

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1285 Education

SPONSOR(S): Education & Employment Committee and Choice & Innovation Subcommittee, Canady and others

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/CS/CS/SB 996

FINAL HOUSE FLOOR ACTION: 84 Y's

29 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/HB 1285 passed the House on February 15, 2024, as amended. The bill was amended in the Senate on March 5, 2024 and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 7, 2024. The bill includes portions of CS/HB 1311, CS/HB 1151, and CS/SB 7002.

The bill makes a number of changes to Florida's K-12 public schools. Regarding school improvement and accountability, the bill requires any changes made by the State Board of Education (SBE) to components in the school grades model or school grading scale must go into effect, at the earliest, in the following school year. The bill specifies the responsibilities of a school district implementing a turnaround plan for a public school which is reopening as a charter school. The bill expands Florida's support of military families by creating the Purple Star School District Program and requires school districts and charter schools to offer students in grades 11 and 12 the opportunity to take the Armed Services Vocational Aptitude Battery and consult with a military recruiter.

The bill authorizes school districts to assign disruptive students to a disciplinary program or alternative school setting, but prohibits assigning students based solely on having a disability. The bill clarifies the process for students enrolled in a virtual instruction program or virtual charter school to participate in statewide, standardized assessments. The bill also revises the process to object to school district materials.

The bill allows a classical charter school to provide an enrollment preference to students who transfer from another classical school and authorizes a charter school to provide enrollment preference to the children of specified working parents. The bill exempts an owner or lessee of a property used to house a charter school from having to make an annual ad valorem tax exemption application and authorizes a private school to use certain facilities under the facility's preexisting zoning and land use designations. The bill authorizes the Commissioner of Education to appoint and remove the executive director for the Education Practices Commission and requires the SBE to adopt rules for the issuance of a classical education teaching certificate. The bill also makes adopted instructional materials available to teacher preparation programs.

At the postsecondary level, the bill specifies that members of Florida College System (FCS) and State University System boards of trustees may not do business or have any business affiliation with any institution under his or her purview and repeals the FCS Institution Employment Equity Accountability Program. The bill creates the Office of Ocean Economy at Florida Atlantic University and authorizes an Associate in Arts specialized transfer degree. The bill also prohibits a public postsecondary institution from prohibiting applicants or currently enrolled students from being employed, either full time or part time, as a condition of admission or enrollment and allows a single-document to establish residency for tuition purposes. Finally, the bill allows certain FCS institutions to reduce out of state tuition for distance learning at certain institutions.

The bill appropriates \$250,000 in nonrecurring funds to the Department of Education for International Baccalaureate teacher bonuses and has other indeterminate fiscal impacts. See Fiscal Comments.

The bill was approved by the Governor on April 16, 2024, ch. 2024-101, L.O.F., and will become effective on July 1, 2024.

I. SUBSTANTIVE INFORMATION

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME:

DATE:

A. EFFECT OF CHANGES:

Virtual Instruction Programs

Present Situation

A virtual instruction program provides an interactive, technology-based learning environment in which students are separated from their teachers by time or space, or both.¹ Each school district must provide at least one option for part-time and full-time virtual instruction for students residing within the school district, and provide timely written notification to parents of at least one open enrollment period for full-time students.²

A school district virtual instruction program must consist of the following:

- Full-time and part-time virtual instruction for students enrolled in kindergarten through grade 12.
- Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice (DJJ) education programs, core-curricula courses to meet class size requirements, or Florida College System (FCS) institutions.³

Each school district must provide information to parents and students about students' right to participate in a virtual instruction program and in courses offered by the Florida Virtual School (FLVS).⁴

All students, including home education and private school students, are eligible to participate in district virtual instruction programs.⁵ In order to provide students residing within the school district with the opportunity to participate in virtual instruction programs, a school district may:

- contract with the FLVS⁶ or establish a franchise of the FLVS;
- contract with a provider approved by the Department of Education (DOE) for the provision of a full-time or part-time school district virtual instruction program;
- enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district;
- establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs; and
- enter into an agreement with a virtual charter school authorized by the school district.⁷

Contracts with the FLVS or other providers may include multidistrict contractual arrangements that may be executed by a regional consortium service organization⁸ on behalf of its member school districts.⁹ Additionally, a virtual charter school may enter into an agreement with a school district to allow participation of the virtual charter school's students in the school district's virtual instruction program.¹⁰

¹ Section 1002.45(1)(a)3., F.S.

² Section 1002.45(1)(b), F.S.

³ Section 1002.45(1)(b)1., F.S.

⁴ Sections 1002.37(1) and (9)(a) and 1002.45(9), F.S.

⁵ Section 1002.455, F.S.

⁶ The Florida Virtual School is established for the development and delivery of online and distance learning education full-time and part-time to students enrolled in kindergarten through grade 12. The Commissioner of Education is required to monitor the school's performance and report the school's performance to the State Board of Education (SBE) and the Legislature. Section 1002.37(1)(a) and (9)(a), F.S.; s. 1002.45(9), F.S.

⁷ Section 1002.45(1)(c)1.-5., F.S.

⁸ See s. 1001.451, F.S. School districts with 20,000 or fewer unweighted full-time equivalent students, lab schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization.

⁹ Section 1002.45(1)(c), F.S. (flush left provision at the end of the subsection).

¹⁰ Section 1002.45(1)(d)3., F.S.

Participating students must comply with the compulsory school attendance requirements as verified by the district. Students must also participate in the state assessment program and the coordinated screening and progress monitoring system.¹¹

Statewide assessments and progress monitoring may be administered within the school district in which the student resides, or as specified in a contract between the school district and a qualified contractor, if applicable.¹² If requested by the approved virtual instruction program provider¹³ or virtual charter school,¹⁴ the district of residence must provide the student with access to the district's testing facilities.¹⁵

Effect of the Bill

The bill requires virtual instruction providers and virtual charter schools to provide a list of students to be administered statewide assessments and progress monitoring to the school district, including the students' names, Florida Education Identifiers, grade levels, assessments and progress monitoring to be administered, and contact information.

The bill specifies that unless an alternative testing site is mutually agreed upon by the virtual provider and the school district, or specified in a contract between the school district and a qualified contractor, all assessments and progress monitoring must be taken at the school to which the student would be assigned according to district school board attendance policies. The school district must provide the student with access to the school's or district's testing facilities and provide the student with the date and time of the administration of each assessment and progress monitoring.

Dual Enrollment

Present Situation

Overview

The dual enrollment program is an acceleration mechanism that allows an eligible secondary student or home education student to enroll and earn credit in a postsecondary course that is creditable toward both a high school diploma and an associate or baccalaureate degree or career certificate.¹⁶ An eligible secondary student is a student who is enrolled in grades 6 through 12 in a Florida public school or eligible private school that provides a secondary curriculum.¹⁷ Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university, or career certificate credit. Students may also participate in dual enrollment for courses that will lead to an industry certification. Eligible students are permitted to enroll in dual enrollment courses conducted during and after school hours and during the summer term. Dual enrollment students are exempt from the payment of registration, tuition, and laboratory fees.¹⁸

Articulation Agreements Between Public Postsecondary Institutions and School Districts

As used in the Florida K-20 Education Code, "articulation" is the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one

¹¹ Section 1002.45(5), F.S.

¹² Sections 1002.45(5)(b) and 1008.24(3), F.S.

¹³ Section 1002.45(2), F.S.

¹⁴ Section 1002.45(1)(d), F.S.

¹⁵ Section 1002.45(5)(b), F.S.

¹⁶ Section 1007.271(1), F.S.

¹⁷ Section 1007.271(2), F.S.

¹⁸ *Id.*

educational institution or program to another.¹⁹ “Service area” refers to the county or counties served by each FCS institution.²⁰

Each public postsecondary institution and school district in its service area must jointly develop and implement a comprehensive dual enrollment articulation agreement.²¹ The dual enrollment articulation agreement must be submitted annually to the DOE on or before August 1 and must include, but is not limited to, the following components:

- The available dual enrollment courses and programs.²²
- A description of the processes by which students and parents are informed about and exercise options to participate in dual enrollment, including registration.²³
- The type of high school credit earned for completion of a dual enrollment course.²⁴
- A listing of any additional student eligibility criteria.²⁵
- Each institution's responsibilities for student screening and performance monitoring, transmission of grades, program costs including instructional materials, and student transportation.²⁶

District school boards may not refuse to enter into a dual enrollment articulation agreement with a local FCS institution that has the capacity to offer dual enrollment courses.²⁷

Effect of the Bill

The bill requires district school boards to make reasonable efforts to enter into dual enrollment articulation agreements with a FCS institution which offers online dual enrollment courses.

The Purple Star Campus Program

Present Situation

The Purple Star Campus program was established by the Florida legislature in 2021²⁸ and further defined in State Board of Education (SBE) rule as the Purple Star School of Distinction Designation.²⁹ The purpose of the Purple Star School of Distinction Designation is to recognize schools that support the unique needs of military families, help military-connected students navigate critical challenges, and provide resources for military-connected students when transitioning to a new school environment.³⁰ As of November 2023, 197 Florida schools have earned the Purple Star School of Distinction Designation.³¹

¹⁹ Section 1000.21(1), F.S.

²⁰ Section 1000.21(5)(a)-(bb), F.S.

²¹ Section 1007.271(21), F.S.; *see also* Florida Department of Education (DOE), *Public School Dual Enrollment Articulation Agreements*, <https://www.fldoe.org/policy/articulation/public-school-dual-enrollment.shtml> (last visited Mar. 20, 2024).

²² Section 1007.271(21)(c), F.S.

²³ Section 1007.271(21)(b), (d), and (i), F.S. Career centers, FCS institutions, and state universities must also delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time. Section 1007.271(13)(b)1., F.S.

²⁴ Section 1007.271(21)(f), F.S.

²⁵ Section 1007.271(21)(e), F.S. Career centers, FCS institutions, and state universities must also identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students. Section 1007.271(13)(b)2., F.S. Exceptions to the required grade point average may be granted on an individual student basis. Section 1007.271(21)(h), F.S.

²⁶ Section 1007.271(21)(l), (m), (n), and (o), F.S.

²⁷ Section 1007.271(4), F.S.

²⁸ Section 1, ch. 2021-65, L.O.F., *codified at* s. 1003.051, F.S.

²⁹ Rule 6A-1.0999, F.A.C.

³⁰ Florida Department of Education (DOE), *Purple Star School of Distinction Designation*, <https://www.fldoe.org/schools/family-community/activities-programs/parental-involvement/purple-star.shtml> (last visited Mar. 20, 2024).

³¹ DOE, *Governor Ron DeSantis Announces 73 New Purple Star Schools to Provide Additional Resources for Military Families*, <https://www.fldoe.org/newsroom/latest-news/icymi-governor-ron-desantis-announces-73-new-purple-star-schools-to-provide-additional-resources-for-military-families.shtml> (last visited Mar. 20, 2024).

For the purpose of this program, a “military student” means a student who is:

- enrolled in a school district, charter school, or any school or educational institution participating in an educational choice scholarship program;³² and
- a dependent of a current member of the United States military serving on active duty in, or a former member of, the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of the United States military; or the Florida National Guard.³³

At a minimum, the program requires a participating school to:

- Designate a staff member as a military liaison.
- Maintain a web page on the school’s website which includes resources for military students and their families.
- Maintain a student-led transition program that assists military students in transitioning into the school.
- Offer professional development training opportunities for staff members on issues relating to military students.
- Reserve at least 5 percent of controlled open enrollment seats for military students.³⁴

Once awarded, schools maintain their designation as a Purple Star School of Distinction for 3 school years.³⁵

Effect of the Bill

The bill requires the DOE to create the Purple Star School District Program. At a minimum, the program must require a participating school district to have at least 75 percent of schools in the district designated as Purple Star Campuses and maintain a web page on the district’s website with resources for military students and their families and links to each Purple Star Campus’s web page with resources. The bill authorizes the DOE to establish additional program criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military students and their families, including, but not limited to, establishing a council consisting of a representative from each Purple Star Campus in the district and one district-level representative to ensure the alignment of military student-focused policies and procedures within the district.

The bill authorizes the SBE to adopt rules to administer the program.

Armed Services Vocational Aptitude Battery & Military Recruiters

Present Situation

Armed Services Vocational Aptitude Battery

The Armed Services Vocational Aptitude Battery (ASVAB) is a multiple-choice test, administered by the United States Military Entrance Processing Command, used to determine qualification for enlistment in the United States Armed Forces.³⁶

³² See ch. 1002, F.S.

³³ Section 1003.051(1), F.S.

³⁴ Section 1003.051(2)(a), F.S.

³⁵ Rule 6A-1.0999, F.A.C.

³⁶ Official ASVAB, *ASVAB Fact Sheet* (2023), available at https://www.officialasvab.com/wp-content/uploads/2023/06/ASVAB-Fact_Sheet.pdf.

The ASVAB is a timed multi-aptitude test, administered at over 14,000 schools and Military Entrance Processing Stations nationwide and developed and maintained by the Department of Defense. It measures a young adult's strengths and potential for success in military training.³⁷

The ASVAB consists of 10 subtests and scores are used to determine the best jobs for those entering a branch of the military. Scores from four of the math and verbal domain subtests are used to determine an Armed Forces Qualification Test (AFQT) score, which determines eligibility for enlistment.³⁸

Each branch of the military has different standards. The minimum scores each branch of the military requires depends on whether a potential recruit has a high school diploma or a high school equivalency diploma (GED). Those students with a GED need a higher AFQT score than students with a high school diploma. An AFQT score of 60 indicates that the examinee scored as well as or better than 60 percent of the nationally representative sample. For high school graduates earning a diploma, the requirements by military branch are as follows:³⁹

- Air Force recruits are required to have a minimum AFQT score of 31.
- Army recruits are required to have a minimum AFQT score of 31.
- Coast Guard recruits are required to have a minimum AFQT score of 36.
- Marine recruits are required to have a minimum AFQT score of 31.
- National Guard recruits are required to have a minimum AFQT score of 31.
- Navy recruits are required to have a minimum AFQT score of 31.

AFQT scores are divided into five categories:⁴⁰

- Category I - 93-99.
- Category II - 65-92.
- Category IIIa - 50-64.
- Category IIIb - 31-49.
- Category IVa - 21-30.
- Category IVb - 16-20.
- Category IVc - 10-15.
- Category V - 1-9.

Beginning with the 2022-2023 school year, the school grading formula for high schools was modified to include the percentage of students who earned an AFQT score that falls within Category II or higher on the ASVAB and earned a minimum of two credits in Junior Reserve Officers' Training Corps (JROTC) courses from the same branch of the United States Armed Forces.⁴¹

Military Recruiters and Access to Public School Campuses

Under current law, a school district must grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, which the district grants to postsecondary educational institutions or prospective employers of students.⁴²

A school district must also grant military recruiters access to the names, addresses, and telephone listings of secondary school students as required by federal statute,⁴³ except the district must comply

³⁷ Military.com, *The ASVAB Test*, <https://www.military.com/join-armed-forces/asvab> (last visited Mar. 20, 2024).

³⁸ US Military Careers, *How the ASVAB Score is Computed*, <https://www.liveabout.com/how-the-asvab-afqt-score-is-computed-3354094> (last visited Mar. 20, 2024).

³⁹ Official ASVAB, *Enlistment Eligibility*, <https://www.officialasvab.com/applicants/enlistment-eligibility> (last visited Mar. 20, 2024).

⁴⁰ *Id.*

⁴¹ Section 2, ch. 2020-75, L.O.F.; s. 1008.34(3)(b)2., F.S.

⁴² Section 1003.451(3)(a), F.S.

⁴³ 20 U.S.C. § 7908(a)(1).

with a student's or parent's request under federal⁴⁴ or state⁴⁵ statute not to release the student's information without prior written parental consent.⁴⁶

Effect of the Bill

The bill requires each school district and charter school to offer students in grades 11 and 12 the opportunity to take the ASVAB and consult with a military recruiter if the student chooses. The ASVAB must be scheduled during normal school hours.

Dropout Prevention and Academic Intervention

Present Situation

Overview

Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, or high school level.⁴⁷ These programs must use instructional teaching methods appropriate to the specific needs of each student participating in the program.⁴⁸ Any school that establishes a dropout prevention and academic intervention program must reflect the program in its school improvement plan.⁴⁹

Dropout prevention and academic intervention programs may differ from traditional programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and must employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.⁵⁰

Eligibility for participation in a dropout prevention and academic intervention program is limited to students in grades 1 through 12. School districts must report eligible students in the appropriate basic cost factor in the Florida Education Finance Program (FEFP). The strategies and supports provided to eligible students are funded through the General Appropriations Act and may include, but are not limited to, those services identified on the student's academic intervention plan.⁵¹

Students are eligible for dropout prevention and academic programs if they are academically unsuccessful, exhibit a pattern of excessive absenteeism or have been identified as a habitual truant, have a history of disruptive behavior in school or have committed an offense that warrants out-of-school suspension or expulsion from school, or have been identified by a school's early warning system.⁵² Student participation in a dropout prevention and academic intervention program is voluntary. District school boards may, however, assign students to a program for disruptive students. A student must not be identified as eligible for dropout prevention and academic intervention program services based solely on being from a single-parent family.⁵³

District school boards that receive state funding for dropout prevention and academic intervention must submit an annual report to the DOE documenting the extent of the district's success in using dropout prevention and academic intervention programs to improve the district's graduation rate, dropout rate,

⁴⁴ 20 U.S.C. § 7908(a)(2).

⁴⁵ Section 1002.22, F.S.

⁴⁶ Section 1003.451(3)(b), F.S.

⁴⁷ Section 1003.53(2)(a), F.S.

⁴⁸ *Id.*

⁴⁹ Section 1003.53(2)(b), F.S.

⁵⁰ Section 1003.53(1)(a), F.S.

⁵¹ Section 1003.53(1)(b), F.S.

⁵² Section 1003.53(1)(c), F.S.

⁵³ Section 1003.53(1)(a), F.S.

attendance rate, and retention/promotion rate.⁵⁴ In addition, school boards that provide a dropout prevention and academic intervention program must maintain records for each participating student documenting the student's eligibility, the length of the student's participation, the type of program to which the student was assigned or type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program.⁵⁵

District school boards must establish course standards for dropout prevention and academic intervention programs⁵⁶ and procedures to ensure that teachers assigned to these programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of students placed in the program.⁵⁷

Prior to a student's placement in a dropout prevention and academic intervention program, the school principal must provide written notice by certified mail, return receipt requested, to the student's parent.⁵⁸ The student's parent must return acknowledgement of the written notice within 3 days of receipt. The notice must inform the parent that he or she is entitled to an administrative review of any action by school personnel relating to the student's placement.⁵⁹

Effect of the Bill

The bill authorizes district school boards to assign students to a disciplinary program for disruptive students or an alternative school setting or other program in accordance with the state's policy of zero tolerance for crime and victimization.⁶⁰ The bill requires that, notwithstanding any other provision of law to the contrary, no student can be identified as eligible to receive services through the dropout prevention and academic intervention program solely based on having a disability. The bill authorizes a district school board to adopt a policy that allows a parent to agree to an alternative method of notification regarding a student's placement in a dropout prevention and academic intervention program. The bill authorizes the agreement to be made before the need for notification arises or at the time the notification becomes required.

The bill provides that dropout prevention and academic intervention programs established by each district school board must utilize student services that lead to improved student behavior as appropriate to the specific needs of the student. The bill requires that each student enrolled in a dropout prevention and academic intervention program has an academic intervention plan developed to address eligibility for placement in the program and to provide individualized student goals and progress monitoring procedures. A student's academic intervention plan must be consistent with the student's individual education plan (IEP).

Finally, the bill requires that teachers assigned to dropout prevention and academic intervention programs are certified as required under the law and by rules of the SBE.⁶¹

School Improvement and Accountability

Present Situation

School Turnaround Plans

⁵⁴ Section 1003.53(3), F.S.

⁵⁵ Section 1003.53(5), F.S.

⁵⁶ Rule 6A-6.0521, F.A.C.

⁵⁷ Section 1003.53(4), F.S.

⁵⁸ Section 1003.53(5), F.S.

⁵⁹ *Id.*

⁶⁰ Section 1006.13, F.S.

⁶¹ Section 1012.55(1), F.S.

Florida's system of improving low-performing schools is referred to as "school improvement" (SI).⁶² Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.⁶³ Intervention and support is required for traditional public schools earning a letter grade of "D" or "F" or producing a graduation rate of sixty-seven (67) percent or less.⁶⁴

Intensive intervention and support strategies must be applied through turnaround plans⁶⁵ to schools earning two consecutive grades of "D" or a grade of "F".⁶⁶ In the first full school year after a school initially earns a grade of "D," the school district must immediately implement intervention and support strategies.⁶⁷ For a school that initially earns a grade of "F" or a second consecutive grade of "D," the school district must either continue implementing or immediately begin implementing intervention and support strategies⁶⁸ and provide the department with the memorandum of understanding by September 1 and a district-managed turnaround plan by October 1 for approval by the SBE.⁶⁹ The plan must be designed to improve a school's grade to a "C" or better within two school years.⁷⁰

Upon SBE approval, the school district must implement the plan for the remainder of the school year and continue the plan for one full school year. The SBE may allow a school an additional year of implementation before the school must implement a turnaround option⁷¹ if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.⁷²

If the school's grade does not improve to a "C" or higher after the additional year (its fourth consecutive grade below a "C"), or after the first full year of implementation if an additional year is not granted, the school must select from the following turnaround options:⁷³

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

Selection of an external operator may include one, or a combination of the following:⁷⁴

- A district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.
- A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more schools under this section.

To exit the SI program, a school must meet one of the following requirements:⁷⁵

⁶² Section 1008.33(2) and (4), F.S.; r. 6A-1.099811, F.A.C.

⁶³ *See id.* School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁶⁴ Section 1008.33(3)(b), F.S.; *see also* r. 6A-1.099811(2)(aa), F.A.C.

⁶⁵ Rule 6A-1.099811(2)(bb), F.A.C.

⁶⁶ Section 1008.33(4)(a), F.S.

⁶⁷ Rule 6A-1.099811(3)(c), F.A.C.

⁶⁸ *Id.*

⁶⁹ Section 1008.33(4)(a), F.S.

⁷⁰ Rule 6A-1.099811(7)(a) and (13)(b), F.A.C. A Tier 2 SI school is any school that earns a single grade of "F" or consecutive grades of "D" in any school year in which the school received a grade and is in the first cycle of turnaround. Rule 6A-1.099811(3)(b), F.A.C.

⁷¹ Section 1008.33(4)(b), F.S.

⁷² Section 1008.33(4)(a), F.S.

⁷³ Section 1008.33(4)(b), F.S.; r. 6A-1.099811(7)(b), F.A.C.

⁷⁴ Section 1008.33(4)(b)3., F.S.

⁷⁵ Rule 6A-1.099811(16), F.A.C.

- If the school's SI status is determined by its school grade, the school must earn a grade of at least a "C"; or
- If the school's SI status is solely based on its graduation rate, it must achieve a graduation rate higher than 67 percent.

If a school earning two consecutive grades of "D" or a grade of "F" does not improve to a grade of "C" or higher after two school years of implementing the turnaround option selected by the school district, the district must implement another turnaround option. Implementation must begin the school year following the implementation period of the existing turnaround option, unless the SBE determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.⁷⁶

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁷⁷ School grades are also used to determine whether a school must select or implement a turnaround option⁷⁸ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁷⁹

Elementary, middle, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁸⁰ Combination school models include the additional components for the grades served (e.g., a school serving grades K-12 would include the additional components for the middle and high school models).

Each school must receive a school grade based on the school's performance on the following components:⁸¹

- The percentage of eligible students passing statewide, standardized assessments in English Language Arts (ELA), mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized assessments.
- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9-12 or 10-12, the school's grade is also based on the following components:⁸²

- The 4-year high school graduation rate of the school.

⁷⁶ Section 1008.33(4)(d), F.S.

⁷⁷ Section 1008.34, F.S.

⁷⁸ See s. 1008.33(4), F.S.

⁷⁹ See s. 1008.36, F.S.

⁸⁰ See s. 1008.34(3)(b), F.S.; r. 6A-1.09981(4)(a)-(c), F.A.C.

⁸¹ Section 1008.34(3)(b)1.a.-j., F.S.

⁸² Section 1008.34(3)(b)2., F.S.

- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in JROTC courses and earn a qualifying score on the ASVAB.

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.⁸³

Florida launched a new, statewide coordinated screening and progress monitoring system during the 2022-2023 school year.⁸⁴ This assessment system provides teachers, students and parents with real-time, immediate, and actionable data at the beginning, middle, and end of the school year to drive student improvement.⁸⁵ To assist in the transition to school and district grades calculated based on the comprehensive, end-of-year progress monitoring assessment, the 2022-2023 school and district grades served as an informational baseline for schools and districts to work toward improved performance in future years.⁸⁶ No negative consequences could result from these grades, therefore:⁸⁷

- Due to the absence of learning gains data in the 2022-2023 school year, the initial school grading scale for the 2022-2023 informational baseline grades was set so that the percentage of schools earning an “A,” “B,” “C,” “D,” and “F” was statistically equivalent to the 2021-2022 school grades results.
- A school could not be required to select and implement a turnaround option in the 2023-2024 school year based on the school’s 2022-2023 grade. However, a school using turnaround options which improved to a grade of “C” or higher during the 2022-2023 school year was released from implementing the turnaround option or selecting a different turnaround option.
- A school or approved virtual instruction program provider receiving the same or lower school grade for the 2022-2023 school year compared to the 2021-2022 school year was not subject to sanctions or penalties that would otherwise occur as a result of the 2022-2023 school grade or rating. A charter school system or school district designated as high performing could not lose the designation based on the 2022-2023 school grades of any of the schools within the charter school system or school district or based on the 2022-2023 district grade, as applicable.
- For purposes of determining grade 3 retention and high school graduation, student performance on the 2022-2023 comprehensive, end-of-year progress monitoring assessment was linked to 2021-2022 student performance expectations. In addition to the good cause exemptions, a student could be promoted to grade 4 for the 2023-2024 school year if he or she demonstrated an acceptable level of performance through means reasonably calculated by the school district to provide reliable evidence of the student’s performance.

In October 2023, the SBE considered and adopted two amendments to rules,⁸⁸ one setting performance standards, also known as cut scores, based on achievement data from the 2022-2023 school year⁸⁹ and the other adding a statutorily required, stand-alone component measuring the ELA achievement of grade 3 students.⁹⁰

⁸³ Section 1008.34(3)(c)1., F.S.

⁸⁴ Section 1008.25(9), F.S.

⁸⁵ DOE, *Approval of Amendment to Rule 6A-1.09422, F.A.C., Statewide, Standardized Assessment Program Requirements (2023)*, available at <https://www.fldoe.org/core/fileparse.php/20680/urlt/5-3.pdf>.

⁸⁶ Section 1008.34(7), F.S.

⁸⁷ Section 1008.34(7)(a)-(d), F.S.

⁸⁸ SBE, *State Board of Education Agenda- October 18, 2023*, <https://www.fldoe.org/policy/state-board-of-edu/meetings/2023/2023-10-18/> (last visited Mar. 20, 2024).

⁸⁹ DOE, *Approval of Amendment to Rule 6A-1.09422, F.A.C., Statewide, Standardized Assessment Program Requirements (2023)*, available at <https://www.fldoe.org/core/fileparse.php/20680/urlt/5-3.pdf>

⁹⁰ DOE, *Approval of Amendment to Rule 6A-1.09981, F.A.C., School and District Accountability (2023)*, available at <https://www.fldoe.org/core/fileparse.php/20680/urlt/6-3.pdf>.

When learning gains data becomes available in the 2023-2024 school year, the SBE will review the school grading scale and determine if the scale should be adjusted.⁹¹ Learning gains and consequences will return for the 2023-2024 calculation of school grades.⁹²

Effect of the Bill

School Turnaround Plans

For a school that has not improved to a grade of “C” or higher under a district-managed turnaround plan and has selected the turnaround option of closing and reopening as a charter school, the bill provides the following requirements for the school district and the charter school operator upon reopening as a charter school:

- The school district must continue to operate the school for the following school year and must execute a charter school turnaround contract by October 1 that will allow the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The school district may not reduce or remove resources from the school during this time.
- The charter school operator must provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district must consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.
- The charter school operator must serve the existing grade levels served by the school at its current enrollment or higher, but may, at its discretion, serve additional grade levels.
- The school district may not charge rental or leasing fees for the existing facility or for the property normally inventoried to the school. The charter school and the school district must agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the school district.
- The school district may not withhold an administrative fee for the provision of services identified in statute.⁹³

The bill provides that ceasing implementation of a turnaround option because a school improves to a grade of “C” or higher, does not apply to a school district that has already executed a charter school turnaround contract.

Finally, the bill requires the SBE to adopt rules to implement these provisions and to develop a standard charter school turnaround contract, a standard facility lease, and a mutual management agreement.

School Grades

The bill requires that beginning in the 2024-2025 school year, any changes made by the SBE to components in the school grades model or the school grading scale must go into effect, at the earliest, in the following school year.

Charter Schools

Present Situation

⁹¹ Section 1008.34(7)(a), F.S.

⁹² DOE, *Approval of Amendment to Rule 6A-1.09422, F.A.C., Statewide, Standardized Assessment Program Requirements (2023)*, available at <https://www.fldoe.org/core/fileparse.php/20680/urlt/5-3.pdf>.

⁹³ Section 1002.33(20)(a), F.S.

All charter schools in Florida are tuition-free public schools within the state’s public education system.⁹⁴ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”⁹⁵ Charter schools operate under a performance contract with a sponsor.⁹⁶ This performance contract is known as a “charter.”⁹⁷

Application and Charter

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 Florida law.⁹⁸ The school must be organized as, or be operated by a municipality, a public entity authorized under the law, or a nonprofit organization.⁹⁹ While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.¹⁰⁰

After a charter school application is approved, the initial startup shall commence at a time determined by the applicant.¹⁰¹ The terms of the charter must be negotiated by the applicant and sponsor using the standard charter contract within 30 days after approval of the application.¹⁰² The initial term of a charter is 5 years, excluding 2 planning years.¹⁰³ In addition to other requirements, the charter must include:¹⁰⁴

- the types of students to be served, including ages and grade levels;
- the curriculum focus and instructional methods to be used;¹⁰⁵
- baseline standards of student academic achievement, outcomes to be achieved and methods of measurement to be used;¹⁰⁶
- the method for determining the strengths and needs of students and whether they are meeting educational goals¹⁰⁷ and for secondary charter schools,¹⁰⁸ the method to determine a student has satisfied the requirements for high school graduation;

In Florida, some charter schools are implementing a curriculum known as classical education which is centered on “the pursuit of wisdom and virtue by means of a rich and ordered course of study grounded

⁹⁴ Section 1002.33(1), F.S. Florida’s first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

⁹⁵ Section 1002.33(2)(a)1., F.S.

⁹⁶ Section 1002.33(1), (7), and (9)(a), F.S.

⁹⁷ Section 1002.33(7) and (9)(c), F.S.

⁹⁸ Section 1002.33(3)(a), F.S.; *see also* r. 6A-6.0786, F.A.C. and DOE, Charter Schools, *Model Application Forms*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Mar. 20, 2024).

⁹⁹ Section 1002.33(12)(i), F.S.

¹⁰⁰ *Id.*

¹⁰¹ Section 1002.33(6)(b), F.S.

¹⁰² Section 1002.33(7) and (7)(b), F.S. The standard charter contract must incorporate the approved application and any addenda approved with the application.

¹⁰³ Section 1002.33(7)(a)(12), F.S.

¹⁰⁴ Section 1002.33(7)(a)1.-19., F.S.

¹⁰⁵ The charter must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction to students who are reading below grade level. Additionally, to provide students with access to diverse instructional delivery models, charter schools may implement blended learning courses. Section 1002.33(7)(a)2.a.-b., F.S. Any changes to curriculum which are consistent with state standards are deemed approved under the charter unless the sponsor and the DOE determine in writing that the curriculum is inconsistent with state standards. Section 1002.33(7)(d), F.S.

¹⁰⁶ The district schoolboard is required to provide academic student performance data for students coming from the district school system to the charter, as well as rates of academic progress of comparable student populations in the district. Section 1002.33(7)(a)3., F.S. (flush-left provision at the end of the sub-subparagraph).

¹⁰⁷ Students in a charter school must, at a minimum, participate in Florida’s statewide assessments. Section 1002.33(7)(a)4., F.S.

¹⁰⁸ In this context, the term “secondary education” is synonymous with “middle or high school” (grades 6 through 12). Generally, elementary schools serve students in kindergarten through grade 5, middle schools serve students in grades 6 through 8, and high schools serve students in grades 9 through 12. *See* s. 1003.01(2), F.S. (definition of “school”).

in the liberal arts tradition.”¹⁰⁹ There are currently 18 classical charter schools in Florida operating in 9 school districts.¹¹⁰

Enrollment Eligibility

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.¹¹¹ A parent whose child is not subject to a current expulsion or suspension order may seek enrollment in, and transport his or her child to, any public school in the state, including a charter school, which has not reached capacity.¹¹² The charter school governing board shall determine capacity based upon its contract¹¹³ and capacity determinations for the school, by grade level, must be updated every 12 weeks and be identified on the school website.¹¹⁴ Prospective students must apply for enrollment in a charter school and if the number of applications exceeds the school’s capacity, a random lottery must be used to determine which students are enrolled.¹¹⁵ A charter school may give enrollment preference to:

- siblings of a student enrolled in the charter school;
- children of a member of the charter school governing board;
- children of charter school employees;
- children of an employee of the business partner of a charter school-in-the-workplace or a resident of the municipality where such charter school is located;
- children of a resident or employee of a municipality that operates a charter school-in-a-municipality or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school;
- students who successfully completed a Voluntary Prekindergarten Education Program (VPK) during the previous year provided by the charter school, the charter school’s governing board, or a VPK provider that has a written agreement with the governing board;
- children of active-duty U.S. Armed Forces personnel;
- students who attended or are assigned to failing schools; and
- children of a safe-school officer at the school.¹¹⁶

Charter schools are also authorized to limit the enrollment process to target specific student populations that include the following:

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school. Such students are subject to a random lottery and to the racial/ethnic balance or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.

¹⁰⁹ Thomas B. Fordham Institute, *Classical education is growing. Here’s how to keep it that way.*, <https://fordhaminstitute.org/national/commentary/classical-education-growing-heres-how-keep-it-way> (last visited Mar. 20, 2024).

¹¹⁰ Email, DOE, Legislative Affairs (Feb. 2, 2024), on file with the Education & Employment Committee.

¹¹¹ Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an “affiliated charter school.” However, a charter school may use a weighted lottery under certain prescribed circumstances. See 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). See also U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter-ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

¹¹² Section 1002.31(2)(a), F.S.

¹¹³ Section 1002.31(2)(b), F.S.

¹¹⁴ *Id.*

¹¹⁵ Section 1002.33(10)(b), F.S.

¹¹⁶ Section 1002.33(10)(d)1.-8., F.S.

- Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose, but which may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a progress monitoring plan for at least one semester before dismissing the student from the school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions.¹¹⁷

Governing Board

Each charter school must have a governing board. The board is responsible for:

- negotiating the school's charter agreement with its sponsor;
- exercising continuing oversight over the school's operations;
- adopting and maintaining an annual operating budget;
- ensuring that annual audits are conducted;
- submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability;
- submitting the school's annual progress report to the sponsor; and
- adopting policies which establish standards of ethical conduct for educational support employees, instructional personnel, and school administrators.¹¹⁸

Restriction on Employment of Relatives

In a charter school operated by a private entity,¹¹⁹ charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.¹²⁰

“Charter school personnel” is defined as a charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a

¹¹⁷ Section 1002.33(10)(e), F.S.

¹¹⁸ Section 1002.33(7), (9)(g)-(k), and (12)(g)3. F.S.

¹¹⁹ Section 1002.33(24)(a), F.S.

¹²⁰ Section 1002.33(24)(b), F.S.

member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.¹²¹

“Relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.¹²²

Annual Application Required for Tax Exemption

The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.¹²³ Ad valorem taxes¹²⁴ are levied annually by counties, cities, school districts, and some special districts based on the value of real and tangible personal property as of January 1 of each year.¹²⁵

Each person or organization who meets the criteria for an ad valorem tax exemption may claim the exemption if the claimant held legal title to the real or personal property subject to the exemption on January 1.¹²⁶ The application for exemption must be filed with the property appraiser on or before March 1 and failure to make an application constitutes a waiver of the exemption for that year. The application must list and describe the property for which the exemption is being claimed and certify the ownership and use of the property. The claimant must reapply for the exemption on an annual basis, unless the property appraiser (subject to approval by a vote of the governing body of the county) has waived the annual application requirement for property after an initial application is made and the exemption granted.¹²⁷

Educational institutions within the state and their property used by them or by any other exempt entity or educational institution exclusively for education purposes are exempt from taxation.¹²⁸ Property used for educational purposes by a charter school is generally exempt from property tax; however, the specific exemption involved is different depending on whether the charter school owns or leases the property.¹²⁹ If the property is owned by the charter school, the charter school applies for the exemption.¹³⁰ If the property is leased by the charter school, the landlord applies for the exemption.¹³¹ When a charter school purchases the property that it previously leased, the charter school must apply for a new exemption.

Under current law, the following organizations are exempt from having to make an annual application for a property tax exemption:

- houses of public worship, the lots on which they are located, personal property located therein or thereon, parsonages, burial grounds and tombs owned by houses of public worship, individually owned burial rights not held for speculation, or other such property not rented or hired out for other than religious or educational purposes at any time;

¹²¹ Section 1002.33(24)(a)1., F.S.

¹²² Section 1002.33(24)(a)2., F.S.

¹²³ Art. VII, ss. 1(a), 9(a), Fla. Const.

¹²⁴ An ad valorem tax means a tax based upon the assessed value of property. The term “property tax” may be used interchangeably with the term “ad valorem tax. Section 192.001(1), F.S.

¹²⁵ Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. The terms “land,” “real estate,” “realty,” and “real property” may be used interchangeably. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in Art. VII, s. 1(b) of the Florida Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.

¹²⁶ Section 196.011(1)(a), F.S.

¹²⁷ Section 196.011(5) and (9)(a), F.S.

¹²⁸ Section 196.198, F.S.

¹²⁹ Compare ss. 196.198 and 196.1983, F.S.

¹³⁰ Section 196.198, F.S.

¹³¹ Section 106.1983, F.S.

- household goods and personal effects of permanent residents of this state; and
- property of the state or any county, any municipality, any school district, or community college district thereof.¹³²

A charter school is not exempt from having to make an annual ad valorem tax exemption application.

Effect of the Bill

Enrollment Eligibility

The bill authorizes a charter school to give enrollment preference to students who transfer from a Florida classical school to a charter classical school in the state. The bill defines a classical school as a traditional public school or charter school which implements a classical education school model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences that is based on the classical trivium stages of grammar, logic, and rhetoric.

The bill authorizes a charter school to limit the enrollment process to target students whose parent or legal guardian is employed within a reasonable distance of the charter school, requiring such eligible students to be subject to a random lottery, and students whose parent or legal guardian maintains a physical or permanent employment presence within a development in which a developer contributes at least \$5 million to the charter school or schools to mitigate the educational impact of the development.

Restriction on Employment of Relatives

The bill removes “charter school owner” from the definition of “charter school personnel.” This is an outdated term as charter schools do not have owners, but instead have governing boards.

Annual Application Required for Tax Exemption

The bill exempts an owner or lessee of a property used to house a charter school from having to make an annual ad valorem tax exemption application. The bill provides that the owner or lessee of such property is required to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property.

The bill provides penalties if any owner or lessee fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption. If this occurs, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted.

The property appraiser making such determination must record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser will record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it will become a lien against that property.

Private Schools

¹³² Section 196.011(3), F.S.

Present Situation

In Florida, a private school is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.¹³³ Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the DOE.¹³⁴ Private schools are required by statute to complete an annual online survey to gather information for inclusion in a statewide Directory of Private Schools.¹³⁵ The Directory of Private Schools is maintained as a service to the public, to governmental agencies, and to other parties that are interested in obtaining information about Florida private schools.¹³⁶ The annual submission of the database survey by a school may not be used to imply approval or accreditation by the DOE.¹³⁷

According to the DOE's 2022-2023 school year private schools annual report, 445,067 or 13.4 percent of the state's total pre-Kindergarten through grade 12 enrollment were private school students.¹³⁸ For the 2022-2023 school year, Florida reported 2,973 private schools.¹³⁹ Compared with the 2021-2022 school year, the total number of private schools in the state that submitted an online annual survey for the 2022-2023 school year rose by 125 schools and student enrollment increased by 28,983 students.¹⁴⁰

All officials, teachers, and other employees in parochial, religious, denominational, and private K-12 private schools in the state are required to keep all records, including a register of enrollment and attendance.¹⁴¹

If a private school becomes defunct, in order to facilitate access to academic records by former students seeking to continue their education or training, it must transfer all permanent information contained in student records to the district school superintendent of the public school district in which the private school was located; or, if the private school is a member of a private school system or association, such school may transfer such records to the principal office of such system or association. In the event that such private school system or association becomes defunct, it must transfer all the permanent information contained in its files to the district school superintendent of the public school district in which the private school was located.¹⁴² All private schools that become defunct must notify the DOE of the date of transfer of student records, the location of storage, the custodian of such records, and the number of records to be stored. The DOE acts as a clearinghouse and maintains a registry of such transfers of student records.¹⁴³

Effect of the Bill

¹³³ Section 1002.01(3), F.S.

¹³⁴ Florida Department of Education, *School Choice K-12 Private Schools*, <https://www.fldoe.org/schools/school-choice/private-schools/> (last visited Mar. 20, 2024).

¹³⁵ Section 1002.42(2), F.S.

¹³⁶ Section 1002.42(2)(f), F.S.

¹³⁷ Section 1002.42(2)(h), F.S.

¹³⁸ Florida Department of Education, *Florida's Private Schools 2022-23 School Year Annual Report*, at 1, available at <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2023.pdf>.

¹³⁹ *Id.* at 2.

¹⁴⁰ *Id.* at 1.

¹⁴¹ Section 1002.42(4), F.S.

¹⁴² Section 1002.42(3)(a)-(b), F.S. As used in this subsection of statute, "defunct private school" means any private school that has terminated the operation of an education or training program, or that has no students in attendance, or that has dissolved as a business entity. Permanent information contained in student records includes verified information of clear educational importance, including: student's full name and any known changes thereto due to marriage or adoption; authenticated birthdate, place of birth, race, and sex; last known address of student; names of student's parents; name and location of last school attended; number of days present and absent; date enrolled; date withdrawn; courses taken and record of achievement; and date of graduation or program achievement.

¹⁴³ Section 1002.42(3)(c)-(d), F.S.

The bill authorizes a private school to use facilities on property that is owned or leased by, or purchased from a library, community service organization, museum, performing arts venue, theatre, cinema, or church facility under s. 170.201, F.S.,¹⁴⁴ which is or was actively used as such within 5 years of any executed agreement with a private school to use the facilities; any facility or land owned by a FCS institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, F.S.,¹⁴⁵ under any such facility's preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely as one of the designated facilities and meet applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.

This provision is similar to an authorization in law for charter schools and Schools of Hope to use such facilities under preexisting zoning and land use designations.¹⁴⁶

K-12 Instructional Materials

Present Situation

Objection to Materials

Each district school board is required to establish a process by which a parent or resident of the county may contest the district school board's adoption of a specific instructional material.¹⁴⁷ The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material. The school board must make the form available to the public and publish the form on the school district's website. The school board is required to conduct at least one open public hearing before an unbiased and qualified hearing officer that is not an employee or agent of the school district. Following the hearing, the school board's decision is made and not subject to further petition or review.¹⁴⁸

In addition, each school district must have a process by which a parent or resident of the county can object to the use of a specific instructional material that was not subject to public adoption procedures or any other material used in a classroom, made available in a school library, or included on a reading list.¹⁴⁹ If, through this process, the district school board finds that an instructional material does not meet state standards for adoption or that a material contains content harmful to a minor, is not suited to student needs and ability to comprehend the material, or is inappropriate for the grade level and age group it is used for, the district must discontinue the use of the material for that grade level or age group.¹⁵⁰

In fiscal year 2022-23, there were 1,218 objections in the state resulting in removal of 386 books. Over half of the objections came from two school districts, Clay and Escambia. Clay County District Schools reported 489 objections that resulted in removal of 177 book titles. Escambia County Public Schools reported 215 objections that resulted in the removal of 9 book titles.¹⁵¹

Duties of Publishers & Manufacturers Regarding K-12 Instructional Materials

¹⁴⁴ Section 170.201(2), F.S. defines a "religious institution" as any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on

¹⁴⁵ Section 402.305, F.S. provides for the licensing requirements for child care facilities.

¹⁴⁶ Sections 1002.33(18)(c) and 1002.333(7)(b), F.S.

¹⁴⁷ Section 1006.28(2)(a)3., F.S.

¹⁴⁸ *Id.*

¹⁴⁹ Section 1006.28(2)(a)2., F.S.

¹⁵⁰ *Id.*

¹⁵¹ DOE, *2022-2023 School District Reporting Pursuant to Section 1006.28(2), Florida Statutes (2023)*, available at <https://www.fldoe.org/core/fileparse.php/5574/urlt/2223ObjectionList.pdf>.

Whether operating pursuant to the state's instructional materials program or a district instructional materials program, publishers and manufacturers of instructional materials must, among other things:

- submit electronic sample copies of the instructional material;
- submit evidence that the provided materials address the required state standards and are accessible through the district's digital classrooms plan and a variety of electronic, digital, and mobile devices;
- furnish instructional materials at a price not to exceed the lowest price offered in other states;
- automatically reduce the price of instructional materials or provide materials free of charge if provided to other states at a reduced rate or free of charge;
- keep the materials revised, free from all errors, and up-to-date; and
- disclose the authors of the instructional materials.¹⁵²

In addition, publishers and manufacturers of instructional materials are prohibited from offering any emolument, money, or other valuable thing or any inducement, to any district school board official or state instructional materials reviewer to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials. Violating this prohibition is a second-degree misdemeanor and will result in a ban from practicing business in the state for 1 calendar year.¹⁵³

Effect of the Bill

Objection to Materials

The bill provides that a resident of the county who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month. The bill authorizes the SBE to adopt rules to implement this provision. The bill also clarifies that if the school board denies a parent the right to read passages from any material that is subject to an objection due to content that is pornographic or prohibited under the law, the school district must discontinue use of the material throughout the school district.

Duties of Publishers & Manufacturers Regarding K-12 Instructional Materials

The bill requires that for each adoption cycle, publishers and manufacturers of instructional materials, or their representatives, must make sample student editions of instructional materials on the Commissioner of Education's list of state-adopted instructional materials available electronically, at a discount below publisher cost, for use by teacher preparation programs and educator preparation institutes to enable educators to practice teaching with currently adopted instructional materials aligned to the state's academic standards.

The bill requires teacher preparation programs and educator preparation institutes that use such samples to practice teaching to provide reasonable safeguards against the unauthorized use, reproduction, and distribution of the sample copies of instructional materials. The bill authorizes publishers to make sample student editions of adopted instructional materials available at a discounted price to teacher preparation programs and educator preparation institutes for the instructional purpose of educators practicing with current materials.

Educator Certification

¹⁵² Sections 1006.283(2)(b)7. and 1006.38, F.S. With regard to the state's instructional materials program, publishers and manufacturers must maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository or contract with a depository in the state. Section 1006.38(11)-(13), F.S.

¹⁵³ Section 1006.32(1) and (4), F.S. A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.¹⁵⁴ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.¹⁵⁵ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”¹⁵⁶

The DOE issues three types of educator certificates:

- Professional Certificate: The professional certificate is Florida’s highest type of full-time educator certification.¹⁵⁷ The professional certificate is valid for 5 years and is renewable.¹⁵⁸
- Temporary Certificate: The temporary certificate covers employment in full-time positions for which educator certification is required.¹⁵⁹ Generally, a temporary certificate is valid for 5 years and is nonrenewable.¹⁶⁰
- Athletic Coaching Certificate: The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.¹⁶¹ The DOE issues two types of athletic coaching certificates – one is valid for 5 years and may be issued for subsequent 5-year periods while the other is valid for 3 years and may be issued only once.¹⁶² The 5-year certificate requires satisfaction of certain specialization requirements established in rule.¹⁶³

In addition, school districts and charter school governing boards are authorized to issue adjunct teaching certificates to teachers who have expertise in the subject area to be taught. A school district or charter school governing board may issue an adjunct teaching certificate for a part-time or full-time teaching position. An adjunct teaching certificate issued for a full-time teaching position is valid for no more than 5 years and is nonrenewable. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school governing board.¹⁶⁴

Professional Certificate Requirements

To be eligible for a professional certificate, a person must:¹⁶⁵

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;

¹⁵⁴ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁵⁵ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

¹⁵⁶ Section 1012.54, F.S.; *see* r. 6A-4.001(1), F.A.C.

¹⁵⁷ Rule 6A-4.004(5), F.A.C.

¹⁵⁸ Section 1012.56(7)(a), F.S.; *see* r. 6A-4.0051(3)(d), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor’s degree in the area of speech-language impairment to complete a master’s degree in speech-language impairment. Section 1012.56(7)(c), F.S.; r. 6A-4.004(6), F.A.C.

¹⁵⁹ Rule 6A-4.004(1)(a)2., F.A.C.

¹⁶⁰ Section 1012.56(7)(f), F.S. (validity period is expressed in school fiscal years); r. 6A-4.004(1)(a), F.A.C. The veteran’s pathway to educator certification authorizes a 5-year nonrenewable temporary certificate. Section 1012.56(7)(b)2., F.S. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years in the area of speech-language impairment. Section 1012.56(7)(c), F.S.

¹⁶¹ Section 1012.55(2)(a), F.S.

¹⁶² Rule 6A-4.004(7), F.A.C. (validity periods expressed in school fiscal years).

¹⁶³ *See* r. 6A-4.0282, F.A.C.

¹⁶⁴ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

¹⁶⁵ Section 1012.56(2)(a)-(i), F.S.

- earn a bachelor's or higher degree from an accredited institution of higher learning¹⁶⁶ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;¹⁶⁷
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.
- demonstrate mastery of general knowledge;¹⁶⁸
- demonstrate mastery of subject area knowledge;¹⁶⁹ and
- demonstrate mastery of professional preparation and education competence, if the person serves as a classroom teacher or school administrator.¹⁷⁰

Demonstrating Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- achieving a passing score on the General Knowledge Test;¹⁷¹
- achieving passing scores established in SBE rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination);¹⁷²
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or territory,¹⁷³ by the National Board for Professional Teaching Standards (NBPTS),¹⁷⁴ or by the American Board for Certification of Teacher Excellence (ABCTE);¹⁷⁵
- completing two semesters of successful, part-time or full-time teaching in a FCS institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program;¹⁷⁶ and

¹⁶⁶ Section 1012.56(2)(c), F.S.; r. 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies*, <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602> (last visited Mar. 20, 2024).

¹⁶⁷ Section 1012.56(2)(c), F.S.; r. 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹⁶⁸ Section 1012.56(2)(g) and (3), F.S.; DOE, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Mar. 20, 2024).

¹⁶⁹ Section 1012.56(2)(h) and (5), F.S.

¹⁷⁰ Section 1012.56(2)(i) and (6), F.S.; DOE, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.shtml> (last visited Mar. 20, 2024).

¹⁷¹ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.; *see also* DOE, *Competencies and Skills Required for Teacher Certification in Florida*, s. 82 (27th ed., 2022), *available at* <https://www.fldoe.org/core/fileparse.php/7479/urlt/FTCE27thEdition22Rule.pdf> (competencies and skills measured by General Knowledge Test).

¹⁷² Section 1012.56(3)(e), F.S. The passing scores to be identified in state board rule must be at approximately the same level of rigor as is required to pass the General Knowledge Test. Rule 6A-4.002(4), F.A.C.

¹⁷³ Section 1012.56(3)(b), F.S.; *see* rr. 6A-4.002(1)(i) and 6A-4.003, F.A.C. (flush-left provisions following r. 6A-4.003(2)(e), F.A.C.). Section 1012.56(3)(b), F.S. specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of general knowledge. The DOE also recognizes certificates issued by U.S. territories. *See* DOE, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Mar. 20, 2024).

¹⁷⁴ Section 1012.56(3)(c), F.S.; *see* r. 6A-4.002(1)(j), F.A.C.; *see also* National Board for Professional Teaching Standards, <https://www.nbpts.org/> (last visited Mar. 20, 2024).

¹⁷⁵ Section 1012.56(3)(c), F.S.; *see* r. 6A-4.002(1)(j), F.A.C.

¹⁷⁶ Section 1012.56(3)(d), F.S.; *see also* r. 6A-4.003(1)-(2), F.A.C. (approval of accredited and nonaccredited institutions of higher learning).

- documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.¹⁷⁷

Demonstrating Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- **Bachelor's Degree Level** (for certification in a subject area for which SBE rule requires a bachelor's or higher degree):
 - If a Florida subject area examination has been developed, achieving a passing score on the Florida-developed subject area examination specified in SBE rule¹⁷⁸ or documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified in SBE rule.¹⁷⁹
 - If a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in SBE rule, including passing scores on both the oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages¹⁸⁰ or successful completion of a United States Defense Language Institute Foreign Language Center program or a passing score on the Defense Language Proficiency Test.¹⁸¹
 - For certification in any other subject area for which there is no Florida subject area test or standardized examination specified in state board rule (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in SBE rule¹⁸² and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.¹⁸³
- **Master's Degree Level** (for certification in a subject area for which SBE rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in SBE rule and achieving a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.¹⁸⁴
- **Out-of-State Certification:** Providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory or by NBPTS or ABCTE, if the certificate is comparable to the Florida professional certificate issued for the same subject area.¹⁸⁵

¹⁷⁷ Section 1012.56(3)(f), F.S.

¹⁷⁸ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 39 subject area tests. DOE, *Test Information Guides*, http://www.fl.nesinc.com/FL_TIGS.asp (last visited Mar. 20, 2024); see also DOE, *Competencies and Skills Required for Teacher Certification in Florida*, ss. 1-63 (27th ed., 2022), available at <https://www.fldoe.org/core/fileparse.php/7479/urlt/FTCE27thEdition22Rule.pdf>; see also r. 6A-4.0021(9), F.A.C. (scoring of subject area tests).

¹⁷⁹ Section 1012.56(5)(i), F.S.

¹⁸⁰ Section 1012.56(5)(b), F.S.; r. 6A-4.0243(1)(e), F.A.C.; see American Council on the Teaching of Foreign Languages (ACTFL), *Assessments*, <https://www.actfl.org/assessments> (last visited Mar. 20, 2024); Language Testing International (ACTFL Language Testing Office), *ACTFL*, <https://tms.languagetesting.com> (last visited Mar. 20, 2024).

¹⁸¹ Section 1012.56(5)(g)-(h), F.S.

¹⁸² See, e.g., r. 6A-4.0123, F.A.C. (specialization requirements for certification in dance); see also DOE, *Florida Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited Mar. 20, 2024).

¹⁸³ Section 1012.56(5)(c), F.S.; r. 6A-4.002(4), F.A.C.

¹⁸⁴ Section 1012.56(5)(d), F.S.; see DOE, *Florida Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited Mar. 20, 2024).

¹⁸⁵ Section 1012.56(5)(e) and (f), F.S.; r. 6A-4.002(1)(i)-(j), F.A.C.; DOE, *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/teaching/certification/pathways-routes/nbpts-certificate-subjects-correspondi.stml> (last visited Mar. 20, 2024).

Demonstrating Mastery of Professional Preparation and Education Competence

Mastery of professional preparation and education competence¹⁸⁶ may be demonstrated through any of the following methods:

- Successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or DOE-approved institution, and achieving a passing score on the Professional Education Test required by state board rule.¹⁸⁷ An applicant is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate if he or she completes an approved professional preparation and education competence program and is rated highly effective.¹⁸⁸
- Successfully completing a competency-based professional learning certification program offered by a school district or educator preparation institute and achieving a passing score on the Professional Education Test.¹⁸⁹
- Earning a highly effective rating based in part on student performance on a standardized state or national examination for teaching a high school course in science, technology, engineering or mathematics in which the instructor holds an advanced degree and achieving a passing score on the Professional Education Test.¹⁹⁰
- Completing 15 semester hours in professional preparation courses specified in SBE rule¹⁹¹ or:
 - completing the Professional Training Option for Content Majors;¹⁹²
 - completing requirements for practical experience in teaching;¹⁹³
 - completing an approved professional education competence demonstration program;¹⁹⁴ and
 - achieving a passing score on the Professional Education Test.¹⁹⁵
- Providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the NBPTS.¹⁹⁶
- Providing documentation of a valid professional standard teaching certificate issued by ABCTE and completing an approved professional education competence demonstration program.¹⁹⁷
- Completing two semesters of successful part-time or full-time teaching in a FCS institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program and achievement of a passing score on the professional education competency examination.¹⁹⁸

¹⁸⁶ Section 1012.56(6)

¹⁸⁷ Section 1012.56(6)(a) and (b), F.S.; *see s. 1004.04, F.S.; r. 6A-4.003(1) and (4), F.A.C.* (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

¹⁸⁸ Section 1012.56(7)(a)3., F.S.

¹⁸⁹ Section 1012.56(6)(g)-(h), F.S.; *see ss. 1004.85 and 1012.56(8), F.S.*

¹⁹⁰ Section 1012.56(7)(a)2., F.S.

¹⁹¹ Section 1012.56(6)(f), F.S.; r. 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.054, F.A.C.

¹⁹² The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(10), F.A.C.

¹⁹³ DOE, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Mar. 20, 2024); *see rr. 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.*

¹⁹⁴ Section 1012.56(6)(f), F.S. Each school district must and a private school or state-supported public school, including a charter school, may establish a professional education competence demonstration program that allows instructional staff to demonstrate mastery of professional preparation and education competence as required by law. *See s. 1012.56(9), F.S.*

¹⁹⁵ Section 1012.56(6)(f), F.S.

¹⁹⁶ Section 1012.56(6)(c)-(d), F.S.; *see r. 6A-4.002(1)(i)-(j), F.A.C.*

¹⁹⁷ Section 1012.56(6)(d), F.S.; r. 6A-4.002(1)(j), F.A.C.; DOE, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Mar. 20, 2024)

¹⁹⁸ Section 1012.56(6)(e), F.S. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is

Effect of the Bill

The bill requires the SBE to adopt rules to allow for the issuance of a classical education teaching certificate. Upon the request of a classical school, the DOE will issue a classical education teaching certificate to any applicant who fulfills the requirements for a professional certificate except for demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence. Teachers who teach in classical learning models will demonstrate competency through the classical model of professional learning provided by the school and any other criteria established by the DOE. This certificate is only valid at a classical school.

The bill defines a "classical school" as a school that implements and provides professional learning in a classical education school model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences that is based on the classical trivium stages of grammar, logic, and rhetoric.

Education Practices Commission

Present Situation

The DOE's Office of Professional Practices Services (PPS) investigates misconduct by educators who hold a Florida Educator Certificate or a valid application for a Florida Educator Certificate. The PPS investigates when there are ultimate facts to support the educator has broken the law or violated the Principles of Professional Conduct.¹⁹⁹ These laws and rules outline the standards of conduct expected of certified educators in Florida.²⁰⁰

Penalties against an educator's certificate are not issued by the commissioner or the DOE; penalties are issued by the Education Practices Commission (commission). The commission is a quasi-judicial body of peers, law enforcement, and lay persons set forth in statute²⁰¹ that determines what penalty is issued in each case.²⁰²

Currently, the commission must employ an executive director by a vote of three-fourths of the membership who is exempt from career service and may be dismissed by a majority vote of the membership. The commission is assigned to the DOE for administrative purposes and, in the performance of its powers and duties, must not be subject to control, supervision, or direction by the DOE.²⁰³

The commission has the authority to make expenditures necessary to carry out its duties and responsibilities, including for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission are subject to the powers and duties of the Department of Financial Services.²⁰⁴

located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

¹⁹⁹ Rule 6A-10.081, F.A.C. contains the Principles of Professional Conduct for the Education Profession in Florida.

²⁰⁰ DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Mar. 20, 2024).

²⁰¹ Section 1012.79, F.S.

²⁰² DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Mar. 20, 2024).

²⁰³ Section 1012.79(5)-(6)(a), F.S.

²⁰⁴ Sections 17.03 and 1012.79(9), F.S.

Effect of the Bill

The bill authorizes the Commissioner of Education, at his or her discretion, to appoint and remove the executive director for the commission. The bill requires the commission to be assigned to the DOE for fiscal accountability purposes and provides that the commission may make expenditures on legal services when necessary.

Office of Ocean Economy

Present Situation

The Blue Economy

The blue economy, or the ocean economy, is a term used to describe the economic activities associated with the oceans and seas. Defined as the “sustainable use of ocean resources to benefit economies, livelihoods and ocean ecosystem health,” the activities of a blue economy typically include maritime shipping, fishing and aquaculture, coastal tourism, renewable energy, water desalination, undersea cabling, seabed extractive industries and deep sea mining, marine genetic resources, and biotechnology.²⁰⁵

Globally, the blue economy is estimated to be worth over \$1.5 trillion per year, provides over 30 million jobs and supplies certain foods to over three billion people. It is predicted that the ocean economy may double to \$3 trillion by 2030.²⁰⁶

The U.S. marine economy, including goods and services, contributed approximately \$373 billion to the nation’s gross domestic product in 2018 and grew faster than the nation’s economy as a whole, according to statistics released by the U.S. Department of Commerce.²⁰⁷ The sectors making the largest contributions to the nation’s gross domestic product, include:²⁰⁸

- Tourism and recreation, including recreational fishing (\$143 billion).
- National defense and public administration (\$124 billion).
- Offshore minerals (\$49 billion).
- Transportation and warehousing (\$25 billion).
- Living resources, including commercial fishing and aquaculture (\$13 billion).
- Ship and boat building (\$9 billion).
- Power generation (\$4 billion).
- Research and education (\$3 billion).
- Construction (\$2.5 billion).
- Professional and technical services (\$31 million).

Strategic Plan for Florida’s Oceans and Coasts

²⁰⁵ The London School of Economics and Political Science, *What is the blue economy?* <https://www.lse.ac.uk/granthaminstitute/explainers/what-is-the-role-of-the-blue-economy-in-a-sustainable-future/> (last visited Mar. 20, 2024).

²⁰⁶ *Id.*

²⁰⁷ National Oceanic and Atmospheric Administration, *Marine economy in 2018 grew faster than U.S. overall* (June 2, 2020), <https://www.noaa.gov/media-release/marine-economy-in-2018-grew-faster-than-us-overall> (last visited Mar. 20, 2024).

²⁰⁸ *Id.*

Recently, the Florida legislature awarded a grant to the Florida Ocean Alliance²⁰⁹ to create the strategic policy plan for Florida's oceans and coasts (plan).²¹⁰ According to the plan, Florida has 8,436 miles of coastline, the second longest coastline among US states and territories, which contain essential, valuable, and iconic natural resources and human-built infrastructure. In 2018, Florida's coastal counties generated more than \$797 billion of economic value, or 77 percent of the state's more than \$1 trillion economy at the time. Direct and indirect use of ocean and coastal resources contributed to \$73.9 billion to the state's economy, and more than one million jobs in Florida were directly and indirectly created by activities that used ocean and coastal resources.²¹¹

In order to support Florida's coastal natural resources and infrastructure, and mitigate related threats, the plan outlines the following strategies and actions:²¹²

- Blue Economy: Developing and expanding the resources that support a major portion of Florida's economy.
- Ocean and coastal resilience: Ensuring the elements of Florida's Blue Economy are more resilient to the effects of local and global threats.
- Human and natural infrastructure: Improving the water, wastewater, stormwater, power infrastructure, and natural habitats that support Florida's diverse and valuable living resources.
- Implementation, outreach, and financing: Building and sustaining broad support and partnerships for executing the Plan with accountability and transparency.

According to the strategic plan, a top priority is to create a statewide, public-private partnership under the Executive Office of the Governor, similar to Space Florida, CareerSource Florida, and other executive-level state partnerships in order to provide a connected leadership that is critical to the implementation of the plan.²¹³

State University System of Florida

The State University System (SUS) is composed of 12 public universities.²¹⁴ The purpose of the SUS is to achieve academic excellence through teaching students, advancing research, and providing public service for the benefit of Florida's citizens and their communities and economies.²¹⁵ The Board of Governors (BOG) is responsible to operate, regulate, control, and be fully responsible for the management of the whole SUS.²¹⁶

Effect of the Bill

The bill creates the Office of Ocean Economy within the SUS to be housed at Florida Atlantic University. The office is created to connect the state's ocean and coastal resources to economic development strategies that grow, enhance, or contribute to the ocean economy.

The bill defines "ocean economy" as the economic uses of ocean and coastal resources with a focus on sustainable practices that benefit the long-term outlook of relevant industry sectors and the competitive

²⁰⁹ The Florida Ocean Alliance is a nonpartisan organization dedicated to bringing together the private sector, academia, and non profit research organizations in Florida to protect and enhance Florida's coastal and ocean resources for continued social and economic benefits. Florida Ocean Alliance, <https://www.floridaoceanalliance.org/> (last visited Mar. 20, 2024).

²¹⁰ Florida Ocean Alliance, *Securing Florida's Blue Economy: A Strategic Plan for Florida's Oceans and Coasts, Executive Summary* (2020), available at

<https://static1.squarespace.com/static/614dece04ec1fe659b8317d5/t/616376221a6d513c75428a1a/1633908258963/2020+Securing+floridas+blue+economy.pdf>.

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

²¹⁴ State University System of Florida, *Chancellor*, <https://www.flbog.edu/about-us/office-of-the-chancellor/chancellor/> (last visited Mar. 20, 2024).

²¹⁵ Art. IX, s. 7(a), Fla. Const.

²¹⁶ Art. IX, s. 7(d), Fla. Const.

positioning of the state in a global economy, including, but not limited to, ocean industries, such as shipyards, marinas, marine terminals, piers, fishing, aquaculture, seafood processing, commercial diving, and marine transportation; floating and amphibious housing; tourism; and outdoor recreational activities, including, but not limited to, boating and industry sectors dependent on such activities.

The bill requires the Office of Ocean Economy to:

- Develop and undertake activities and strategies with a focus on research and development, technological innovation, emerging industries, strategic business recruitment, public and private funding opportunities, and workforce training and education to promote and stimulate the ocean economy.
- Foster relationships and coordinate with state universities, private universities, and FCS institutions, including periodically surveying the development of academic research relating to the ocean economy across all disciplines and facilitating the transfer of innovative technology into marketable goods and services. The office shall encourage collaboration between state universities and FCS institutions that have overlapping areas of academic research.
- Include and update on the office's website information related to an inventory of current research and current collaborations, including contact information and any available resources for research and technology development, including financial opportunities.
- Collaborate with relevant industries to identify economic challenges that may be solved through innovation in the ocean economy, including commercializing or otherwise facilitating public access to academic research and resources, removing governmental barriers, and maximizing access to financial or other opportunities for growth and development.
- Develop and facilitate a pipeline for innovative ideas and strategies to be created, developed, researched, commercialized, and financed. This includes promotion and coordination of industry collaboration, academic research, accelerator programs, training and technical assistance, and startup or second-stage funding opportunities.
- Maintain and update on the office's website reports and data on the number, growth, and average wages of jobs included in the ocean economy; the impacts on the number, growth, and development of businesses in the ocean economy; and the collaboration, transition, or adoption of innovation and research into new, viable ideas employed in the ocean economy.
- Educate other state and local entities on the interests of the ocean economy and how such entities may positively address environmental issues while simultaneously considering the economic impact of their policies.
- Communicate the state's role as an integral component of the ocean economy by promoting the state on national and international platforms and other appropriate forums as the premier destination for convening on pertinent subject matters.

By August 1, 2025, and each August 1 thereafter, the bill requires the office to provide a detailed report demonstrating the economic benefits of the office and the development of emerging ocean economy industries to the BOG, the Governor, the President of the Senate, and the Speaker of the House of Representatives and post it on its website.

Florida College System and State University System Boards of Trustees

Present Situation

Florida College System Board of Trustees

Members of a FCS institution's board of trustees are appointed by the Governor to staggered 4-year terms and subject to confirmation by the Senate.²¹⁷ The number of members on the board of trustees for a FCS institution is based on the following:

- An FCS institution has five board members when a FCS institution district is confined to one school board district.

²¹⁷ Section 1001.61, (3), F.S.

- An FCS institution may not have more than nine members when the district contains two or more school board districts, as provided by rules of the SBE.²¹⁸
- An FCS institution may have seven members when a FCS institution district is confined to one school board district and the board of trustees so elects.²¹⁹

Members of the board of trustees for a FCS institution receive no compensation but can be reimbursed for travel and per diem expenses.²²⁰

State University System Board of Trustees

Each university in the SUS is administered by a board of trustees, who serve staggered 5-year terms, comprised of 13 members as follows:

- Six citizen members appointed by the Governor subject to confirmation by the Senate.
- Five citizen members appointed by the Board of Governors subject to confirmation by the Senate.
- The chair of the faculty senate or the equivalent.
- The president of the student body of the university.²²¹

Members of the board of trustees for a university in the state university system receive no compensation but can be reimbursed for travel and per diem expenses.²²²

Standards of Conduct for Public Officers

A public officer acting in his or her official capacity may not either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor may a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision.²²³

Effect of the Bill

The bill specifies that a member of a FCS or SUS institution board of trustees is subject to the Standards of Conduct for Public Officers described in s. 112.313, F.S. with respect to business dealings with the institution, including any entity under the control of or established for the benefit of the institution under his or her purview while he or she is serving as a member of that institution's board of trustees.

Working Students

Present Situation

Nationally, about 74 percent of part-time undergraduate students and 40 percent of full-time students in the United States were employed in 2020, according to the most recent data from the National Center

²¹⁸ Rule 6A-14.024, F.A.C. was repealed in 2019.

²¹⁹ Section 1001.61(1), F.S. Florida State College at Jacksonville is required to have an odd number of trustees, and St. Johns River State College is required to have seven trustees from the three-county area that the college serves.

²²⁰ Section 1001.61(3), F.S.

²²¹ Section 1001.71(1), F.S.

²²² Section 1001.71(2), F.S.

²²³ Section 112.313(3), F.S.

for Education Statistics.²²⁴ Being employed can help a student pay for classes and other living expenses; it can also be associated, either positively or negatively, with a student's academic performance.²²⁵

Overall, the percentages of undergraduates who worked at least 20 hours per week were higher for part-time students than for full-time students. Specifically, 40 percent of part-time students worked 35 or more hours, compared with 10 percent of full-time students. Additionally, 26 percent of part-time students worked 20 to 34 hours per week, compared with 15 percent of full-time students. In contrast, the percentages of undergraduates who worked less than 20 hours per week were higher for full-time students than for part-time students. Three percent of full-time undergraduates were employed less than 10 hours per week, and 9 percent were employed 10 to 19 hours per week. In comparison, 1 percent of part-time students were employed less than 10 hours per week and 6 percent were employed 10 to 19 hours per week.²²⁶

In Florida, some public postsecondary programs place implicit or explicit restrictions on student employment. For example, the Florida State University College of Law recommends that a full-time student not work more than 20 hours per week in any semester the student is enrolled in more than 12 class hours.²²⁷ At Valencia College, prospective nursing students are advised that if they choose to work while in the program, a maximum of 15 hours of work per week is recommended due to the demands of the program.²²⁸

Foreign Country of Concern

Under Florida statute, a “foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.²²⁹

Effect of the Bill

The bill provides that a public postsecondary institution may not prohibit applicants or currently enrolled students from being employed, either full time or part time, as a condition of admission to or enrollment in any of the institution’s schools, colleges, or programs.

The prohibition on employment does not apply if the applicant or currently enrolled student is employed by an organization or agency that is affiliated or associated with a foreign country of concern.

Residency Status for Tuition Purposes

Present Situation

Current law requires students to be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career

²²⁴ National Center for Education Statistics, *College Student Employment*, [https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016.time%20students%20\(40%20percent](https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016.time%20students%20(40%20percent) (last visited Mar. 20, 2024).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ See Florida State University College of Law, *Employment Policy for Full-time Students*, <https://law.fsu.edu/careers/employer-info/employment-policy-full-time-students> (last visited Mar. 20, 2024).

²²⁸ See Valencia College- Nursing Program, *Frequently Asked Questions*, <https://valenciacollege.edu/academics/programs/health-sciences/nursing/frequently-asked-questions.php> (last visited Mar. 20, 2024).

²²⁹ Section 288.860(1)(a), F.S.

centers operated by school districts, FCS institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.²³⁰

Applicants to a postsecondary institution must meet certain qualifying standards in order to be classified as a resident of Florida for tuition purposes. The applicant, or in the case of a dependent child, his or her parents,²³¹ must establish legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to the applicant's enrollment in a postsecondary institution.²³²

Each applicant must provide to the institution a statement of length of residence and establish that his or her presence in the state is for the purpose of maintaining a bona fide domicile and not as a temporary residence or residence incident to enrollment.²³³

Each institution of higher education must determine that an applicant granted admission as a Florida resident meets the residency requirements at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the specified documents, with no single piece of evidence considered conclusive.²³⁴

The documents must include at least one of the following:²³⁵

- A Florida voter's registration card.
- A Florida driver license.
- A State of Florida identification card.
- A Florida vehicle registration.
- Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
- Proof of a homestead exemption in Florida.
- Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.
- Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

The documents may include one or more of the following:²³⁶

- A declaration of domicile in Florida.
- A Florida professional or occupational license.
- Florida incorporation.
- A document evidencing family ties in Florida.
- Proof of membership in a Florida-based charitable or professional organization.
- Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

²³⁰ Sections 1009.22, 1009.23, and 1009.24, F.S. Out-of-state tuition is established by each university board of trustees, subject to the approval of the BOG. Section 1009.24(4)(c), F.S.

²³¹ Section 1009.21(1)(f), F.S. The term "parent" is defined to mean "either or both parents of a student, any guardian of a student, or any person in a parental relationship to a student." The legal residence of a dependent child's parents is prima facie evidence of the dependent child's residence. Section 1009.21(4), F.S.

²³² Section 1009.21(2)(a)1., F.S. A legal resident, for purposes of tuition, is a person who has maintained his or her residence in Florida for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in Florida pursuant to s. 222.17, F.S. Section 1009.21(1)(d), F.S.

²³³ Section 1009.21(2)(a)2., F.S.

²³⁴ Section 1009.21(3)(c), F.S.

²³⁵ Section 1009.21(3)(c)1.a.-h., F.S.

²³⁶ Section 1009.21(3)(c)2.a.-f., F.S.

Effect of the Bill

The bill authorizes proof of a homestead exemption in Florida to serve as a single, conclusive piece of evidence for a student to establish residency for tuition purposes.

Stanley G. Tate Florida Prepaid College Program

Present Situation

Background

The Stanley G. Tate Florida Prepaid College Program (Prepaid Program) was created to assist families to prepay the future cost of college tuition through advance payment contracts (Prepaid Plans).²³⁷ At the time of purchase, Prepaid Plans guarantee the future payment of certain costs associated with attendance at a postsecondary institution.²³⁸ Additionally, the benefits, in some cases, can be utilized at in-state private institutions and at out-of-state public and private colleges and universities that are able to accept Title IV funding (i.e., federal student aid).²³⁹

The administration of the prepaid program is overseen by the Florida Prepaid College Board (board).²⁴⁰ In its role as the administrator of the trust fund, the board is responsible for managing it in a financially sound manner, ensuring stability based on actuarial principles.²⁴¹ Over the past 30 years, the board has managed the largest and most successful prepaid program among similar initiatives enabling more than 561,000 students to attend college using the prepaid plans.²⁴²

The Florida Prepaid Program

Families can choose from several plans allowing them to prepay the cost of college tuition, the tuition differential fee, registration fees, and local fees at a price that is less than the expected future cost.

These plans include:²⁴³

- 4-Year Florida University Plan
- 2 + 2 Florida Plan
- 4-Year Florida College Plan
- 2-Year Florida College Plan
- 1-Year Florida University Plan

Fees Associated with Postsecondary Institutions

The costs associated with attending a postsecondary institution encompass tuition and various fees designed to contribute to the overall operational expenses of the institution.²⁴⁴ One such fee, known as the tuition differential fee, is charged by 11 of the 12 state universities. The tuition differential fee is

²³⁷ Section 1009.98(1)-(2), F.S.

²³⁸ *Id.*

²³⁹ Section 1009.98(3), F.S.

²⁴⁰ Section 1009.971(1), F.S.

²⁴¹ Section 1009.971(4)(f), F.S.

²⁴² Florida Prepaid, *Our History*, <https://www.myfloridaprepaid.com/about-us/our-history/> (last visited Mar. 20, 2024).

²⁴³ Florida Prepaid, *Plans and Pricing*, <https://www.myfloridaprepaid.com/prepaid-plans/plans-and-pricing/> (last visited Mar. 20, 2024); see also r. 19B-4.001, F.A.C.; Florida Prepaid College Board, Final Master Contract, at s. 4.02-4.07 (2021) available at <https://www.flrules.org/gateway/reference.asp?No=Ref-13896>.

²⁴⁴ Florida Prepaid, *All About Florida College and State University Fees*, <https://www.myfloridaprepaid.com/existing-customers/tuition-and-fees/> (last visited Mar. 12, 2024).

intended to promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.²⁴⁵

By statute, for the 2012-2013 fiscal year, the base rate for the tuition differential fee was established at \$37.03 per credit hour.²⁴⁶ In subsequent years, the statute requires this base rate to be adjusted based on the amount assessed for the tuition differential in the preceding year. The adjustments are as follows:²⁴⁷

- If the actuarial reserve²⁴⁸ is less than 5 percent of the expected liabilities of the trust fund, the board pays the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board pays the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

Qualified beneficiaries of Prepaid Plans purchased before July 1, 2007, are exempt from paying any tuition differential fee.²⁴⁹

Effective with the 2009-2010 academic year and thereafter, in addition to the differential fees, other fees are paid by the board to any state university on behalf of a qualified beneficiary of the Prepaid Plan, whose contract was purchased before July 1, 2024. Among these fees are:

- Registration Fee:²⁵⁰
 - If the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board will pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.
- Local Fees: The board is required to pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.²⁵¹

Regardless of the specific amount assessed for registration fees, tuition differential, local fees, or dormitory fees, the board's payment to a state university on behalf of a qualified beneficiary, covered by a Prepaid Plan purchased before July 1, 2024, cannot exceed 100 percent of the total fees charged by

²⁴⁵ Section 1009.24(16), F.S.; see also Final Master Contract, at s. 1.39 and State University System of Florida, *Tuition and Required Fees* (2023-2024), available at <https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf>.

²⁴⁶ Section 1009.98(10)(b), F.S.

²⁴⁷ Section 1009.98(10)(b)2., F.S.

²⁴⁸ Section 1009.98(10)(a)1., F.S. "Actuarial reserve" means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

²⁴⁹ Section 1009.98(10)(b)5., F.S.

²⁵⁰ Section 1009.98(10)(b)1., F.S.

²⁵¹ Section 1009.98(10)(b)3., F.S.

the state university.²⁵² The board will pay state universities the actual amount assessed for the registration fees, the tuition differential, local fees and dormitory fees for Prepaid Plans purchased on or before July 1, 2024.²⁵³

Regardless of credit hours used for fee assessment, the board's payment for Prepaid Plans purchased before July 1, 2024, cannot exceed the actual number of credit hours taken by the qualified beneficiary at the state university.²⁵⁴

Effect of the Bill

The bill transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009-2010 to 2022-2023. Additionally, it extends the applicability of the contracts to those purchased before July 1, 2034.

The bill clarifies that the base rate is the amount assessed.

The bill also removes obsolete language in regards to the differential fee amount paid for the 2012-2013 fiscal year.

Florida College System Tuition for Out-of-State Students

Present Situation

The standard tuition rate for FCS institutions is currently set in statute at \$71.98 per credit hour for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs and the out-of-state fee is \$215.94 per credit hour.²⁵⁵

For baccalaureate degree programs, tuition is set at \$91.79 per credit hour for students who are considered residents for tuition purposes.²⁵⁶ The per credit hour for students who are considered non-residents for tuition purposes cannot exceed more than 85 percent of the sum of the tuition and out-of-state fee at the state university nearest the FCS institution.²⁵⁷ For the 2022-2023 academic year, the average annual cost for the academic year for students taking 30 credit hours was \$3,206.²⁵⁸

The board of trustees at each FCS institution is authorized to establish a separate fee for capital improvements, technology enhancements, equipping student buildings, or the acquisition of improved real property which may not exceed 20 percent of the tuition for resident students or 20 percent of the sum of tuition and out-of-state fees for nonresident students.²⁵⁹

In the 2022-2023 FCS academic year, 430,985 students were considered a resident for tuition purposes and 44,041 students were considered a nonresident for tuition purposes.²⁶⁰

Effect of the Bill

²⁵² Section 1009.98(10)(c) and (d), F.S.

²⁵³ Section 1009.98(10)(f), F.S.

²⁵⁴ Section 1009.98(10)(e), F.S.

²⁵⁵ Section 1009.23(3)(a), F.S.

²⁵⁶ Section 1009.23(3)(b)1., F.S.

²⁵⁷ Section 1009.23(3)(b)2., F.S.

²⁵⁸ DOE, Division of Florida Colleges, *College and Textbook Affordability Report*, at 2-3 (2023), available at <https://www.fldoe.org/core/fileparse.php/5659/urlt/CollegeTextAfford.pdf>.

²⁵⁹ Section 1009.23(11)(a), F.S.

²⁶⁰ DOE, Division of Florida Colleges, *FCS Resident and Nonresident Enrollment Report 2022-2023*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/about-us/policy-data.stml> (last visited Mar. 20, 2024).

The bill provides that beginning with the 2024-2025 academic year, Miami Dade College, Polk State College, and Tallahassee Community College are authorized to charge an amount not to exceed \$290 per credit hour for nonresident tuition and fees for distance learning. The bill also allows such FCS institutions to phase in the nonresident tuition rate by degree program.

Florida College System Transfer Degrees

Present Situation

Overview

Florida's 28 state and community colleges offer a wide range of academic opportunities for students throughout the state. At FCS institutions, students are able to complete degree programs including Bachelor of Science and Bachelor of Applied Science, Associate in Arts (AA), Associate in Science (AS), Associate in Applied Science (AAS), and career and technical certificate programs.²⁶¹

Associate in Arts Degree

The AA degree is designed for students who plan to transfer from a FCS institution to a baccalaureate degree program, either at a FCS or a SUS institution.²⁶² The AA degree requirements consist of 60 total credit hours and include 36 credit hours of general education and 24 credit hours of electives.²⁶³ Students should choose elective courses required for admission to their intended program of study or major at the desired college or university. The Common Prerequisites Manual²⁶⁴ is a catalog of lower-level courses that are prerequisites for entrance into baccalaureate programs offered by FCS and SUS institutions. Students are encouraged to discuss their intended program of study with an academic advisor at their college to ensure they are meeting all requirements to transfer upon completing their AA degree.²⁶⁵

A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.²⁶⁶

General Education Core Courses

Students entering a FCS or SUS institution are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.²⁶⁷

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with the approval of the SBE or the BOG. The general education core courses are established in SBE rule²⁶⁸ and BOG regulation.²⁶⁹

Transfer of General Education Courses

²⁶¹ DOE, Florida College System (FCS), *Academics*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/academics/> (last visited Mar. 20, 2024).

²⁶² *Id.*

²⁶³ Section 1007.25(9), F.S.

²⁶⁴ Florida Shines, *Common Prerequisites Manual*, <https://cpm.flvc.org/advance-search> (last visited Mar. 20, 2024).

²⁶⁵ DOE, FCS, *Academics*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/academics/> (last visited Mar. 20, 2024).

²⁶⁶ Section 1007.25(10), F.S. and Board of Governors (BOG) Regulation 6.017

²⁶⁷ Section 1007.25, F.S. Beginning with the 2022-2023 academic year, the general education core course requirement is extended to students in an Associate in Applied Science (AAS) and Associate in Science (AS) degree program.

²⁶⁸ Rule 6A-14.0303, F.A.C.

²⁶⁹ BOG Regulation 8.005.

Each public postsecondary institution must accept transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an AA or baccalaureate degree are at the discretion of the FCS or SUS institution.²⁷⁰

General education programs in Florida, while consistent with the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or AS degree or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.²⁷¹

Articulation Coordinating Committee

The commissioner, in consultation with the Chancellor of the SUS, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies.²⁷² Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.²⁷³ The Office of K-20 Articulation within the DOE provides administrative support to the ACC.²⁷⁴

Statewide Articulation Agreements

Each state university board of trustees, FCS board of trustees, and district school board must plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.²⁷⁵

Statewide articulation agreements help facilitate the seamless transition of students across and among Florida's educational entities. These agreements are intended to be a minimum guarantee of articulated credit and do not preclude institutions from granting additional credit based on local agreements.²⁷⁶

Effect of the Bill

The bill creates a new AA specialized transfer degree. The specialized transfer degree is designed for FCS institution students who need supplemental lower-level coursework above the 60 credit hours of the traditional AA degree in preparation for transfer to a baccalaureate degree program. An AA specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit.

The bill requires the SBE to establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

1. A FCS institution to submit a notice of its intent to propose a new AA specialized degree program to the Division of Florida Colleges. The notice must include the recommended

²⁷⁰ *Id.* and r. 6A-14.0303(5), F.A.C.

²⁷¹ DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

²⁷² Section 1007.01(3), F.S.

²⁷³ Section 1007.01(3)(a) and (b), F.S.

²⁷⁴ Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

²⁷⁵ Rule 6A-10.024(1), F.A.C.

²⁷⁶ DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 20-21, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

- credit hours, the rationale for the specialization, the demand for students entering the field, and the coursework being proposed to be included beyond the 60 semester hours required for the general transfer degree, if applicable. Notices of intent may be submitted by a FCS institution at any time.
2. The Division of Florida Colleges to forward the notice of intent within 10 business days after receipt to all FCS institutions and the Chancellor of the SUS, who must forward the notice to all state universities. State universities and FCS institutions have 60 days after receipt of the notice to submit comments to the proposed AA specialized transfer degree.
 3. After the submission of comments, the requesting FCS institution to submit a proposal that, at a minimum, includes:
 - a. Evidence that the coursework for the AA specialized transfer degree includes demonstration of competency in a foreign language²⁷⁷ and demonstration of civic literacy competency.²⁷⁸
 - b. Demonstration that all required coursework will count toward the AA degree or the baccalaureate degree.
 - c. An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.
 - d. Justification for the program length if it exceeds 60 credit hours, including references to the Common Prerequisite Manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of a FCS institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.
 - e. Articulation agreements for graduates of the AA specialized transfer degree.
 - f. Responses to the comments received.

The Division of Florida Colleges must review the proposal and, within 30 days after receipt, provide written notification to the FCS institution of any deficiencies and provide the institution with an opportunity to correct the deficiencies. Within 45 days after receipt of a completed proposal by the Division of Florida Colleges, the commissioner must recommend approval or disapproval of the new specialized transfer degree to the SBE. The SBE must consider the recommendation at its next meeting.

Upon approval of an AA specialized transfer degree by the SBE, a FCS institution may offer the degree and must report data on student and program performance in a manner prescribed by the DOE.

The bill requires the SBE to adopt rules to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews for the AA specialized transfer degree.

Florida College System Institution Employment Equity Accountability Program

Present Situation

Each FCS institution must include in its annual equity update a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status.²⁷⁹ The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the DOE.²⁸⁰ FCS institution presidents and the heads of each major administrative division must be

²⁷⁷ Section 1007.262, F.S.

²⁷⁸ Section 1007.25(5), F.S.

²⁷⁹ Section 1012.86(1), F.S.

²⁸⁰ *Id.*

evaluated annually on the progress made toward meeting the goals and objectives of the FCS institution's employment accountability plan.²⁸¹

On or before May 1 of each year, each FCS institution president must submit an annual employment accountability plan to the commissioner and the SBE.²⁸² The SBE must submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before January 1 of each year.²⁸³

No law requires such a report of Florida's public K-12 institutions or SUS institutions and it conflicts with the current requirements of the Florida Educational Equity Act.²⁸⁴

Effect of the Bill

The bill repeals the FCS Institution Employment Equity Accountability Program.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill appropriates \$250,000 in nonrecurring funds to the Department of Education to provide a \$50 bonus to compensate International Baccalaureate (IB) teachers for each student they teach who received a score of "C" or higher on an IB Theory of Knowledge subject examination. If the total amount of the bonuses is greater than the funds provided in the appropriation, each teacher's amount is prorated based on the number of students who earned qualifying scores in each school district.

²⁸¹ Section 1012.86(3), F.S.

²⁸² Section 1012.86(2), F.S.

²⁸³ Section 1012.86(4), F.S.

²⁸⁴ DOE, *Recommendations to Reduce Regulation in Public Schools* (2023), at 22, available at

https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf. See also s. 1000.05, F.S.

The bill will have an indeterminate fiscal impact on the expenditures of the state university that houses the Office of Ocean Economy (Florida Atlantic University) and the Board of Governors as it relates to administration. While the cost is indeterminate, any costs associated with the bill can be absorbed within existing resources.

There could be a negative fiscal impact to the Florida College System (FCS) institutions reducing out of state tuition for distance learning due to the inability to charge the current out of state tuition and fee rates for nonresident distance learners. The bill allows FCS institutions to phase in the nonresident tuition rate by degree program.