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Florida School Boards Association 2021 Legislative Session Report



COMMITTEE WEEK TWO

January 25, 2021 - January 29, 2021



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COMMITTEE REPORTS

Senate Education Committee

Post-Secondary Education Institution Bill Discussion Tuesday, January 26, 2021

Meeting packet can be found here.

Summary

The Senate Education Committee held a meeting to discuss post-secondary education institutions and the labor market demand. However, they did not have time to go over any presentations. The meeting only covered the presentation and discussion of SB 52, SB 264, and SB 220. There seemed to be significant opposition from the minority party members in regards to SB 264

SB 52 - Post-Secondary Education by Senator Rodrigues (R)

Senator Rodrigues

This bill helps post-secondary institutions provide financial benefits and support for students and staff. This bill establishes the dual enrollment scholarship program. This bill authorizes a university board of trustees to implement a bonus program based on awards for work performance or for employee recruitment and retention, allowing the university to target certain employees for bonus, providing flexibility for targeted bonuses, which must be approved by the Board of Governors.

Q&A

Senator Burman

Q: Will the students who are eligible able to take the dual enrollment, do they have to be a voucher school student or will it be any private school student?

A: Any student in private school.

Q: Can you explain to be about the bonus program, why do we need an additional one?

A: We prescribe in the current statute that the bonus program must apply to all employees. What we are doing in this bill is giving the Board of Governors flexibility to employ flexibility to utilize targeted bonus programs. These programs can be used to recruit faculty, such as nationally known faculty, so we can make offers that can compete with other states.

Q: Do state colleges and universities have the ability themselves to do targeted programs?

A: Not without this bill being passed.

Senator Jones

Q: What is the target based on?

A: We envision the bonuses being used for performance or for recruiting. We will leave that decision up to the governing bodies.

Q: We are not creating a unified system in which how these universities will be able to use the program.

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A: That is correct. We are not doing that here. We are taking an existing statute and we are amending the statute to authorize universities to create a targeted, rather than a unified, bonus program to use for merit, performance, or recruiting purposes.

Q: How do you envision the recruitment aspect playing out?

A: I'm not sure how these governing bodies are going to do this, but I will say this. In some fields it is very difficult to recruit faculty because of supply and demand. The state needs the tools to entice faculty to come to Florida instead of other states. That is how I envision this going but I can' tell you how the governing bodies are going to do it because we don't proscribe that in this statute.

Senator Polsky

Q: Can you provide clarity on the language of the bill as it pertains to the "may" and "shall" language?

A: It is up to the Board of Governors to make a determination if they are going to do this because constitutionally the voters have given them that authority. We cannot tell them what to do, but we can authorize them to use our appropriations. The "may" is for the Board of Governors so we remain in our constitutional lanes. The "shall" applies to the institution, if the Board of Governors were to do this and the institutions want to participate, then they shall work with the board to do so.

Q: How does the bonus system work with the collective bargaining agreement for the faculty.

A: I don't know the answer to that.

Q: Is this an additional amount that is going to go to the schools so they can use it for bonuses that comes out of the budget?

A: We don't specifically allocate line items for this, we give them an allocation, the Board of Governors and the institution. And within that allocation they make the decision to do this or not. We are just authorizing the use of this program and to utilize the funds we do appropriate to them for this purpose

Q: On the subject of dual enrollment, I am concerned about the additional cost it may bring to our budget this year.

A: The money actually comes out of whatever cost is being paid to the private school for that student to attend that private school. From that standpoint, we are not looking at any additional cost from the taxpayers, we are just authorizing institutions to make these agreements with private schools so those students can take advantage of the program.

Senator Thurston

Q: I didn't understand what you were just explaining in terms of the cost and how it doesn't affect the state budget at all?

A: Because the institutions have not been authorized in the statute to negotiate those agreement with the private schools. Without this bill, private school students cannot participate in dual enrollment.

Q: So, there is no fiscal?

A: I wouldn't use that term. The fiscal that would impact is the materials, we provide the books and materials for all students. Moreover, there will probably be internal institutional costs.

Q: Are you aware of what the pass-fail rate of these classes?

A: I can't give you the percentage, but students who engage in these programs are much more likely to attend college, graduate high school, and persist in college than students who merely graduate from high school.

Q: We get faulty information sometimes but I received something that this scholarship program had an estimated cost of \$28.5 million.

A: I would need to see the information you have; I am not sure the projected cost of materials and the inherent costs within the college and universities would be.

Q: In the bill analysis it says the fiscal impact is \$28.5 million.

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A: If that's what is in the bill analysis, I assume that is correct, but I believe the private schools are to pay those tuitions.

Q: Can you tell me about public schools participating in this program during summer?

A: Currently public schools are not authorized to participate in his program during the summer term. This bill will allow them to do so.

Q: Will that be for both public and private schools?

A: It's my understanding that only the public schools will be able to participate in the summer enrollment portion. But you just raised a very good point about the cost, so I need to go back to the \$28 million. I forgot to mention that we were bringing in summer enrollment. Summer enrollment applies to public schools and public charter schools as well. So that projected cost could have something to do with our expected enrollment.

Senator Jones

Q: In talking about the negotiation with the private schools, who is negotiating for the home-schooled students?

A: That is a great question, I don't know the answer to that.

Senator Burman

Q: I am confused about the \$28.5 million. It says the private schools are no longer going to have to pay the costs of dual enrollment. That is the opposite of what you have explained so I need clarification.

A: The bill analysis is not matching the briefing I received from the education staff after this meeting I would be happy to sit down and have staff explain it to us.

Amendment 429070 (Senator Rodrigues)

This is a technical amendment to authorize the proper flexibility to universities in the criteria for the award of the bonus.

The Amendment was adopted.

Appearances on the Bill as Amended

James Herzon, representing Florida Association of Academic Non-Public Schools: He is a strong proponent of the bill.

Matthew Lata, representing the United Faculty of Florida at Florida State University: There are some very good things in this bill, but ultimately there are concerns with the bonus process. It is problematic because it risks being in violation of painstakingly-negotiated collective bargaining agreements. Therefore, he is an opponent of the bill.

Step up for Students: Waived in support.

Debate on the Bill as Amended

Senator Burman

I can't vote for the bill today because there are many things that are unclear. I am worried about the cost. We are in a tough budget year so to consider spending another 28.5 million is troubling. I am worried about collective bargaining. Too many things up in the air so I cannot support.

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Senator Jones

I understand what we are trying to do today. I realize dual enrollment is a cost-saver for families and can be for the state also. Universities also have a hard time balancing their budgets when they don't know how many private and home school students will enroll. The problem that I have is with the bonus program. What I don't understand is, does this bill take the current bonus system away? I'm not going to vote no on the bill because of that, I would rather work with you. But the dual enrollment part is really a good thing.

Closing on the Bill as Amended

The bill was reported favorably by the committee, with 7 Yeas and 3 Nays.

SB 264 - Higher Education by Senator Rodrigues (R)

Senator Rodrigues

The concept of this bill is that college and university classrooms are marketplaces of ideas. Over the past several years, disturbing discoveries have been made that post-secondary institutions do not support conservative political leanings, and students feel as if they cannot discuss their opinion on a subject in fear of backlash from other students, their professors, and the administration. Students across the political spectrum have expressed enthusiasm for more instructive dialogue. This bill requires each college and university to annually assess the intellectual freedom and diversity at that institution utilizing a survey developed with the institution's governing body. The only criteria this bill places on that survey is that it is objective, non-partisan, and statistically valid. This bill prohibits higher education students in Florida from being shielded from protected speech. This bill clarifies that students are allowed to record their classroom lecture.

Q&A

Senator Thurston

Q: What are we trying to accomplish here? You want to get a survey to see if students who identify as conservatives are being forced to self-censor?

A: What this survey actually does is ask if our colleges and universities have intellectual freedom and viewpoint diversity on their campuses. We don't know if conservative students in Florida are being forced to self-censor, which is why we want the survey. The point is, that no student should be afraid to express their viewpoint.

Q: Can you point to one or two instances where faculty or administration have suppressed conservative speech or ideas?

A: Without doing the survey, no I cannot. This is why it is important to ask the question.

Q: If we are addressing problems, you would think there would be issues that have already risen in Florida. What is the impetus for the bill? The national trend?

A: The impetus of the bill is that I and other members of the legislature have received information from students across the state that they have had to self-censor. However, I don't have exact instances, just information. Until someone comes forth publicly, there is no answer to provide. The best way to determine if you have an issue is to do the survey and see what we learn.

Q: I have not been privy to any reports from students that have said they have been smothered by conservative or liberal thoughts. IS there any way we can have access to these reports?

A: These are not reports, these are instances of students simply coming up with me and other members while we were speaking at institutions.

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Senator Broxson

Q: Do you think as a result of exposing this that many members of the House and Senate will begin to get testimony from their districts about some of the restrictions students feel in classrooms across the state?

A: I want to be careful here, I don't know if these incidents are isolated incidences. I don't know what the results may be. But I think it's necessary to ask the guestions and see what the results are.

Senator Polsky

Q: Couldn't the complaints you're getting have to do with the fact that some students just feel stifled by other students? And those students have just as much of a right as the other students to express their ideas. I'm concerned this is not something that the university can control.

A: If it is just student on student issues, then I am not sure that is something that universities can do anything about. However, the trend in other states is showing that it is not just those types of interactions. These students are afraid of expressing their viewpoints in class because they are afraid of how it may affect their grade

Q: Are their mechanisms in place now to deal with this?

A: My understanding is that these institutions have end of course surveys and another small mechanisms, but in these other states that have done these surveys, they have also had those end of course surveys and yet these things are still occurring on their campuses. We need to make the determination if there is a problem in the state.

Amendment 793606 (Senator Rodrigues)

Senator Rodrigues

This amendment is a strike all but specifically has two changes, it provides a definition of the word "shield" and it sends directly to the Florida college system institutions and state university institutions the prohibition from shielding students from protected speech.

Amendment to Amendment; 107476 (Senator Thurston)

Senator Thurston

This is amendment would make it optional for the intellectual freedom and viewpoint diversity survey. My reading of the bill is that we are requiring this survey. I'm saying should the Board of Governors and State Board of Education determine that this is necessary, then they have an option of doing the survey. If they don't think it is necessary, then we should not require them to do so. It also removes the definition of shield which I still don't quite understand.

Vote on the Amendment to the Amendment

Senator Rodrigues emphasized that Senator Thurston's amendment was unfriendly and asked to the committee to vote it down. The amendment failed.

Late Amendment 194994 (Senator Rodrigues)

Senator Rodrigues

This amendment provides some clarification that the State Board of Education has authorized. The second clarification is that FERPA laws would apply to the recordings on classroom instruction. It is the expectation that students have privacy.

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Q&A

Senator Thurston

Q: Explain to me again, the lectures can be recorded, and the recording can be used by the student but not by the professor?

A: We are saying that if a lecture is recorded, that recording cannot be disseminated by the professor if the student has said something in class.

Q: Is there any prohibition on the student use of the recording?

A: Not in this bill, no.

Q: Are you aware right now if something is recorded, is there any prohibition right now if a student records a lecture, are they limited with respect to doing anything with that recording?

Q: We have students right now that cannot record their lectures at all because they are prohibited from doing so. This bill ensures that the student can record the lecture. FERPA laws protect students, if a student chooses to disseminate that, then the student chooses to waive their FERPA rights in that instance.

Closing on the Amendment

The amendment is adopted.

Q&A on Amendment 793606 (Senator Rodrigues)

Senator Burman

Q: I'm confused about this whole definition of shield and what it means. Does it mean that a university cannot say at all that a neo-Nazi group cannot come on campus.?

A: Yes, that is correct.

Q: So, a neo-Nazi group would be allowed on campus?

A: A neo-Nazi group would be allowed on campus now. No matter how offensive an idea may be, an idea is worth debating. While I can agree with those who want to shout down those groups, that cancel culture has spread and it's getting out of hand.

Q: So how would this bill prevent someone from shooting down a speaker?

A: The bill does not provide a mechanism to prevent that, it provides an affirmation of what are university and college presidents have already affirmed, that all ideas are welcome on their campuses.

Q: If they already affirm it, why do we need this?

A: Because university presidents change. A new president could walk away from that affirmation. Putting this in statute is that we affirm this statement.

Senator Polsky

Q: Under this bill, will the university still have the option to stop certain clubs from becoming sanctioned clubs?

A: That is not the intent of the bill. I don't know that the bill would impact the operation of clubs on campuses at all.

Q: If the university has no ability to shield students if the KKK wants to start a club at UF, how would the school be able to disallow it if they are not allowed to shield students?

A: I think universities would have to rely on their existing mechanisms. I can't speak to the system of each institution. But on the campus where I work, clubs need a faculty or staff sponsor. To be an officially sanctioned club there is a process that has to be followed.

Q: So, if it is not a club, but there is a KKK rally, there is nothing that a university can do to stop it if this bill passes?

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A: What universities are already authorized to do is make sure that the campus is safe. If the sole reason the university won't host them is that they disagree with their method, if this bill passes, then yes, they cannot use that reason. BUT They could say if you wish to appear because of the controversy associated with your organization, this is what it is going to cost to provide security for your event.

Q: Despite the cost, if a university knows that there is a potentially dangerous rally is going to happen, and violence could likely ensue, where is the dividing line between the police coming in versus not shielding students? At what point can you arrest people? I am very concerned (she is clearly upset).

A: Where is the line where you start drawing which organizations can present their ideas and which cannot? This is a slippery slope. Who can be arrested though? Anyone that violates the law. Anyone that violates the law on campus ought to be arrested for that. If there is a credible threat of violence, it is important presidents protect their students. That is a separate question from we will not have you because we don't support your message.

Senator Thurston

Q: Is there any difference when the conflict on campus is coming from adult groups outside campus and not from students?

A: I believe universities have mechanisms in place on who can come on their campus and who may not. That is the best I can answer that.

Q: Have the presidents to the universities who have adopted this idea, are they supporting this bill?

A: I do not know that.

Q: So, the bill addresses what happens on these campuses but none of the administrations have chimed in to say yea or nay on this bill?

A: I have not solicited their input nor have they sought to provide it to me.

Vote on the Bill as Amended

The amendment was adopted.

Appearances on the Bill as Amended

Matthew Lata, representing the United Faculty of Florida at Florida State University: We are not in agreement about whether you can measure diversity of thought through a survey. I am concerned about students recording faculty lectures. IT seems students can disseminate these lectures any way they want. We do not feel this survey could be valid and we would ask the members to vote down on this bill.

Benjamin Serber, representing FSU Graduate Students United: All of the provisions are not going to do what you want it to do, in fact it is going to stifle free speech.

Chrystal Williams, representing FAMU Graduate Assistants United: From my perspective I disagree with this bill. The language to mandate a graduate assistant to do this survey is to stifle my speech.

Debate on the Bill as Amended

Senator Polsky

I am very concerned that the survey will not be accurate. People will self-select and will not fill it out. The people that have a conservative viewpoint will fill it out, which will lead to inaccurate results. Only outside groups support this, no one from the university system. There is nothing wrong with this survey leaning liberal, that is fine. There are more

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liberals on campus than conservatives so it could be the function of that. What is the issue is what may happen after the survey? We could be taking action we don't need to. It is the role of a president to realize that there is no intellectual merit to certain groups on campuses. We don't need to worry about cancel culture, it is overly broad and used to tear down opportunities for safety and doing the right thing. There is a very good reason for silencing people sometimes. If a university does not shut down, they are open to potentially getting sued.

Senator Jones

We cannot measure intellectual freedom by a survey. It is also fair for us to make mention that what is already in a statute, which is freedom of speech on college campuses. There is no time frame given for how long a university is to address the issue. I think we are going into a territory that universities are not asking for, I think we are tying the hands of university presidents.

Senator Hudson

I am in favor of this bill. You are not asking us to make any policy decisions, you are simply asking us to put the question out there. Then we will get results. That is when we can have a policy discussion from a policy standpoint. I think we at least need to know. In your closing can you address the recording of college professors? That is concerning to me but I think you will be able to figure that out.

Closing on the Bill as Amended

Senator Rodrigues

The intent of the amendment is to allow students to record for their own edification, not for distribution, so we will address that in the future. We have a union member claiming that this is an ALEC bill. I have never spoken to anyone from ALEC nor any of the ALEC affiliates about this subject matter.

The bill was reported favorably by the committee, with 6 Yeas and 4 Nays.

SB 220 - Public Record and Public Meetings (Senator Brandes)

Senator Brandes

We require university presidents to disclose to their current employer that they are planning to leave. Or else it is likely that it will come out locally that they have applied to be a university president in Florida. This bill seeks to address that. We want the best talent to apply, and the current law does not allow us to do that. In order to do that, this bill creates a public record exemption once the university has gotten down to the final three candidates.

Q&A

Senator Burman

Q: In other states that do this sometimes the present one finalist. It is not clear it has to be 3. Would you consider amending that it will be more than one final applicant?

A: Absolutely.

Q: Are we finding that we are having a problem with candidates applying for positions?

A: What is happening now is that we are not letting the board decide ultimately among the candidates. The board is hiring a head-hunting firm so they do not have to follow public record laws so they can get good candidates. That is what effectively is happening and what this bill is trying to fix.

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Q: You mention the fear of retaliation against someone who has a job. Why don't we look at anti-retaliation legislation instead of chipping away at our public record laws?

A: There are a couple reasons for that: First, many applications are from outside of Florida so any law that we pass would not apply to them. So, if they want to use it for a promotion, there is no law that would prohibit them from telling their employer. Our goal is to simply get the very best pool of applications we can. We are saying the Board of Governors can accept applications for whoever they want until the final pool of applicants, and once they have vetted them, then those record become public and we can have debate and discussion about the final pool of applicants. Universities are circumventing that whole process anyway. We are just trying to be honest, which is get the very best pool of applicants and not pay a head-hunting firm hundreds of thousands of dollars.

Q: Do other states have this close door search process and is it working?

A: I'm not sure, but I'm sure there are other states that do not require this. We have broad public records law. This is a very narrow exemption with one goal: to get better applicants.

Q: Isn't Florida number one in the nation for public universitas, why do we need this then?

A: Yes, we have great universities but are we getting access to the best talent? I think we will get a more diverse talent pool if we can let our boards do their jobs. When we get to the final group of applicants, of course they become public. This bill simply provides a public records exemption until the final pool.

Appearance Forms on the Bill

Pamela Marsh, representing the First Amendment Foundation: We stand in opposition to this bill. This is not a typical hiring process. This is a very powerful and authoritative position.

Rich Templin, representing the Florida AFL – CIO: This is the 6th time the FL legislation has considered the exemption to the sunshine laws. There are numerous issues with it. We are standing in opposition.

Matthew Lata, representing the United Faculty of Florida at Florida State University: Let's leave things the way that they are because it has been working. We are standing in opposition.

Benjamin Serber, representing FSU Graduate Students United: Waived in opposition.

Debate on the Bill

Senator Burman

I heard something unique today although I am going to vote against the bill in today's form. But I would love to see the bill changed to say we are not at all going to use the head hunters. I didn't realize we were spending that much money on them.

Senator Thurston

I don't know why we would vote to change what is clearly working right now.

Chair Gruters

When FSU changed over to Senator Thrasher, I went through the entire search start to finish. I think universities will always employ these search firms to try to narrow down the best candidates. There was no question that there were some people that did not apply as a result of the public records issue and we heard that many times. No matter what, once we got down to the final 3, all 3 individuals came to the university and it was a community event. This will still

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happen moving forward because there needs to be buy-in from everyone for the transition to be positive. I support this because I think the pool of talent will increase.

Closing on the Bill

Senator Brandes

Let me be clear. We don't want to change the process, what we really want is just a broader pool of applicants. The exciting thing for us, is how do we get a more diverse pool? This is why this piece of legislation comes year after year. I have heard from universities, and they say that they want this. They want everyone to feel like they can apply. I would love to work with everyone here to get a standardized process.

Closing on the Bill

The bill was reported favorably by the committee, with 6 Yeas and 4 Nays.



Education & Employment Committee

The Benefits of an Integrated Education and Workforce System Tuesday, January 26, 2021

Meeting packet can be found here.

Representatives from the Following Organizations Were Present

- Rand Corporation
- State of Alabama: Governor's Office of Workforce and Education Transformation

Summary

Chair Latvala opened the meeting to discuss the goals of the committee this session. After talking with Speaker Sprowls, Chair Latvala emphasized that it is their goal to create an integrated education and workforce system. Today's meeting focused on workforce and education. COVID-19 accelerated the disruption the workforce was already experiencing, and state education and workforce systems lack critical alignment with the evolving needs of industry. Chair Latvala called for the committee to figure out how to build a state-wide integrated work system so every worker can participate in the workforce.

Rand Corporation (Dr. Melanie Zaber and Lynn Karoly)

Dr. Zaber and Dr. Karoly had extensive knowledge of and research in reimagining the workforce development system in the 20th century and beyond. The presentation was an overview of the problems facing workforce development and employment systems and discussed how to implement the desired features of an integrated system. The presenters emphasized that having this kind of integration and close collaboration in these industries enhances the ability to provide stability, flexibility, and growth for all involved.

Q&A

Representative Valdes

Q: Where is the equity lens in this conversation for students?

A: The equity lens is extremely important when traveling through these systems. Data can be very helpful in finding these inequities. We know there are certain occupations that are very difficult for individuals from underrepresented backgrounds to gain access to those jobs. Having statistics that reflect what the reality will be for all individuals will be extremely helpful. The statistics can also help identify these structural barriers and identify where there is more work that needs to be done at a policy level.

Q: Where is the equity lens in this conversation for students?

A: The equity lens is extremely important when traveling through these systems. Data can be very helpful in finding these inequities. We know there are certain occupations that are very difficult for individuals from underrepresented backgrounds to gain access to those jobs. Having statistics that reflect what the reality will be for all individuals will be extremely helpful. The statistics can also help identify these structural barriers and identify where there is more work that needs to be done at a policy level.

Q: What would that data collection look like if we were to at the end of session pass something that will direct the department to initiate something? How long will it take? It is a lot of data.

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A: Florida is actually ahead of the game in data collection efforts. The system Florida has already integrated that K-12 and post-secondary workforce data. We are discussing really what gets shared *publicly*. We simply need to just present and analyze it. So, the answer depends on who does the analysis by that agency can use that existing data to make those statistics available now.

Whip Andrade

Q: Do you have any advice for us if we do start to determine what jobs are guaranteed to have a need looking out 4 or 8 years in advance what would be some of your metrics for us to try and make sure we are going to get the best return on our investment if we are going to institutionalize some of these programs?

A: One of the unique aspects of the Pittsburg approach was not just the training but the system of stackable credentials they built up. This was to create a menu of different jobs and as you gain on the job experience you can move in different career paths, both up and laterally. It was creating an ecosystem of jobs in that industry that was designed for long term growth. If you are able to identify those areas of long-term growth, it creates better longer-term partnerships between individuals, education training institutions and employers in the region. As for the metrics, it is important to look at the enrollment in the types for programs discussed as well as placement and positions discussed and advancement over time. Much of the economic return would show up in more productive and higher paid workers and would in turn increase the size of the local economy.

Education Policy Advisor and Coordinator in the Alabama's Governor's Office (Nick Moore)

Increasing talent development and human capital potential of our states. Sharing about what the Governor of Alabama and the Alabama legislature have been working on since 2018 to develop a competency-based, data and demand-driven talent and human capital development ecosystem in Alabama. This all centers around the Governor's leadership, which is absolutely essential.

Closing

There were no questions from Members after the second presentation. The meeting adjourned after a brief introduction from committee staff.



House PreK-12 Appropriations Subcommittee

Budget Workshop Wednesday, January 27, 2021

Meeting packet can be found here.

Summary

The House PreK-12 Appropriations Subcommittee held a meeting to discuss the PreK-12 budget and issues related to the budget that are expected to come up this session. Chair Fine presented an overview of the budget. The presentation was a high-level look at the subcommittee's jurisdiction, current budget, and the challenges facing next year's budget. He discussed short-term and long-term financial outlooks and factors the committee should consider as they begin their budget work for the year. He emphasized that there are going to be revenue adjustments that need to be made if things remain as they have been. In fact, there is most likely going to be a budget deficit of \$2.75 billion. Therefore, there are going to be significant budget cuts expected in order to balance the budget. Although he did not say specifically that there will be no Member projects, it seemed very obvious that there would not be. In discussing the budget, he would phrase his comments in this way: "assuming there are no Member projects this year." Overall, although Chair Fine seemed upbeat, he continually repeated that the budget outlook was "grim."

Q&A

Vice Chair Bell

Q: I am very concerned about the 90,000 students that are unaccounted for. I understand each school has a truancy officer. Can the CARES Act money be used to employ more truancy officers to find these children?

A: We can look into that. We are going to do a whole meeting about this. If you want to know how many children are missing specifically in your district, we have that information. This is a serious problem. If I am not putting my child in school that is child abuse. That is going to be absolutely something we tackle.

Representative Bartleman

Q: I know in my school district we are sending social workers to all of the homes. I have a question about the COVID dollars December Appropriation. Is there language about supplanting?

A: Yes, we can supplant that money, it does not have to be incremental.

Q: So we can use it to fill the hole?

A: Correct.

Ranking Member Willhite

Q: Is how we appropriate the money based on population? Because I don't see where population is factored into that comparison? Why in 17-18 did we have such a large spike in funding and it's come down when our population has only continued to grow?

A: If you compare slide 7, which is what we spent, to slide 9, which is the number of kids we have, you will see we spend percentage-wise more money on students. In each year we spend dramatically more than just the number of students. As to why 17-18 was so much greater, the belief is we may have moved a source of funding that was not in the FEFP calculation into the FEFP calculation. I am not 100% sure why, though, so we will get back to you.

Q: If you moved it that year was it a one-time allocation? Why wouldn't it be recurring? I doubt we moved the money just for one year.

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A: It would only show up as an increase the first time you did it. But we will look into that for sure and that is an important question.

Representative Hage

Q: Going back to the 90,000 missing students, when the analysts did the deficit number of the 2.7 billion, did they account for the 90,000 students that have dollar allocations going to those schools that are missing?

A: The answer is yes because at that point the students hadn't disappeared. The numbers assume all of the students are there. There is an ongoing projection about expected attendance in the fall. There are some forecasters who want to assume that these 90,000 students are going to come back. I don't think we should assume that at all.

Q: Right but my question is this, when they came to the deficit number, they did not pull the money back and short the deficit not accounting for those 90,000 students.

A: Right that long range number assumes those 90,000 are there or that we continue doing what we did and give school districts that money even if they kids are not attending.

Q: That number should then come off of that deficit number. That's my point.

A: Right, if there is no incentive to find the kids, by cutting back the money, then the kids won't be found. And that is a detriment to education. So we do need to incentivize the school districts to find these kids and educate them.

Representative Aloupis

Q: On the 90,000, we saw a significant decrease in the enrollment in PreK, I wonder what percentage of the 90,000 are kindergarten age children? In other words, how many parents just decided to hold off this year?

A: That is a great point, and we should be able to figure that out. It seems that the largest population is Kindergarten. The staff thinks it is about 20%.

Q: We talked about the CARES Act money coming down, is there a sense that we are going to have great coordination with the agencies to see how they are using the money. It seems the money is moving quickly into the centers and I think it is an essential piece in figuring out how we want to budget with quite literally hundreds of millions of dollars coming into the early-learning space.

A: We are getting updated right now but if you want to work with us on this that we keep a focus on early learning, I will task you with that.

Representative Bartleman

Q: As a part of our budget decisions are we still going to make schools whole on FTE?

A: So that is one of the fundamental questions – should you pay a school district for students that are not attending? If we do that, they we are fundamentally transforming how education works in Florida, from focusing on student enrollment to whatever we feel like. Not all school districts have lost the same percentage of students. If you are holding harmless the ones who have kept the largest percentage of their students, they are getting the shaft, while those who have for whatever reason lost many of their students, they are getting a significant amount of money. These are the issues we are going to have to get into. We are going to have a whole panel talking about these issues.

Member Introductions and Closing

The Members went around the room and introduced themselves. Some discussed their goals and why they asked to be on the committee. Chair Fine then closed the meeting.



LEGISLATION OF INTEREST

HB 0007 Civil Liability for Damages Relating to COVID-19 (McClure)

Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability. Effective Date: upon becoming a law.

HB 0011 Limitation on Terms of Office for Members of a District School Board (Sabatini)

Proposing amendments to the State Constitution to limit the terms of office for a member of a district school board.

SB 0048 Educational Scholarship Programs (Diaz)

Requiring the Auditor General to conduct certain audits at least every 3 years instead of annually; adding certain students to those whom district school boards must provide preferential treatment in the controlled open enrollment process; establishing the McKay-Gardiner Scholarship Program; prohibiting a student from participating in the program under certain circumstances; providing that program funding for specified children constitutes their full funding under part V of ch. 1002; providing commissioner authority and obligations relating to suspending or revoking program participation, etc. Effective Date: July 1, 2021

HB 0051 Charter Schools (McClain)

Authorizes state universities & Florida College System institutions to sponsor charter schools; revises reporting & accountability requirements & populations for which charter school is authorized to limit enrollment process; provides for funding; authorizes career & professional academy to be offered by charter school. Effective Date: July 1, 2021.

SB 0072 Civil Liability for Damages Relating to COVID-19 (Brandes)

Providing requirements for a civil action based on a COVID-19-related claim; providing that the plaintiff has the burden of proof in such action; providing a statute of limitations; providing severability; providing retroactive applicability, etc. Effective Date: This act shall take effect upon becoming a law and shall apply retroactively. However, the provisions of this act shall not apply in a civil action against a particularly named defendant which is commenced before the effective date of this act.

HB 0075 Feminine Hygiene Products in Public Schools (Grieco)

Requires school districts to make feminine hygiene products available, at no charge, in female restroom facilities of public school buildings. Effective Date: July 1, 2021.

SB 0084 Retirement (Rodrigues (R))

Providing for compulsory membership in the Florida Retirement System Investment Plan for employees initially enrolled on or after a specified date; modifying provisions governing participation in the investment plan for individuals who are eligible to participate in the State University System Optional Retirement Program to conform to changes made by the act; modifying provisions governing the administration of the investment plan to reflect compulsory membership for specified employees, etc. Effective Date: July 1, 2021.

HB 0099 Use of Epinephrine Auto-injectors on Public K-20 Campuses (Gottlieb)

Provides that state universities & FCS institutions are considered authorized entities for specified purposes relating to emergency use of epinephrine auto-injectors; requires, rather than authorizes, public schools to purchase or acquire supply of epinephrine auto-injectors for specified purposes; requires such epinephrine auto-injectors be maintained in

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specified location; requires state universities & FCS institutions to purchase or acquire supply of epinephrine auto-injectors for specified purposes; provides requirements for such supplies of epinephrine auto-injectors; requires state universities & FCS institutions to develop specified protocols; provides liability for use of such epinephrine auto-injectors. Effective Date: July 1, 2021.

HB 0105 Required Instruction in the History of the Holocaust and of African Americans (Thompson)

Requires DOE to prepare standards & curriculum related to history of African Americans; authorizes DOE to seek input from or contract with specified entities to develop specified training & resources relating to such instruction; provides requirements for specified entities relating to history of Holocaust & history of African Americans instruction; requires certain statewide, standardized assessments to include curricula content from history of Holocaust & history of African Americans. Effective Date: July 1, 2021.

HB 0127 Teach to Lead Program (Hinson)

Requires additional tax funds allocated & applied to FEFP to be used for specified purposes; creates Teach to Lead Program. Effective Date: July 1, 2021., but only if HB 129 or similar legislation takes effect.

SB 0128 Florida Talent Development Council (Bradley)

Requiring the council, by a specified date, to submit to specified entities a report that includes recommendations on the feasibility of establishing and implementing the Pathways in Technology Early College High School (P-TECH) program or a similar program; providing requirements for the report, etc. Effective Date: Upon becoming a law.

HB 0131 Educator Conduct (Duggan)

Requiring DOE to maintain a disqualification list of individuals; revises provisions relating to employment & termination of public school & private school employees; revises duties of DOE, Commissioner of Education, & school districts relating to employee conduct & employment & termination of public school & private school employees. Effective Date: July 1, 2021.

HB 0135 School District Career Center Workforce Education Programs (Robinson W)

Revises workforce education programs that school district career centers are authorized to conduct. Effective Date: July 1, 2021.

SB 0146 Civic Education (Brandes)

Requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring school districts accept nonpartisan civic literacy practicum activities and hours in requirements for certain awards; requiring the State Board of Education to designate certain high schools as Freedom Schools, etc. Effective Date: July 1, 2021.

HB 0149 Students with Disabilities in Public Schools (DuBose)

Prohibits use of seclusion on students; revises provisions relating to use of restraint on certain students; provides DOE, school district, school, & personnel requirements; provides for placement of video camera in specified classrooms; provides requirements for such placement; requires continuing education & inservice training for teaching students with emotional or behavioral disabilities. Effective Date: July 1, 2021.

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SB 0154 Local Government Fiscal Transparency (Diaz)

Expanding the scope of a Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; revising reporting requirements for certain local government economic development incentives; creating the "Local Government Fiscal Transparency Act"; requiring local governments to post certain voting record information on their websites, etc. Effective Date: July 1, 2021.

SB 0156 Homestead Assessment Limitation (Diaz)

Proposing amendments to the State Constitution to authorize the Legislature, by general law, to prohibit increases in the assessed value of homestead property, for school district levy purposes, if the legal or equitable title to the property is held by a person who is 65 years of age or older and if that person has held such title and maintained permanent residence on the property for at least 25 years, and to provide an effective date, etc.

HB 0157 K-12 Physical Health Requirements (Hawkins)

Requires school districts to provide training in CPR to students at high school level; provides requirements for such training; & requires medical evaluation for participation in interscholastic athletic competition to include EKG. Effective Date: July 1, 2021.

SB 0158 Homestead Assessments (Diaz)

Providing a homestead assessment limitation for the purpose of school district levies for certain persons age 65 years or older; specifying who may apply for and receive the limitation; specifying who may apply for and receive the limitation in circumstances in which title is held jointly with right of survivorship, etc. Effective Date: On the effective date of the amendment to the State Constitution proposed by SJR 156 or a joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2022 or at an earlier special election specifically authorized by law for that purpose.

HB 0171 Children With Developmental Delays (Tant)

Revises definition of term "exceptional student" to include additional students with developmental delays. Effective Date: July 1, 2021.

HB 0173 Individual Education Plan Requirements for Students with Disabilities (Tant)

Revises timeline for development & implementation of individual education plan (IEP) for transition services for student with disabilities to postsecondary education & career opportunities; revises requirements for IEP for transitions to postsecondary education & career opportunities. Effective Date: July 1, 2021.

SB 0174 School Safety Funding (Cruz)

Revising certain allocations to school districts; specifying uses and distribution requirements for certain safe schools allocation funds for the 2021-2022 fiscal year; requiring each district school superintendent to remit specified unused funds from the 2020-2021 fiscal year to the Department of Education by a specified date; authorizing the department, upon request, to redistribute such funds to certain school districts for a specified purpose, etc. Effective Date: July 1, 2021.

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HB 0175 Apprenticeship and Preapprenticeship Programs (Shoaf)

Revises requirements of DOE's annual report on apprenticeship & preapprenticeship programs; provides DOE's duties relating to apprenticeship programs; revises membership of State Apprenticeship Advisory Council; provides that parents of public school students be informed of workforce education opportunities. Effective Date: July 1, 2021.

HB 0179 Prohibited Discrimination Based on Hairstyle (Brown)

Provides that it is unlawful to discriminate against any person because of protected hairstyle in areas of housing, employment, & K-20 public education system. Effective Date: July 1, 2021.

SB 0188 Solar Energy Systems Located On the Property of an Educational Facility (Berman)

Prohibiting costs associated with such systems from being included in the calculation of total cost per student station for the purpose of a limit imposed on such costs for certain new construction, etc. Effective Date: July 1, 2021.

SB 0198 Solar Schools (Berman)

Authorizing a public educational customer to enter into a contract for the installation, maintenance, or operation of a renewable energy source device on property owned or controlled by the public educational customer; providing that financing arrangements for such contracts are not considered retail sales of electricity; limiting the capacity of the renewable energy source device, etc. Effective Date: July 1, 2021.

HB 0199 Students With Limited English Proficiency (Valdes)

Requires district school boards to provide certain instruction to students who have limited English proficiency; requires certain standardized assessments be waived for such students in specified circumstances. Effective Date: July 1, 2021.

SB 0200 Student Retention (Berman)

Authorizing a parent to request that his or her student be retained in a grade level for a specified school year; clarifying that specified students may qualify for midyear promotion; authorizing a parent to request such promotion or to request that his or her student continue to be retained, etc. Effective Date: Upon becoming a law.

HB 0201 Florida Kidcare Program Eligibility (Bartleman)

Increases income eligibility threshold for coverage under Florida Kidcare program; authorizes AHCA to seek federal waiver approval or submit state plan amendments as necessary; requires agency to examine graduated family contribution rates for newly qualifying families under program; provides guidelines for such rates; requires agency to increase income eligibility threshold for coverage under program each fiscal year until meeting specified income threshold. Effective Date: July 1, 2021.

SB 0202 Standard High School Diploma Award Requirements (Cruz)

Adding a new requirement for the award of a standard high school diploma to Academically Challenging Curriculum to Enhance Learning students; requiring certain students to submit a Free Application for Federal Student Aid in order to be awarded a standard high school diploma, etc. Effective Date: July 1, 2021.

HB 0211 Students Leaving School Grounds (Slosberg)

Authorizes district school boards to adopt programs & policies for students to leave school grounds during school lunch periods; requires parental consent for student to participate in such policy under certain circumstances. Effective Date: July 1, 2021.

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HB 0215 Prohibition of Public Funds for Lobbying by Local Governments (Sabatini)

Prohibits local governments from using public funds to retain lobbyists; provides exceptions; provides sanctions for violations; authorizes people to file complaints with the Commission on Ethics; requires commission to provide a report to specified entities; specifies procedures for disciplining violators. Effective Date: July 1, 2021.

HB 0225 Dyslexia (Trabulsy)

Provides requirements for mandatory dyslexia screening for certain students & subsequent diagnosis of student; establishes Dyslexia Task Force within DOE; provides requirements for such task force; removes requirement for district school superintendents to refer parents to home education review committee; removes penalty for parents failing to provide portfolio to such committee. Effective Date: July 1, 2021.

HB 0227 School Protocols During a COVID-19 State of Emergency (Hinson)

Requires district school board to adopt specified policies during certain declared state of emergency; provides requirements for such policies; requires statewide, standardized assessments be waived during certain declared state of emergency. Effective Date: July 1, 2021

HB 0229 Hazardous Walking Conditions for K-12 Students (Salzman)

Requires DOT to develop & adopt standards & criteria to identify hazardous walking conditions; Revises provisions relating to the transportation of students subjected to hazardous walking conditions & funding for such students. Effective Date: July 1, 2022.

HB 0241 Parents' Bill of Rights (Grall)

Provides parental rights relating to a minor child's education, upbringing, & health care; provides school district, health care practitioner, hospital requirements & specified penalties. Effective Date: July 1, 2021.

SB 0254 Education (Stewart)

Requiring specified teachers to have received, at a minimum, a bachelor's degree; requiring private schools to provide specified students with a certain amount of time for recess; requiring private school students to participate in the statewide assessment program; requiring private schools to comply with the State Requirements for Educational Facilities of the Florida Building Code, etc. Effective Date: July 1, 2021.

SB 0258 Internship Tax Credit Program (Jones)

Designating the "Florida Internship Tax Credit Program"; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit a qualified business may claim per student intern, etc. Effective Date: July 1, 2021.

SB 0280 Cardiopulmonary Resuscitation Training In Public Schools (Baxley)

Providing that school districts are encouraged to provide basic training in first aid, including cardiopulmonary resuscitation, in specified grades; requiring school districts to provide basic training in first aid, including cardiopulmonary resuscitation, in specified grades; revising requirements for instruction in cardiopulmonary resuscitation, etc. Effective Date: July 1, 2021.

SB 0282 Moments of Silence in Public Schools (Baxley)

Providing legislative findings; requiring that public school principals require certain teachers to set aside time for a moment of silence at the beginning of each school day; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents or guardians to discuss the moment of silence with their children and to make suggestions as to the best use of this time, etc. Effective Date: July 1, 2021.

HB 0321 Employment After Retirement of School District Personnel (McFarland)

Establishes exception to reemployment after retirement limitations to authorize retired instructional staff to be employed as substitute teachers before meeting definition of termination; prohibits accrual of additional retirement service credit & renewed membership during such period of reemployment; requires SBA & DMS to request determination letter & private letter ruling from Internal Revenue Service. Effective Date: January 1, 2022.

HB 0337 Impact Fees (DiCeglie)

Specifies instances when local government or special district may collect impact fee; requires local governments & special districts to credit against collection of impact fee any contribution related to public facilities; provides annual limitations on impact fee increases; requires school districts to report specified items regarding impact fees; requires specified entities to file affidavit attesting that impact fees were appropriately collected & expended. Effective Date: July 1, 2021.

HB0355 The Florida High School Athletic Association (Beltran)

Requires FHSAA to allow certain schools & cooperatives to maintain full membership or to join by sport; prohibits FHSAA from discouraging simultaneously membership in other athletic associations; requires FHSAA to allow public schools to join other athletic associations; prohibits FHSAA from taking actions against member schools that join other athletic associations; prohibits the FHSAA from taking certain actions against specified entities that choose not to participate in the association. Effective Date: July 1, 2021

HB 0357 Photographic Enforcement of School Zone Speed Limit (Duran)

Authorizes county or municipality to contract with vendor to install cameras in school speed zones to enforce speed limits; provides civil penalty for violation found through recording of photographic images; provides for disposition & use of funds; provides for determination of liability; provides nonapplication of violation to driver license points assessment, conviction, driving record, or provision of motor vehicle insurance coverage; requires referral to DHSMV resulting in prohibition of motor vehicle registration renewal & transfer of title; provides for removal of penalties. Effective Date: July 1, 2021

HB 0359 COVID-19 Impact on School Accountability (Bartleman)

Provides that school grades, school improvement ratings, & student performance results from statewide, standardized assessments during the 2020-2021 school year may not be used for specified purposes. Effective Date: upon becoming a law.

SB 0366 Apprenticeship and Preapprenticeship Training Hutson)

Revising the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; revising the membership of the State Apprenticeship Advisory Council; providing that apprenticeship or

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preapprenticeship program sponsors are responsible for the selection and training of certain personnel, as approved by the department; encouraging state university boards of trustees and apprenticeship program sponsors to cooperate in developing and establishing apprenticeship and preapprenticeship programs that include career instruction, etc. Effective Date: July 1, 2021.

SB 0432 Gardiner Scholarship (Perry)

Revising the definition of "curriculum"; revising eligibility requirements for the Gardiner Scholarship program; revising authorized uses of program funds; revising the number of consecutive fiscal years an account must be inactive before the remaining funds revert to the state; revising an obligation of scholarship-funding organizations with respect to student eligibility, etc. Effective Date: July 1, 2021.

SB 0476 Prohibited Discrimination (Bracy)

Citing this act as the "Creating a Respectful and Open World for Natural Hair Act," or "CROWN Act"; providing that it is unlawful for sponsors under the Florida Housing Finance Corporation Act to discriminate against any person or family because of traits historically associated with race; defining terms; reenacting provisions relating to the State Apartment Incentive Loan Program, etc. Effective Date: July 1, 2021.

SB 0532 Workforce Education (Burgess)

Revising the workforce education programs that school district career centers are authorized to conduct, etc. Effective Date: July 1, 2021.

SB 0554 Human Trafficking Education in Schools (Thurston, Jr.)

Revising the required health education in public schools to include information regarding the dangers and signs of human trafficking; specifying the minimum requirements of the human trafficking education portion of the comprehensive health education curriculum, etc. Effective Date: July 1, 2021.

SB 0580 Dyslexia (Harrell)

Requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring public schools to have at least one person on staff with specified certification in reading instruction for students with dyslexia; establishing the Dyslexia Task Force within the Department of Education; requiring the task force members to be appointed by the Commissioner of Education; requiring the task force to consist of nine members having certain backgrounds, etc. Effective Date: July 1, 2021.

SB 0582 Parental Rights (Rodrigues R)

Creating the "Parents' Bill of Rights"; prohibiting the state, its political subdivisions, other governmental entities, or other institutions from infringing on parental rights unless specified conditions are met; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; prohibiting health care practitioners and their employees from providing health care services or prescribing medicinal drugs to a minor child without a parent's written consent, etc. Effective Date: July 1, 2021.

SB 0590 Involuntary Examinations of Minors (Harrell)

Revising parent, guardian, or caregiver notification requirements that must be met before an involuntary examination of a minor; revising parent and guardian notification requirements that must be met before conducting an involuntary

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examination of a minor who is removed from school, school transportation, or a school-sponsored activity; creating reporting requirements for schools relating to involuntary examinations of minors; requiring that certain plans include procedures to assist certain mental and behavioral health providers in attempts to verbally deescalate certain crisis situations before initiating an involuntary examination, etc. Effective Date: July 1, 2021.

SB 0598 Back-to-school Sales Tax Holiday (Perry)

Providing exemptions from the sales and use tax on the retail sale of certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a specified timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements, etc. APPROPRIATION: \$237,000 Effective Date: Upon becoming a law.

SB 0600 Private School Eligibility Requirements (Rouson)

Revising private school eligibility requirements for the state school choice scholarship program, etc. Effective Date: Upon becoming a law.

SB 0610 Collective Bargaining for Instructional Personnel (Stewart)

Removing a requirement that each school district and the certified collective bargaining unit for instructional personnel within each district negotiate a specified memorandum of understanding; removing a requirement that certain certified collective bargaining units include specified information in their applications for renewal of registration; removing a requirement that certain employee organizations petition the Public Employees Relations Commission for recertification, etc. Effective Date: July 1, 2021.

SB 0692 Medical Marijuana Public Employee Protection (Duran)

Prohibiting an employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient using medical marijuana; providing exceptions; requiring an employer to provide written notice of an employee or job applicant's right to explain a positive marijuana test result within a specified timeframe; providing procedures when an employee or job applicant tests positive for marijuana, etc. Effective Date: Upon becoming a law.

HB 02051 English as a Second Language through Arts Integration (Morales)

English as a Second Language through Arts Integration: Provides an appropriation for the English as a Second Language through Arts Integration. Effective Date: July 1, 2021.

HB 6001 Licenses to Carry Concealed Weapons or Firearms (Sabatini)

Removes provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility. Effective Date: July 1, 2021.

YOUR GRAYROBINSON TEAM



Dean Cannon, President and Chief Executive Officer Chair of Government Affairs

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Dean served in the Florida House of Representatives from 2004 until 2012. During his eight-year tenure, he played pivotal roles in property tax reform, growth management reform, health care and Medicaid reform, and major transportation infrastructure policy initiatives, among many others. He was selected by his peers to become Speaker of the House for the 2010 to 2012 term and is credited with leading the Florida House effectively during a time of great economic and political challenge.



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Kim brings almost three decades of education policy knowledge and experience to the firm's lobbying practice, having served in multiple leadership roles at the Department of Education, including governmental relations director and senior policy advisor for several commissioners of education. Most recently, Kim served as chief of staff to Florida Governor Rick Scott. In this role, she was responsible for directly serving and advising the Governor on issues pertaining to 100,000 plus executive branch employees and administered an \$83 billion state budget. She also served as Governor Scott's deputy chief of staff, legislative affairs director, education policy coordinator and as policy advisor during his successful re-election campaign.



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Carlecia has more than a decade of experience working in Florida politics. Her experience includes serving as a special assistant to the Speaker of the Florida House of Representatives and in several leadership roles within the Florida Senate President's office. In her most recent position, Carlecia served as a senior legislative assistant for Florida Senate President Bill Galvano, where she handled statewide appointments to boards, commissions, and taskforces for the Florida Senate.