a charter lab  
118 school.

119 3. Because needs relating to educational capacity,  
120 workforce qualifications, and career education opportunities are  
121 constantly changing and extend beyond school district  
122 boundaries:

123 a. A state university may, upon approval by the Department  
124 of Education, solicit applications and sponsor a charter school  
125 to meet regional education or workforce demands by serving  
126 students from multiple school districts.

127 b. A Florida College System institution may, upon approval  
128 by the Department of Education, solicit applications and sponsor  
129 a charter school in any county within its service area to meet  
130 workforce demands and may offer postsecondary programs leading  
131 to industry certifications to eligible charter school students.  
132 A charter school established under subparagraph (b)4. may not be  
133 sponsored by a Florida College System institution until its  
134 existing charter with the school district expires as provided  
135 under subsection (7).

136 c. Notwithstanding paragraph (6)(b), a state university or  
137 Florida College System institution may, at its discretion, deny  
138 an application for a charter school.

139 d. The Charter School Review Commission, as authorized  
140 under s. 1002.3301, may solicit and review applications for  
141 charter schools overseen by district school boards, and upon the  
142 commission approving an application, the district school board  
143 that oversees the school district where the charter school will  
144 be located shall serve as sponsor.

145 (b) *Sponsor duties.*—

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146 1.a. The sponsor shall monitor and review the charter  
147 school in its progress toward the goals established in the  
148 charter.

149 b. The sponsor shall monitor the revenues and expenditures  
150 of the charter school and perform the duties provided in s.  
151 1002.345.

152 c. The sponsor may approve a charter for a charter school  
153 before the applicant has identified space, equipment, or  
154 personnel, if the applicant indicates approval is necessary for  
155 it to raise working funds.

156 d. The sponsor ~~may shall~~ not apply its policies to a  
157 charter school unless mutually agreed to by both the sponsor and  
158 the charter school. If the sponsor subsequently amends any  
159 agreed-upon sponsor policy, the version of the policy in effect  
160 at the time of the execution of the charter, or any subsequent  
161 modification thereof, shall remain in effect and the sponsor may  
162 not hold the charter school responsible for any provision of a  
163 newly revised policy until the revised policy is mutually agreed  
164 upon.

165 e. The sponsor shall ensure that the charter is innovative  
166 and consistent with the state education goals established by s.  
167 1000.03(5).

168 f. The sponsor shall ensure that the charter school  
169 participates in the state's education accountability system. If  
170 a charter school falls short of performance measures included in  
171 the approved charter, the sponsor shall report such shortcomings  
172 to the Department of Education.

173 g. The sponsor ~~is shall~~ not be liable for civil damages  
174 under state law for personal injury, property damage, or death

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175 resulting from an act or omission of an officer, employee,  
 176 agent, or governing body of the charter school.

177 h. The sponsor ~~is shall~~ not be liable for civil damages  
 178 under state law for any employment actions taken by an officer,  
 179 employee, agent, or governing body of the charter school.

180 i. The sponsor's duties to monitor the charter school do  
 181 ~~shall~~ not constitute the basis for a private cause of action.

182 j. The sponsor ~~may shall~~ not impose additional reporting  
 183 requirements on a charter school as long as the charter school  
 184 has not been identified as having a deteriorating financial  
 185 condition or financial emergency pursuant to s. 1002.345 without  
 186 providing reasonable and specific justification in writing to  
 187 the charter school.

188 k. The sponsor shall submit an annual report to the  
 189 Department of Education in a web-based format to be determined  
 190 by the department.

191 (I) The report shall include the following information:  
 192 (A) The number of applications received during the school  
 193 year and up to August 1 and each applicant's contact  
 194 information.  
 195 (B) The date each application was approved, denied, or  
 196 withdrawn.  
 197 (C) The date each final contract was executed.

198 (II) Annually, by November 1, the sponsor shall submit to  
 199 the department the information for the applications submitted  
 200 the previous year.

201 (III) The department shall compile an annual report, by  
 202 sponsor, and post the report on its website by January 15 of  
 203 each year.

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204 2. Immunity for the sponsor of a charter school under  
 205 subparagraph 1. applies only with respect to acts or omissions  
 206 not under the sponsor's direct authority as described in this  
 207 section.

208 3. This paragraph does not waive a sponsor's sovereign  
 209 immunity.

210 4. A Florida College System institution may work with the  
 211 school district or school districts in its designated service  
 212 area to develop charter schools that offer secondary education.  
 213 These charter schools must include an option for students to  
 214 receive an associate degree upon high school graduation. If a  
 215 Florida College System institution operates an approved teacher  
 216 preparation program under s. 1004.04 or s. 1004.85, the  
 217 institution may operate charter schools that serve students in  
 218 kindergarten through grade 12 in any school district within the  
 219 service area of the institution. District school boards shall  
 220 cooperate with and assist the Florida College System institution  
 221 on the charter application. Florida College System institution  
 222 applications for charter schools are not subject to the time  
 223 deadlines outlined in subsection (6) and may be approved by the  
 224 district school board at any time during the year. Florida  
 225 College System institutions may not report FTE for any students  
 226 participating under this subparagraph who receive FTE funding  
 227 through the Florida Education Finance Program.

228 5. For purposes of assisting the development of a charter  
 229 school, a school district may enter into nonexclusive interlocal  
 230 agreements with federal and state agencies, counties,  
 231 municipalities, and other governmental entities that operate  
 232 within the geographical borders of the school district to act on

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 233 behalf of such governmental entities in the inspection,  
 234 issuance, and other necessary activities for all necessary  
 235 permits, licenses, and other permissions that a charter school  
 236 needs in order for development, construction, or operation. A  
 237 charter school may use, but may not be required to use, a school  
 238 district for these services. The interlocal agreement must  
 239 include, but need not be limited to, the identification of fees  
 240 that charter schools will be charged for such services. The fees  
 241 must consist of the governmental entity's fees plus a fee for  
 242 the school district to recover no more than actual costs for  
 243 providing such services. These services and fees are not  
 244 included within the services to be provided pursuant to  
 245 subsection (20). Notwithstanding any other provision of law, an  
 246 interlocal agreement between a school district and a federal or  
 247 state agency, county, municipality, or other governmental entity  
 248 which prohibits or limits the creation of a charter school  
 249 within the geographic borders of the school district is void and  
 250 unenforceable.

251 6. The board of trustees of a sponsoring state university  
 252 or Florida College System institution under paragraph (a) is the  
 253 local educational agency for all charter schools it sponsors for  
 254 purposes of receiving federal funds and accepts full  
 255 responsibility for all local educational agency requirements and  
 256 the schools for which it will perform local educational agency  
 257 responsibilities. A student enrolled in a charter school that is  
 258 sponsored by a state university or Florida College System  
 259 institution may not be included in the calculation of the school  
 260 district's grade under s. 1008.34(5) for the school district in  
 261 which he or she resides.

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 262 (7) CHARTER.—The terms and conditions for the operation of  
 263 a charter school shall be set forth by the sponsor and the  
 264 applicant in a written contractual agreement, called a charter.  
 265 The sponsor and the governing board of the charter school shall  
 266 use the standard charter contract pursuant to subsection (21),  
 267 which shall incorporate the approved application and any addenda  
 268 approved with the application. Any term or condition of a  
 269 proposed charter contract that differs from the standard charter  
 270 contract adopted by rule of the State Board of Education shall  
 271 be presumed a limitation on charter school flexibility. The  
 272 sponsor may not impose unreasonable rules or regulations that  
 273 violate the intent of giving charter schools greater flexibility  
 274 to meet educational goals. The charter shall be signed by the  
 275 governing board of the charter school and the sponsor, following  
 276 a public hearing to ensure community input.  
 277 (c)1. A charter may be renewed provided that a program  
 278 review demonstrates that the criteria in paragraph (a) have been  
 279 successfully accomplished and that none of the grounds for  
 280 nonrenewal established by paragraph (8) (a) has been expressly  
 281 found ~~documented~~. The charter of a charter school that meets  
 282 these requirements and has received a school grade lower than a  
 283 "B" pursuant to s. 1008.34 in the most recently graded school  
 284 year must be renewed for no less than a 5-year term except as  
 285 provided in paragraph (9) (n). In order to facilitate long-term  
 286 financing for charter school construction, charter schools  
 287 operating for a minimum of 3 years and demonstrating exemplary  
 288 academic programming and fiscal management are eligible for a  
 289 15-year charter renewal. Such long-term charter is subject to  
 290 annual review and may be terminated during the term of the



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291 charter.

292 2. The 15-year charter renewal that may be granted pursuant  
 293 to subparagraph 1. ~~must shall~~ be granted to a charter school  
 294 that has received a school grade of "A" or "B" pursuant to s.  
 295 1008.34 in the most recently graded school year 3 of the past 4  
 296 ~~years~~ and that is not in a state of financial emergency or  
 297 deficit position as defined by this section. Such long-term  
 298 charter is subject to annual review and may be terminated during  
 299 the term of the charter pursuant to subsection (8).

300 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

301 (a) The sponsor shall make student academic achievement for  
 302 all students the most important factor when determining whether  
 303 to renew or terminate the charter. The sponsor may ~~also~~ choose  
 304 not to renew or may terminate the charter only if the sponsor  
 305 expressly finds that one of the grounds set forth below exists  
 306 by clear and convincing evidence:

307 1. Failure to participate in the state's education  
 308 accountability system created in s. 1008.31, as required in this  
 309 section, or failure to meet the requirements for student  
 310 performance stated in the charter.

311 2. Failure to meet generally accepted standards of fiscal  
 312 management due to deteriorating financial conditions or  
 313 financial emergencies determined pursuant to s. 1002.345.

314 3. Material violation of law.

315 ~~4. Other good cause shown.~~

316 (18) FACILITIES.—

317 (c) Any facility, or portion thereof, used to house a  
 318 charter school whose charter has been approved by the sponsor  
 319 and the governing board, pursuant to subsection (7), is shall be

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320 exempt from ad valorem taxes pursuant to s. 196.1983 and-  
 321 ~~library, community service, museum, performing arts, theatre,~~  
 322 ~~cinema, church, Florida College System institution, college, and~~  
 323 ~~university facilities~~ may provide space to charter schools  
 324 ~~within their facilities~~ under the facility's existing their  
 325 ~~preexisting~~ zoning and land use designations without obtaining a  
 326 special exception, rezoning, or a land use change.

327 (f) To the extent that charter school facilities are  
 328 specifically created to mitigate the educational impact created  
 329 by the development of new residential dwelling units, pursuant  
 330 to subparagraph (2)(c)4., ~~some of or~~ all of the educational  
 331 impact fees required to be paid in connection with the new  
 332 residential dwelling units must may be designated instead for  
 333 the construction of the charter school facilities that will  
 334 mitigate the student station impact. Such facilities shall be  
 335 built to the State Requirements for Educational Facilities and  
 336 shall be owned by a public or nonprofit entity. The local school  
 337 district retains the right to monitor and inspect such  
 338 facilities to ensure compliance with the State Requirements for  
 339 Educational Facilities. If a facility ceases to be used for  
 340 public educational purposes, either the facility shall revert to  
 341 the school district subject to any debt owed on the facility, or  
 342 the owner of the facility shall have the option to refund all  
 343 educational impact fees utilized for the facility to the school  
 344 district. The district and the owner of the facility may  
 345 contractually agree to another arrangement for the facilities if  
 346 the facilities cease to be used for educational purposes. The  
 347 owner of property planned or approved for new residential  
 348 dwelling units and the entity levying educational impact fees

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349 shall enter into an agreement that designates the educational  
 350 impact fees that will be allocated for the charter school  
 351 student stations and that ensures the timely construction of the  
 352 charter school student stations concurrent with the expected  
 353 occupancy of the residential units. The application for use of  
 354 educational impact fees shall include an approved charter school  
 355 application. To assist the school district in forecasting  
 356 student station needs, the entity levying the impact fees shall  
 357 notify the affected district of any agreements it has approved  
 358 for the purpose of mitigating student station impact from the  
 359 new residential dwelling units.

360 Section 3. Subsection (2) of section 1011.71, Florida  
 361 Statutes, is amended to read:

362 1011.71 District school tax.—

363 (2) In addition to the maximum millage levy as provided in  
 364 subsection (1), each school board may levy not more than 1.5  
 365 mills against the taxable value for school purposes for charter  
 366 schools pursuant to s. 1013.62(1) and (3) and for district  
 367 schools. This millage is part of the school district's operating  
 368 discretionary millage levy and may be used to fund:

369 (a) New construction, remodeling projects, sites and site  
 370 improvement or expansion to new sites, existing sites, auxiliary  
 371 facilities, athletic facilities, or ancillary facilities.

372 (b) Maintenance, renovation, and repair of existing school  
 373 plants or of leased facilities to correct deficiencies pursuant  
 374 to s. 1013.15(2).

375 (c) The purchase, lease-purchase, or lease of school buses.

376 (d) The purchase, lease-purchase, or lease of new and  
 377 replacement equipment; computer and device hardware and

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378 operating system software necessary for gaining access to or  
 379 enhancing the use of electronic and digital instructional  
 380 content and resources; and enterprise resource software  
 381 applications that are classified as capital assets in accordance  
 382 with definitions of the Governmental Accounting Standards Board,  
 383 have a useful life of at least 5 years, and are used to support  
 384 districtwide administration or state-mandated reporting  
 385 requirements. Enterprise resource software may be acquired by  
 386 annual license fees, maintenance fees, or lease agreements.

387 (e) Payments for educational facilities and sites due under  
 388 a lease-purchase agreement entered into by a district school  
 389 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
 390 exceeding, in the aggregate, an amount equal to three-fourths of  
 391 the proceeds from the millage levied by a district school board  
 392 pursuant to this subsection. The three-fourths limit is waived  
 393 for lease-purchase agreements entered into before June 30, 2009,  
 394 by a district school board pursuant to this paragraph. If  
 395 payments under lease-purchase agreements in the aggregate,  
 396 including lease-purchase agreements entered into before June 30,  
 397 2009, exceed three-fourths of the proceeds from the millage  
 398 levied pursuant to this subsection, the district school board  
 399 may not withhold the administrative fees authorized by s.  
 400 1002.33(20) from any charter school operating in the school  
 401 district.

402 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 403 1011.15.

404 (g) Payment of costs directly related to complying with  
 405 state and federal environmental statutes, rules, and regulations  
 406 governing school facilities.

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407 (h) Payment of costs of leasing relocatable educational  
408 facilities, of renting or leasing educational facilities and  
409 sites pursuant to s. 1013.15(2), or of renting or leasing  
410 buildings or space within existing buildings pursuant to s.  
411 1013.15(4).

412 (i) Payment of the cost of school buses when a school  
413 district contracts with a private entity to provide student  
414 transportation services if the district meets the requirements  
415 of this paragraph.

416 1. The district's contract must require that the private  
417 entity purchase, lease-purchase, or lease, and operate and  
418 maintain, one or more school buses of a specific type and size  
419 that meet the requirements of s. 1006.25.

420 2. Each such school bus must be used for the daily  
421 transportation of public school students in the manner required  
422 by the school district.

423 3. Annual payment for each such school bus may not exceed  
424 10 percent of the purchase price of the state pool bid.

425 4. The proposed expenditure of the funds for this purpose  
426 must have been included in the district school board's notice of  
427 proposed tax for school capital outlay as provided in s.  
428 200.065(10).

429 (j) Payment of the cost of the opening day collection for  
430 the library media center of a new school.

431 Section 4. This act shall take effect July 1, 2022.

**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 790  
 INTRODUCER: Senator Hooper  
 SUBJECT: Computer Science and Technology Instruction  
 DATE: November 29, 2021      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

**I. Summary:**

SB 790 repeals s. 1007.2616, F.S., relating to computer science and technology instruction, and moves the content, with modifications, to a newly created s. 1003.4202, F.S. also relating to computer science and technology instruction, and modifies s. 1003.01, F.S. relating to definitions. Specifically, the bill:

- Defines computer science and computational thinking.
- Clarifies the intent of elementary and middle school computer science instruction as providing a foundation for future computer usage and achieving digital literacy.
- Expands the personnel authorized to participate in computer science training and professional development programs to include not only classroom teachers but also instructional personnel, which includes school counselors, social workers, school psychologists, and librarians and media specialists.
- Establishes criteria for the award of funds for computer science training and professional development program to require the Florida Department of Education (DOE) to award funding in an equitable manner that accounts for the unique needs of small and rural school districts.
- Requires the DOE to prepare and submit a report by each December 1 to the Governor, Cabinet, and the Legislature which details the funding formula and distribution of funds to each school district.
- Expands the personnel who may receive the \$1,000 and \$500 bonuses established in law related to computer science instruction to include instructional personnel at elementary and secondary schools who are evaluated as effective or highly effect in the previous school year or instructional personnel who were newly hired by the district school board and have not been evaluated. Requires a school district to include instructional personnel in the required report to the DOE identifying those qualifying for a bonus.

The bill authorizes that any such funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

The bill also authorizes the State Board of Education to adopt rules to implement provisions in the bill.

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

The bill takes effect on July 1, 2022.

## II. Present Situation:

### Computer Science

The influence of computing is felt daily and experienced on a personal, societal, and global level.<sup>1</sup> Computer science, the discipline that makes the use of computers possible, has driven innovation in every industry and field of study and is powering approaches to many of the world's challenges.<sup>2</sup> Computer knowledge and skills are increasingly being recognized as foundational for an educated citizenry as computer science is considered a central component of innovation, economic growth and employment.<sup>3</sup>

Computer science is also foundational for student success. Multiple studies have shown that students who study computer science perform better in other subjects, excel at problem-solving, and are 17 percent more likely to attend college.<sup>4</sup> Although 90 percent of parents want their child to study computer science, only 47 percent of high schools teach computer science.<sup>5</sup>

### Computer Science Courses and Instruction

Florida law defines computer science as the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society.<sup>6</sup> Computer science also includes computer coding and computer programming.<sup>7</sup>

Foundational skills for computer science learning include problem solving, such as computational thinking, understanding and recognizing patterns, understanding and

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<sup>1</sup> K12 Computer Science, *K12 Computer Science Framework* (2016), available at <https://k12cs.org/wp-content/uploads/2016/09/K%E2%80%9312-Computer-Science-Framework.pdf> at 1.

<sup>2</sup> Examples of challenges include decreasing automobile deaths, distributing medical vaccines, and providing platforms for rural villagers to participate in larger economies. *Id.*

<sup>3</sup> Education Commission of the States, *State-level Policies Supporting Equitable K-12 Computer Science Education* (2017), available at <https://www.ecs.org/wp-content/uploads/MassCAN-Full-Report-v10.pdf> at 7.

<sup>4</sup> Code.org, *Why Computer Science*, <https://code.org/promote> (last visited Nov. 18, 2021). Code.org, *More Data and Talking Points for Advocacy, Why study computer science*, <https://code.org/promote/morestats> (last visited Nov. 19, 2021).

<sup>5</sup> *Id.*

<sup>6</sup> Section 1007.2616(1), F.S.

<sup>7</sup> *Id.*

implementing sequencing, and understanding representation, meaning how computers represent data.<sup>8</sup>

Computational thinking, which refers to the thought processes involved in expressing solutions as computational steps or algorithms that can be carried out by a computer,<sup>9</sup> is essentially a problem-solving process that designs solutions that capitalize on the power of computers.<sup>10</sup> Although typically associated with computer science, computational thinking can also be applied in the classroom setting through lessons in core subject areas.<sup>11</sup>

Florida public schools are required to provide students in grades K-12 opportunities for learning computer science including computer coding and computer programming.<sup>12</sup> Such opportunities may include:<sup>13</sup>

- Instruction on computer coding in elementary and middle school; and
- Instruction to develop computer usage and digital literacy<sup>14</sup> skills in middle school.

Elementary and middle schools may establish digital classrooms in which students are provided opportunities to improve digital literacy and competency; to learn digital skills, such a coding, multiple media presentation, and the manipulation of multiple digital graphic images. Students may also have the opportunity to earn digital tool certificates and certifications.<sup>15</sup>

Computer science courses must be offered to students in middle school and high school, including opportunities to earn industry certifications related to the courses.<sup>16</sup> Computer science courses and technology-related industry certifications that are identified as meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory.<sup>17</sup>

The Florida Virtual School (FLVS) must offer computer science courses identified in the Course Code Directory. If a school district does not offer an identified course, the district must provide students access to the course through FLVS or through other means.<sup>18</sup>

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<sup>8</sup> K-12 Computer Instruction Framework Steering Committee, *K-12 Computer Instructional Framework* (2016), pgs. 183-198, available at <https://k12cs.org/wp-content/uploads/2016/09/K%E2%80%9312-Computer-Science-Framework.pdf>.

<sup>9</sup> *Id.* at 295.

<sup>10</sup> *Id.* at 69.

<sup>11</sup> For example, in English language arts, students may be asked to analyze simple sentences and determine a framework for generating similar sentences, using pattern recognition and problem solving skills. Code.org, *Computational Thinking Lesson Assessment*, available at <https://code.org/curriculum/course3/1/Assessment1-CompThinking.pdf>.

<sup>12</sup> Section 1007.2616(2)(a), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Digital literacy is the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills. American Library Association, *Digital Literacy*, <https://literacy.ala.org/digital-literacy/> (last visited Nov. 19, 2021).

<sup>15</sup> Section 1007.2616(5), F.S. See Section 1003.4203, F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 1007.2616(6), F.S.

<sup>18</sup> Section 1007.2616(3), F.S.

There are 66 middle and high school, as well as 2 elementary school, computer science courses currently identified in the Course Code Directory.<sup>19</sup>

### High School Graduation Requirements

In Florida, a student must successfully complete 24 credits specified in law, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum to earn a standard high school diploma.<sup>20</sup> The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including work-related internships approved by the SBE and identified in the course code directory. However, any must-pass assessment requirements must be met.<sup>21</sup> A student may also earn a standard high school diploma through the 18 credit Academically Challenging Curriculum to Enhance Learning Option (ACCEL)<sup>22</sup> or the Career and Technical Education Graduation Pathway Option.<sup>23</sup> Both 18 credit options also require students to meet English language arts, mathematics, science, and social studies credit and assessment requirements.<sup>24</sup>

To graduate, a student must complete the specified requirements, including 4 credits in mathematics and 3 credits in science, and earn a cumulative grade point average (GPA) of 2.0 or higher on a 4.0 scale.<sup>25</sup> A student must also pass the statewide, standardized grade 10 ELA FSA and the statewide, standardized Algebra I End-of-Course (EOC) assessment.<sup>26</sup>

A student who earns a computer science credit may substitute the credit for up to 1 credit of the mathematics requirement with the exception of Algebra I and Geometry, or up to 1 credit of the science requirement, with the exception of Biology I.<sup>27</sup>

Students may also satisfy mathematics and science graduation requirements through specified industry certifications, as follows:<sup>28</sup>

- A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit, except for Algebra I and Geometry, up to two credits.
- A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the

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<sup>19</sup> Florida Department of Education, *Florida Course Code Directory Computer Science Course Information 2020-2021* (2020), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/2021CompSci.pdf> (last visited Mar. 9, 2021).

<sup>20</sup> Section 1003.4282(1)(a), F.S.

<sup>21</sup> *Id.* at (1)(b). An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the Next Generation Sunshine State Standards for that subject. An applied course aligns with Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

<sup>22</sup> Section 1002.3105, F.S.

<sup>23</sup> Section 1003.4282(11), F.S.

<sup>24</sup> *Id.* and Section 1002.3105 F.S.

<sup>25</sup> Section 1003.4282(6)(a), F.S.

<sup>26</sup> Section 1003.4282(3), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 1003.4282(3)(b) and (c), F.S.

commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.

- A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

### **Evaluation of Instructional Personnel**

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional personnel.<sup>29</sup> The DOE must approve each school district's performance evaluation system, which must, among other requirements<sup>30</sup>, differentiate among the following four levels of performance:<sup>31</sup>

- Highly Effective.
- Effective.
- Needs Improvements or, for instructional personnel in the first 3 years of employment who needs improvement, Developing.
- Unsatisfactory.

Instructional personnel must be evaluated annually,<sup>32</sup> except that newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district.<sup>33</sup> Newly hired classroom teachers include first-time teachers new to the profession as well as veteran teachers new to the school district.<sup>34</sup>

### **Computer Science Teacher Training**

Subject to an appropriation, a school district may apply to the DOE for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science or training that leads to an industry certification associated with a course identified in the Course Code Directory, or for professional development for classroom teachers to provide instruction in computer science courses and content.<sup>35</sup>

Also subject to an appropriation, a classroom teacher who was evaluated as effective or highly effective in the previous school year or who is newly hired by the district school board and has not been evaluated must receive a bonus if the classroom teacher holds an:<sup>36</sup>

- Educator certificate in computer science or if he or she has passed the computer science subject area examination and holds an adjunct certificate issued by a school district, he or

<sup>29</sup> Section 1012.34(1)(a), F.S.

<sup>30</sup> See Section 1012.34(2), F.S.

<sup>31</sup> Section 1012.34(1)(b), (2), and (3)(a), F.S. See Rule 6A-5.030, F.A.C.

<sup>32</sup> The DOE suspended the requirement to conduct annual evaluations for teachers and administrators for the 2019-2020 school year in response to COVID-19. Florida Department of Education, Order No. 2020-EO-02 (May 13, 2020), at 5, available at <https://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf>.

<sup>33</sup> Section 1012.334(3)(a), F.S.

<sup>34</sup> Rule 6A-5.030(2)(g), F.A.C.

<sup>35</sup> Section 1007.2616(4), F.S.

<sup>36</sup> Section 1007.2614(7), F.S.



she must receive a \$1,000 bonus after each year the individual completes teaching a computer science course at a public middle or high school, for up to 3 years.

- Industry certification associated with a computer science course, he or she must receive a bonus of \$500 after each year the individual completes teaching the identified course at a public middle or high school, for up to 3 years.

The appropriation to fund training for computer science and teacher bonuses for fiscal year 2021-2022 is \$10 million.<sup>37</sup>

### III. Effect of Proposed Changes:

SB 790 repeals s. 1007.2616, F.S., relating to computer science and technology instruction, and moves the content, with modifications, to a newly created s. 1003.4202, F.S., also relating to computer science and technology instruction, and modifies s. 1003.01, F.S. relating to definitions. Specifically, in the area of computer science courses and instruction, the bill:

- Defines computer science and computational thinking.<sup>38</sup>
- Maintains the authorization for each elementary school, and the requirement for each middle school, to provide computer science instruction, but clarifies the intent of such instruction as providing a foundation for future computer usage and achieving digital literacy.
- Maintains a requirement that school districts provide access to computer science courses offered through the Florida Virtual School if the school district does not offer an identified course, but requires that if a district uses another means to provide instruction, it must be approved by the Florida Department of Education (DOE).

The bill also includes provisions relating to computer science teacher training. Subject to legislative appropriation, the bill:

- Maintains the authorization for school districts to establish computer science training and professional development programs, but expands the personnel authorized to participate in such programs to include not only classroom teachers but also instructional personnel,<sup>39</sup> which includes school counselors, social workers, school psychologists, and librarians and media specialists.
- Establishes criteria for the award of funds for computer science training and professional development programs to require the DOE to award funding in an equitable manner that accounts for the unique needs of small and rural school districts.
- Requires the DOE to prepare and submit a report by each December 1 to the Governor, Cabinet, and the Legislature which details the funding formula and distribution of funds to each school district.
- Expands the personnel who may receive the \$1,000 and \$500 bonuses established in law related to computer science instruction to include instructional personnel at elementary and secondary schools who are evaluated as effective or highly effect in the previous school year,

<sup>37</sup> Section 2, ch. 2021-36, L.O.F.

<sup>38</sup> The bill largely maintains the definition of “computer science” as the study of computers and algorithmic processes, including their principles, hardware and software design, applications, and impact on society, and includes computer coding, computer programming, but adds to the definition the implementation of processes and includes computational thinking, robotics, and physical computing. The bill also adds a new definition of “computational thinking” defined as the thought process involved in expressing solutions as computational steps or algorithms that can be carried out by a computer.

<sup>39</sup> The bill defines “instructional personnel” as those identified in section 1012.01(a), (b), and (c), F.S.

or instructional personnel who were newly hired by the district school board and have not been evaluated. Requires a school district to include instructional personnel in the required report to the DOE identifying those qualifying for a bonus.

- Maintains that qualified instructional personnel must receive a bonus upon completion of the school year in which the course was taught, but limits instructional personnel from receiving more than one bonus per year.

The bill authorizes that any such funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

The bill also authorizes the State Board of Education (SBE) to adopt rules to implement provisions in the bill. Since some provisions of the bill are similar to provisions in s. 1007.2616, F.S., which is repealed in the bill, the SBE may need to modify some provisions already adopted in rule.

Providing opportunities for students to learn computer science in kindergarten through grade 12, along with providing instructional personnel the training and resources to be successful, may increase interest for instructional personnel to teach computer science, allow more students to be exposed to and learn computer science, and may ultimately lead to more students following a computer science-related career path.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The fiscal impact of the bill is dependent on a legislative appropriation and therefore indeterminate. The appropriation to fund similar provisions pursuant to s. 1007.2616, F.S., is \$10 million for fiscal year 2021-2022.<sup>40</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.01 of the Florida Statutes.  
This bill creates section 1003.4202 of the Florida Statutes.  
This bill repeals section 1007.2616 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>40</sup> Section 2, ch. 2021-36, L.O.F.

By Senator Hooper

16-00636C-22

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1 A bill to be entitled  
 2 An act relating to computer science and technology  
 3 instruction; amending s. 1003.01, F.S.; defining  
 4 terms; creating s. 1003.4202, F.S.; defining the term  
 5 "instructional personnel"; requiring public schools to  
 6 provide computer science instruction conforming to  
 7 specified requirements; requiring computer science  
 8 courses and technology-related industry certifications  
 9 to be identified in the Course Code Directory and  
 10 published on the Department of Education's website;  
 11 authorizing additional computer science courses to be  
 12 subsequently identified and posted on the department's  
 13 website; requiring the Florida Virtual School to offer  
 14 computer science courses identified in the Course Code  
 15 Directory; requiring school districts that do not  
 16 offer an identified course to provide students access  
 17 to the course through the Florida Virtual School or  
 18 other means approved by the department; authorizing  
 19 school districts or consortiums of school districts to  
 20 apply to the department for funding to deliver or  
 21 facilitate certain training, subject to appropriation;  
 22 requiring the funding to be used only for specified  
 23 purposes; requiring the department to establish an  
 24 application deadline; requiring the department to  
 25 award funding in an equitable manner that accounts for  
 26 the unique needs of small or rural school districts;  
 27 requiring the department to submit a report to the  
 28 Governor and Legislature by a specified date;  
 29 specifying the contents of the report; authorizing

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

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30 public elementary and middle schools to establish  
 31 digital classrooms that provide specified  
 32 opportunities; requiring instructional personnel who  
 33 meet specified criteria to receive a bonus; specifying  
 34 amounts for such bonuses; requiring school districts  
 35 to identify and report to the department qualifying  
 36 instructional personnel; providing that qualifying  
 37 instructional personnel receive the bonus upon  
 38 completion of the school year; prohibiting such  
 39 instructional personnel from receiving more than one  
 40 of certain bonuses per year; authorizing certain funds  
 41 that are not disbursed by a specified date to be  
 42 carried forward for a specified timeframe; requiring  
 43 the State Board of Education to adopt rules; repealing  
 44 s. 1007.2616, F.S., relating to computer science and  
 45 technology instruction; providing an effective date.

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

48  
 49 Section 1. Subsections (17) and (18) are added to section  
 50 1003.01, Florida Statutes, to read:  
 51 1003.01 Definitions.—As used in this chapter, the term:  
 52 (17) "Computer science" means the study of computers and  
 53 algorithmic processes, including their principles, hardware and  
 54 software designs, applications, implementation, and impact on  
 55 society, and includes computer coding, computer programming,  
 56 computational thinking, robotics, and physical computing.  
 57 (18) "Computational thinking" means the thought process  
 58 involved in expressing solutions as computational steps or

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59 algorithms that can be carried out by a computer.

60 Section 2. Section 1003.4202, Florida Statutes, is created  
61 to read:

62 1003.4202 Computer science and technology instruction.-

63 (1) For the purposes of this section, the term  
64 "instructional personnel" has the same meaning as in s.  
65 1012.01(2)(a), (b), and (c).

66 (2)(a) Public schools shall provide computer science  
67 instruction in conformity with the following:

68 1. Each elementary school may provide computer science  
69 instruction with the goals of providing a foundation for future  
70 computer usage and achieving digital literacy.

71 2. Each middle school shall provide computer science  
72 instruction with the goals of providing a foundation for future  
73 computer usage and achieving digital literacy.

74 3. Each high school shall provide computer science  
75 instruction that includes opportunities for students to take  
76 courses resulting in computer science-related industry  
77 certifications that satisfy the requirements to obtain a  
78 standard high school diploma under s. 1003.4282(3).

79 (b) Computer science courses and technology-related  
80 industry certifications identified as eligible for meeting  
81 mathematics or science requirements for obtaining a standard  
82 high school diploma must be identified in the Course Code  
83 Directory and published on the Department of Education's  
84 website. Additional computer science courses may be subsequently  
85 identified and posted on the department's website.

86 (3) The Florida Virtual School shall offer computer science  
87 courses identified in the Course Code Directory pursuant to

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88 paragraph (2)(b). If a school district does not offer an  
89 identified course, the district must provide students access to  
90 the course through the Florida Virtual School or through other  
91 means approved by the department.

92 (4)(a) Subject to legislative appropriation, a school  
93 district or a consortium of school districts may apply to the  
94 department, in a format prescribed by the department, for  
95 funding to deliver or facilitate training for instructional  
96 personnel to earn an educator certificate in computer science  
97 pursuant to s. 1012.56; training for instructional personnel  
98 which leads to an industry certification associated with a  
99 course identified in the Course Code Directory pursuant to  
100 paragraph (2)(b); or professional development for instructional  
101 personnel to provide instruction in computer science. Such  
102 funding may be used only to provide training for instructional  
103 personnel, to pay fees for examinations that lead to a  
104 credential, or to provide professional development, pursuant to  
105 this paragraph.

106 (b) The department shall establish a deadline for school  
107 districts or consortiums to apply for funding pursuant to  
108 paragraph (a). The department shall award funding in an  
109 equitable manner that accounts for the unique needs of small or  
110 rural school districts.

111 (c) The department shall prepare and submit a report by  
112 December 1 of each year to the Governor, the Cabinet, and the  
113 Legislature which details the funding formula and distribution  
114 of funds to each school district in the previous fiscal year  
115 pursuant to this subsection.

116 (5) Public elementary schools and public middle schools may

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117 establish digital classrooms in which students are provided  
 118 opportunities to improve digital literacy and competency; to  
 119 learn digital skills, such as computer science, multiple media  
 120 presentation, and the manipulation of multiple digital graphic  
 121 images; and to earn digital tool certificates and certifications  
 122 pursuant to s. 1003.4203 and grade-appropriate, technology-  
 123 related industry certifications.

124 (6) Subject to legislative appropriation, instructional  
 125 personnel evaluated as effective or highly effective pursuant to  
 126 s. 1012.34 in the previous school year or instructional  
 127 personnel who were newly hired by the district school board and  
 128 have not been evaluated pursuant to s. 1012.34 must receive a  
 129 bonus as follows:

130 (a) If the individual holds an educator certificate in  
 131 computer science pursuant to s. 1012.56 or has passed the  
 132 computer science subject area examination and holds an adjunct  
 133 certificate issued by a school district pursuant to s. 1012.57,  
 134 he or she must receive a bonus of \$1,000 after each year he or  
 135 she completes teaching a computer science course identified in  
 136 the Course Code Directory pursuant to paragraph (2) (b) at a  
 137 public elementary, middle, high, or combination school in this  
 138 state, for up to 3 years.

139 (b) If the individual holds an industry certification  
 140 associated with a course identified in the Course Code Directory  
 141 pursuant to paragraph (2) (b), he or she must receive a bonus of  
 142 \$500 after each year he or she completes teaching the identified  
 143 course at a public elementary, middle, high, or combination  
 144 school in this state, for up to 3 years.

145 (c) A school district shall identify and report qualifying

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146 instructional personnel to the department by a date and in a  
 147 format established by the department. Eligible instructional  
 148 personnel shall receive the bonus upon completion of the school  
 149 year in which he or she taught the course but may not receive  
 150 more than one bonus per year under this subsection.

151 (7) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 152 funds allocated for the purpose of this section which are not  
 153 disbursed by June 30 of the fiscal year in which such funds are  
 154 allocated may be carried forward for up to 5 years after the  
 155 effective date of the original appropriation.

156 (8) The State Board of Education shall adopt rules to  
 157 administer this section.

158 Section 3. Section 1007.2616, Florida Statutes, is  
 159 repealed.

160 Section 4. This act shall take effect July 1, 2022.