

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 7039 PCB CIS 24-01 Education

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

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 7000 and CS/SB 7002

FINAL HOUSE FLOOR ACTION: 115 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/HB 7039 passed the House on February 28, 2024, as CS/SB 7002 as amended. The Senate concurred in the House amendment to the Senate Bill and subsequently passed the bill as amended on March 6, 2024. The bill includes portions of CS/SB 7000.

The bill allows district school boards to satisfy their statutory duties to provide public notices related to meetings, levying millage, and the adoption of budgets by authorizing the publication of such notices to their websites and requiring publication at least 2 days prior to the noticed meeting.

The bill repeals several obsolete or overly-burdensome reporting requirements. The bill reduces the submission of school district financial audits based on financial condition of the school district and authorizes the district school board to delegate certain authority to the superintendent.

The bill supports school districts' efforts to recruit and retain teachers by requiring the State Board of Education to develop strategies to address critical teacher shortages areas, the Commissioner of Education to make recommendations for the retention of Exceptional Student Education (ESE) teachers, and authorizes school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill requires the SBE to waive initial subject area exam and certification fees for educators with, or seeking, ESE certification. The bill updates the Teacher Apprenticeship Program by expanding eligibility for applicants and mentor teachers. The bill authorizes a newly-hired Voluntary Prekindergarten Education Program instructor, 45 days after hire to complete required emergent literacy training.

The bill clarifies that certain topics may not be precluded by collective bargaining, including but not limited to, the provision of incentives to effective and highly effective teachers, incentives to teachers assigned to low-performing schools, implementation of student intervention and support strategies, and the implementation of school safety plans and requirements.

The bill clarifies the authority of a district school board to adopt exceptions to the State Requirements for Educational Facilities, extends the waiver for the cost per student station, increases the caps on day labor contracts and provides flexibility for the purchase of transportation supplies. The bill also broadens the scope of properties a district can lease or lease-purchase to include educational plants, ancillary plants, and auxiliary facilities instead of only educational facilities.

The bill authorizes, subject to SBE rule, certified educators to request that their certification be placed in inactive status and the use of a passing score on the SAT, ACT, or Classical Learning Test to satisfy the mastery of general knowledge requirement for certification.

The estimated fiscal impact on state expenditures is \$4.7 million; which is accounted for in the conference report of the Fiscal Year 2024-2025 General Appropriations Act. See Fiscal Analysis.

The bill was approved by the Governor on May 9, 2024, ch. 2024-159, L.O.F., and will become effective on July 1, 2024.

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

STORAGE NAME:

DATE:

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

In 2023, the Florida Legislature passed House Bill 1 (HB1), which included provisions regarding the deregulation of public schools. In an effort to provide more flexibility and efficiency and reduce unnecessary regulation, the bill required the State Board of Education (SBE) to develop and recommend to the Governor and Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code, chapters 1000-1013, Florida Statutes.¹

Pursuant to HB1, the Department of Education (DOE) reviewed the entirety of the Code and considered input from Florida teachers, superintendents, administrators, school boards, public and private postsecondary institutions, home educators, and other stakeholders. Following that review, the SBE developed recommendations for the deregulation of Florida public schools and provided them to the Governor and Legislature on November 1, 2023.²

District School Board Communications

Present Situation

Meeting Notices

Each district school board is required to publicly notice regular and special board meetings in a county newspaper of general circulation at least two days prior to the meeting, or on a radio station if no such newspaper exists.³

Local governmental agencies, including district school boards, have the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper under specified conditions.⁴ A governmental agency located in a county that has a population of fewer than 160,000 must first hold a public hearing and determine that its residents have sufficient access to the internet by broadband service before publishing legally required advertisements and public notices on the county website.⁵

Before a district school board levies any millage, it must advertise its intent to adopt a tentative budget in a newspaper of general circulation. Not less than 2 days or more than 5 days thereafter, the district must hold a public hearing on the tentative budget.⁶ The purpose of the hearing is to hear requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments.⁷ The final adopted budget must be posted on the school district's official website within 30 days after adoption, and the district school superintendent is required to submit two copies of the adopted budget to the DOE.⁸

¹ Section 11, ch. 2023-16, L.O.F.

² Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 2, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

³ Section 1001.372, F.S.

⁴ Section 50.0311, F.S.

⁵ Section 50.0311(4), F.S.

⁶ Section 200.065(2)(f)1., F.S.

⁷ Section 1011.03(3), F.S.

⁸ *Id.*

The US Census Bureau and the Pew Research Center have reported that adults are more likely to receive information through digital media than through print media.⁹

District School Board Notifications to Parents and Students

Dropout prevention and academic intervention programs are programs that may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and 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.¹⁰

A student is eligible to receive services through the dropout prevention and academic intervention program if the student:¹¹

- Is academically unsuccessful.
- Has a pattern of excessive absenteeism or has been identified as a habitual truant.
- Has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school.

Prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, the principal or the principal's designee is required to notify the student's parent by certified mail.¹² The parent of the student must then sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.¹³ The parents of a student assigned to such a dropout prevention and academic intervention program are entitled to an administrative review by an informal hearing officer or an administrative law judge for a formal hearing regarding any action by school personnel relating to such placement.¹⁴

The principal or the principal's designee may suspend a student only in accordance with the rules of the district school board.¹⁵ The principal or the principal's designee must make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension.¹⁶ Each suspension and the reasons for the suspension must be reported in writing within 24 hours to the student's parent by United States mail.¹⁷

Each middle school and high school student or the student's parent prior to registration is required to be provided a two-page summary of the Department of Economic Opportunity's (DEO's) economic security report of employment and earning outcomes and electronic access to the report.¹⁸ The information provided in the DEO report is now available to all parents through the DOE's Xello web portal, Florida's official K-12 career planning and work-based learning coordination tool.¹⁹

Effect of the Bill

⁹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 10, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

¹⁰ Section 1003.53(1)(a), F.S.

¹¹ Section 1003.53(1)(c), F.S.

¹² Section 1003.53(5), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1006.09(1)(b), F.S.

¹⁶ Section 1006.09(1)(b), F.S.

¹⁷ *Id.*

¹⁸ Section 1002.20(24), F.S.; see also Florida Commerce, *Economic Security Reports*, <https://www.floridajobs.org/local-workforce-development-board-resources/program-monitoring-and-reports/economic-security-reports> (last visited Mar. 12, 2024).

¹⁹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 13, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf; see also, The Future of Work Florida, *Xello*, <https://xello.world/en/florida-college-career-ready/> (last visited Mar. 12, 2024).

The bill authorizes district school boards to satisfy open meeting notification requirements through publication on the official district school board website or another publicly accessible website pursuant to statutory requirements.²⁰ The bill does not remove the option to publish such notices in a newspaper, radio station, or posting at a courthouse. The bill maintains the requirement that such public notice must occur at least 2 days prior to the noticed meeting.

Additionally, the bill authorizes a district school board to advertise its tentative budget and proposed millage levies, by advertising its intent to adopt a tentative budget on the district school board website, so long as the district school board complies with the requirements to ensure that the public has reasonable access to the website, and that the website would provide reasonable notice.

The bill specifies that district school boards may advertise their tentative budgets on the official district school board website instead of the newspaper. The bill also removes the requirement for the district school superintendent to transmit two copies of the adopted budget to the DOE.

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 program or a suspension. The bill authorizes the agreement to be made before the need for the notification arises or at the time the notification is required.

The bill removes the requirement that each middle and high school student be provided with a two-page summary of the DEO economic security report, as this information is available by other means.

Education Administration and Oversight

Present Situation

General Powers of District School Superintendent

Each school district must have a superintendent of schools who is elected at a general election for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, is employed by the district school board.²¹ The district school superintendent has the authority, and when necessary for the more efficient and adequate operation of the district school system, the responsibility, to:²²

- Oversee the district school system.
- Advise and counsel with the district school board on all educational matters.
- Recommend to the district school board for adoption such policies pertaining to the district school system as are necessary for its more efficient operation.
- Submit to the district school board for adoption rules to contribute to the efficient operation of any aspect of education in the district.
- Submit to the district school board for adoption minimum standards relating to the operation of any phase of the district school system.
- Perform duties and exercise responsibilities as are assigned to the district school superintendent by law and by rules of the SBE.

School Bus Infraction Detection Systems

District school boards are authorized to install and operate a school bus infraction detection system on a school bus for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates school bus traffic laws.²³ District school boards are required to post high-visibility

²⁰ See s. 50.0311, F.S.

²¹ FLA. CONST. art. 9, s. 5.

²² Section 1001.49, F.S.

²³ Sections 326.003(78) and 316.173, F.S.

reflective signage on the rear of each school bus in which a school bus infraction detection system is installed and operational.²⁴ The signage must be in the form of one or more signs or stickers and must contain, in the same form:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic depiction of a camera.²⁵

Motor vehicle operators must stop when approaching a school bus that displays a stop signal.²⁶ The civil penalties assessed and collected for violating this requirement as enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred.²⁷ Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations of school bus stop sign requirements.²⁸

District Guidance Report

Each district school board is required to annually submit a district guidance report to the Commissioner of Education (commissioner) by June 30.²⁹ The guidance report must include:³⁰

- Examination of student access to certified school counselors.
- Degree to which a district has adopted or implemented a guidance model program.
- Evaluation of the information and training available to certified school counselors and career specialists to advise students on areas of critical need, labor market trends, and technical training requirements.
- Progress toward incorporation of best practices for advisement as identified by the department.
- Consideration of alternative guidance systems or ideas, including, but not limited to, a teacher-advisor model, mentoring, partnerships with the business community, web-based delivery, and parental involvement.
- A guidance plan for the district.

Effect of the Bill

The bill authorizes the district school board to delegate to the superintendent the authority to establish a process for the review and approval of district-wide policies and procedures to improve efficiency. This may allow the school board and the superintendent to be more responsive to the needs of students.

The bill provides flexibility to district school boards to post signage on the rear of each school bus in which a school bus infraction detection system is installed and operational that is not high-visibility reflective signage. Without this revision, district school boards that install school bus infraction detection systems will incur costs to replace current signage with highly reflective material.³¹

The bill authorizes the civil penalties collected for violations of school bus stop sign requirements enforced by a school bus infraction detection system to be used to provide financial awards to recruit or retain school bus drivers in the school district in which the civil penalties are assessed and collected.

²⁴ Section 316.173(2)(a), F.S.

²⁵ *Id.*

²⁶ Section 316.172(1)(a)-(b), F.S.

²⁷ Section 316.173(7), F.S.

²⁸ *Id.*

²⁹ Section 1006.025(1), F.S.

³⁰ Section 1006.025(2), F.S.

³¹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 10, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

The bill repeals the requirement for district school boards to annually submit the guidance report. This report is no longer necessary as district school boards provide this information in their annual Mental Health Assistance Allocation Plan and the Mental Health Assistance Allocation Outcomes and Expenditures Report.³²

Voluntary Prekindergarten Program Instructor Training

Present Situation

Each public school and private provider which delivers the Voluntary Prekindergarten Education Program (VPK) must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:³³

- The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described above.
- The prekindergarten instructor must successfully complete, prior to assignment to that classroom, three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a training course on student performance standards approved by the DOE.

The prekindergarten instructor must complete an emergent literacy training course at least once every 5 years after initially completing the three emergent literacy training courses. The courses must be made available online or in person.

Effect of the Bill

The bill provides that a newly-hired prekindergarten instructor must complete the three emergent literacy training courses within 45 calendar days after being hired if the instructor has not already completed the courses. This change allows VPK providers to complete the onboarding process, and get instructors into classrooms sooner, while the required coursework is being completed. The bill also removes an obsolete date for the completion of a standards training course by a prekindergarten instructor.

Teacher Preparation Programs and Professional Learning Systems

Present Situation

Educator Preparation Institutes

Postsecondary institutions that are accredited or approved by the DOE to award degrees and credits for educator certification may seek approval from the DOE to create educator preparation institutes (EPI) for the purpose of providing all or any of the following:³⁴

- professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- instruction to assist potential and existing substitute teachers in performing their duties;
- instruction to assist paraprofessionals in meeting education and training requirements;

³² Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 17, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf; see also s. 1006.041, F.S.

³³ Sections 1002.55(3)(c) and 1002.63(4), F.S. (private providers and public schools, respectively).

³⁴ Section 1004.85(2)(a), F.S.; see also r. 6A-5.066, F.A.C.

- competency-based program instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase pathways to the classroom for mid-career professionals; and
- instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.³⁵

Each EPI participant must:³⁶

- meet teacher certification application and eligibility requirements established in law;
- participate in coursework and field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade 6;
- before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting; and
- achieve a passing score on the professional education competency examination,³⁷ the basic skills examination, and the subject area examination for the subject area certification which is required by SBE rule.

Each approved EPI must submit annual performance evaluations to the DOE that measure the effectiveness of the programs.³⁸

Professional Learning Systems

Current law requires school districts to develop a professional learning system in consultation with classroom teachers, state colleges and universities, business and community representatives, and local education foundations, consortia, and professional organizations.³⁹ The system must be initially reviewed and approved by the DOE, and subsequently reviewed and approved every 5 years thereafter.⁴⁰ Among other things, the professional learning system must:⁴¹

- support and increase the success of educators through collaboratively developed school improvement plans;
- assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels, and that prepare students for success at subsequent educational levels and the workforce;
- provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance; and
- provide training to teacher mentors as part of professional development certification and education competency programs.

³⁵ Section 1004.85(2)(b), F.S.

³⁶ Section 1004.85(3)(b), F.S.

³⁷ An individual that completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate. Section 1012.56(7)(a)3., F.S.

³⁸ Section 1004.85(5), F.S.

³⁹ Section 1012.98(5)(b), F.S.

⁴⁰ Section 1012.98(5)(b)1., F.S.

⁴¹ See s. 1012.98(5)(b)1.-11., F.S.

An organization of private schools or consortium of charter schools which has no fewer than 10-member schools in this state, which publishes and files with the DOE copies of its standards, and the member schools comply with compulsory school attendance, or a public or private college or university with a teacher preparation program, may also develop a professional learning system.⁴² The system and in-service catalog must be submitted to the commissioner for approval.⁴³

Preparation Programs

A district school board, or an organization of private schools or a consortium of charter schools, of at least 10 member schools,⁴⁴ with an approved professional learning system,⁴⁵ may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates.⁴⁶ Each alternative teacher preparation program is required to be reviewed and approved by the DOE to assure that persons who complete the program are competent in the necessary areas of subject matter specialization.⁴⁷

Florida Institute for Charter School Innovation

In 2022, the legislature created the Florida Institute for Charter School Innovation at Miami Dade College (Institute), subject to appropriation. The Miami Dade College Board of Trustees must establish policies for the supervision, administration, and governance of the institute.⁴⁸

The Institute must fulfill the following duties:⁴⁹

- Analyze charter school applications, identify best practices, and create a state resource for developing and reviewing charter school applications.
- Provide training, technical assistance, and support to charter school sponsors on the review of charter applications and renewals.
- Conduct applied research on policy and practices related to charter schools.
- Conduct or compile basic research on the status of educational choice, charter authorizing, and charter school performance in Florida and other topics related to charter schools.
- Collaborate with the DOE in developing the sponsor evaluation framework.
- Disseminate information regarding research-based charter school teaching practices to educators in Florida.
- Host research workshops and conferences which allow charter school sponsors, operators, students, and parents to engage in topics related to charter schools.

The Institute may apply for and receive federal, state, or local agency grants for the purpose of fulfilling its duties established in law.

Effect of the Bill

The bill clarifies that an EPI program participant must satisfy certification requirements prior to participating in field experiences not prior to enrolling in the program.

⁴² Section 1012.98(7), F.S.

⁴³ *Id.*

⁴⁴ Section 1012.98(7), F.S.

⁴⁵ Section 1012.98, F.S., defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

⁴⁶ Section 1012.575, F.S.

⁴⁷ *Id.*

⁴⁸ Section 1004.88, F.S.

⁴⁹ Section 1004.88(2)(a)-(g), F.S.

The bill authorizes the Institute to develop a professional learning system and design an alternative teacher preparation program to enable certified teachers at charter schools to add on additional coverages and endorsements to their certificates.

Professional Educator Certificate

Present Situation

A professional teaching certificate is valid for 5 school fiscal years and is renewable.⁵⁰ A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:⁵¹

- General knowledge.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include:⁵²

- Achievement of passing scores on the general knowledge examination;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards (NBPTS) or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System (FCS) institution, state university, or private college or university that meets certain criteria;
- Achievement of passing scores on national or international examinations with comparable verbal, writing, quantitative reasoning, and rigor as the general knowledge exam, including but not limited to Graduate Record Examination; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. The requirement of mastery of general knowledge must be waived for an individual who has been provided 3 years of supports and instruction and who has been rated effective or highly effective for each of the last 3 years.⁵³

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.⁵⁴

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.⁵⁵ Other means include a

⁵⁰ Section 1012.59(7)(a), F.S.

⁵¹ Section 1012.56(2)(g)-(i), F.S.

⁵² Section 1012.56(3), F.S.

⁵³ Section 1012.56(3), F.S. (flush left provision at the end of the subsection)

⁵⁴ Section 1012.56(5), F.S., and r. 6A-4.002(4), F.A.C.

⁵⁵ Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida, incorporated by reference* in rule 6A-4.0021, F.A.C.

valid certification from another state, postsecondary teaching experience, or completion of a professional learning certification program.⁵⁶

For the renewal of a professional certificate, applicants must earn a minimum of six college credits or 120 in-service points or a combination thereof, which must include at least one college credit or 20 in-service points in teaching students with disabilities. All renewal credits must be earned during the validity period and prior to the expiration date of the current professional certificate.⁵⁷ In lieu of college credit or in-service points, applicants may renew a subject area specialization by passing a state board approved Florida-developed subject area examination.⁵⁸

Applicants who hold a professional certificate in any area of certification identified by SBE rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of two college credits or 40 in-service points in evidence-based instruction and interventions grounded in the science of reading.⁵⁹

Effect of the Bill

The bill authorizes the use of a passing score, as determined by the DOE in rule, on the SAT, ACT, or Classical Learning Test to satisfy the mastery of general knowledge requirement for educator certification.

The bill requires the SBE to waive initial subject area exam fees and certification fees for an exceptional student education (ESE) teacher who applies to add the elementary education K-6 subject area to his or her teaching certificate or an elementary education certificate holder seeking to add the ESE coverage.

The bill provides that a teacher may request that her or his certificate be placed in inactive status. A certificate that has been inactive may be reactivated upon application to the department. The bill requires the DOE to establish, by rule, professional learning requirements as a condition of reactivating a certificate that has been inactive for more than 1 year.

Certification of Adjunct Instructors

Present Situation

District school boards and charter school governing boards may adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the educator certificate eligibility criteria, demonstrates subject matter expertise, and passes educator certification background screening requirements.⁶⁰ Adjunct certificate holders are required to be used primarily as a strategy to enhance the diversity of course offerings offered to all students.⁶¹ An applicant is considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test or has achieved an industry certification in the subject area to be taught.⁶²

⁵⁶ Section 1012.56(6), F.S.

⁵⁷ Section 1012.585(3), F.S. and Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited Mar. 12, 2024).

⁵⁸ Section 1012.585(3)(b), F.S.

⁵⁹ Section 1012.585(3)(f), F.S. The evidence-based instruction and interventions grounded in the science of reading must be specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

⁶⁰ Section 1012.57(1), F.S.

⁶¹ Section 1012.57(3), F.S.

⁶² Section 1012.57(1), F.S.

Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school. An additional annual certification and an additional annual contract may be awarded by the district or charter school at the district's or charter school's discretion but only if the applicant is rated effective or highly effective during each year of teaching under adjunct teaching certification. A school district and charter school may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 5 years and is nonrenewable.⁶³

Effect of the Bill

Because adjunct certification are only valid for 5 years, the bill removes obsolete language regarding annual certification and annual contracts.

Teacher Recruitment and Retention

Present Situation

DOE Duties

The DOE, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions, must concentrate on the recruitment and retention of qualified teachers.⁶⁴ To assist school districts in teacher recruitment the DOE must:⁶⁵

- Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.
- Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions, if needed.
- Utilize state and nationwide toll-free numbers.
- Conduct periodic communications with district personnel directors regarding applicants.
- Provide district access to the applicant database by computer or telephone.
- Develop and distribute promotional materials related to teaching as a career, if needed.
- Publish and distribute information pertaining to employment opportunities, application procedures, and all routes toward teacher certification in Florida, and teacher salaries.
- Provide information related to certification procedures.
- Develop and sponsor the Florida Future Educator of America Program throughout the state.
- Identify best practices for retaining high-quality teachers.
- Create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching.
- Develop and implement an online Teacher Toolkit that contains a menu of resources, based on the state academic standards that all teachers can use to enhance classroom instruction and increase teacher effectiveness, thus resulting in improved student achievement.
- Establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.
- Notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, the Florida Teachers Classroom Supply Assistance Program, death benefits for teachers, substantive legislation, rules of the SBE, and issues concerning student achievement.

⁶³ Section 1012.57 (4), F.S.

⁶⁴ Section 1012.05(1), F.S.

⁶⁵ Section 1012.05(2)(a)-(n), F.S.

Once the DOE has adopted the guidelines and identified best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching, each school district must adopt policies based on the DOE guidelines.⁶⁶ School districts are also required to electronically submit accurate public school e-mail addresses for all instructional and administrative personnel to the DOE by September 15 and February 15 each school year.⁶⁷

Critical Teacher Shortage Areas

On or before January 31 of each year, the commissioner must recommend to the SBE for approval⁶⁸ the specific teaching areas and high priority locations in which critical teacher shortages are projected for public schools in the following academic year.⁶⁹ The SBE must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas.⁷⁰ In addition, data related to Florida public school instructional personnel must include, but not be limited to:⁷¹

- the number and percentage of positions in each discipline filled by teachers not certified in the appropriate field;
- the annual supply of graduates of state approved Florida teacher education programs for each discipline; and,
- critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards which must be identified based on consideration of at least the information specified in the prior two bullets and submitted to the DOE no later than June 1 of each year.

Based on data submitted annually by each school district, the commissioner must rank all public schools and select from the ranked list those schools to be identified as high priority locations.⁷² High priority locations are those which are in high-density, low-economic urban schools; low density, low-economic rural schools; and schools that earned a grade of “F” or three consecutive grades of “D”.⁷³

Advanced Degree Salary Supplement

Current law prohibits a district school board from considering advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.⁷⁴ A salary supplement is an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but must be considered compensation.⁷⁵

Teacher Apprenticeship Program

In 2023, the Legislature created the Teacher Apprenticeship Program (TAP).⁷⁶ The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to

⁶⁶ Section 1012.05(3)(a), F.S.

⁶⁷ Section 1012.05(3)(b), F.S.

⁶⁸ See Florida Department of Education, *Identification of Critical Teacher Shortage Areas for 2022-23*, available at <https://www.fldoe.org/core/fileparse.php/20042/urlt/7-2.pdf>.

⁶⁹ Section 1012.07, F.S.; see also r. 6A-20.0131, F.A.C.

⁷⁰ *Id.*

⁷¹ Rule 6A-20.0131, F.A.C.

⁷² *Id.*

⁷³ Section 1012.07, F.S.

⁷⁴ Section 1012.22(1)(c)3., F.S.

⁷⁵ Section 1012.22(1)(c)1.g., F.S.

⁷⁶ Section 6, ch. 2023-38, L.O.F., *codified at* s. 1012.555, F.S.; see also r. 6A-5.067, F.A.C.

administer the program in accordance with legislative intent regarding apprenticeship training⁷⁷ provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:⁷⁸

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law⁷⁹ and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.⁸⁰

A teacher who serves as a mentor in the TAP must:⁸¹

- Have at least 7 years of teaching experience in this state.
- Be rated as highly effective in the three most recent value-added model (VAM) scores or on the three most recent available performance evaluations if the teacher does not generate a state VAM score.
- Satisfy any other requirements established by the DOE.

Dale Hickam Excellent Teaching Program

The Dale Hickam Excellent Teaching Program was created to provide funding for bonuses for teaching excellence.⁸² The bonuses were provided for initial certification for up to one 10-year period. The DOE was required to distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. Bonuses were provided to teachers who attained the National Board for Professional Teaching Standards (NBPTS) certification.⁸³ In 2008 and thereafter, teaching candidates could still pursue the NBPTS certification, but at their own expense or with district support.⁸⁴

Effect of the Bill

The bill requires the SBE to develop strategies to address the critical teacher shortages areas identified by the commissioner. Additionally, the bill requires the DOE, no later than December 1, 2024, to make recommendations to the Governor and Legislature on policy and funding changes to enhance the development and retention of exceptional student education instructional personnel. In developing the recommendations, the commissioner must consider, but is not limited to, all of the following:

- Alternative certification in place of the Elementary Education K-6 certificate as an add-on for personnel certified in exceptional student education.
- Financial incentives, including stipends for teacher education students, loan forgiveness, and instructional personnel salary adjustments and supplements.

⁷⁷ Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

⁷⁸ Section 1012.555, (2)(a)1.-4., F.S.

⁷⁹ “Team teaching” or “co-teaching” means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. Section 1003.03(5) (c), F.S.

⁸⁰ Section 1012.555(2)(c) and (d), F.S.

⁸¹ Section 1012.555(3), F.S.

⁸² Section 1012.72, F.S.

⁸³ Section 1012.72(1), F.S.

⁸⁴ Section 14, ch. 2008-142, L.O.F.; see also Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 22, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

- Strategies to encourage high school students to consider exceptional student education, including through preapprenticeships and dual enrollment.
- Funding under the Florida Education Finance Program (FEFP) to support school district exceptional student education personnel and programs.
- Innovative staffing, including teacher mentoring and supports for certified personnel responsibilities for case management and for instruction.

The bill authorizes school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill also reduces, from twice a year to once a year, the number of times school districts must electronically submit all instructional and administrative personnel e-mail addresses to the DOE. School districts will now be required to electronically submit the e-mail addresses by September 15, annually.

The bill authorizes a school district to use advanced degrees when setting salary schedules for instructional personnel or school administrators if the advanced degree is in the individual's area of certification.

The bill expands eligibility for the TAP by aligning the GPA requirements for the TAP with the GPA requirements for the professional certificate.⁸⁵ The bill clarifies that the TAP is at least 2 years long but may be longer, if needed. The bill also reduces the teaching experience requirement for a mentor teacher in the TAP from 7 to 5 years.

The bill repeals the Dale Hickam Excellent Teaching Program.

Assignment of Teachers

Present Situation

A school district is prohibited from assigning a higher percentage than the district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that are graded "D" or "F."⁸⁶ A school district may assign an individual newly hired as instructional personnel to a school that has earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous 3 years pursuant if the individual:⁸⁷

- Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation;
- Has successfully completed or is enrolled in a teacher preparation program or a teacher preparation program specified in SBE rule, is provided with high quality mentoring during the first 2 years of employment, holds a certificate, and holds a probationary contract; or
- Holds a probationary contract and has successful teaching experience, and if, in the judgment of the school principal, students would benefit from the placement of that individual.

Florida defines an "Ineffective Teacher," "Inexperienced Teacher" and "Out-of-Field Teacher" as the following:⁸⁸

- Ineffective Teacher: A teacher who has received a summative performance evaluation rating of unsatisfactory.

⁸⁵ Section 1012.56(2)(c), F.S., requires that each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

⁸⁶ Section 1012.2315(2)(a), F.S.

⁸⁷ Section 1012.2315(2)(b)1., F.S.

⁸⁸ Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan*, (Sept. 24, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, (last visited Mar. 12, 2024).

- Inexperienced Teacher: A teacher who has been teaching less than 3 years or a teacher who holds a Temporary Certificate.⁸⁹
- Out-of-Field Teacher: A teacher assigned as the primary instructor for a course in a subject for which the teacher is not appropriately qualified based on the requirements articulated in the Course Code Directory.

In 2023, the Legislature passed HB 1 (Ch. 2023-16, L.O.F.) increasing the validity period of the temporary certificate to 5 school fiscal years. Therefore, under current law there may be individuals teacher under a temporary certificate that are no longer considered “inexperienced teachers.”

In recruiting high-quality teachers to low-performing schools, school district collective bargaining provisions may not preclude a school district from providing incentives and assigning teachers to their low-performing schools.⁹⁰

Effect of the Bill

The bill defines an inexperienced teacher as a teacher with 3 or fewer years of experience.

Additionally, the bill shifts from temporarily certified teachers to inexperienced teachers for the prohibition on school districts assigning a higher percentage to schools graded “D” or “F” than the school district average. This provides additional flexibility to school districts in the appointment of effective teachers on a temporary certificate.

The bill specifies that school district collective bargaining provisions may not preclude a district from providing incentives, including from federal funding.

School Teacher Collective Bargaining

Present Situation

The State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”⁹¹ To implement this constitutional provision, the Legislature enacted statutory provisions providing that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.⁹² Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.⁹³ Regardless of union membership, each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee’s position. Through collective bargaining, public employees⁹⁴ collectively negotiate with their public employer⁹⁵ in the determination of the terms

⁸⁹ Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan*, (Sept. 24, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, (last visited Mar. 12, 2024). In 2018, at the time of the ESSA state plan submission, Florida’s temporary certificate was valid for three school fiscal years.

⁹⁰ Section 1012.2315, (4) F.S.

⁹¹ Art. 1, s. 6, Fla. Const.

⁹² Section 447.201, F.S.

⁹³ Section 447.301(1) and (2), F.S.

⁹⁴ Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except for specified exceptions, including Governor appointments, elected officials, employer negotiating representatives, specified managerial or confidential employees, employees of the Florida Legislature, inmates, specified vegetable inspectors, PERC employees, and part-time student workers at a state university.

⁹⁵ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

and conditions of their employment.⁹⁶ The Public Employees Relations Commission is responsible for assisting in resolving disputes between public employees and public employers.⁹⁷

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.⁹⁸ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.⁹⁹ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.¹⁰⁰

A district school board or charter school governing board that is unable to meet the annual reporting requirements of classroom teacher and other instructional personnel salary increase due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.¹⁰¹

Certified Bargaining of Educational Personnel

Through the process of collective bargaining, a number of teacher unions have negotiated provisions that go beyond the wages, hours, and terms and conditions of employment of the employees. For example, in Miami-Dade Public Schools and the United Teachers of Dade agreement, the United Teachers of Dade requested the creation of the following joint tasks:¹⁰²

- School Calendar – where the parties agree to discuss the development of all aspects of the official school calendar for each year of the contract through a joint Calendar Committee.
- Francisco R. Walker Teacher of the Year Task Force –The task is to determine the Francisco R. Walker Miami-Dade County Teacher of the Year.
- Reports and Forms Control Task Force -- The committee reviews procedures for eliminating, revising, reducing, or consolidating paperwork and data collection requirements within the school district and will submit an annual report of its findings to the Superintendent and the UTD President or Designee by May 1.
- Education Facilities Planning Committee – where the committee consisting of union members is involved in the various design stages on new school facilities.

The contract between the School Board of Orange County and the Orange County Classroom Teachers Association created Faculty Advisory Committees at each school, which provide feedback on:¹⁰³

- A rotation plan composed of available staff to substitute in case of emergency.
- The purchase and distribution of instructional equipment, materials and supplies.
- Student discipline plans, which may include guidelines for referral of students into alternative education settings.
- The disposition of discipline referrals in a timely manner.
- Additional safeguards to deal with acts of violence, including those involving weapons, and procedures for notification of teachers when their students have been found to have carried a weapon on campus.

⁹⁶ Section 447.301(2), F.S.

⁹⁷ Section 447.201(3), F.S.

⁹⁸ Section 447.309(1), F.S.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Section 1011.62(14)(e), F.S.

¹⁰² Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 171, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?md=1677258385309>, (last visited Mar. 12, 2024).

¹⁰³ Orange County Public Schools and the Orange County Classroom Teachers Association Contract, at 97, https://cdnsm5-ss15.sharpschool.com/UserFiles/Servers/Server_54619/File/Departments/Human%20Resources/Labor%20Relations/CTA/CTA%20Contract%2022-23%20--%20FINAL.pdf, (last visited Mar. 12, 2024).

- Other concerns of the faculty which may result in a smoother operation of the school.
- Any school-wide drives or collection of money which involve teachers may not be approved until they have been discussed with the Faculty Advisory Committee.

Effect of the Bill

The bill provides that collective bargaining between school districts and teachers unions may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address the causes of low student performance and improve student academic performance and attendance.
- Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.
- Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.
- The school district's calendar.

Additionally, the bill requires that if a district school superintendent appears before the SBE to provide an update on an impasse, the state board must require that the president of the school district bargaining unit also appear.

Finance and Budget

Present Situation

The Florida Legislature established the FEFP in 1973 to equalize funding for educational programs and services for all students in the K-12 public school system, regardless of geographic or local economic factors.¹⁰⁴ The FEFP is the primary mechanism for funding the operating costs of Florida school districts.¹⁰⁵

Charter schools also receive funding through the FEFP. Students enrolled in a charter school, regardless of the sponsorship, are funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a school district.¹⁰⁶

Financial Accounting and Expenditures

All funds accruing to a school district must be received, accounted for, and expended in compliance with state laws and rules of the SBE.¹⁰⁷ For example, district school boards are prohibited from using funds to purchase transportation equipment and supplies at prices which exceed those determined by the DOE to be the lowest which can be obtained.¹⁰⁸ At least monthly, school district superintendents are required to submit a financial statement to the DOE in a format specified by the SBE.¹⁰⁹

¹⁰⁴ Section 1011.62, F.S.; Florida Department of Education, *2022-23 Funding for Florida School Districts*, (2022), at 4, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

¹⁰⁵ *Id.*

¹⁰⁶ Section 1002.33(17), F.S.

¹⁰⁷ Section 1010.02, F.S.

¹⁰⁸ Section 1011.68(4), F.S.

¹⁰⁹ Rule 6A-1.008, F.A.C.

Charter schools are exempt from this requirement.¹¹⁰

School Board Discretionary Millage Levy

Each district school board is authorized to levy 1.5 mills against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:¹¹¹

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.

In addition, a district school board may expend up to \$175 per unweighted full-time equivalent (FTE) student from the revenue generated by the millage levy to fund expenses for:¹¹²

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants.

District school boards raised \$3,453,738,766.07 in revenues through 1.5-mill levies in the 2021-2022 fiscal year.¹¹³

To raise funds for capital outlay purposes, district school boards are also authorized to:

- Sell bonds for capital outlay projects to be repaid from local property taxes.¹¹⁴
- Levy a sales surtax of up to 0.5 percent for fixed capital outlay purposes if approval is obtained by referendum.¹¹⁵
- Levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the 0.748 discretionary operating millage for operations.¹¹⁶

Effect of the Bill

Financial Accounting and Expenditures

The bill requires the SBE to adopt rules to establish criteria for determining the financial status of school districts for financial reporting. The bill specifies a school district may be subject to varying reporting frequencies based on its financial status, as determined by SBE rule. Such reporting variances should require a school district identified as having a financial concern to submit monthly financial reports and a school district not identified as having a financial concern to submit financial reports no more often than once every quarter.

The bill provides that a school district that is unable to purchase transportation equipment and supplies at the prices identified by the DOE must request assistance from the DOE with purchasing at such

¹¹⁰ Section 1002.33(16), F.S.

¹¹¹ Section 1011.71(2), F.S.

¹¹² Section 1011.71(6), F.S.

¹¹³ Florida Department of Education, *Finance Data Base: Fiscal Year 2022-2023*, at 45, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2223.pdf>.

¹¹⁴ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, at 9, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>. See Art. VII, s. 12, Fla. Const., s. 200.001(3)(e), F.S., and ss. 1010.40 through 1010.55, F.S.

¹¹⁵ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, at 11, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>. See s. 212.055(6), F.S.

¹¹⁶ Florida Department of Education, *2022-2023 Funding for Florida School Districts*, at 9, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>. See s. 1011.71(1), F.S.

prices. The school district may exceed such prices if the DOE is unable to assist the school district with its purchase.

School Board Discretionary Millage Levy

The bill raises the cap to \$200 per unweighted FTE student for the purchase, lease-purchase, or lease of certain district school board vehicles and property and casualty insurance on school district educational and ancillary plants, from \$175 per unweighted FTE student.

Facilities Planning

Present Situation

State Requirements for Educational Facilities

Florida school construction is guided by three major authorities. The Florida Building Code governs all construction in the state and is administered by the Florida Building Commission at the Department of Business and Professional Regulation.¹¹⁷ The Florida Building Code includes specifications for enhanced hurricane protection areas and electrical and standby emergency power systems.¹¹⁸ The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, at the Department of Financial Services. The third major authority governing school construction in the state is the State Requirements for Educational Facilities (SREF), which is maintained by the DOE.¹¹⁹ The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.¹²⁰ Charter schools are not required to comply with SREF.¹²¹

The SREF is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.¹²² District school boards must adhere to the SREF when planning and constructing new facilities. Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.¹²³ Florida law provides school districts with the flexibility to adopt, through resolution, a number of exceptions to SREF requirements. Exceptions include, for example, specifications for site lighting or the use of wood studs in interior no-load-bearing walls.¹²⁴

The DOE, in consultation with school boards and county and state emergency management offices, is required to develop public shelter design criteria that are incorporated as standards into the Florida Building Code. These criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes.¹²⁵ In addition to the requirement to

¹¹⁷ Section 553.73, F.S. The Florida Building Code, 7th Edition (2020) has been adopted by the Florida Building Commission. Rule 61G20-1.001, F.A.C.

¹¹⁸ Sections 453.25.1.1 and 453.25.5, Florida Building Code, 7th Edition (2020).

¹¹⁹ Rule 6A-2.0010, F.A.C.

¹²⁰ Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

¹²¹ Section 1002.33(18), F.S.

¹²² The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664>. The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.* The SREF does not apply to charter schools. Section 1002.33(18), F.S.

¹²³ *See, e.g.*, s. 1013.12, F.S. (casualty, safety, sanitation, and fire safety standards and inspection of property) and s. 1013.451, F.S. (life-cycle cost comparison).

¹²⁴ *See* s. 1013.385(2), F.S.

¹²⁵ Section 1013.372(1), F.S.

construct emergency shelters as needed, district school boards in an emergency area are required to provide access to facilities and necessary personnel to staff such facilities.¹²⁶

If a regional planning council in which the county is located does not have a hurricane evacuation shelter deficit as determined by the Division of Emergency Management (DEM), educational facilities within the planning council region are not required to incorporate the public shelter criteria.¹²⁷ By January 31 of each even-numbered year, the DEM must prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval.¹²⁸ After the approval of a plan, a district school board may not be required to build more emergency-shelter space than identified as needed in the plan.¹²⁹

Educational Facilities Contracting

District school boards may employ procedures to contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, which include, but are not limited to, day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities. This amount is adjusted annually based upon changes in the Consumer Price Index (CPI).¹³⁰ A "day-labor contract" means a project constructed using persons employed directly by a board or by contracted labor.¹³¹

Educational Facilities

For changes in construction requirements after the award of contract, a board may authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts.¹³² Approvals must be for the purpose of expediting the work in progress and be reported to the board and entered in its official minutes. The district school board is required to monitor and report the impact of change orders on its district educational facilities plan.¹³³

District school boards are required to reduce the use of relocatables, and the Office of Educational Facilities within the DOE is required to monitor school board facilities work programs to measure the district commitment in reducing the use of relocatables.¹³⁴ The SBE is required to adopt rules which establish the standards for relocatables intended for long-term use¹³⁵ as classroom space at a public elementary school, middle school, or high school.¹³⁶ The standards must protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the SREF for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. District school boards are required to submit annual progress reports on a plan for the use of

¹²⁶ Section 252.38(1)(d), F.S.

¹²⁷ Section 1013.372(1), F.S.

¹²⁸ Section 1013.372(2), F.S.

¹²⁹ *Id.*

¹³⁰ Section 1013.45(1)(e), F.S.

¹³¹ Section 1013.45(2), F.S.

¹³² Section 1013.48, F.S. Unless otherwise specified, for the purposes of ch. 1013, F.S., "board" means a district schoolboard, a Florida College System institution board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. Section 1013.01(3), F.S.

¹³³ Section 1013.48, F.S.

¹³⁴ Section 1013.21, F.S.

¹³⁵ Section 1013.20, F.S. "Long-term use" is defined as the use of relocatables at the same educational plant for a period of four years or more.

¹³⁶ Section 1013.20(1), F.S.

existing relocatables.¹³⁷ Relocatables that fail to meet standards for relocatables after completion of the approved plan may not be used as classrooms.

A district school board may rent or lease educational facilities for one year or less, which should be funded through the operations budget or millage proceeds.¹³⁸ Extensions or renewals of such leases become multiple-year leases and can also be funded through operational funds or millage proceeds.¹³⁹ Additionally, a school board is authorized to lease-purchase educational facilities and sites.¹⁴⁰ The term of any lease-purchase agreement, including the initial term and any subsequent renewals, may not exceed the useful life of educational facilities and sites for which the agreement is made, or 30 years, whichever is less.¹⁴¹ Educational facilities and sites being acquired pursuant to a lease-purchase agreement are exempt from ad valorem taxation.¹⁴²

A board may construct or place educational facilities and ancillary facilities on land that is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.¹⁴³ Construction of educational facilities funded through an educational facilities benefit district or community development district is also subject to the minimum lease term requirement.¹⁴⁴

Educational Plant Survey

Florida law includes systemwide definitions related to educational facilities.¹⁴⁵ An “educational plant survey” is a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student based on projected capital outlay FTE's approved by the DOE.¹⁴⁶ The “educational plant” comprises the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.¹⁴⁷

“Educational facilities” are the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community.¹⁴⁸ “Auxiliary facilities” are the spaces located at educational plants which are not designed for student occupant stations.¹⁴⁹ The “ancillary plant” is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.¹⁵⁰

At least every 5 years, each board¹⁵¹ is required to arrange for an educational plant survey to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local

¹³⁷ *Id.*

¹³⁸ Section 1013.15(2)(a), F.S.

¹³⁹ *Id.*

¹⁴⁰ Section 1013.15(2)(b), F.S.

¹⁴¹ Section 1013.15(2)(c)1., F.S.

¹⁴² *Id.*

¹⁴³ Section 1013.16, F.S.

¹⁴⁴ Section 1013.356, F.S.

¹⁴⁵ *See s.* 1013.01, F.S.

¹⁴⁶ Section 1013.01, F.S.

¹⁴⁷ Section 1013.01(7), F.S.

¹⁴⁸ Section 1013.01(6), F.S.

¹⁴⁹ Section 1013.01(2), F.S.

¹⁵⁰ Section 1013.01(1), F.S.

¹⁵¹ “Board,” unless otherwise specified, means a district school board, a Florida College System institution board of trustees, a state university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. Section 1013.01(3), F.S. It does not include charter school governing boards.

comprehensive plan.¹⁵² The plant survey and the facilities work program are reviewed in the preparation of interlocal agreements between school boards and local governments.¹⁵³

A survey recommendation is not required when a district uses local funds for educational, auxiliary, and ancillary plant capital outlay purposes.¹⁵⁴ Even though the recommendation may not be required, the school district's survey must be submitted as a part of the district educational facilities plan.¹⁵⁵

The DOE is required to conduct an onsite review of five percent of the facilities reported for each school district completing a new survey that year.¹⁵⁶ If the DOE's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the DOE the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.¹⁵⁷

The DOE is also annually required to perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. The need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the DOE.¹⁵⁸ The commissioner is authorized to direct fixed capital outlay funds provided from general revenue or from state trust funds to be withheld from districts until such time as the survey accurately projects facility's needs.¹⁵⁹

District school boards are required to periodically update their inventory of educational facilities via the Florida Inventory of School Houses as new capacity becomes available and as unsatisfactory space is eliminated.¹⁶⁰

Cost Per Student Station Limitation

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.¹⁶¹ In 2005, the DOE conducted a study on overall inflation of school construction costs, including the CPI and other factors. The cost per student station levels adopted in 2006 were based on the DOE's study recommendations and is adjusted to reflect increases and decreases in the CPI.¹⁶² The DOE and the Office of Economic and Demographic Research (EDR)¹⁶³ are required to work together to calculate and disseminate new statutory caps.¹⁶⁴

The forecast by EDR for the July 2023 cost per student station limits are:¹⁶⁵

- \$27,455 for an elementary school.
- \$29,648 for a middle school.

¹⁵² Section 1013.31(1), F.S.

¹⁵³ Section 163.31777(2)(e)-(f) and (4), F.S.

¹⁵⁴ *Id.* at (a) and (d).

¹⁵⁵ Section 1013.31(1)(c)1., F.S.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Section 1013.31(1)(d), F.S.

¹⁵⁹ *Id.*

¹⁶⁰ Section 1013.31(1)(e), F.S.

¹⁶¹ Section 1013.64(6), F.S.

¹⁶² Office of Economic and Demographic Research, *Review of Florida's Cost Per Student Station* (Jan. 2017), at 6, available at <http://edr.state.fl.us/content/special-research-projects/education/CostPerStudentStation.pdf>.

¹⁶³ The Office of Economic and Demographic Research is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited Mar. 12, 2024).

¹⁶⁴ Section 1013.64(6)(b)1., F.S.

¹⁶⁵ Office of Economic and Demographic Research, *Student Station Cost Factors* (July 2022), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

- \$38,511 for a high school.

Except for certain educational facilities and sites subject to a lease-purchase agreement that may be paid for by a district school board levy,¹⁶⁶ or funded solely through local impact fees, a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station that exceeds these amounts.¹⁶⁷ The cost per student station includes, for example, contract costs, fees of architects and engineers, and the cost of furniture and equipment.¹⁶⁸ The cost per student station specifically does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, the cost of related site or offsite improvements, and costs for school safety and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.¹⁶⁹

An unfinished construction project for new construction of educational plant space that was started on or before July 1, 2026, is exempt from the total cost per student station requirements.¹⁷⁰

Effect of the Bill

State Requirements for Educational Facilities

The bill clarifies the authority of district school boards to adopt exceptions to SREF, provided that any exceptions to requirements for public shelter design criteria, when applicable, remain subject to the concurrence of the applicable local emergency management agency or the DEM. The bill provides that a district school board may not be required to build more emergency-shelter space than identified as needed in the statewide emergency shelter plan.

The bill updates emergency response requirements to replace the requirement for district school boards to staff emergency facilities with the requirement to provide staff necessary to access such facilities, or to perform other duties related to the facilities subject to the county emergency management plan.

Educational Facilities Contracting

The bill raises the cap of day-labor contracts for construction, renovation, remodeling, or maintenance of existing facilities from \$280,000 to \$600,000.

Educational Facilities

The bill removes the requirement for the district school board to monitor and report the impact of change orders on its district educational facilities plan.

The bill repeals outdated requirements regarding the reduction in relocatables and the required annual progress report on relocatables a district school board must submit.

The bill also broadens the scope of properties a district school board can lease or lease-purchase to include educational plants, ancillary plants, and auxiliary facilities instead of only educational facilities. This allows district school boards to engage in lease or lease-purchase agreements for a wider range of properties related to educational services.

¹⁶⁶ Section 1011.71(2)(e), F.S., sets forth the guidelines for authorized district school board lease-purchase agreements.

¹⁶⁷ Section 1013.64(6)(b)3., F.S.

¹⁶⁸ Section 1013.64(6)(d), F.S.

¹⁶⁹ *Id.* Such safety improvements include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, or bullet-proof glass. *Id.*

¹⁷⁰ Section 1013.64(6)(e), F.S.

The bill removes the requirement that a board must acquire a lease of at least 40 years to construct or place a facility, but retains the requirement that the lease be as long as the expected lifespan of the facility.

Educational Plant Survey

The bill removes the requirement for each district school board to complete an educational plant survey. Accordingly, the bill also removes the requirement for the DOE to review and analyze educational plant surveys submitted by district school boards.

To enable the distribution of state funds for fixed capital outlay purposes, the bill maintains the requirement for district school boards to periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The bill authorizes the commissioner to condition state fixed capital outlay funds on a district school board's submission of an educational plant survey that accurately projects facilities needs as indicated by the Florida Inventory of School Houses, as compared with the district's capital outlay full-time equivalent enrollment.

Cost Per Student Station Limitation

The bill extends the exemption from cost per student station limitation for an unfinished construction project for new construction of educational plant space to construction started on or before July 1, 2028. An additional 2 years beyond the current exemption.

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.¹⁷¹ 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.¹⁷² FCS institution presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the FCS institution's employment accountability plan.¹⁷³

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.¹⁷⁴ 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.¹⁷⁵

No law requires such a report of Florida's public K-12 institutions or state university system institutions.¹⁷⁶

Effect of the Bill

¹⁷¹ Section 1012.86(1), F.S.

¹⁷² *Id.*

¹⁷³ Section 1012.86(3), F.S.

¹⁷⁴ Section 1012.86(2), F.S.

¹⁷⁵ Section 1012.86(4), F.S.

¹⁷⁶ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 22, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

The bill repeals the reporting requirement for FCS institutions to place them on equal footing with other educational institutions in Florida.

Electronic Transactions

Present Situation

Each district school board, FCS institution board of trustees, and university board of trustees is required to adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, investment, or payment.¹⁷⁷ All public institution electronic transactions must comply with electronic commerce state laws.¹⁷⁸ The Department of Management Services (DMS), in consultation with governmental agencies (i.e. district school boards), is authorized to make certain specifications for the use of electronic records and electronic signatures by governmental agencies.¹⁷⁹

Effect of the Bill

The bill excludes district school boards from the requirement to consult with the DMS when establishing acceptance and usage standards for electronic records and electronic signatures. This authorizes district school boards to establish their own acceptance and usage standards for electronic records and electronic signatures without consultation with the DMS.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The estimated fiscal impact of waiving the initial subject area exam area exam fees and certification fees for an ESE teacher who applies to add the elementary education K-6 subject area to his or her teaching certificate or an elementary education certificate holder seeking to add the ESE coverage is \$4.7 million. This amount has been accounted for in the conference report of the Fiscal Year 2024-2025 General Appropriations Act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹⁷⁷ Section 1010.11, F.S.

¹⁷⁸ Regulations for electronic commerce can be found in chapter. 668, Florida Statutes.

¹⁷⁹ Section 668.50(18)(b), F.S.

D. FISCAL COMMENTS:

There are no anticipated cost increases to school districts; however, districts may realize cost savings for efficiencies created in the bill, reduced reporting requirements, and for additional authority over the construction and renovation of facilities.