

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 72 — Higher Education

by Appropriations Committee and Senator Stargel

The bill modifies a number of policies related to postsecondary education, including, scholarship and grant programs, state university preeminence and performance incentive programs, and state university and Florida College System (FCS) operational and capital funding.

Postsecondary Scholarship and Grant Programs

The bill modifies certain merit- and need-based programs. Specifically the bill:

- Modifies the Florida Student Assistance Grant (FSAG) programs to authorize a student who received an FSAG award in fall or spring term to receive an award during the summer term, prioritize the distribution of grant funds to students who are within one semester of completing a degree or certificate program, and modify the maximum expected family contribution.
- Modifies the Florida Bright Futures Scholarship Florida Academic Scholars award to provide an annual stipend as specified in the General Appropriations Act, rather than specifying the amount at \$300.
- Modifies the Florida Bright Futures Scholarship Florida Medallion Scholars award to specify that, beginning in the fall 2021 semester, a Florida Medallion Scholar who is enrolled in an associate degree program at an FCS institution is eligible for an award equal to the amount necessary to pay 100 percent of tuition and fees.
- Clarifies provisions related to the Benacquisto Scholarship Program to require a scholarship renewal student to be enrolled full-time, except for the last term before graduation, and specifies limitations for the duration of an award.

State University Performance

The bill modifies provisions relating to the preeminent state research universities program, effective upon becoming law, which:

- Specifies that preeminence excellence standards are as reported annually in the Board of Governors (BOG) Accountability Plan, rather than by specified third-party sources.
- Removes the emerging preeminent state research university funding provisions.
- Replaces the State University System Programs of Excellence with State Universities of Distinction, with reporting deadlines, but excludes preeminent state research universities.

The bill modifies the state university performance-based incentive program to:

- Modify the 4-year graduation rate metric into two metrics, including a 4-year graduation rate for first-time-in-college students, and beginning in the 2021-2022 fiscal year, a 2-year graduation rate for FCS institution associate in arts transfer students.
- Add a new metric for a 6-year graduation rate for students who are awarded a Pell Grant in their first year, beginning in the 2021-2022 fiscal year.

State University and Florida College System Funds

The bill modifies requirements for the carry forward of operational funds by state universities and FCS institutions to modify submission and approval dates of a carry forward spending plan, and authorize the spending plan to include a commitment of funds to a contingency reserve for expenses related to a declared emergency.

The bill modifies a criterion for the State Board of Education to include new construction, remodeling, or renovation projects on a specified public education capital outlay (PECO) prioritized list for FCS institutions, to align to a similar requirement for the BOG.

The bill also requires the BOG legislative budget request (LBR) to include information about administrative and faculty personnel and requires the BOG to define faculty and administrator classifications and report such definitions in the LBR.

Additional State University and Florida College System Provisions

The bill also:

- Creates the Florida Institute of Politics at FSU and the Adam Smith Center for the Study of Economic Freedom at Florida International University, with specified goals for each institute.
- Requires that employees of a state university or research entity engaged in the design, conduct, or reporting of outside research must disclose and receive a determination that any outside research does not affect the integrity of the state university or entity, with penalties for noncompliance.
- Authorizes FCS institution and state university board of trustees (BOT) innovative pricing techniques and payment options policies to include either an opt-in or opt-out provision for students.
- Authorizes a member of the Phosphate Research and Activities Board to serve beyond 180 days of the expiration of his or her term, effective upon becoming a law.
- Expands the authorization for a state agency to contract with a nonpublic college or university to include a nonpublic institution that is authorized to operate within this state, offers a professional degree, and is accredited by the Middle States Commission on Higher Education.

If approved by the Governor, these provisions take effect July 1, 2020, except as otherwise provided.

Vote: Senate 37-0; House 112-0

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CS/HB 81 — Health Care for Children

by Health and Human Services Committee and Rep. Andrade and others (CS/CS/SB 190 by Appropriations Committee; Health Policy Committee; and Senators Montford, Harrell, Berman, Cruz, and Braynon)

The bill requires the Department of Health to create an electronic pamphlet with information on the screening for, and treatment of, preventable infant and childhood eye and vision disorders. The pamphlet must be provided to new parents by hospitals providing birthing services, birth centers, and by the healthcare practitioner attending an out-of-hospital birth.

The bill authorizes school districts to certify for reimbursement eligible school-based health services provided to any student enrolled in Medicaid, regardless of whether that student qualifies for Part B or H of the Individuals with Disabilities Education Act, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with updated federal guidance that authorizes the federal reimbursement of Medicaid-eligible, school-based health services for all students enrolled in Medicaid.

The bill clarifies that an auditory-oral education program must use faculty and supervisors certified as listening and spoken language specialists each day the child is in attendance and also requires a certified listening and spoken language specialist from the family's chosen auditory-oral education program to be included in the Individualized Education Plan team or Family Support Plan team.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 113-0

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/CS/HB 115 — Keep Our Graduates Working Act

by Commerce Committee; Health Quality Subcommittee; Business and Professions Subcommittee; and Rep. Duran and others (CS/SB 356 by Innovation, Industry, and Technology Committee; and Senators Hutson, Diaz, Berman, and Perry)

The bill prohibits any licensing department, board, or agency from denying a license, refusing to renew a license, or suspending or revoking a professional license based solely on an individual being delinquent on a payment or defaulting on his or her student loans. The bill also:

- Removes the provision authorizing the Department of Health (DOH) to impose specified penalties on a healthcare practitioner for failure to repay a student loan or comply with the terms of a service scholarship.
- Specifies that the requirement for the DOH, or affiliated licensing boards, to refuse to allow a candidate to sit for an exam, or refuse to grant or renew a license because the applicant is on the United States Department of Health and Human Services (USHHS) Office of Inspector General's *List of Excluded Individuals and Entities* does not apply when the applicant is on the list solely because of default or delinquency on a student loan.
- Repeals the requirement that the DOH obtain a monthly list from the USHHS of the health care practitioners who have defaulted on their student loans, and the resulting requirement to notify a licensee that his or her license will be suspended, pending new payment terms.
- Requires the Department of Education, in its efforts to collect delinquent and defaulted debt, to comply with the protections for an individual's license established in the bill.

If approved by the Governor, these provisions take effect on July 1, 2020.

Vote: Senate 35-1; House 118-0

THE FLORIDA SENATE
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Committee on Education

CS/CS/SB 156 — Early Childhood Music Education Incentive Pilot Program
by Appropriations Committee; Education Committee; and Senators Perry, Stewart, and Diaz

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program (program) within the Department of Education (DOE) until June 30, 2022. The bill revises school district eligibility for program participation by requiring specified elementary schools that have established a music education program to maintain a program that complies with the DOE's standards.

The bill requires the University of Florida's College of Education, in collaboration with Florida International University's School of Music, to evaluate the effectiveness of the program by measuring student academic performance and the success of the program. In addition, the bill requires the results of the program evaluation be shared with the Florida Center for Partnerships for Arts-Integrated Teaching.

If approved by the Governor, these provisions take effect July 1, 2020.
Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
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CS/SB 434 — Designation of School Grades

by Education Committee and Senator Montford

The bill modifies the high school acceleration component of the school grading model to add to the calculation students who complete career certificate dual enrollment courses resulting in 300 or more clock hours that are approved by the State Board of Education.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
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HB 641 — Funds for the Operation of Schools

by Reps. Plasencia and Overdorf (SB 836 by Senator Simmons)

The bill establishes the Teacher Salary Increase Allocation within the Florida Education Finance Program (FEFP). The allocation:

- Requires school districts and charter schools to use the allocation to increase the minimum base salary for full-time classroom teachers to at least \$47,500, or to the maximum amount achievable and as specified in the General Appropriations Act (GAA).
- Provides for salary increases for full-time classroom teachers who did not receive a salary increase or who received an increase of less than two percent, or as specified in the GAA, and other full-time instructional personnel.
- Establishes reporting requirements for district school boards, charter school governing boards, and the Department of Education (DOE).

The bill also:

- Repeals the Florida Best and Brightest Teacher Program, Florida Best and Brightest Principal Program, and the Florida Best and Brightest Teacher and Principal Allocation.
- Provides the DOE with flexibility to establish timeframes for the advertisement and submission of bids for the 2020 instructional materials adoption cycle.
- Provides school district bonus funding through the FEFP for students who receive an Advanced Placement Capstone Diploma and meet the requirements for a standard high school diploma.
- Removes the limit of 30 postsecondary semester credit hours that a student may be awarded for successfully completing International Baccalaureate or Advanced International Certificate of Education course examinations.

If approved by the Governor, these provisions take effect July 1, 2020, except for the provision related to the 2020 instructional materials adoption cycle, which takes effect upon becoming law.

Vote: Senate 39-0; House 112-0

THE FLORIDA SENATE
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CS/CS/SB 646 — Intercollegiate Athlete Compensation and Rights

by Innovation, Industry, and Technology Committee; Education Committee; and Senator Mayfield

The bill authorizes an intercollegiate athlete at a postsecondary educational institution to earn compensation for the use of her or his name, image, or likeness (NIL), and prohibits a postsecondary institution from preventing an athlete from earning NIL compensation. In addition, the bill prohibits a postsecondary institution, and specified entities and individuals associated with a postsecondary institution, from compensating or causing compensation to be directed to a current or prospective athlete for her or his NIL.

The bill prohibits an athlete from entering into a contract for NIL compensation if a term of the contract conflicts with a term of the athlete's team contract. The bill requires an athlete who enters into a contract for NIL compensation to disclose the contract to the postsecondary institution at which she or he is enrolled.

The bill prohibits a postsecondary institution from preventing or unduly restricting an athlete from obtaining professional representation by an appropriately licensed or registered athlete agent or attorney for the purpose of securing NIL compensation. The bill specifies that grant-in-aid awarded to an athlete by a postsecondary institution may not be reduced as a result of an athlete earning compensation or obtaining professional representation for the purposes of NIL.

The bill requires each postsecondary institution to conduct a financial literacy and life skills workshop at the beginning of the athlete's first and third academic years, with specified stipulations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 37-2; House 98-14

THE FLORIDA SENATE
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CS/CS/CS/SB 662 — Education and the Military

by Rules Committee; Military and Veterans Affairs and Space Committee ; Education Committee; and Senator Wright.

The bill provides greater flexibility to military families by specifying that a student whose parent is transferred or is pending transfer to a military installation within the state, rather than within a school district, while on active duty is considered a resident of the school district for purposes of enrollment.

The bill also modifies the school grading model for high schools, beginning in the 2022-2023 school year, by adding to the college and career acceleration component the percentage of students who earn a Category II Armed Forces Qualification Test score or higher on the Armed Services Vocational Aptitude Battery and earn a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 117-0

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CS/HB 901 — Vocational Rehabilitation Services

by Higher Education and Career Readiness Subcommittee and Rep. Ponder and others (CS/SB 1784 by Appropriations Committee and Senator Gainer)

The bill aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (DVR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.
- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transitions services with labor market demands.
- Requires the annual performance report provided by the DVR to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.
- Modifies the membership of the Florida Rehabilitation Council and expands the Council's scope of review.
- Modifies provisions related to The Able Trust, including clarifying that administrative costs are based on actual expenditures in any fiscal year, adds the Director of the DVR, or his or her designee, as an ex officio member of the board, and revises board member terms.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 114-0

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CS/CS/HB 1213 — Educational Instruction of Historical Events

by Education Committee; PreK-12 Innovation Subcommittee; and Reps. Fine, Caruso, and others (CS/CS/SB 1628 by Appropriations Committee; Education Committee; and Senators Book, Hooper, Rader, Berman, Cruz, Stewart, and Rodriguez)

History of the Holocaust

The bill adds the policy, definition, examples, and prevention of anti-Semitism to the required public school instruction regarding the history of the Holocaust. Each school district must annually certify and provide evidence to the Department of Education (department) that instructional requirements concerning the history of the Holocaust are met. The bill requires the department to prepare and offer standards and curriculum for the required instruction, and authorizes the department to seek input from the Commissioner of Education’s Task Force on Holocaust Education or from recognized Holocaust educational organizations. The department may contract with recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

The bill designates the second week in November as “Holocaust Education Week” in recognition of the anniversary of Kristallnacht, a precipitating event that led to the Holocaust.

1920 Ocoee Election Day Riots

The bill directs the Commissioner of Education’s African American History Task Force to examine ways in which the history of the 1920 Ocoee Election Day Riots (riots) will be included in required instruction on African-American history and submit its recommendations to the Commissioner of Education and the State Board of Education by March 1, 2021.

The bill directs the Secretary of State to determine ways in which the Museum of Florida History and other state museums will promote the history of the riots through exhibits and educational programs, and collaborate with the National Museum of African American History and Culture of the Smithsonian Institution to seek inclusion of the history of the riots in the museum’s exhibits.

The bill directs the Secretary of Environmental Protection to assess if any state park or facility will be named in recognition of any victim of the riots. Additionally, the bill encourages district school boards to assess opportunities for naming school facilities in recognition of victims of the riots.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
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CS/HB 7011 — Student Athletes

by Education Committee; PreK-12 Innovation Subcommittee; and Rep. Massullo and others (CS/CS/SB 1696 by Rules Committee; Education Committee; and Senators Perry and Cruz)

Automated External Defibrillators

The bill is cited as the “Zachary Martin Act” and requires each public school that is a member of the Florida High School Athletic Association (FHSAA) to make its automated external defibrillator (AED) available on school grounds in a clearly marked, publicized location for each athletic contest, practice, workout, or conditioning session, including those outside of the school year.

Training for School Employees or Volunteers

The bill requires, beginning June 1, 2021, a school employee or volunteer with current training in cardiopulmonary resuscitation and AED use to be present at each athletic event during and outside of the school year. Each employee or volunteer expected to use an AED must complete this training and be annually notified in writing of each AED’s location.

Heat Stress Monitoring, Hydration, and Cooling Zones

The bill specifies that the FHSAA must:

- Make training and resources available to each member school for the effective monitoring of heat stress;
- Require member schools to monitor heat stress and modify athletic activities based on heat stress guidelines, including making cooling zones available;
- Establish hydration guidelines, including appropriate introduction of electrolytes; and
- Require each school’s emergency action plan to include a procedure for onsite cooling using cold-water immersion or equivalent means before transporting a student for exertional heat stroke.

The bill specifies that each athletic coach and sponsor of extracurricular activities involving outdoor practices or events must annually complete training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.

Medical Evaluation

The bill requires all students participating in conditioning and activities that occur outside of the school year to pass a medical evaluation prior to participation in such activities each year.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
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Committee on Education

CS/HB 7067 — K-12 Scholarship Programs

by Appropriations Committee; Education Committee; and Rep. Sullivan and others (CS/CS/SB 1220 by Appropriations Committee; Education Committee; and Senator Diaz)

The bill modifies provisions in the Family Empowerment Scholarship (FES) Program, the Florida Tax Credit (FTC) Scholarship Program, and the Hope Scholarship Program (HSP), and also establishes a dual enrollment funding incentive for school districts.

The bill modifies the Family Empowerment Scholarship Program to:

- Establish a priority order for award of an FES, and removes the requirement that the scholarship is awarded on a first-come, first-served basis. The priority order for award of an FES, as established in the bill, is as follows:
 - A student who received an FES during the previous school year.
 - A student who received an FTC scholarship in the previous school year but did not receive a renewal scholarship because of a lack of funds, and meets other FES eligibility requirements.
 - A student whose household income does not exceed 185 percent of the federal poverty level, or is placed in foster care or in-home care; and spent the prior year in full-time attendance at a Florida public school.
 - A student who whose household income does not exceed 185 percent of the federal poverty level, or is placed in foster care or in-home care; and is eligible to enroll in kindergarten.
 - A student who is in a household with an income level that does not exceed 300 percent of the federal poverty level, or an adjusted maximum; and, in priority order, spent the prior year in full-time attendance at a Florida public school; or is eligible to enroll in kindergarten.
- In order to implement the established priority order for award of scholarship, require the Department of Education (DOE) to set deadlines for receipt of initial applications and renewal notifications, and for eligible nonprofit scholarship-funding organizations (SFOs) to verify student eligibility.
- Allow the maximum household income level, which is currently sets at 300 percent of the federal poverty level, to increase by 25 percent in any year following a fiscal year in which more than 5 percent of available FES scholarships are not awarded.
- Change the annual growth of the FES from 0.25 percent to 1.0 percent of the state's total public school enrollment, starting in the 2020-2021 school year.
- Require the DOE to maintain and publish a list of identified nationally norm-referenced tests for purposes of satisfying the FES program testing requirement.
- Require each private school to, by August 15 of each year, report the test scores of all participating students to a state university for the purpose of annual reporting of performance data.

The bill modifies the Florida Tax Credit Scholarship Program to:

- Specify that a student who receives an FTC scholarship remains eligible until high school graduation or age 21, regardless of the student's household income level.
- Require each SFO to use all available funds under the FTC scholarship program and the Hope Scholarship Program for renewal FTC scholarships, prior to awarding initial scholarships.
- Require each SFO to refer any student who does not receive a renewal FTC scholarship because of a lack of available funds to another SFO that may have funds available.

The bill modifies the Hope Scholarship Program to specify that an SFO that uses excess contributions to the HSP to fund FTC scholarships must prioritize renewal scholarships before awarding any initial scholarships.

The bill also establishes a dual enrollment full-time equivalent (FTE) incentive for school districts, beginning in the 2020-2021 school year, which provides:

- A 0.16 FTE bonus for each early college program student who completes a general education core course with a grade of "A."
- A 0.08 FTE bonus for each student not enrolled in an early college program who completes a general education core course with a grade of "A."
- A 0.3 FTE bonus for any student who completes an associate degree through dual enrollment with at least a 3.0 grade point average.
- That the school district must allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding go to the schools that generated the funds to support student academic guidance and postsecondary readiness.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 21-14; House 81-39

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Committee on Education

HB 7075 — OGSR/Animal Medical Records

by Oversight, Transparency and Public Management Subcommittee and Rep. Stevenson (SB 7008 by Education Committee)

The bill saves from repeal the current public records exemption relating to animal medical records held by or transferred to any state college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education.

If approved by the Governor, these provisions take effect October 1, 2020.

Vote: Senate 40-0; House 115-0