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# **Education & Employment Committee**

**February 14, 2024**

**9:00 AM**

**Morris Hall (17 HOB)**

**Meeting Packet**

**Paul Renner  
Speaker**

**Ralph Massullo  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Education & Employment Committee

**Start Date and Time:** Wednesday, February 14, 2024 09:00 am  
**End Date and Time:** Wednesday, February 14, 2024 01:00 pm  
**Location:** Morris Hall (17 HOB)  
**Duration:** 4.00 hrs

**Consideration of the following bill(s):**

CS/HB 537 Student Achievement by Education Quality Subcommittee, Valdés  
CS/HB 767 Resident Status for Tuition Purposes by Postsecondary Education & Workforce Subcommittee, Edmonds  
HB 1109 Security for Jewish Day Schools and Preschools by Fine  
CS/HB 1169 Coordinated Systems of Care for Children by Children, Families & Seniors Subcommittee, Redondo, Hunschofsky  
CS/HB 1473 School Safety by Judiciary Committee, Trabulsy  
CS/HB 7051 Education by Higher Education Appropriations Subcommittee, Postsecondary Education & Workforce Subcommittee, Melo

**Consideration of the following proposed committee substitute(s):**

PCS for CS/HB 917 -- Career and Technical Education

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 02/12/2024 4:26PM by Pearson.Misty**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 537 Student Achievement

**SPONSOR(S):** Education Quality Subcommittee, Valdés and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 590

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	16 Y, 0 N, As CS	Wolff	Sanchez
2) Appropriations Committee	25 Y, 0 N	Potvin	Pridgeon
3) Education & Employment Committee		Wolff	Hassell

### SUMMARY ANALYSIS

Currently a Florida high school student who earns the required 24 credits for a standard high school diploma, or the required 18 credits through the Academically Challenging Curriculum to Enhance Learning (ACCEL) options graduation pathway, but fails to pass the required statewide assessments or achieve a 2.0 GPA must be awarded a certificate of completion. However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

The bill deletes all the provisions of the education code related to the certificate of completion, whereby removing the certificate as an option for students that have sufficient high school credits but fail to meet the standardized assessment or GPA requirements for graduation with a standard high school diploma. However, the bill maintains the provision that permits a student to remain in high school either as a full-time or part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

This bill establishes a two-year Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the Department of Education (DOE). The program is intended to assist school districts in adopting music-based supplemental materials that support STEM courses for middle school students. The bill provides that the DOE is responsible for the implementation of the mSCALES pilot program subject to appropriation by the Legislature.

The bill does not have a fiscal impact. See Fiscal Comments.

The bill has an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Florida High School Diploma

##### Present Situation

##### *Requirements for Standard High School Diploma*

Florida law establishes academic requirements for earning a standard high school diploma to include five options:

- 24-credit program;<sup>1</sup>
- 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option;<sup>2</sup>
- Career and Technical Education (CTE) Pathway option;<sup>3</sup>
- an International Baccalaureate (IB) curriculum;<sup>4</sup> or
- an Advanced International Certificate of Education (AICE) curriculum.<sup>5</sup>

The 24 credits required for a standard high school diploma include:<sup>6</sup>

- four credits in English Language Arts (ELA);
- four credits in mathematics;
- three credits in science;
- three credits in social studies;
- one credit in fine or performing arts, speech, and debate, or practical arts;
- one credit in physical education;
- one-half credit in personal financial literacy; and
- seven and one-half credits in electives.

In addition to successful completion of the required courses, a student must earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale<sup>7</sup> and must pass the following required statewide standardized assessments:

- grade 10 ELA assessment or earn a concordant score on the SAT, ACT, or Classic Learning Test (CLT);<sup>8</sup> and
- Algebra I end-of-course (EOC) assessment or, earn a comparative score on the Math section of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), the SAT, the ACT, the CLT, or the Geometry EOC assessment.<sup>9</sup>

The 18-credit ACCEL option requirements are similar to those of the 24-credit option, with the following exceptions:

- three elective credits instead of eight;
- a physical education credit is not required; and

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

<sup>2</sup> Section 1002.3105(5), F.S.

<sup>3</sup> Section 1003.4282(10), F.S.

<sup>4</sup> Section 1003.4282(1)(a), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 1003.4282(3)(a)-(h), F.S.

<sup>7</sup> Section 1003.4282(5)(a), F.S.

<sup>8</sup> Section 1003.4282(3)(a), F.S.; Rule 6A-1.09422(8)(a)2., F.A.C. Beginning with students who entered grade 9 in the 2018-2019 school year, students and adults who have not earned the required passing score on the Grade 10 FSA ELA assessment, may meet the testing requirement to earn a high school diploma by earning a specified concordant score.

<sup>9</sup> Section 1003.4282(3)(b)1., F.S.; Rule 6A-1.09422(8)(b)2., F.A.C. Beginning with students who entered grade 9 in the 2018-2019 school year, students and adults who have not earned the required passing score on the Algebra 1 EOC assessment, may meet the testing requirements to earn a high school diploma by earning a specified comparative score.

- a one-half credit in personal finance is not required.<sup>10</sup>

### *Certificate of Completion*

A student who earns the required 24 credits, or the required 18 credits through the ACCEL options graduation pathway, but fails to pass the required statewide assessments or achieve a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the State Board of Education (SBE).<sup>11</sup> However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.<sup>12</sup>

During the transition planning process,<sup>13</sup> a parent of a student with a disability must declare an intention for the student to graduate from high school with either a standard high school diploma or a certificate of completion. A certificate of completion must be awarded to a student with a disability who does not satisfy the standard high school diploma requirements.<sup>14</sup> A student with a disability who receives a certificate of completion may continue to receive Free Appropriate Public Education (FAPE) until their 22<sup>nd</sup> birthday, or, until the end of the school semester or year in which the student turns 22.<sup>15</sup>

### *Certificate of Completion- Admission to Postsecondary Education*

Current law requires a student who has been awarded a certificate of completion to be eligible to enroll in certificate career education programs at a Florida College System (FCS) institution.<sup>16</sup> A certificate career education program is defined as a course of study that leads to at least one occupational completion point.<sup>17</sup> The program may also confer credit that may articulate with a diploma or career degree education program, if authorized by rules of the SBE.<sup>18</sup>

### *Florida Education Finance Program*

The Florida Education Finance Program (FEFP) allocates funds to each school district based on student enrollment.<sup>19</sup> The FEFP uses a unit of measure for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.<sup>20</sup> Districts may earn an add-on weight for certain FTE students who meet qualifying student attainment metrics in specific programs or courses.<sup>21</sup>

### Effect of Proposed Changes

The bill deletes all the provisions of the education code related to the certificate of completion, thereby removing the certificate as an option for students that have sufficient high school credits but fail to meet the standardized assessment or GPA requirements for graduation with a standard high school diploma.

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<sup>10</sup> Section 1002.3105, F.S.

<sup>11</sup> Section 1003.4282(6)(c), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1003.5716(1), F.S. An individualized education plan (IEP) team must identify the need for transition services before a student with a disability enters high school to ensure quality planning for postsecondary education and career opportunities. The plan must be ready for implementation by the first day of the student's first year in high school. *Id.*

<sup>14</sup> Section 1003.4282(9)(a), F.S.

<sup>15</sup> Paul O. Burns, EdD., *High School Graduation and Completion Options*, presentation before the Education Quality Subcommittee (Feb. 8, 2023).

<sup>16</sup> Section 1007.263(4), F.S.

<sup>17</sup> Section 1004.02(20), F.S.; *see also* s. 1004.02(21), F.S. An occupational completion point means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.

<sup>18</sup> *Id.*

<sup>19</sup> *See* s. 1011.62(1)(d)1., F.S.

<sup>20</sup> Section 1011.61(1)(a), F.S.

<sup>21</sup> Section 1011.61(1)(l)-(p), F.S. Bonus FTE programs include Advanced Placement (AP) exams, College Board AP Capstone Diploma, International Baccalaureate exams, International Baccalaureate Diploma, Advanced International Certificate of Education exams, Advanced International Certification of Education diploma, Career and Professional Education, and Early High School Graduation. *Id.*

However, the bill maintains the provision that permits a student that fails to pass the required assessments or achieve a 2.0 GPA to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

## **Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program**

### Present Situation

Some studies have indicated a positive correlation between instruction in music and math.<sup>22</sup> Additionally, a variety of aspects of cognitive development have been shown to be positively linked with music instruction in school, including spatial-temporal abilities, selective attention, and memory for verbal stimuli.<sup>23</sup> Some research has even identified a positive association between music education and increases in student self-esteem, academic success, and discipline.<sup>24</sup>

### *Early Childhood Music Education Incentive Program*

The Legislature established the Early Childhood Music Education Incentive Pilot Program in 2017 to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.<sup>25</sup> Based on an evaluation of the program following the 2021-2022 school year, students participating in the program showed significant growth in reading and math, as measured by progress monitoring scores; however, the analysis noted that the lack of a control group during the program made it unclear the extent to which academic growth was attributable to the program.<sup>26</sup> In 2023, the Early Childhood Music Education Incentive Pilot Program was converted into a permanent program administered by the Department of Education (DOE).<sup>27</sup>

For a school district to be eligible for participation in the program, the district school superintendent must certify to the DOE that specified elementary schools within the district have established a comprehensive music education program that:

- includes all students enrolled at the school in kindergarten through grade 2;
- is staffed by certified music educators;
- provides music instruction for at least 30 consecutive minutes two days a week;
- complies with class size requirements under the law; and
- complies with the DOE's standards for early childhood music education programs for students in kindergarten through grade 2.

The DOE is required to approve school districts to participate in the program, subject to legislative appropriation, according to a needs-based criteria established by the SBE. Selected school districts must annually receive \$150 per full-time equivalent (FTE) student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.

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<sup>22</sup> J.D. Walsh and B.K. Coleman, *Using Music to Teach Math in Middle School*, 2 South Carolina Association for Middle Level Education Journal 144-151 (2023), available at <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=1028&context=scamle>; see also M.F. Gardiner, et al, *Learning Improved by Arts Training*, 381 Nature 284 (1996) (last visited Feb. 12, 2024).

<sup>23</sup> See, e.g., Lois Hetland, *Learning to Make Music Enhances Spatial Reasoning*, 34 J. Aesthetic Ed. 179 (2000); J. Goopy, 'Extra-musical effects' and Benefits of Programs Founded on the Kodaly Philosophy, 2 AUSTRALIAN JOURNAL OF MUSIC EDUCATION 71-78 (2013); Yim-Chi Ho, et al, *Music Training Improves Verbal but Not Visual Memory: Cross-Sectional and Longitudinal Explorations in Children*, 17 NEUROPSYCHOLOGY 439 (2003).

<sup>24</sup> See e.g., Cecil Adderley, et al, "A home away from home": The world of the high school music classroom, 51 J. MUSIC RES. 190 (2003).

<sup>25</sup> Chapter 2017-116, L.O.F.

<sup>26</sup> Serephine, Anne, and Miller, David, University of Florida, College of Education, *Evaluation Report Early Childhood Education Incentive Pilot Program 2021-2022*, at 92, on file with the Education Quality Subcommittee.

<sup>27</sup> Chapter 2023-168, L.O.F.

The SBE is authorized to adopt rules to administer the program.<sup>28</sup>

The Legislature appropriated \$400,000 in recurring funds and \$10 million in nonrecurring funds for the DOE to implement the Early Childhood Music Education Program in the 2023-2024 fiscal year.<sup>29</sup> Based on applications received, the DOE anticipates that the program will serve 19,346 students in 78 schools across 13 school districts in the 2023-2024 fiscal year. The DOE projects expenditures of \$3,205,248 for the 2023-2024 fiscal year.<sup>30</sup>

### *Middle Grades Mathematics Teachers*

Specialization requirements for teacher certification as a middle grades mathematics instructor require a bachelor's or higher degree with a mathematics or middle grades mathematics major, or at least 18 semester hours in mathematics, including:

- calculus, precalculus, or trigonometry;
- geometry; and
- probability or statistics.<sup>31</sup>

As of the 2021-2022 school year, there were 17,786 mathematics teacher certifications in Florida.<sup>32</sup> The maximum number of students assigned to each teacher who is teaching middle school mathematics may not exceed 22 students.<sup>33</sup>

### *The Florida Center for Partnerships in Arts-Integrated Teaching*

The Florida Center for Partnerships in Arts-Integrated Teaching, commonly referred to as PAInT, is a state-wide resource in arts-integrated pedagogy. The Center for PAInT is an essential part of the collaborative strategic planning for the arts in Florida.<sup>34</sup> The goals of the center include research in arts-integrated teaching, technical assistance and support, professional development, and examination of arts integrated teaching in Science, Technology, Engineering, and Math (STEM) educational courses.<sup>35</sup>

### Effect of Proposed Changes

This bill establishes a two-year Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the DOE. The program is intended to assist school districts that participated in the Early Childhood Music Education Incentive Program in adopting music-based supplemental materials through the Muzology<sup>36</sup> digital learning system to support STEM courses for middle school students.

The bill requires the use of music-based supplemental materials through the Muzology digital learning system at least twice per week to supplement mathematics instruction by teachers who are certified to teach mathematics. Participating districts are required to annually certify to the DOE that they are complying with this requirement and also class size requirements. Subject to legislative appropriation, participating school districts receive \$6 per FTE student participating in the pilot program.

The bill authorizes the school districts in Alachua, Marion, and Miami-Dade counties to participate in the pilot program. To participate, the school district superintendent must contact the DOE.

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<sup>28</sup> Section 1003.481, F.S.

<sup>29</sup> Specific Appropriation 96, s. 2, ch. 2023-239, L.O.F.

<sup>30</sup> Email, Florida Department of Education (January 2, 2024), with attachment, on file with the Education Quality Subcommittee.

<sup>31</sup> Rule 6A-4.0261, F.A.C.

<sup>32</sup> Florida Department of Education, *Identification of High Demand Teacher Needs for 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/20562/urlt/16-2.pdf>, at 4 (last visited Feb. 12, 2024).

<sup>33</sup> Section 1003.03(1), F.S.

<sup>34</sup> University of South Florida, Center for PAInT, *Mission, Belief Statement, and Definition of Arts Integration*, <https://www.sarasotamanatee.usf.edu/academics/center-for-paint/#:~:text=The%20Florida%20Center%20for%20Partnerships,for%20the%20Arts%20in%20Florida> (last visited Feb. 12, 2024).

<sup>35</sup> Section 1004.344, F.S.

<sup>36</sup> Muzology, <https://www.muzology.com/about-us> (last visited Feb. 12, 2024).



The bill authorizes the Commissioner of Education to select school districts for participation in the pilot program if sufficient funding is available as appropriated by the Legislature. The DOE is required to prescribe application forms and forms for districts to certify they are meeting the requirements of the pilot program. If a selected school district fails to provide the annual certification, the school district must return all funds received through the pilot program for that fiscal year.

The bill requires the College of Education at the University of Florida (UF) to evaluate the program’s effectiveness by measuring the academic performance of participating students through a quantitative and qualitative analysis. UF’s College of Education must also provide progress monitoring updates to the DOE and the Legislature and prepare a comprehensive report of the program’s overall effectiveness. The report must be presented, no later than June 30, 2026, to the DOE, the Legislature, and the University of South Florida Center for Partnerships in Art-Integrated Teaching (PAInT).

The mSCALES pilot program expires June 30, 2026.

**B. SECTION DIRECTORY:**

- Section 1:** Amends s. 1002.394, F.S.; conforming provisions to changes made by the act.
- Section 2:** Amends s. 1003.4282, F.S.; deleting provisions providing for the award of a certificate of completion to certain students; conforming provisions to changes made by the act.
- Section 3:** Amends s. 1003.433, F.S.; conforming provisions to changes made by the act.
- Section 4:** Amends s. 1007.263, F.S.; conforming provisions to changes made by the act.
- Section 5:** Creating the Music-based Supplemental Content to Accelerate Learner Engagement and Success Pilot Program within the Department of Education for a specified purpose; providing for participation in the pilot program; providing school district duties; requiring the Commissioner of Education to select school districts for participation in the pilot program, subject to legislative appropriation; requiring the University of Florida's College of Education to evaluate the effectiveness of the pilot program; providing requirements for such evaluation; requiring such college to provide progress monitoring updates to the department and the Legislature and a comprehensive report to the Governor, the Legislature, and a certain center by a specified date; providing for expiration of the pilot program.
- Section 6:** Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

- 1. Revenues:  
None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The provision of the bill authorizing school districts to participate in the mSCALES pilot program is subject to a legislative appropriation.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide the SBE with additional rulemaking authority but existing rules may need to be repealed or amended based on the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2024, the Education Quality Subcommittee adopted one Proposed Committee Substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the original bill in the following ways:

- Deletes all the provisions of the education code related to the certificate of completion, whereby removing the certificate as an option for students.
- Removes provision from the bill relating to academic counseling for certain freshman students.
- Removes provision from the bill prohibiting recipients of a certificate of completion from participating in graduation ceremonies.
- Removes provision from the bill relating to satisfying the Algebra 1 End-of-Course assessment requirement with a formative assessment.
- Removes provision from the bill relating to changes to acceptable concordant scores for standardized assessments.
- Removes an appropriation from the bill.

The analysis is drafted to the committee substitute adopted by the Education Quality Subcommittee.

1                                   A bill to be entitled  
2           An act relating to student achievement; amending s.  
3           1002.394, F.S.; conforming provisions to changes made  
4           by the act; amending s. 1003.4282, F.S.; deleting  
5           provisions providing for the award of a certificate of  
6           completion to certain students; conforming provisions  
7           to changes made by the act; amending ss. 1003.433 and  
8           1007.263, F.S.; conforming provisions to changes made  
9           by the act; creating the Music-based Supplemental  
10          Content to Accelerate Learner Engagement and Success  
11          Pilot Program within the Department of Education for a  
12          specified purpose; providing for participation in the  
13          pilot program; providing school district duties;  
14          requiring the Commissioner of Education to select  
15          school districts for participation in the pilot  
16          program, subject to legislative appropriation;  
17          requiring the University of Florida's College of  
18          Education to evaluate the effectiveness of the pilot  
19          program; providing requirements for such evaluation;  
20          requiring such college to provide progress monitoring  
21          updates to the department and the Legislature and a  
22          comprehensive report to the Governor, the Legislature,  
23          and a certain center by a specified date; providing  
24          for expiration of the pilot program; providing an  
25          effective date.

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

Section 1. Subsection (16) of section 1002.394, Florida Statutes, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(16) TRANSITION-TO-WORK PROGRAM.—A student with a disability who is determined eligible pursuant to paragraph (3)(b) who is at least 17 years, but not older than 22 years of age and who has not received a high school diploma ~~or certificate of completion~~ is eligible for enrollment in his or her private school's transition-to-work program. A transition-to-work program shall consist of academic instruction, work skills training, and a volunteer or paid work experience.

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized

51 | plan. The personalized plan must be submitted to the Office of  
52 | Independent Education and Parental Choice upon request by the  
53 | office.

54 |         4. Provide a release of liability form that must be signed  
55 | by the student's parent, the student, and a representative of  
56 | the business offering the volunteer or paid work experience.

57 |         5. Assign a case manager or job coach to visit the  
58 | student's job site on a weekly basis to observe the student and,  
59 | if necessary, provide support and guidance to the student.

60 |         6. Provide to the parent and student a quarterly report  
61 | that documents and explains the student's progress and  
62 | performance in the program.

63 |         7. Maintain accurate attendance and performance records  
64 | for the student.

65 |         (b) A student enrolled in a transition-to-work program  
66 | must, at a minimum:

67 |             1. Receive 15 instructional hours at the private school's  
68 | physical facility, which must include academic instruction and  
69 | work skills training.

70 |             2. Participate in 10 hours of work at the student's  
71 | volunteer or paid work experience.

72 |         (c) To participate in a transition-to-work program, a  
73 | business must:

74 1. Maintain an accurate record of the student's  
 75 performance and hours worked and provide the information to the  
 76 private school.

77 2. Comply with all state and federal child labor laws.

78 Section 2. Paragraph (c) of subsection (5) and paragraphs  
 79 (a) and (d) of subsection (8) of section 1003.4282, Florida  
 80 Statutes, are amended to read:

81 1003.4282 Requirements for a standard high school  
 82 diploma.—

83 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

84 (c) A student who earns the required 24 credits, or the  
 85 required 18 credits under s. 1002.3105(5), but fails to pass the  
 86 assessments required under s. 1008.22(3) or achieve a 2.0 GPA  
 87 ~~shall be awarded a certificate of completion in a form~~  
 88 ~~prescribed by the State Board of Education. However, a student~~  
 89 ~~who is otherwise entitled to a certificate of completion~~ may  
 90 elect to remain in high school either as a full-time student or  
 91 a part-time student for up to 1 additional year and receive  
 92 special instruction designed to remedy his or her identified  
 93 deficiencies.

94 (8) STUDENTS WITH DISABILITIES.—Beginning with students  
 95 entering grade 9 in the 2014-2015 school year, this subsection  
 96 applies to a student with a disability.

97 (a) A parent of the student with a disability shall, in  
 98 collaboration with the individual education plan (IEP) team

99 during the transition planning process pursuant to s. 1003.5716,  
 100 declare an intent for the student to graduate from high school  
 101 with ~~either a standard high school diploma or a certificate of~~  
 102 ~~completion. A student with a disability who does not satisfy the~~  
 103 ~~standard high school diploma requirements pursuant to this~~  
 104 ~~section shall be awarded a certificate of completion.~~

105 (d) A student with a disability who ~~receives a certificate~~  
 106 ~~of completion and~~ has an individual education plan that  
 107 prescribes special education, transition planning, transition  
 108 services, or related services through 21 years of age may  
 109 continue to receive the specified instruction and services.

110  
 111 The State Board of Education shall adopt rules under ss.  
 112 120.536(1) and 120.54 to implement this subsection, including  
 113 rules that establish the minimum requirements for students  
 114 described in this subsection to earn a standard high school  
 115 diploma. The State Board of Education shall adopt emergency  
 116 rules pursuant to ss. 120.536(1) and 120.54.

117 Section 3. Paragraph (b) of subsection (2) of section  
 118 1003.433, Florida Statutes, is amended to read:

119 1003.433 Learning opportunities for out-of-state and out-  
 120 of-country transfer students and students needing additional  
 121 instruction to meet high school graduation requirements.-

122 (2) Students who earn the required 24 credits for the  
 123 standard high school diploma except for passage of any must-pass

124 assessment under s. 1003.4282 or s. 1008.22 or an alternate  
 125 assessment by the end of grade 12 must be provided the following  
 126 learning opportunities:

127 (b) ~~Upon receipt of a certificate of completion,~~ Be  
 128 allowed to take the College Placement Test and be admitted to  
 129 developmental education or credit courses at a Florida College  
 130 System institution, as appropriate.

131 Section 4. Subsection (4) of section 1007.263, Florida  
 132 Statutes, is amended to read:

133 1007.263 Florida College System institutions; admissions  
 134 of students.—Each Florida College System institution board of  
 135 trustees is authorized to adopt rules governing admissions of  
 136 students subject to this section and rules of the State Board of  
 137 Education. These rules shall include the following:

138 (4) A student who has earned the required 24 credits under  
 139 s. 1003.4282, or the required 18 credits under s. 1002.3105(5),  
 140 for the standard high school diploma except for passage of any  
 141 must-pass assessment under s. 1003.4282 or s. 1008.22 or an  
 142 alternate assessment by the end of grade 12 ~~been awarded a~~  
 143 ~~certificate of completion under s. 1003.4282~~ is eligible to  
 144 enroll in certificate career education programs.

145  
 146 Each board of trustees shall establish policies that notify  
 147 students about developmental education options for improving  
 148 their communication or computation skills that are essential to



149 performing college-level work, including tutoring, extended time  
150 in gateway courses, free online courses, adult basic education,  
151 adult secondary education, or private provider instruction.

152 Section 5. (1) Beginning in the 2024-2025 school year,  
153 the Music-based Supplemental Content to Accelerate Learner  
154 Engagement and Success (mSCALES) Pilot Program is created within  
155 the Department of Education for a period of 2 school years. The  
156 purpose of the pilot program is to assist school districts that  
157 participated in the Early Childhood Music Education Incentive  
158 Program in using music-based supplemental materials through the  
159 Muzology digital learning system to support the curriculum for  
160 Science, Technology, Engineering, and Math (STEM) educational  
161 courses for middle school students.

162 (2) The pilot program shall be open to the Alachua,  
163 Marion, and Miami-Dade school districts. In order for a school  
164 district to participate in the pilot program, the district  
165 school superintendent must annually certify to the department,  
166 in a format prescribed by the department, that each  
167 participating middle school class:

168 (a) Includes students who participated in the Early  
169 Childhood Music Education Incentive Program.

170 (b) Uses music-based supplemental materials through the  
171 Muzology digital learning system at least twice a week in STEM  
172 educational courses.

173 (c) Is taught by certified mathematics teachers.

174 (d) Complies with class size requirements under s.  
 175 1003.03, Florida Statutes.

176 (3) (a) The Commissioner of Education shall select school  
 177 districts for participation in the pilot program, subject to  
 178 legislative appropriation. Selected school districts shall  
 179 annually receive \$6 per full-time equivalent student  
 180 participating in the pilot program.

181 (b) To maintain eligibility for participation in the pilot  
 182 program, a selected school district must annually certify to the  
 183 department, in a format prescribed by the department, that each  
 184 participating middle school class meets the requirements of  
 185 subsection (2). If a selected school district fails to provide  
 186 the annual certification for a fiscal year, the school district  
 187 must return all funds received through the pilot program for  
 188 that fiscal year.

189 (4) (a) The University of Florida's College of Education  
 190 shall evaluate the effectiveness of the pilot program by  
 191 measuring the academic performance of participating students and  
 192 the success of the pilot program. The evaluation must include,  
 193 but is not limited to, a quantitative analysis of the  
 194 achievement of participating students and a qualitative  
 195 evaluation of participating students.

196 (b) The University of Florida's College of Education shall  
 197 provide:

198        1. Progress monitoring updates to the department and the  
 199 Legislature.

200        2. A comprehensive report on the results and efficacy of  
 201 the pilot program to the Governor, the President of the Senate,  
 202 the Speaker of the House of Representatives, and the University  
 203 of South Florida's Florida Center for Partnerships in Arts-  
 204 Integrated Teaching (PAInT) by June 30, 2026.

205        (5) This section expires June 30, 2026.

206        Section 6. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Valdés offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 152-205 and insert:

7 Section 5. Section 1003.482, Florida Statutes, is created  
 8 to read:

9 1003.482 mSCALES Pilot Program.-

10 (1)(a) The Music-based Supplemental Content to Accelerate  
 11 Learner Engagement and Success (mSCALES) Pilot Program is  
 12 created within the Department of Education. The purpose of the  
 13 pilot program is to assist districts in adopting music-based  
 14 supplemental materials that support STEM courses for middle  
 15 school students.

Amendment No. 1

16 (b) The music-based supplemental materials must be used by  
17 teachers who are certified to teach mathematics pursuant to s.  
18 1012.55(1)(c). The supplemental materials must be used at a  
19 minimum twice per week to supplement mathematics instruction.

20 (c) Classes that use the supplemental materials are  
21 subject to the class size requirements of s. 1003.03.

22 (d) The school districts in Alachua, Marion, and Miami-  
23 Dade Counties are eligible to participate in the pilot program.  
24 District school superintendents may contact the Department of  
25 Education, in a format prescribed by the department, for their  
26 district to participate in the pilot program. Subject to  
27 legislative appropriation, the department may approve a school  
28 district to participate in the pilot program if sufficient  
29 funding is available.

30 (e) Participating school districts shall receive \$6 per  
31 student. Eligible middle schools must be in the same attendance  
32 zone as an elementary school that participated in the Early  
33 Childhood Music Education Incentive Program.

34 (f) To maintain eligibility for the pilot program, a  
35 participating school district must annually certify to the  
36 department, in a format prescribed by the department, that each  
37 participating middle school within the district meets the  
38 requirements of paragraphs (b) and (c).

39 (2)(a) The College of Education at the University of  
40 Florida shall continuously evaluate the program's effectiveness.

Amendment No. 1

41 The College of Education must annually share the findings of its  
42 evaluations with the department and the Legislature.

43 (b) The College of Education at the University of Florida  
44 shall prepare a comprehensive final report of the program's  
45 overall effectiveness. The report must be presented, no later  
46 than October 1, 2026, to the department, the Legislature, and  
47 the Florida Center for Partnerships in Arts-Integrated Teaching.

48 (3) This section expires June 30, 2026.

49  
50 -----

51 **T I T L E A M E N D M E N T**

52 Remove lines 9-24 and insert:  
53 by the act; creating s. 1003.482, F.S.; creating the  
54 Music-based Supplemental Content to Accelerate Learner  
55 Engagement and Success (mSCALES) Pilot Program within  
56 the Department of Education; providing the purpose of  
57 the pilot program; providing requirements for the  
58 pilot program; providing eligibility; authorizing  
59 district school superintendents to contact the  
60 department for their district to participate in the  
61 pilot program; providing funding requirements, subject  
62 to legislative appropriation; requiring participating  
63 school districts to maintain eligibility; requiring  
64 the College of Education at the University of Florida  
65 to evaluate the pilot program's effectiveness and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 537 (2024)

Amendment No. 1

66 | annually share its findings with the department and  
67 | the Legislature; requiring the college to submit a  
68 | final report to specified entities by a specified  
69 | date; providing for expiration of the pilot program;  
70 | providing an





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 767 Resident Status for Tuition Purposes

**SPONSOR(S):** Postsecondary Education & Workforce Subcommittee, Edmonds and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 62

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee	15 Y, 1 N, As CS	Kiner	Kiner
2) Higher Education Appropriations Subcommittee	13 Y, 1 N	Smith	Smith
3) Education & Employment Committee		Kiner	Hassell

### SUMMARY ANALYSIS

In-state tuition rates for Florida public postsecondary education institutions are set in statute. A student classified as a 'resident for tuition purposes' qualifies to pay in-state tuition. Any student classified as a 'nonresident for tuition purposes' is charged an additional fee for instruction provided by a public postsecondary education institution in the state. To be classified as a resident for tuition purposes, a person must have maintained legal residence in the state for 12 consecutive months and provide documentation of his or her residence as outlined in statute.

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

The bill has an indeterminate fiscal impact on state revenues. See fiscal comments.

The bill is effective July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### *Tuition and Out-of-State Fees*

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.<sup>1</sup> A 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.<sup>2</sup> The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.<sup>3</sup> For baccalaureate degree programs offered at a Florida College System institution, the statutory resident tuition rate is \$91.79 per credit hour.<sup>4</sup>

Residents for tuition purposes are charged the statutory rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived. An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.<sup>5</sup> Across the State University System, for the 2023-24 academic year, the average out-of-state fee was \$464.94 per credit hour.<sup>6</sup> Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fee for baccalaureate degree programs was \$318.63 per credit hour.<sup>7</sup>

##### *Establishing Residency Status for Tuition Purposes*

With respect to tuition and fees at public postsecondary institutions, a legal Florida resident is someone who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state.<sup>8</sup> Such residency must be bona fide and not for the sole purpose of enrollment at the institution. If the person is a dependent child, his or her parent (or guardian) must meet this requirement.

Currently, residency must be proven by two or more documents, including at least one of the following:<sup>9</sup>

- A voter registration card.
- A driver license/identification card.
- A vehicle registration.
- Proof of a permanent home in Florida occupied as a primary residence.
- Proof of a homestead exemption.
- High school transcripts from a Florida high school for multiple years if the diploma was earned within the last 12 months.
- Proof of permanent employment (30 or more hours per week for a 12-month period).

Additionally, one or more of the following may also be evidenced:<sup>10</sup>

---

<sup>1</sup> s. 1009.01(1), F.S.

<sup>2</sup> s. 1009.21(1)(g), F.S.

<sup>3</sup> s. 1009.24(4)(a), F.S.

<sup>4</sup> s. 1009.23(3)(b), F.S.

<sup>5</sup> s. 1009.01(2), F.S.

<sup>6</sup> Florida Board of Governors, *Tuition & Fees*, <https://www.flbog.edu/universities/parents-students/tuition-fees/> (last visited Feb. 1, 2024).

<sup>7</sup> Florida Department of Education, Florida College System, *Accountability – Data Systems*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (link to 2023 Fact Book, worksheet FB 7.12T within the Excel file) (last visited Feb. 1, 2024).

<sup>8</sup> s. 1009.21(1)(d), F.S.

<sup>9</sup> s. 1009.21(3)(c)1., F.S.

<sup>10</sup> s. 1009.21(3)(c)2., F.S.

- Declaration of domicile.
- Professional or occupational license.
- Business incorporation.
- Documentation of family ties.
- Membership in Florida-based charitable or professional organization.
- Any other supporting documentation supporting residency (lease agreement, utility bills, etc.).

A person loses his or her classification as a resident for tuition purposes if:<sup>11</sup>

- The person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence outside of the state. The person's resident status will continue for a 12-month statutory grace period.
- The person ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes, subsequently abandons their domicile in Florida, and fails to reestablish his or her domicile in the state within 12 months.

### Effect of Proposed Changes

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

#### B. SECTION DIRECTORY:

**Section 1:** Provides that a person may not lose his or her resident status for tuition purposes due to incarceration.

**Section 2:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See fiscal comments.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

#### D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact on Florida College System and State University System revenues. An out-of-state fee would no longer be collected from students that would not qualify for in-state tuition rates solely by reason of incarceration. However, colleges and universities may see an

<sup>11</sup> s. 1009.21(8)-(9), F.S.  
**STORAGE NAME:** h0767c.EEC  
**DATE:** 2/12/2024

increase in enrollment, and therefore revenues, as the bill removes a barrier to access for the formerly incarcerated student population.

The formerly incarcerated students impacted by this bill would save an average of \$318.63 per credit hour for baccalaureate programs at Florida College System institutions and an average of \$464.94 per credit hour at State University System institutions.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2024, the Postsecondary Education & Workforce Subcommittee considered a Proposed Committee Substitute (PCS) and subsequently reported the PCS favorably as a committee substitute. The PCS differed from the original bill in the following ways:

- Removed a provision allowing an individual who is currently incarcerated or who has been released within the 12 months preceding their residency determination to provide expired documentation to support their request for resident status; and
- Removed a provision allowing a non-resident to earn residency for tuition purposes by virtue of being incarcerated in Florida for at least 18 months of a sentence of three years or longer and by evidencing ties to Florida.

The bill analysis is drafted to the committee substitute adopted by the Postsecondary Education & Workforce Subcommittee.



CS/HB 767

2024

26

Section 2. This act shall take effect July 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1109 Security for Jewish Day Schools and Preschools

**SPONSOR(S):** Fine and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	18 Y, 1 N	Wolff	Kramer
2) Appropriations Committee	26 Y, 0 N	Potvin	Pridgeon
3) Education & Employment Committee		Wolff	Hassell

### SUMMARY ANALYSIS

Since 2018, the Legislature has appropriated more than \$1 billion in the Safe Schools Allocation in the Florida Education Finance Program to assist school districts in their compliance with the statutory requirements for safe schools.

For Fiscal Year 2023-2024, the Legislature appropriated \$5 million in nonrecurring funds for security funding at Jewish day schools. During special session in November 2023, an additional \$25 million was appropriated for security measures at Jewish day schools and \$20 million for the Nonprofit Security Grant Program while amending such program to include nonprofit schools.

HB 1109 requires the Department of Education, subject to appropriation in the General Appropriations Act, to establish a program to provide funds to make full-time Jewish day schools and preschools in the state secure with professional security hardening, as needed, to better secure facilities of such schools and preschools and to protect their students.

Based on a risk assessment by law enforcement or a private security company, the bill requires funds to be used for the following:

- The purchase and installation of security cameras, perimeter lighting, perimeter fencing, and shatter-resistant glass for windows.
- Hiring or contracting with security personnel who are licensed and regulated by the state and insured.
- Expenses relating to transportation to minimize security exposure of staff, parents, and students.
- Other nonhardening security measures, including, but not limited to providing professional detection, prevention, and security services to such schools and preschools.

The bill authorizes the State Board of Education to adopt rules to implement the provisions of the bill.

The bill specifies that any security funding for Jewish day school and preschools is subject to a legislative appropriation. See Fiscal Comments, *infra*.

The bill provides an effective date of July 1, 2024.



**FULL ANALYSIS.**

**I. SUBSTANTIVE ANALYSIS**

**A. EFFECT OF PROPOSED CHANGES:**

**Present Situation**

School Safety Funding

The Safe School Allocation provides funding to assist school districts in their compliance with ss. 1006.07-1006.12, F.S., with priority given to safe-school officers.<sup>1</sup> For the 2023-2024 school year, \$250 million was appropriated for the Safe Schools Allocation. Each school district receives a minimum of \$250,000 and the remaining balance of funds is allocated by a formula based one-third on the recent Florida Crime Index and two-thirds based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment.<sup>2</sup>

The distribution of these funds is contingent upon the school district’s compliance with all reporting procedures related to the prevention of bullying and harassment.<sup>3</sup>

Another program related to school safety is the School Hardening Grant program, which was designed to improve the physical security of school buildings based on a required security risk assessment. Funds could only be used for capital purchases and are allocated based on each school district’s capital outlay Full-Time Equivalent (FTE) and charter school FTE. Funds must be provided based on district application.<sup>4</sup> In 2023, all school safety funding for public schools was rolled into the safe schools allocation in order to provide school districts the most flexibility in the use of funds to fulfill the needs of the school district.

<b>Safe Schools Allocation</b>	
<b>Fiscal Year</b>	<b>Funding Amount</b>
2018-2019 <sup>5</sup>	\$ 162 million
2019-2020 <sup>6</sup>	\$ 180 million
2020-2021 <sup>7</sup>	\$ 180 million
2021-2022 <sup>8</sup>	\$ 180 million
2022-2023 <sup>9</sup>	\$ 210 million
2023-2024 <sup>10</sup>	\$ 250 million
<b>Total</b>	<b>\$ 1.2 billion</b>

The Safe Schools Allocation and the school physical security improvement,<sup>11</sup> or school hardening grant program, represent the most significant investments in school safety since the shooting at Marjory Stoneman Douglas High School. Below is a summary of the appropriations associated with these programs:

**School Physical Security Improvement Grant**

<sup>1</sup> Section 1011.62(12), F.S.

<sup>2</sup> Specific Appropriations 5 and 86, s. 2, ch. 2022-156, Laws of Fla. See s. 1011.62(12), F.S.

<sup>3</sup> Section 1006.147(7), F.S.

<sup>4</sup> See, e.g., Specific Appropriation 108, s. 2, ch. 2022-156, Laws of Fla.; see, a/so, Specific Appropriation 113A, s. 2, ch. 2021-36, Specific Appropriation 117A, s. 2, ch. 2020-111, and Specific Appropriation 116A, s. 2, ch. 2019-115, Laws of Fla.

<sup>5</sup> Section 42, ch. 2018-3, Laws of Fla. (\$97,500,000); Specific Appropriations 6 and 92, s. 2, ch. 2018-9, Laws of Fla. (\$64,456,019)

<sup>6</sup> Specific Appropriations 6 and 93, s. 2, ch. 2019-115, Laws of Fla.

<sup>7</sup> Specific Appropriations 8 and 92, s. 2, ch. 2020-111, Laws of Fla.

<sup>8</sup> Specific Appropriations 7 and 90, s. 2, ch. 2021-36, Laws of Fla.

<sup>9</sup> Specific Appropriations 5 and 86, s. 2, ch. 2022-156, Laws of Fla.

<sup>10</sup> Specific Appropriations 5 and 80, s. 2, ch. 2023-239, Laws of Fla.

<sup>11</sup> Section 44, ch. 2018-3, Laws of Fla.

<u>Fiscal Year</u>	<u>Funding Amount</u>
2018-2019 <sup>12</sup>	\$99 million

<u>School Hardening Grant</u>	
<u>Fiscal Year</u>	<u>Funding Amount</u>
2019-2020 <sup>13</sup>	\$ 50 million
2020-2021 <sup>14</sup>	\$ 42 million
2021-2022 <sup>15</sup>	\$ 42 million
2022-2023 <sup>16</sup>	\$ 20 million
<b>Total</b>	<b>\$ 154 million</b>

For Fiscal Year 2023-2024, the Legislature appropriated \$5 million in nonrecurring funds for security funding at Jewish day schools.<sup>17</sup> During special session in November 2023, the Legislature appropriated an additional \$25 million for security measures at Jewish day schools and preschools<sup>18</sup> and \$20 million for the Nonprofit Security Grant Program<sup>19</sup> while amending such program to include nonprofit schools.<sup>20</sup> Other than these programs, the law does not currently provide security funding for private schools generally.

### Effect of Proposed Changes

HB 1109 creates s. 1001.2921, F.S., to provide, subject to appropriation in the General Appropriations Act, security funding for Jewish day schools and preschools. The bill requires the Department of Education to establish a program to provide funds to make full-time Jewish day schools and preschools in the state secure with professional security hardening, as needed, to better secure facilities of such schools and preschools and to protect their students.

Based on a risk assessment by law enforcement or a private security company, the bill requires funds to be used for the following:

- The purchase and installation of security cameras, perimeter lighting, perimeter fencing, and shatter-resistant glass for windows.
- Hiring or contracting with security personnel who are licensed and regulated by the state and insured.
- Expenses relating to transportation to minimize security exposure of staff, parents, and students.
- Other nonhardening security measures, including, but not limited to providing professional detection, prevention, and security services to such schools and preschools.

The bill authorizes the State Board of Education to adopt rules to implement the provisions of the bill.

The bill provides an effective date of July 1, 2024.

### B. SECTION DIRECTORY:

**Section 1:** Creates s. 1001.2921, F.S.; relating to security funding for Jewish day schools and preschools.

<sup>12</sup> Section 44, ch. 2018-3, Laws of Fla.

<sup>13</sup> Specific Appropriation 116A, s. 2, ch. 2019-115, Laws of Fla.

<sup>14</sup> Specific Appropriation 117A, s. 2, ch. 2020-111, Laws of Fla.

<sup>15</sup> Specific Appropriation 113A, s. 2, ch. 2021-36, Laws of Fla.

<sup>16</sup> Specific Appropriation 108, s. 2, ch. 2022-156, Laws of Fla.

<sup>17</sup> Specific Appropriations 100 and 105, s. 2, ch. 2023-239, Laws of Fla.

<sup>18</sup> Section 4 and 5, ch. 2023-352, Laws of Fla.

<sup>19</sup> Established in 2023, the Nonprofit Security Grant Program allows Florida nonprofit organizations, including houses of worship and community centers, that are at high risk of violent attacks or hate crimes to apply for program grants to increase safety and security. S. 252.3712, F.S.

<sup>20</sup> Section 1 and 2, ch. 2023-352, Laws of Fla.

**Section 2:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

HB 5001, the House proposed General Appropriations Act for Fiscal Year 2024-2025, appropriates \$20 million in nonrecurring funds for security funding at Jewish day schools and preschools.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill authorizes the State Board of Education to adopt rules to implement the provisions of the bill.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

1                                   A bill to be entitled  
 2           An act relating to security for Jewish day schools and  
 3           preschools; creating s. 1001.2921, F.S.; subject to  
 4           and consistent with funds appropriated from the  
 5           General Appropriations Act, requiring the Department  
 6           of Education to establish a program to provide funds  
 7           to full-time Jewish day schools and preschools for  
 8           specified security purposes; providing authorized uses  
 9           for such funds; authorizing the State Board of  
 10          Education to adopt rules to administer this section;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1.   Section 1001.2921, Florida Statutes, is created  
 16          to read:

17           1001.2921 Security funding for Jewish day schools and  
 18          preschools.-

19           (1) As authorized by and consistent with funds  
 20          appropriated in the General Appropriations Act, the Department  
 21          of Education shall establish a program to provide funds to make  
 22          full-time Jewish day schools and preschools in the state secure  
 23          with professional security hardening, as needed, to better  
 24          secure facilities of such schools and preschools and to protect  
 25          their students. Based on a risk assessment by law enforcement or

26 | a private security company, recurring funds shall be used  
 27 | towards:

28 |       (a) The purchase and installation of security cameras,  
 29 | perimeter lighting, perimeter fencing, and shatter-resistant  
 30 | glass for windows.

31 |       (b) Hiring or contracting with security personnel who are  
 32 | licensed and regulated by the state and insured.

33 |       (c) Expenses relating to transportation to minimize  
 34 | security exposure of staff, parents, and students.

35 |       (d) Other nonhardening security measures, including, but  
 36 | not limited to providing professional detection, prevention, and  
 37 | security services to such schools and preschools.

38 |       (2) The State Board of Education may adopt rules to  
 39 | administer this section.

40 |       Section 2. This act shall take effect July 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1169 Coordinated Systems of Care for Children

**SPONSOR(S):** Children, Families & Seniors Subcommittee, Redondo and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/SB 1340

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	15 Y, 0 N, As CS	Curry	Brazzell
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Bailey	Potvin
3) Education & Employment Committee		Wolff	Hassell

### SUMMARY ANALYSIS

The Department of Children and Families (DCF) administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment and recovery for children and adults who are otherwise unable to obtain these services.

The DCF must establish a coordinated system of care that includes an array of services to meet the individual mental health service and treatment needs of children and adolescents who are members of the target population and experiencing an acute mental or emotional crisis, have a serious emotional disturbance or mental illness, have an emotional disturbance or are at risk of an emotional disturbance.

The bill establishes a mental health treatment and support system within school districts. The bill requires school districts providing certain mental health services to students diagnosed with, or at risk of being diagnosed with, one or more mental health issues or any co-occurring substance use disorder to adhere to certain guiding principles and performance outcome requirements when implementing and developing a mental health treatment and support system within the school district. Adhering to these principles and guidelines will help to further promote effective implementation of a coordinated system of care.

The bill requires each school district to annually report to the Department of Education the general performance outcomes for the child and adolescent mental health treatment and support system and how funding for the support system is allocated and spent.

The bill has an indeterminate fiscal impact. See Fiscal Comments, *infra*.

The bill provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### **Mental Health and Mental Illness**

Mental health is a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to contribute to his or her community.<sup>1</sup> The primary indicators used to evaluate an individual's mental health are:<sup>2</sup>

- **Emotional well-being**- Perceived life satisfaction, happiness, cheerfulness, peacefulness.
- **Psychological well-being**- Self-acceptance, personal growth including openness to new experiences, optimism, hopefulness, purpose in life, control of one's environment, spirituality, self-direction, and positive relationships.
- **Social well-being**- Social acceptance, beliefs in the potential of people and society as a whole, personal self-worth and usefulness to society, sense of community.

Mental illness is collectively all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning.<sup>3</sup> Thus, mental health refers to an individual's mental state of well-being whereas mental illness signifies an alteration of that well-being. Mental illness affects millions of people in the United States each year. Nearly one in five adults lives with a mental illness.<sup>4</sup> During their childhood and adolescence, almost half of children will experience a mental disorder, though the proportion experiencing severe impairment during childhood and adolescence is much lower, at about 22%.<sup>5</sup>

#### Mental Health Safety Net Services

The Department of Children and Families (DCF) administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. SAMH programs include a range of prevention, acute interventions (e.g. crisis stabilization), residential treatment, transitional housing, outpatient treatment, and recovery support services. Services are provided based upon state and federally-established priority populations.

#### *Behavioral Health Managing Entities*

In 2001, the Legislature authorized the DCF to implement behavioral health managing entities (ME) as the management structure for the delivery of local mental health and substance abuse services.<sup>6</sup> The implementation of the ME system initially began on a pilot basis and, in 2008, the Legislature authorized the DCF to implement MEs statewide.<sup>7</sup> MEs were fully implemented statewide in 2013, serving all geographic regions.

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<sup>1</sup> World Health Organization, *Mental Health: Strengthening Our Response*, <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response> (last visited February 12, 2024).

<sup>2</sup> Centers for Disease Control and Prevention, *Mental Health Basics*, <http://medbox.iab.me/modules/en-cdc/www.cdc.gov/mentalhealth/basics.htm> (last visited February 12, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> National Institute of Mental Health (NIH), *Mental Illness*, <https://www.nimh.nih.gov/health/statistics/mental-illness> (last visited February 12, 2024).

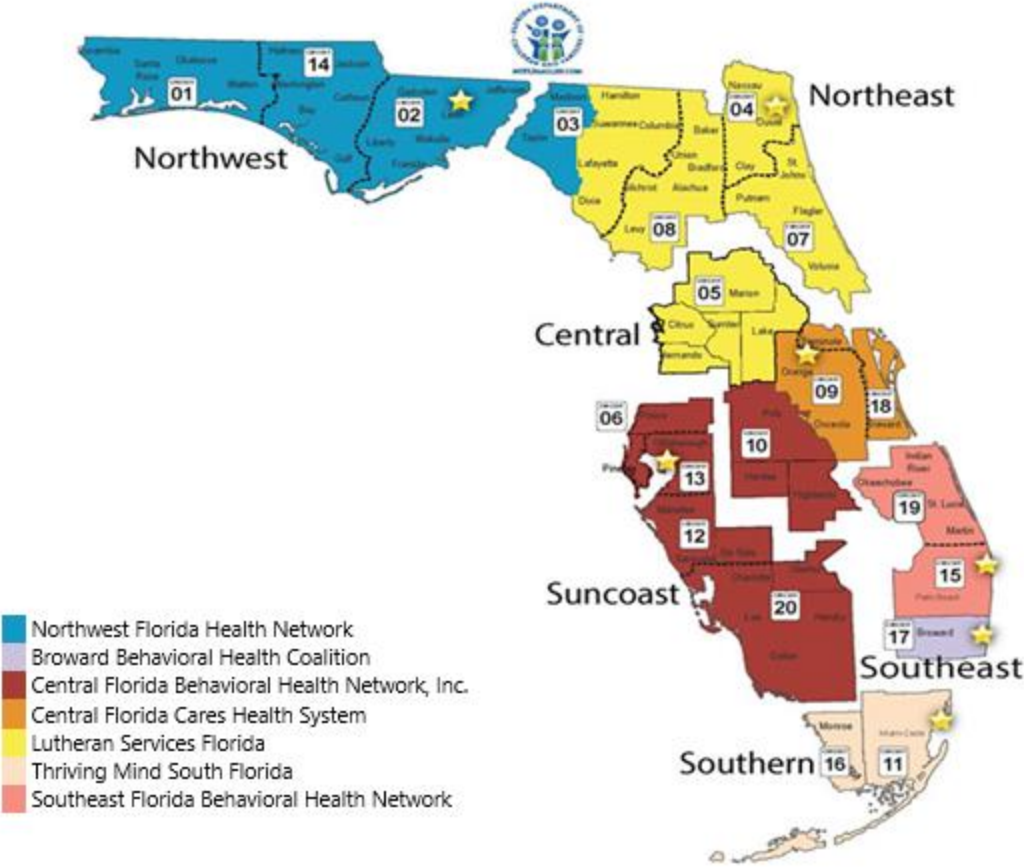
<sup>5</sup> *Id.*

<sup>6</sup> Chapter 2001-191, Laws of Fla.

<sup>7</sup> Chapter 2008-243, Laws of Fla



The DCF currently contracts with seven MEs for behavioral health services throughout the state. These entities do not provide direct services; rather, they contract with local service providers<sup>8</sup> for the delivery of mental health and substance abuse services.<sup>9</sup> This allows the department’s funding to be tailored to the specific behavioral health needs in the various regions of the state.



*Coordinated System of Care*

The MEs are required to promote the development and implementation of a coordinated system of care.<sup>10</sup> A coordinated system of care means a full array of behavioral and related services in a region or community offered by all service providers, participating either under contract with a managing entity or by another method of community partnership or mutual agreement.<sup>11</sup> A community or region provides a coordinated system of care for those with a mental illness or substance abuse disorder through a no-wrong-door model, to the extent allowed by available resources. If funding is provided by the Legislature, the DCF may award system improvement grants to managing entities.<sup>12</sup> The MEs must submit detailed plans to enhance crisis services based on the no-wrong-door model or to meet specific needs identified in DCF’s assessment of behavioral health services in this state.<sup>13</sup> The DCF must use performance-based contracts to award grants.<sup>14</sup>

There are several essential elements which make up a coordinated system of care, including:<sup>15</sup>

<sup>8</sup> Managing entities create and manage provider networks by contracting with service providers for the delivery of substance abuse and mental health services.  
<sup>9</sup> DCF, *Managing Entities*, available at <https://www.myflfamilies.com/services/samh/providers/managing-entities>, (last visited February 12, 2024).  
<sup>10</sup> Section 394.9082(5)(d), F.S.  
<sup>11</sup> Section 394.4573(1)(c), F.S.  
<sup>12</sup> Section 394.4573(3), F.S. The Legislature has not funded system improvement grants.  
<sup>13</sup> *Id.*  
<sup>14</sup> *Id.*  
<sup>15</sup> Section 394.4573(2), F.S.  
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- community interventions;
- case management;
- care coordination;
- outpatient services;
- residential services;
- hospital inpatient care;
- aftercare and post-discharge services;
- medication assisted treatment and medication management; and
- recovery support.

A coordinated system of care must include, but is not limited to, the following array of services:<sup>16</sup>

- prevention services;
- home-based services;
- school-based services;
- family therapy;
- family support;
- respite services;
- outpatient treatment;
- crisis stabilization;
- therapeutic foster care;
- residential treatment;
- inpatient hospitalization;
- case management;
- services for victims of sex offenses;
- transitional services; and
- trauma-informed services for children who have suffered sexual exploitation.

The DCF must define the priority populations which would benefit from receiving care coordination.<sup>17</sup> In defining priority populations, the DCF must consider the number and duration of involuntary admissions, the degree of involvement with the criminal justice system, the risk to public safety posed by the individual, the utilization of a treatment facility by the individual, the degree of utilization of behavioral health services, and whether the individual is a parent or caregiver who is involved with the child welfare system.

The MEs are required to conduct a community behavioral health care needs assessment once every three years in the geographic area served by the managing entity, which identifies needs by sub-region.<sup>18</sup> The assessments must be submitted to the DCF for inclusion in the state and district substance abuse and mental health plan.<sup>19</sup>

#### *Child and Adolescent Mental Health System of Care*

Under current law, the DCF must establish a system of care that includes an array of services to meet the individual mental health service and treatment needs of children and adolescents who reside with their parents or legal guardians or who are placed in state custody and:<sup>20</sup>

- Are experiencing an acute mental or emotional crisis.
- Have a serious emotional disturbance or mental illness.
- Have an emotional disturbance.

<sup>16</sup> Section 394.495(4), F.S

<sup>17</sup> Section 394.9082(3)(c), F.S.

<sup>18</sup> Section 394.9082(5)(b), F.S.

<sup>19</sup> Section 394.75(3), F.S.

<sup>20</sup> Section 394.495, F.S.

- Are at risk of emotional disturbance.

The services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The assessment services to be provided must be determined by the clinical needs of each child or adolescent and include, but are not limited to, evaluation and screening in the following areas:<sup>21</sup>

- physical and mental health for purposes of identifying medical and psychiatric problems;
- psychological functioning, as determined through a battery of psychological tests;
- intelligence and academic achievement;
- social and behavioral functioning; and
- family functioning.

The guiding principles of the system require that services be community-based, individualized, provide timely access to a comprehensive array of cost-effective mental health treatment and support services, be culturally competent, integrated, and coordinated. The goal is to provide a smooth transition, from children's mental health to the adult mental health system for continued age-appropriate services and supports. These services are designed to build resilience and to prevent, severity, duration and disabling aspects of children's mental and emotional disorders.<sup>22</sup>

The system must achieve certain general performance outcomes for the children and adolescents who receive services through the system of care, which include:<sup>23</sup>

- Stabilization or improvement of the emotional condition or behavior of the child or adolescent, as evidenced by resolving the presented problems and symptoms of the serious emotional disturbance recorded in the initial assessment.
- Stabilization or improvement of the behavior or condition of the child or adolescent with respect to the family and school, so that the child or adolescent can function in the family and the school with minimum appropriate support.
- Stabilization or improvement of the behavior or condition of the child or adolescent with respect to the way he or she interacts in the community, so that the child or adolescent can avoid behaviors that may be attributable to the emotional disturbance, such as substance abuse, unintended pregnancy, delinquency, sexually transmitted diseases, and other negative consequences.

### *Community Action Treatment Teams*

Community Action Treatment (CAT) Teams are an important component of the child and adolescent mental health system of care. CAT teams are multi-disciplinary clinical teams that provide comprehensive, intensive community-based treatment to families with youth and young adults, ages 11 up to 21, who are at risk of out-of-home placement due to a mental health or co-occurring disorder and related complex issues for whom traditional services are not or have not been adequate.<sup>24</sup> CAT teams help these children and young adults recover at home safely and provide a safe and effective alternative to out-of-home treatment or residential care for children with serious behavioral health conditions. These teams also assist families in building and maintaining a support system within their community. CAT teams are available to:<sup>25</sup>

<sup>21</sup> *Id.*

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

<sup>23</sup> Section 394.494, F.S.

<sup>24</sup> Central Florida Cares Health System, *House Bill 945 Children's Coordinated System of Care Plan Central Region: Circuits 9 & 18 2022-2025*, available at [https://centralfloridacares.org/wp-content/uploads/2022/01/CFCHS\\_Coordinated-Childrens-System-Plan\\_Rev-12.29.21.pdf](https://centralfloridacares.org/wp-content/uploads/2022/01/CFCHS_Coordinated-Childrens-System-Plan_Rev-12.29.21.pdf), (last visited February 12, 2024)

<sup>25</sup> DCF, *Community Action Treatment Teams*, available at [https://www.myflfamilies.com/services/samh/community-action-treatment-teams#:~:text=Community%20Action%20Treatment%20\(CAT\)%20Teams.support%20system%20within%20their%20community](https://www.myflfamilies.com/services/samh/community-action-treatment-teams#:~:text=Community%20Action%20Treatment%20(CAT)%20Teams.support%20system%20within%20their%20community) (last visited February 12, 2024).

- Children and young adults with serious behavioral health conditions.
- Youth with complex needs that contribute to family disruption or increase the risk of family separation such as:
  - Multiple behavioral health hospitalizations;
  - Involvement with the Department of Juvenile Justice or law enforcement;
  - School challenges like poor academic performance or suspensions; and
  - Repeated failures at lower levels of care.

### *Mobile Response Teams*

A mental health crisis can be an extremely frightening and difficult experience for both the individual in crisis and those around him or her. It can be caused by a variety of factors and occur at any hour of the day.<sup>26</sup> Family members and caregivers of an individual experiencing a mental health crisis are often ill-equipped to handle these situations and need the advice and support of professionals.<sup>27</sup> Law enforcement or EMTs may be called to respond to mental health crises, and may lack the training and experience to effectively handle the situation.<sup>28</sup> Mobile response teams (MRT) can be beneficial in such instances.

MRTs support the child and adolescent mental health system of care and the behavioral health crisis response system as these teams travel to the acute situation or crisis to provide assistance. MRTs provide on-demand, community-based crisis intervention services 24 hours a day, seven days per week, in any setting in which a behavioral health crisis is occurring.<sup>29</sup> Mobile response services are typically provided by a team of crisis-intervention trained professionals and paraprofessionals who use face-to-face professional and peer intervention. MRTs are deployed in real time to the location of the person in crisis in order to achieve the best outcomes necessary for that individual, ensuring timely access to assessment, evaluation, support, and other services.<sup>30</sup> MRTs provide a warm handoff to other services, coordinate care, and ensure that the individual is engaged in services. MRTs are required to remain engaged for a minimum of 72 hours to ensure that the individual is actively connected to another service provider.<sup>31</sup>

In 2020, the Legislature required crisis response services be provided through MRTs under the Comprehensive Child and Adolescent Mental Health Services Act, which requires the DCF to contract with the MEs to procure mobile response teams throughout the state to provide immediate, onsite behavioral health crisis services to children, adolescents, and young adults ages 18-25, inclusive, who.<sup>32</sup>

- have an emotional disturbance;
- are experiencing an acute mental or emotional crisis;
- are experiencing escalating emotional or behavioral reactions and symptoms that impact their ability to function normally within their environment; or
- are served by the child welfare system and are experiencing or are at high risk of placement instability.

In Fiscal Year 2022-23, the DCF received additional funding for MRTs allowing for the implementation of 12 new MRTs and the expansion of 30 existing teams. Currently there are 51 MRTs serving all 67 counties in Florida.<sup>33</sup> A recent review of MRT data from 2019 through 2022 shows that approximately

<sup>26</sup> Department of Children and Families, *Mobile Response Teams Framework*, (August 29, 2018), p. 4 <https://myflfamilies.com/sites/default/files/2022-12/Mobile%20Response%20Framework.pdf> (last visited February 12, 2024).

<sup>27</sup> *Id.*

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

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> DCF correspondence to House Children, Families, & Seniors Subcommittee staff (Email dated December 4, 2023, on file with House Children, Families, & Seniors Subcommittee).

<sup>32</sup> See ch. 2020-107, Laws of Fla. and s. 394.495(7), F.S.

<sup>33</sup> DCF, Agency *Legislative Budget Request for Fiscal Year 2024-2025*, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=26122&DocType=PDF>, (last visited February 12, 2024).

82 percent of MRT engagements resulted in community stabilization rather than involuntary admission or deeper penetration into the behavioral health system.<sup>34</sup>

## The Baker Act

The Florida Mental Health Act, commonly referred to as the Baker Act, was enacted in 1971 to revise the state's mental health commitment laws.<sup>35</sup> The Act includes legal procedures for mental health examination and treatment, including voluntary and involuntary examinations. It additionally protects the rights of all individuals examined or treated for mental illness in Florida.<sup>36</sup>

### *Involuntary Examination and Receiving Facilities*

Individuals in an acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.<sup>37</sup> Individuals receiving services on an involuntary basis must be taken to a facility that has been designated by the DCF as a receiving facility.

Receiving facilities, often referred to as Baker Act receiving facilities, are public or private facilities designated by the DCF to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider.<sup>38</sup> A public receiving facility is a facility that has contracted with a managing entity to provide mental health services to all persons, regardless of their ability to pay, and is receiving state funds for such purpose.<sup>39</sup> Funds appropriated for Baker Act services may only be used to pay for services to diagnostically and financially eligible persons, or those who are acutely ill, in need of mental health services, and the least able to pay.<sup>40</sup>

Crisis Stabilization Units (CSUs) are public receiving facilities that receive state funding and provide a less intensive and less costly alternative to inpatient psychiatric hospitalization for individuals presenting as acutely mentally ill. CSUs screen, assess, and admit individuals brought to the unit under the Baker Act, as well as those individuals who voluntarily present themselves, for short-term services. CSUs provide services 24 hours a day, seven days a week, through a team of mental health professionals. The purpose of the CSU is to examine, stabilize, and redirect people to the most appropriate and least restrictive treatment settings, consistent with their mental health needs.<sup>41</sup> Individuals often enter the public mental health system through CSUs. For this reason, crisis services are a part of the comprehensive, integrated, community mental health and substance abuse services established by the Legislature in the 1970s to ensure continuity of care for individuals.<sup>42</sup>

An involuntary examination is required if there is reason to believe that the person has a mental illness and, because of his or her mental illness, has refused voluntary examination, is likely to refuse to care for him or herself to the extent that such refusal threatens to cause substantial harm to that person's well-being, and such harm is unavoidable through help of willing family members or friends, or will cause serious bodily harm to him or herself or others in the near future based on recent behavior.<sup>43</sup>

An involuntary examination may be initiated by:

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<sup>34</sup> Department of Children and Families, *Triennial Plan for the Delivery of Mental Health and Substance Abuse Services: State Fiscal Years 2023-2024 and 2025-2026*, pg. 6, available at <https://www.myflfamilies.com/sites/default/files/2023-06/Substance%20Abuse%20%26%20Mental%20Health%20Services%20Triennial%20State%20and%20Regional%20Master%20Plan%20%202023-2025.pdf> (last visited February 12, 2024).

<sup>35</sup> The Baker Act is contained in Part I of ch. 394, F.S.

<sup>36</sup> Section 394.459, F.S.

<sup>37</sup> Sections 394.4625 and 394.463, F.S.

<sup>38</sup> Section 394.455(40), F.S. This term does not include a county jail.

<sup>39</sup> Section 394.455(38), F.S.

<sup>40</sup> Rule 65E-5.400(2), F.A.C.

<sup>41</sup> Section 394.875, F.S.

<sup>42</sup> *Id.* Sections 394.65-394.9085, F.S.

<sup>43</sup> Section 394.463(1), F.S.

- A court entering an ex parte order stating that a person appears to meet the criteria for involuntary examination, based on sworn testimony.<sup>44</sup>
- A law enforcement officer taking a person who appears to meet the criteria for involuntary examination into custody and delivering the person or having him or her delivered to a receiving facility for examination<sup>45</sup>
- A qualified professional (physician, clinical psychologist, psychiatric nurse, an autonomous advanced practice registered nurse, mental health counselor, marriage and family therapist, or clinical social worker) executing a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination, including a statement of the professional's observations supporting such conclusion.<sup>46</sup>

Involuntary patients must be taken to either a public or a private facility that has been designated by the DCF as a Baker Act receiving facility. Under the Baker Act, a receiving facility must examine an involuntary patient within 72 hours of arrival.<sup>47</sup> During that 72 hours, an involuntary patient must be examined by a physician or a clinical psychologist, or by a psychiatric nurse performing within the framework of an established protocol with a psychiatrist at a facility to determine if the criteria for involuntary services are met.<sup>48</sup> If the patient is a minor, the examination must be initiated within 12 hours.<sup>49</sup>

Within that 72-hour examination period, or if the 72 hours ends on a weekend or holiday, no later than the next business day, one of the following must happen:<sup>50</sup>

- The patient must be released, unless he or she is charged with a crime, in which case law enforcement will assume custody.
- The patient must be released for voluntary outpatient treatment.
- The patient, unless charged with a crime, must give express and informed consent to a placement as a voluntary patient and admitted as a voluntary patient.
- A petition for involuntary placement must be filed in circuit court for involuntary outpatient or inpatient treatment.

#### *Involuntary Examination of Minors*

During fiscal year (FY) 2021-2022, 170,048 involuntary examinations were conducted for 115,239 individuals under the Baker Act;<sup>51</sup> of those examined, just over 36,000 were minors.<sup>52</sup> Individuals with multiple involuntary examinations accounted for a disproportionate number of examinations. Of the total involuntary examinations, there were 21.78 percent of individuals with two or more exams in FY 2021-2022. These individuals accounted for 46.99 percent of involuntary exams during the three-year period for FY 2019-2020 through FY 2021-2022.<sup>53</sup>

Approximately one in five (21.23 percent) of children with an involuntary examination in FY 2021-2022 had two or more involuntary exams. These children accounted for 44.93 percent of the of the

<sup>44</sup> Section 394.463(2)(a)1., F.S. The order of the court must be made a part of the patient's clinical record.

<sup>45</sup> Section 394.463(2)(a)2., F.S.

<sup>46</sup> Section 394.463(2)(a)3., F.S. The report and certificate shall be made a part of the patient's clinical record.

<sup>47</sup> Section 394.463(2)(g), F.S.

<sup>48</sup> Section 394.463(2)(f), F.S.

<sup>49</sup> Section 394.463(2)(g), F.S.

<sup>50</sup> Section 394.463(2)(g), F.S.

<sup>51</sup> DCF, *The Baker Act Florida Mental Health Act Fiscal Year 2021-2022 Report*, available at

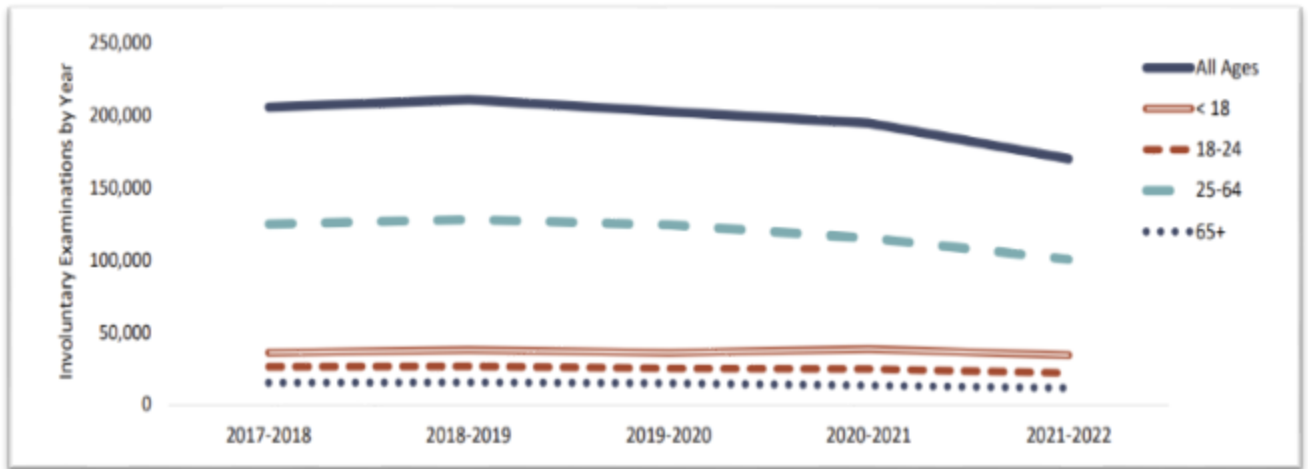
<https://www.myflfamilies.com/sites/default/files/2023-07/FY%202021%202022%20Annual%20Report.pdf>, (last visited January 21, 2024).

<sup>52</sup> DCF, *Report on Involuntary Examination of Minors*, available at [https://www.usf.edu/cbcs/baker-act/documents/ba\\_minors\\_report\\_nov2023.pdf](https://www.usf.edu/cbcs/baker-act/documents/ba_minors_report_nov2023.pdf), (last visited January 21, 2024).

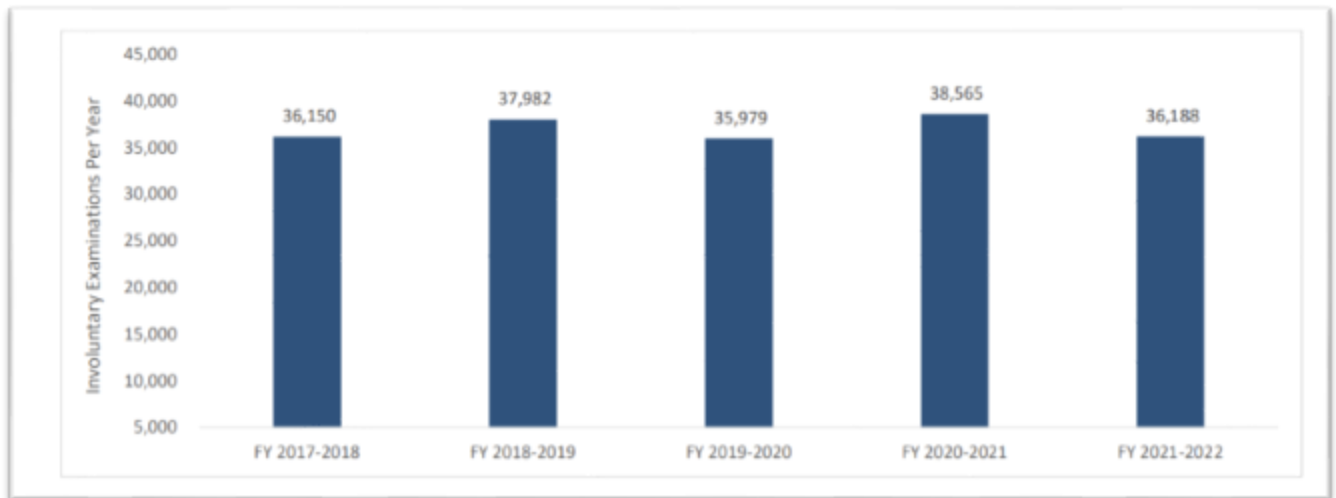
<sup>53</sup> *Id.*

involuntary examinations for the year.<sup>54</sup> According to the annual Baker Act Report, 12.40 percent of Baker Act examinations for children were initiated while at school.<sup>55</sup>

### Involuntary Examinations For 5 FY for All Ages<sup>56</sup>



### Involuntary Examinations for Children (< 18) for 5 FY Years<sup>57</sup>



### Involuntary Examinations for Children by Age Group for 5 FY Years<sup>58</sup>

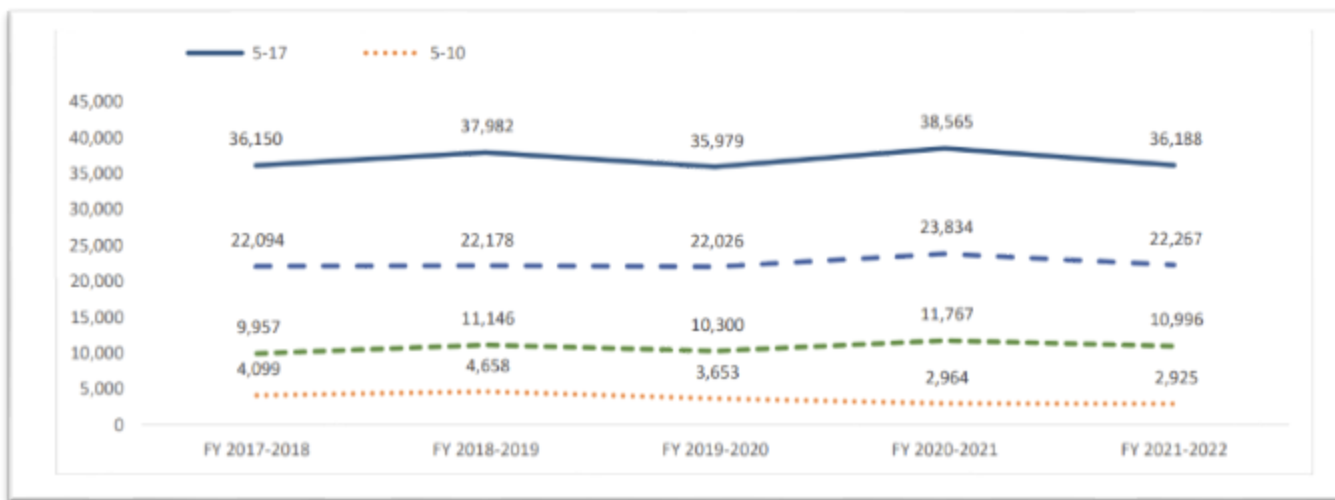
<sup>54</sup> *Id.*

<sup>55</sup> DCF, *The Baker Act Florida Mental Health Act Fiscal Year 2021-2022 Report*, available at <https://www.myflfamilies.com/sites/default/files/2023-07/FY%202021%202022%20Annual%20Report.pdf>, (last visited January 21, 2024).

<sup>56</sup> DCF, *Report on Involuntary Examination of Minors*, available at [https://www.usf.edu/cbcs/baker-act/documents/ba\\_minors\\_report\\_nov2023.pdf](https://www.usf.edu/cbcs/baker-act/documents/ba_minors_report_nov2023.pdf), (last visited January 21, 2024).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*



### Report on Involuntary Examinations of Minors

Under current law, the DCF is required to prepare a report on the initiation of involuntary examinations of minors age 17 years and younger and submit the report by November 1 of each year.<sup>59</sup> The report must:<sup>60</sup>

- Analyze data on both the initiation of involuntary examinations of children and the initiation of involuntary examinations of students who are removed from a school.<sup>61</sup>
- Identify any patterns or trends and cases in which involuntary examinations are repeatedly initiated on the same child or student.
- Study root causes for such patterns, trends, or repeated involuntary examinations; and
- Make recommendations to encourage the use of alternatives to eliminate inappropriate initiations of such examinations.

### Student Mental Health

In 2018, the Marjory Stoneman Douglas High School Public Safety Act<sup>62</sup> created the Mental Health Assistance Allocation within the Florida Education Finance Program.<sup>63</sup> The allocation is intended to provide funding to assist school districts in establishing or expanding school-based mental health care, train educators and other school staff in detecting and responding to mental health issues, and connect children, youth, and families who may experience behavioral health issues with appropriate services.<sup>64</sup> For the 2023-2024 school year \$160 million was appropriated for the allocation.<sup>65</sup> Each school district receives a minimum of \$100,000, and the remaining balance is allocated based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment.<sup>66</sup>

To receive allocation funds, a school district must develop and submit to the district school board for approval a detailed plan outlining its local program and planned expenditures.<sup>67</sup> A school district's plan must include all district schools, including charter schools, unless a charter school elects to submit a

<sup>59</sup> Section. 394.463(4), F.S. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

<sup>60</sup> *Id.*

<sup>61</sup> Each district school board is required to annually report to DCF the number of involuntary examinations that were initiated at school, on school transportation, or at a school-sponsored activity. Section 1006.07(10), F.S.

<sup>62</sup> Chapter 2018-3, Laws of Fla.

<sup>63</sup> Section 1006.041, F.S.

<sup>64</sup> *Id.*

<sup>65</sup> Specific Appropriations 5 and 80, s. 2, ch. 2023-239, Laws of Fla.

<sup>66</sup> Section 1011.62(13), F.S.; See also Florida Department of Education, *Florida Education Finance Program 2023-24 Second Calculation*, p. 28, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/2324FEFP2ndCalc.pdf>, (last visited February 12, 2024).

<sup>67</sup> Section 1006.041(1), F.S.



plan independently from the school district.<sup>68</sup> Each approved plan must be submitted to the Commissioner of Education by August 1 each year.<sup>69</sup>

The plan must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care.<sup>70</sup>

Plans must include components such as:<sup>71</sup>

- Direct employment of school-based mental health service providers to expand and enhance school-based student services and reduce the ratio of students to staff to align with nationally recommended ratio models.
- Contracts or interagency agreements with one or more local community behavioral health providers or providers of CAT services to provide behavioral health staff presence and services at district schools.
- Policies and procedures which ensure:
  - Students who are referred to a school-based or community-based mental health service provider for mental health screening are assessed within 15 days of referral;
  - School-based mental health services are initiated within 15 days after identification and assessment and community-based mental health services are initiated within 30 days after school or district referral;
  - Parents and of a student receiving services are provided information about other behavioral services available through the student's school or local community-based behavioral health service providers; and
  - Individuals living in a household with a student receiving services are provided information about behavioral health services available through other delivery systems or payors for which the individuals may qualify, if such services appear to be needed or enhancement in such individual's behavioral health would contribute to the improve well-being of the student.
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; depression; anxiety disorders; suicidal tendencies; or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to improve the provision of early intervention services; and to assist students in dealing with trauma and violence.
- Procedures to assist a mental health services provider or a behavioral health provider, or a school resource officer or school safety officer who has completed mental health crisis intervention training with attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination.
- Policies requiring that school or law enforcement personnel, prior to initiating an involuntary examination, make a reasonable attempt to contact a mental health professional authorized to initiate an involuntary examination, unless the student in crisis poses an imminent danger to him- or herself or others.

School districts are also required to report program outcomes and expenditures for the previous fiscal year by September 30 each year.<sup>72</sup> The report must, at a minimum, provide the number of each of the following:<sup>73</sup>

- Students who receive screenings or assessments.

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<sup>68</sup> *Id.*

<sup>69</sup> Section 1006.041(3), F.S.

<sup>70</sup> Section 1006.041(2), F.S.

<sup>71</sup>

<sup>72</sup> Section 1006.041(4), F.S.

<sup>73</sup> *Id.*

- Students who are referred to either school-based or community-based providers for services.
- Students who receive either school-based or community-based interventions, or assistance.
- School-based and community-based mental health providers, including licensure type, that were paid out of the mental health assistance allocation.
- Contract-based or interagency agreement-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

### Effect of the Bill

The bill establishes a mental health treatment and support system within school districts. The bill requires school districts that provide mental health assessment, diagnosis, intervention, treatment, and recovery services to students diagnosed with, or at risk of being diagnosed with, one or more mental health issues or any co-occurring substance use disorder to adhere to the guiding principles and the performance outcomes requirements under the DCF child and adolescent mental health treatment and support system when implementing and developing a mental health support system within the school district. Adhering to these principles and guidelines will help to further promote effective implementation of a coordinated system of care.

The bill requires each school district to report to the Department of Education, annually, the general performance outcomes for the child and adolescent mental health treatment and support system and how funding for the support system is allocated and spent.

The bill provides an effective date of July 1, 2024.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 397.96, F.S., relating to care coordination.

**Section 2:** Creates s. 1006.041, F.S., relating to mental health coordinated system of care.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

School districts that provide the specified mental health assessment, diagnosis, intervention, treatment, and recovery services may incur additional expenses related to implementing the provisions of the bill and complying with the additional reporting requirements. The impact is indeterminate.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority to implement the bill. However, the DCF has sufficient rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 29, 2024, the Children, Families & Seniors Subcommittee adopted a Proposed Committee Substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the originally filed bill in the following ways:

- Removed provisions amending the statute governing case management for complex substance abuse cases.
- Amended bill language related to the mental health coordinated system of care by removing requirements for school districts to contract with managing entities in the county to provide care coordination for students with complex behavioral health needs.

The analysis is drafted to the committee substitute adopted by the Children, Families & Seniors Subcommittee.

1 A bill to be entitled  
 2 An act relating to coordinated systems of care for  
 3 children; creating s. 1006.05, F.S.; requiring certain  
 4 school districts to adhere to a specified mental  
 5 health and treatment support system for certain  
 6 children and meet specified performance outcomes;  
 7 requiring each school district to report annually to  
 8 the Department of Education on certain outcomes and  
 9 funding; providing an effective date.

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

12  
 13 Section 1. Section 1006.05, Florida Statutes, is created  
 14 to read:

15 1006.05 Mental health coordinated system of care.-

16 (1) Pursuant to s. 394.491 and to further promote the  
 17 effective implementation of a coordinated system of care  
 18 pursuant to ss. 394.4573 and 394.495, each school district that  
 19 provides mental health assessment, diagnosis, intervention,  
 20 treatment, and recovery services to students diagnosed with one  
 21 or more mental health or any co-occurring substance use disorder  
 22 and students at high risk of such diagnoses shall be guided by  
 23 and adhere to the guiding principles of the mental health  
 24 treatment and support system as provided under s. 394.491.

25 (2) (a) Pursuant to s. 394.494, each school district shall

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26 meet the general performance outcomes for the child and  
27 adolescent mental health treatment and support system.

28 (b) Each school district shall report annually to the  
29 department on the general performance outcomes for the child and  
30 adolescent mental health treatment and support system and how  
31 the support system funding is allocated and spent.

32 Section 2. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Redondo offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 1006.05, Florida Statutes, is created  
 8 to read:

9 1006.05 Mental health coordinated system of care.-

10 (1) For purposes of this section, the term "care  
 11 coordinator" means a person who is responsible for participating  
 12 in the development and implementation of a services plan,  
 13 linking service providers to a child or adolescent and his or  
 14 her family, monitoring the delivery of services, providing  
 15 advocacy, collecting information to determine the effect of

Amendment No. 1

16 services and treatment, and performing care coordination as  
17 defined in s. 394.4573(1).

18 (2) Pursuant to s. 394.491 and to further promote the  
19 effective implementation of a coordinated system of care  
20 pursuant to ss. 394.4573 and 394.495, each school district that  
21 provides mental health assessment, diagnosis, intervention,  
22 treatment, and recovery services to students diagnosed with one  
23 or more mental health or any co-occurring substance use disorder  
24 and students at high risk of such diagnoses must be guided by  
25 and adhere to the guiding principles of the mental health  
26 treatment and support system as provided under s. 394.491.

27 (3)(a) School districts shall contract with managing  
28 entities to provide care coordinators for students with complex  
29 behavioral health needs who continue to experience adverse  
30 outcomes due to unmet needs or an inability to engage.

31 (b) A care coordinator provided by the managing entity  
32 must be placed in each school district implementing a  
33 coordinated system of care to ensure that students are receiving  
34 necessary services and that appropriate funds are being used to  
35 support the cost of treatment, including all available public  
36 and private health insurance funds, before school-based mental  
37 health treatment and support system funding is accessed to  
38 purchase community-based services.

39 (c) When a student is identified as having experienced an  
40 involuntary admission to an acute psychiatric care facility,

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Amendment No. 1

41 school districts must address recommendations from the care  
42 coordinator provided by the managing entity upon the return of  
43 the student to the school setting.

44 (4)(a) Pursuant to s. 394.494, each school district shall  
45 meet the general performance outcomes for the child and  
46 adolescent mental health treatment and support system.

47 (b) Each school district shall report annually to the  
48 department on the general performance outcomes for the child and  
49 adolescent mental health treatment and support system and how  
50 the support system funding is allocated and spent.

51 Section 2. This act shall take effect July 1, 2024.

52

53

54

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**T I T L E   A M E N D M E N T**

55 Remove everything before the enacting clause and insert:  
56 An act relating to coordinated systems of care for children;  
57 creating s. 1006.05, F.S.; defining the term "care coordinator";  
58 requiring certain school districts to be guided by and adhere to  
59 a specified mental health and treatment support system for  
60 certain children; requiring school districts to contract with  
61 managing entities to provide care coordinators for certain  
62 students; requiring that a care coordinator provided by the  
63 managing entity be placed in certain school districts, for  
64 specified purposes; requiring school districts to address  
65 certain recommendations, and meet specified performance



COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 1

66 | outcomes; requiring each school district to report annually to  
67 | the Department of Education on certain performance outcomes and  
68 | the allocation and expenditure of certain funding; providing an  
69 | effective date.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1473 School Safety  
**SPONSOR(S):** Judiciary Committee, Trabulsy and others  
**TIED BILLS:** CS/HB 1509 **IDEN./SIM. BILLS:** CS/SB 1356

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	22 Y, 0 N, As CS	Wolff	Kramer
2) Appropriations Committee	23 Y, 0 N	Saag	Pridgeon
3) Education & Employment Committee		Wolff	Hassell

### SUMMARY ANALYSIS

CS/HB 1473 clarifies that private schools seeking to participate in the guardian program are responsible for costs associated with background screening in addition to costs associated with training; however, the bill authorizes the sheriff providing training for the participating private school to waive costs related to training and background screening. Additionally, the bill provides that an individual certified by the Criminal Justice Standards and Training Commission is exempt from the required school guardian training. The bill implements new reporting requirements related to individuals certified as school guardians and serving as school guardians in school districts, charter schools, and private schools. The Florida Department of Law Enforcement (FDLE) shall serve as the central repository of information regarding certified and appointed guardians.

The bill establishes new perimeter and door safety requirements that school districts and charter school governing boards must comply with by August 1, 2024. These requirements include keeping routes of ingress and egress securely closed and locked when students are on campus, requiring that these routes be actively staffed when open or unlocked, requiring that violations of such perimeter and safety requirements be reported to applicable school official or governing board, and providing disciplinary measures for a school administrator who knowingly violates such requirements.

The bill requires the Office of Safe Schools (OSS), by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance with Florida school safety requirements. The bill requires that the OSS triennially conduct unannounced inspections of all public schools, using the safety compliance inspection report. The bill provides for a bonus program for school principals and charter school administrators whose schools are found to be in full compliance with school safety requirements. The bill requires the OSS, by December 1, 2024, to recommend a methodology to distribute the Safe Schools Allocation included in the Florida Education Finance Program based upon the number and severity of incidents in school district School Environmental Safety Incident Reporting (SESIR) and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

The bill prohibits a person from operating a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12, unless the person was granted permission by school personnel or the drone is operated by a law enforcement agency. A violation of such prohibition is punishable as a second degree misdemeanor for a first offense and a first degree misdemeanor for a second or subsequent offense. The bill provides increased penalties if a person operates a drone over a public or private school and, in doing so, records video of the school, including any person or object on the premises of the school.

The bill creates, subject to appropriation, a grant program to support private schools' school safety efforts. Under the program, the FDLE shall provide competitive grants to sheriff's offices and law enforcement agencies to conduct physical site security assessments for and provide reports to private schools with recommendations on improving such schools' infrastructure safety and security.

The bill has an indeterminate fiscal impact on the OSS and FDLE, as well as local governments. See Fiscal Comments.

The bill provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

In February 2018, a 19-year old gunman killed 14 students and three staff members at Marjory Stoneman Douglas High School in Parkland, Florida.<sup>1</sup> The staff members killed were athletic director Chris Hixon, assistant football coach Aaron Feis, and teacher and cross-country coach Scott Beigel.<sup>2</sup> The incident of mass violence was preceded by multiple, repeated interactions between the shooter and law enforcement agencies, social services agencies, and schools, over many years. This history was characterized by a lack of communication and coordination, preventing these many entities from understanding the whole problem and acting to prevent the mass violence incident.

In response, the Legislature created the Marjory Stoneman Douglas High School Public Safety Commission (Commission) within FDLE.<sup>3</sup> The Commission is composed of 16 voting members and four nonvoting members. The Governor appointed five voting members to the Commission, including the chair, and the President of the Senate and Speaker of the House of Representatives each appointed five voting members to the Commission. The Secretary of the Department of Children and Families, the Secretary of the Department of Juvenile Justice, the Secretary of the Agency for Health Care Administration, and the Commissioner of Education serve as ex officio, non-voting members of the Commission.<sup>4</sup> The Commission meets, as necessary, to conduct its work at the call of the chair and at designated times and locations throughout the state.

The Commission published an initial report on its findings and recommendations on January 2, 2019. Many of the recommendations were adopted during the 2019 Legislative Session. The Commission issued its second report on November 1, 2019, and may issue reports annually until it sunsets.<sup>5</sup>

In 2022, the Legislature extended the sunset of the Commission until July 1, 2026, and substantially amended the responsibilities of the Commission.<sup>6</sup> The Commission must monitor the implementation of school safety legislation by:

- Evaluating the activities of the Office of Safe Schools (OSS) to provide guidance to school districts, identifying areas of noncompliance and mechanisms used to achieve compliance.
- Reviewing the findings of the Auditor General regarding district school safety policies and procedures needing improvement to ensure and demonstrate compliance with state law.
- Reviewing school hardening grant expenditures and evaluating such expenditures based on the report of the School Hardening and Harm Mitigation Workgroup, recommendations of law enforcement agencies based on school campus tours and the required return on investment analysis component of the Florida Safe Schools Assessment Tool (FSSAT).
- Evaluating the utilization of the centralized integrated data repository by schools and its effectiveness in conducting threat assessments.
- Assessing efforts by local governments to improve communication and coordination among regional emergency communications systems.
- Investigating any failures in incident responses by local law enforcement agencies and school resource officers.
- Investigating any failures in interactions with perpetrators preceding incidents of violence.<sup>7</sup>

### School Safety Oversight and Compliance

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<sup>1</sup> Tonya Alanez, David Fleshler, Stephen Hobbs, Lisa J. Huriash, Paula McMahon, Megan O'Matz and Scott Travis, *Unprepared and Overwhelmed*, South Florida Sun-Sentinel (Dec 28, 2018), <https://projects.sun-sentinel.com/2018/sfl-parkland-school-shooting-critical-moments/> (last visited Feb. 12, 2024).

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

<sup>3</sup> S. 943.687, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

## Background

Florida's Commissioner of Education (commissioner) oversees compliance with school safety and security requirements by school districts, district school superintendents, and public schools, including charter schools.<sup>8</sup> The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend enforcement and sanctioning actions to the State Board of Education (SBE), the Governor, or the Legislature.<sup>9</sup>

The Office of Safe Schools (OSS) is fully accountable to the commissioner and serves as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.<sup>10</sup> The OSS responsibilities include, among other duties, collecting School Environmental Safety Incident Reporting (SESIR) data, providing a School Safety Specialist Training Program, evaluating usage of the standardized, statewide behavioral threat assessment instrument, monitoring compliance with requirements relating to school safety, and reporting incidents of noncompliance to the commissioner and the SBE.<sup>11</sup>

District school boards and superintendents each have responsibilities related to school safety and security. District school superintendents must designate a school safety specialist who is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district, including conducting and reporting the recommendations from the annual school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT).<sup>12</sup> District school boards must adopt policies that guide many aspects of school safety including the establishment of threat management teams (TMT) and emergency procedures and emergency preparation drills. TMTs assess and provide intervention recommendations for individuals whose behavior may pose a threat to the safety of school staff or students.<sup>13</sup> TMT members must include individuals with expertise in counseling, instruction, school administration, and law enforcement.<sup>14</sup> To conduct its work, a TMT must use the standardized, statewide behavioral threat assessment instrument developed by the OSS<sup>15</sup> and may use the Florida Schools Safety Portal (FSSP) until the OSS operationalizes the statewide threat management portal, which must be in place by August 1, 2025.<sup>16</sup>

Emergency drills and procedures are guided by district school boards' policies and procedures, which are formulated in consultation with the appropriate public safety agencies. These policies apply to all students and faculty at all K-12 public schools. Emergencies include fires, natural disasters, active shooter and hostage situations, and bomb threats.<sup>17</sup> Drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills.<sup>18</sup> The active shooter situation training for each school must engage the participation of the district school safety specialist, the TMT members, faculty, staff, and students, and must be conducted by the law enforcement agency or agencies designated as first responders to the school's campus.<sup>19</sup>

In 2020, the Legislature passed HB 23, requiring all public and charter schools to have a mobile panic alert system.<sup>20</sup> Known as Alyssa's Law, the bill is named for Alyssa Alhadeff, a Marjory Stoneman Douglas High School student who was one of the 17 people killed during the shooting. The legislation required the DOE to procure a statewide, mobile panic alert system for school districts to facilitate an

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<sup>8</sup> S. 1001.11(9), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> S. 1001.212, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> S. 1006.07(7), F.S.

<sup>14</sup> S. 1006.07(7)(a), F.S.

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

<sup>16</sup> S. 1006.07(7)(f), F.S.; S. 1001.212(12)(c), F.S.

<sup>17</sup> S. 1006.07(4)(a), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> S. 1006.07(4)(b)1., F.S.

<sup>20</sup> Ch. 2020-145, Laws of Fla.

integrated Enhanced 911 transmission or mobile activation during emergencies on public school campuses. The DOE completed the procurement and selected 11 vendors from which school districts may choose to satisfy this requirement.<sup>21</sup>

In 2021, the Legislature clarified that school districts were required to conduct active assailant drills but may provide accommodations for emergency drills conducted by exceptional student education centers.<sup>22</sup>

In 2022, to provide more statewide uniformity in emergency drills at Florida's schools, the Legislature required the SBE to adopt rules governing emergency drills by August 1, 2023, and required such rules be based on recommendations from the Commission and in consultation with state and local constituencies. The rules must require all types of emergency drills be conducted at least once per school year. Additionally, the rules must define "emergency drill," "active threat," and "after-action report" and provide minimum requirements for school district emergency drill policies and procedures by incident type, school level, school type, and student and school characteristics, including timing, frequency, participation, training, notification, accommodations, and response to threat situations.<sup>23</sup>

Additionally, law enforcement responsible for responding to schools in the event of an active assailant emergency must be physically present and participate in active assailant emergency drills. School districts must provide notice to the law enforcement officers required to be present at such drills at least 24 hours before the drill.<sup>24</sup>

## Effect of Proposed Changes – School Safety Oversight and Compliance

### *Perimeter and Door Security Measures*

The bill establishes new perimeter and door safety requirements that school districts and charter school governing boards must comply with by August 1, 2024. The bill requires compliance with the following:

- All gates or other access points that restrict ingress to or egress from a school campus shall remain closed and locked when students are on campus. The school safety specialist may determine in writing and notify the OSS that the open and unlocked gate or other access point is not a threat to school safety based upon other school safety measures. The OSS may conduct a compliance visit to review if such determination is appropriate.
- All school classrooms and other instructional spaces must be locked to prevent ingress when occupied by students, except between class periods when students are moving between classrooms or other instructional spaces.
- All campus access doors, gates, and other access points that allow ingress to or egress from a school building shall remain closed and locked at all times to prevent ingress, unless a person is actively entering or exiting the door, gate, or other access point. The school safety specialist may determine in writing and notify the OSS that the open and unlocked gate or other access point is not a threat to school safety based upon other school safety measures. The OSS may conduct a compliance visit to review if such determination is appropriate. All campus access doors, gates, and other access points may be electronically or manually controlled by school personnel to allow access by authorized visitors, students, and school personnel.

In relation to the locking of doors and access points, the bill requires that any time a door or access point is left open or unlocked it must be actively staffed by a person standing or seated at the door.

Additionally, the bill requires that all school classrooms and other instructional spaces must clearly and conspicuously mark the safest areas in each classroom or other instructional space where students must shelter in place during an emergency. Students must be notified of these safe areas within the first 5 days of the school year. If it is not feasible to clearly and conspicuously mark the safest areas in a classroom or other instructional space, the school safety specialist or his or her designee must

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<sup>21</sup> Florida Department of Education, *Alyssa's Alert*, <https://www.fldoe.org/safe-schools/alyssas-alert.stm> (last visited Feb. 12, 2024).

<sup>22</sup> Ch. 2021-176, Laws of Fla.

<sup>23</sup> S. 1006.07(4), F.S.

<sup>24</sup> *Id.*

document such determination in writing, identify where affected students must shelter in place, and notify the OSS. The OSS shall conduct a compliance inspection of this requirement.

The bill requires any person who becomes aware of a violation of these requirements to report the violation to the school principal. The school principal must report the violation to the school safety specialist no later than the next business day after receiving such report. If the school principal or charter school administrator allegedly violated these requirements, then the report must be made directly to the district school superintendent or charter school governing board, as applicable.

The bill requires that the OSS refer any instructional personnel that knowingly violated the perimeter and door safety requirements to the district school superintendent or charter school administrator for disciplinary action. The superintendent or charter school administrator must notify the OSS of the outcome of the disciplinary proceeding within three school days of the conclusion of the proceedings.

The bill requires that the OSS refer any administrative personnel that knowingly permitted a violation of the perimeter and door safety requirements to the Education Practices Commission. The bill amends s. 1012.795, F.S., to authorize the Education Practices Commission to discipline an administrative certificate holder for a knowing violation of the perimeter and door safety requirements.

The OSS is required to maintain a record of any instructional or administrative personnel that unknowingly violated the perimeter and door safety requirements, and may use such information to inform any future investigation of the individual for a violation of the requirements.

The bill requires that the OSS annually notify all administrative and instructional personnel by electronic mail of the perimeter and door safety requirements.

#### *Unannounced School Inspections*

The bill requires the OSS, by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance with Florida school safety requirements. The OSS must provide school district superintendents and charter school administrators with a blank copy of the adopted report.

The bill requires that the OSS triennially conduct unannounced inspections of all public schools, including charter schools, using the safety compliance inspection report. Within three school days of the inspection, the OSS must provide a copy of the completed report to the school safety specialist and the school principal or charter school administrator. The school principal or charter school administrator must acknowledge receipt of the report within one school day. If the OSS finds any instance of noncompliance with Florida's school safety laws, the bill requires that a reinspection of the school occur within six months.

Upon a finding of noncompliance with the perimeter and door safety requirements, the bill requires a school principal or charter school administrator to notify the OSS within three school days of receipt of the report how the noncompliance will be remedied.

In addition to the unannounced inspections, the OSS must provide quarterly reports to each district superintendent and school safety specialist identifying the number and percentage of school inspected or re-inspected during the quarter and the number and percentage of schools that had no safety deficiencies.

The bill requires the school safety specialist to present the quarterly OSS report to the district school board in a public meeting. Additionally, during the first quarter of every school year, the school safety specialist shall report to the district school board the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance with school safety laws during the initial inspection and reinspection.

The bill requires the school safety specialist to conduct annual unannounced inspections of all public schools while school is in session and investigate reports of noncompliance with school safety requirements.

The bill creates a bonus program for school principals and charter school administrators that provides a bonus, as set forth in the General Appropriations Act, if, after the initial unannounced inspection during each triennial period, the OSS report reflects full compliance with Florida's school safety laws.

### *Emergency Drills*

The bill requires each public school to maintain a record that is accessible on each campus or by request of the OSS of all emergency drills conducted, including the names of law enforcement personnel present on campus for each active assailant emergency drill.

### *School Safety Specialist Duties*

The bill improves the communication between the school safety specialist and the district superintendent by requiring the school safety specialist to report to the district school superintendent and school board, at least on a quarterly basis, any noncompliance by the school district with laws or rules relating to school safety. In addition, the bill requires the school safety specialist to report any violations of the perimeter and door safety requirements by administrative personnel or instructional personnel to the district school superintendent or charter school administrator, and to the OSS.

## **Safe-school Officers**

### Background

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. To assist charter schools with fulfilling this requirement, a district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options.<sup>25</sup>

A safe-school officer may be a school resource officer, school safety officer, school guardian, or a school security guard. A school district may implement any combination of the following options based upon the needs of the school district:<sup>26</sup>

- **School Resource Officer:** Establish a school resource officer program through a cooperative agreement with law enforcement agencies. A school resource officer is a certified law enforcement officer<sup>27</sup> who is employed by a law enforcement agency and is required to undergo criminal background checks, drug testing, and a psychological evaluation.<sup>28</sup> School resource officers abide by school board policies and consult with and coordinate activities through the school principal. They are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a school board and a law enforcement agency. Activities conducted by the school resource officer, which are part of the regular instructional program of the school, are under the principal's direction.<sup>29</sup>
- **School Safety Officer:** Commission one or more school safety officers as recommended by the district school superintendent and appointed by the district school board. A school safety officer is a certified law enforcement officer who may be employed by a district school board or law enforcement agency and is required to undergo criminal background checks, drug testing, and a psychological evaluation. A school safety officer has and must exercise the power to make arrests for violations of law on school board property or on property owned or leased by a charter school under a charter contract. The officer may also make arrests off school board

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<sup>25</sup> S. 1006.12, F.S.

<sup>26</sup> S. 1006.12(1)–(4), F.S.

<sup>27</sup> See s. 943.10(1), F.S.

<sup>28</sup> S. 1006.12(1)(a), F.S.

<sup>29</sup> S. 1006.12(1)(b), F.S.



property if the law violation occurred on such property and may carry weapons when performing his or her official duties. A school safety officer's salary may be paid jointly by the school board and the law enforcement agency, as mutually agreed.<sup>30</sup>

- School Guardian: Appoint a school guardian under the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program who is certified by the sheriff after completing a psychological evaluation, drug testing, and specified training, which includes firearm instruction. A guardian may be a school district employee or charter school employee who volunteers to serve as a guardian, in support of school sanctioned activities, in addition to his or her official job duties. A qualifying individual may also be employed specifically as a guardian.<sup>31</sup> Guardians do not have arrest powers.<sup>32</sup>
- School Security Guard: Contract with a security agency to employ a school security guard. A school security guard is an individual who is employed by a security agency and serves on a school facility as a safe-school officer in support of school sanctioned activities. Security guards are required to hold a concealed carry weapon permit and undergo drug testing and a psychological evaluation. An individual serving in this capacity must complete guardian program training, including 144 training hours.<sup>33</sup> A security guard must aid in the prevention or abatement of active assailant incidents on school premises,<sup>34</sup> but does not have arrest powers.<sup>35</sup>

A school district contract with a security agency must define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.<sup>36</sup>

All safe-school officers are required to receive mental health training. Safe-school officers who are sworn law enforcement officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in the topic. The training must improve the safe-school officers' knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, to include de-escalation skills. Safe-school officers who are not sworn law enforcement officers are required to receive training to improve their knowledge and skills related to incident response and de-escalation.<sup>37</sup>

A district school superintendent or charter school administrator, or their designee, is required to notify its county sheriff and the OSS within 72 hours after a safe-school officer being dismissed for misconduct, being disciplined, or discharging a firearm in the exercise of duties during a non-training incident.<sup>38</sup>

The OSS must annually publish certain information about safe-school officers including the total number of officers, officers disciplined or relieved of duty due to misconduct, disciplinary incidents, and incidents in which a safe-school officer discharged his or her firearm outside of a training situation or in the course of duty.<sup>39</sup>

Florida law exempts from disclosure any information held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer.<sup>40</sup>

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<sup>30</sup> S. 1006.12(2), F.S.

<sup>31</sup> S. 1006.12(3), F.S.

<sup>32</sup> S. 30.15(1)(k), F.S.

<sup>33</sup> S. 1006.12(4), F.S.

<sup>34</sup> S. 1006.12(4)(c), F.S.

<sup>35</sup> S. 30.15(1)(k), F.S.

<sup>36</sup> S. 1006.12(4)(b), F.S.

<sup>37</sup> S. 1006.12(6), F.S.

<sup>38</sup> S. 1006.12(5), F.S.

<sup>39</sup> S. 1001.212(16), F.S.

<sup>40</sup> S. 1006.12(8), F.S.

Florida law prohibits a person from falsely impersonating a school guardian and a violation of the prohibition is a third degree felony. In addition, the law prohibits a person from impersonating a law enforcement officer or licensed security officer acting in the capacity of a safe-school officer.<sup>41</sup>

*Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program*

The Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program (guardian program) authorizes qualified school personnel to serve as an armed guard to aid in the prevention or abatement of active assailant incidents on school premises.<sup>42</sup>

A school district or charter school employee may serve as a guardian if the individual is appointed by the district school superintendent or charter school principal and is certified by a sheriff. The individual must satisfy the following requirements:

- hold a concealed weapons or concealed firearms License;
- pass a psychological evaluation administered by a licensed psychologist;
- pass an initial drug test and subsequent random drug tests; and
- successfully complete a 144-hour training program that includes at least 12 hours of certified nationally recognized diversity training and 132 total hours of specified, comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, and ongoing training, weapon inspection, and firearm qualification on at least an annual basis.<sup>43</sup>

An individual must satisfy the background screening, psychological evaluation, and drug testing requirements prior to participating in the required guardian training. All training for the guardian program must be conducted by a sheriff.<sup>44</sup>

A county sheriff must establish a program if the district school board elects to participate. The sheriff may contract with another county sheriff who has already established a program to provide training. Charter school governing boards may directly request guardian training from the county sheriff even if the school district decides not to participate. Should the sheriff deny the request, the charter school may contract with a county sheriff who is willing to provide the training.<sup>45</sup>

A sheriff who establishes a guardian program may consult with the FDLE on programmatic guiding principles, practices, and resources.<sup>46</sup>

A school guardian has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on school premises.<sup>47</sup> The sheriff who conducts the guardian training must issue a school guardian certificate to individuals who meet these requirements and maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff.<sup>48</sup>

The guardian training specified in statute is the statewide standard that must be used, however, sheriffs are authorized to supplement such training. A guardian that has received the required training cannot be required to attend the training again unless there has been at least a one-year break in her or his employment as a guardian.<sup>49</sup>

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<sup>41</sup> S. 843.08, F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

<sup>42</sup> S. 30.15(1)(k), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> S. 1006.12(7), F.S.

<sup>45</sup> S. 30.15(1)(k), F.S.

<sup>46</sup> S. 943.03(16), F.S.

<sup>47</sup> S. 30.15(1)(k), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> S. 30.15(1)(k)1.d., F.S.

## *Safe-school Officers in Private Schools*

In 2023, the Legislature expanded the guardian program by authorizing private schools to partner with a law enforcement or security agency to establish or assign a safe-school officer to their schools.<sup>50</sup> The private school is responsible for any costs associated with implementing a safe-school officer, including training under the guardian program.<sup>51</sup> A private school electing to implement a safe-school officer must comply with the same statutory requirements for such officers as school districts and charter schools.<sup>52</sup>

If the county in which a private school operates does not currently participate in the guardian program, the private school may request the sheriff to initiate a guardian program for the purpose of training private school employees.<sup>53</sup> If the local sheriff declines, the private school may contract with a sheriff of a county that has implemented a guardian program to provide the necessary training.<sup>54</sup> The private school is responsible for notifying the local sheriff prior to entering into such a contract and is responsible for all costs associated with the training of private school employees to serve as guardians.<sup>55</sup> The sheriff providing guardian training to private school employees is prohibited from comingling funds received for such training with funds received from the state for the purposes of training school district or charter school employees to serve as guardians.<sup>56</sup>

### Effect of Proposed Changes – Safe-School Officers

The bill clarifies that private schools seeking to participate in the guardian program are responsible for costs associated with background screening in addition to costs associated with training. However, the bill authorizes a sheriff to waive training and background screening costs for a private school participating in the school guardian program. Funds provided to the sheriff by the DOE for the school guardian program may not be used to subsidize any costs that have been waived by the sheriff.

The bill clarifies that the one-time guardian stipend only applies to employees of the school district or charter school serving as guardians.

The bill provides that an individual certified under the Florida Criminal Justice Standards and Training Commission, and who is otherwise qualified to serve as a guardian, is exempt from the 144-hour training requirement prior to certification as a guardian. The bill authorizes a sheriff to issue a school guardian certificate to such individuals.

The bill requires a school guardian to complete 12 hours of training to improve the guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises, and deletes a requirement for a school guardian to complete 12 hours of certified nationally recognized diversity training.

The bill requires that agreements between a school district and a law enforcement agency for the provision of school resource officers (SRO) in district schools must identify the entity responsible for maintain records relating to SRO training.

The bill requires that a school notify the local sheriff and the OSS within 72 hours when a safe-school officer separates from employment or appointment with the district.

### *Required Reporting of Certified and Appointed School Guardians*

The bill implements new reporting requirements related to individuals certified as school guardians and serving as school guardians in school districts, charter schools, and private schools. Under the bill, the

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<sup>50</sup> S. 2, ch. 2023-18, Laws of Fla.

<sup>51</sup> S. 30.15(1)(k)1.c., F.S.

<sup>52</sup> S. 1002.42(18), F.S.

<sup>53</sup> S. 30.15(1)(k)1.c., F.S.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

FDLE shall serve as the central repository of information regarding certified and appointed school guardians.

The bill requires that each sheriff report to the FDLE, within 30 days of such certification, each individual certified as a school guardian. Each sheriff must also make a one-time report, by September 1, 2024, of every individual previously certified as a school guardian by the sheriff. The required reports must include the name, date of birth, and certification date of the guardian.

Additionally, the bill requires each school district, charter school, and private school participating in the guardian program to report to the FDLE, each February 1 and September 1, the name, date of birth, and appointment date of each individual appointed as a school guardian. The schools must also report the end date of any appointment as a school guardian within 30 days of the end of the appointment. Each participating school must make a one-time report to the FDLE, by September 1, 2024, providing a current list of appointed school guardians that includes, name, date of birth, and appointment date of each guardian.

Using the information from these reports, the FDLE must maintain a list of all individuals appointed as school guardians that includes name, certification date, date of appointment, including the name of the school, information reported by the DOE related to a school guardian discharging their firearms or being subject to discipline, and end date of appointment, if applicable. The FDLE must remove anyone from the list whose required guardian training has expired.

The bill requires that each sheriff report to the FDLE, on a quarterly basis, the schedule for upcoming guardian trainings, including the dates, locations, contact person for registration, and class capacity. The FDLE is required to publish, and update quarterly, the information related to such trainings on its website.

For any sheriff that fails to comply with the above reporting requirements, the bill prohibits the sheriff from receiving reimbursements from the DOE for costs associated with the school guardian program. For any school district, charter school, or private school that fails to comply with the above reporting requirements, the bill prohibits the entity from operating a school guardian program the following school year. Such prohibition is lifted as soon as the sheriff, school district, charter school, or private school complies with reporting requirements. In order for the DOE to be able to enforce these prohibitions, the bill requires the FDLE to report any non-compliance to the DOE by March 1 and October 1, each year.

The bill requires that each school district, charter school, or private school, before employing an individual as a school guardian, must contact the FLDE and review all information maintained by the FDLE related to the individual's school guardian certification and employment as a school guardian. Additionally, the DOE must provide the FDLE with any information relating to a school guardian discharging their firearms or being disciplined.

## **Incident Reporting and Safe Schools Allocation**

### Background

#### *Incident Reporting*

With respect to school safety, there are a number of tracking and reporting tools managed by the DOE to which school districts are required to report incident information. The OSS monitors school district compliance with SESIR requirements and TMT utilization of the standardized behavioral assessment tool, i.e., the FSSP. The FSSP is available to individual TMT members with specific permissions and the OSS tracks the number of queries.<sup>57</sup> The FSSP provides a centralized repository to access student records across multiple disciplines including law enforcement and behavioral health care.<sup>58</sup>

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<sup>57</sup> Florida Department of Education, *Department of Education Announces the Florida Schools Safety Portal*, [12https://www.fldoe.org/newsroom/latest-news/department-of-education-announces-the-florida-schools-safety-portal.stml](https://www.fldoe.org/newsroom/latest-news/department-of-education-announces-the-florida-schools-safety-portal.stml) (last visited Feb. 6, 2024).

<sup>58</sup> S. 1001.212(12), F.S.

The SESIR data is collated by a DOE electronic database to which school districts report on 26 incidents of crime, violence, and disruptive behaviors that occur on school grounds.<sup>59</sup> The SESIR reporting is required for all public schools.<sup>60</sup> Each district school board must adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline and the district school superintendent is responsible for reporting such incidents in SESIR.<sup>61</sup> The DOE revised the reporting rule in 2020 to direct how incidents are reported at regular intervals throughout the school year.<sup>62</sup> Superintendents must annually certify that the school district is in compliance with the SBE rule. Failure to report SESIR data by the survey deadlines can result in forfeiture of the superintendent's salary until the reporting is completed.<sup>63</sup> The DOE makes the data available annually through publication of summary excel files on its website,<sup>64</sup> which are separate from other DOE databases that provide public visibility into school accountability and performance metrics.<sup>65</sup>

School districts must provide emergency notifications for a limited list of life-threatening emergencies that take place on a K-12 public school campus.<sup>66</sup> Incidents include weapon-use, hostage, and active shooter situations, hazardous materials or toxic chemical spills, weather emergencies, and exposure as a result of manmade emergencies.<sup>67</sup> For colleges and universities, the Clery Act prescribes a broader list of violent incidents or criminal acts for which notification is required to the "campus community."<sup>68</sup> Acts that must be reported include criminal offenses,<sup>69</sup> hate crimes,<sup>70</sup> Violence Against Women Act offenses,<sup>71</sup> and arrests and referrals for discipline for weapons, drug, or liquor law violations.<sup>72</sup>

In 2021,<sup>73</sup> the Legislature established the parental right to timely notification of school safety and emergency incidents, including certain threats, unlawful acts, and significant emergencies, and the right to access the SESIR data as reported by school districts to the DOE.<sup>74</sup> The DOE must annually publish the most recently available SESIR data, along with other school accountability and performance data, in a uniform, statewide format that is easy to read and understand.<sup>75</sup>

In response to concerns the SESIR reporting requirements were unclear and not aligned with Florida's criminal statutes regarding criminal offenses being reported by schools, the DOE substantially amended the SESIR reporting rule in January 2023.<sup>76</sup> The amendment updated a number of definitions, clarified the process for determining when incidents must be referred to law enforcement, and bolstered the annual school district reporting requirements to improve overall data quality.<sup>77</sup> To address under-reporting of serious crimes due to school district discretion, in 2023, the Legislature authorized the SBE to adopt emergency rules to establish which SESIR incidents must be reported to law enforcement. The SBE must adopt final rules no later than July 1, 2024.<sup>78</sup>

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<sup>59</sup> Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited Feb. 12, 2024).

<sup>60</sup> Ss. 1001.212(8) and 1006.07(6), F.S.

<sup>61</sup> S. 1006.07(9), F.S.

<sup>62</sup> R. 6A-1.0017, F.A.C. The survey periods for submission of data by school districts to the DOE are established in *Full-time Equivalent (FTE) General Instructions 2022-2023*, <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf> (last visited Feb. 12, 2024).

<sup>63</sup> R. 6A-1.0017, F.A.C.

<sup>64</sup> Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited Feb. 12, 2024).

<sup>65</sup> See Florida Department of Education, *Know Your Schools*, <https://edudata.fldoe.org/> (last visited Feb. 12, 2024).

<sup>66</sup> S. 1006.07(4), F.S.

<sup>67</sup> *Id.*

<sup>68</sup> Pub. L. No. 101-152, 104 Stat. 2381 (Nov. 8, 1990).

<sup>69</sup> *Id.* Criminal offenses include criminal homicide, sexual assault, robbery, burglary, motor vehicle theft, and arson.

<sup>70</sup> *Id.* Hate crimes can include any of the covered criminal offenses and larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property.

<sup>71</sup> *Id.* Violence Against Women Act offenses include domestic violence, dating violence, and stalking.

<sup>72</sup> *Id.*

<sup>73</sup> Ch. 2021-176, Laws of Fla.

<sup>74</sup> Ss. 1002.20(25) and 1002.33(9)(r), F.S.

<sup>75</sup> S. 1006.07(9), F.S.

<sup>76</sup> R. 6A-1.0017, F.A.C.

<sup>77</sup> *Id.*

<sup>78</sup> S. 24, ch. 2023-18, Laws of Fla.

Additionally, school districts must provide timely notice to parents of the following unlawful acts and significant emergency situations on school grounds, school transportation, or school-sponsored activities:

- Weapons possession or use or hostage and active assailant situations.
- Murder, homicide, or manslaughter.
- Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.
- Aggravated assault or battery.
- Natural emergencies, including hurricanes, tornadoes, and severe weather.
- Exposure as a result of a manmade emergency.<sup>79</sup>

When a child is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.<sup>80</sup>

### *Safe Schools Allocation*

The Safe Schools Allocation is a categorical in the Florida Education Finance Program and provides funding to assist school districts in their compliance with ss. 1006.07-1006.12, F.S., with priority given to safe-school officers. For the 2023-2024 school year, \$250 million is appropriated for this categorical with each district receiving a minimum of \$250,000 and the remaining balance of funds allocated by a formula based on one-third of the recent Florida Crime Index and two-thirds allocated based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment.<sup>81</sup>

The distribution of safe schools funds provided to a school district is contingent upon the district’s compliance with all reporting procedures related to the prevention of bullying and harassment.<sup>82</sup>

<b>Safe Schools Allocation</b>	
<b>Fiscal Year</b>	<b>Funding Amount</b>
2018-2019 <sup>83</sup>	\$ 162 million
2019-2020 <sup>84</sup>	\$ 180 million
2020-2021 <sup>85</sup>	\$ 180 million
2021-2022 <sup>86</sup>	\$ 180 million
2022-2023 <sup>87</sup>	\$ 210 million
2023-2024 <sup>88</sup>	\$ 250 million
<b>Total</b>	<b>\$ 1.2 billion</b>

### Effect of Proposed Changes – Incident Reporting

<sup>79</sup> S. 1006.07(4)(b), F.S.

<sup>80</sup> S. 985.04(4)(a), F.S.

<sup>81</sup> Specific Appropriations 5 and 86, ch. 2022-156, Laws of Fla. See S. 1011.62(12), F.S.

<sup>82</sup> S. 1006.147(7), F.S.

<sup>83</sup> S. 42, ch. 2018-3, Laws of Fla. (\$97,500,000); Specific Appropriations 6 and 92, ch. 2018-9, L.O.F. (\$64,456,019)

<sup>84</sup> Specific Appropriations 6 and 93, ch. 2019-115, Laws of Fla.

<sup>85</sup> Specific Appropriations 8 and 92, ch. 2020-111, Laws of Fla.

<sup>86</sup> Specific Appropriations 7 and 90, ch. 2021-36, Laws of Fla.

<sup>87</sup> Specific Appropriations 5 and 86, ch. 2022-156, Laws of Fla.

<sup>88</sup> Specific Appropriations 5 and 80, ch. 2023-239, Laws of Fla.

The bill creates, subject to an appropriation, a grant program to support private schools' school safety efforts. Under the program, the FDLE shall provide grants to sheriff's offices and law enforcement agencies to:

- conduct physical site security assessments for and provide reports to private schools with recommendations on improving such schools' infrastructure safety and security;
- assist private schools in developing active assailant response protocols and develop and implement training relating to active assailant responses, including active assailant response drills; and
- consult with or provide guidance to private schools in implementing a threat management program similar to the program required for public schools.

The FDLE must develop a site security assessment form for use by sheriff's offices and law enforcement agencies and provide the form, including any subsequent revisions, to the recipient of funds in conducting the duties outlined in the bill. Grants awarded under this program may be used by sheriff's offices and law enforcement agencies for personnel costs and to purchase software and other items necessary to assist private schools. The FDLE must establish the requirements for awarding such grants through an open, competitive process and must award grants no later than October 1, 2024.

The bill requires the OSS, by December 1, 2024, to recommend a methodology to distribute the safe schools allocation based upon the number and severity of incidents in school district SESIR reporting and each school district's proportionate share of the state's total unweighted FTE student enrollment.

The bill also requires the superintendent, if the student in question was taking dual enrollment courses, to inform the postsecondary institution where the dual enrollment courses were being taken of the alleged delinquent act within 24 hours of receiving such notification.

## **FortifyFL**

### Background

The School Safety Awareness Program is a mobile suspicious activity reporting tool known as FortifyFL, which is based upon a recommendation by the students of Marjory Stoneman Douglas High School. The tool allows students and the community to share information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of criminal activities, to the appropriate public safety agencies and school officials.<sup>89</sup> The information reported using FortifyFL must be promptly forwarded to the appropriate law enforcement agency or school official.<sup>90</sup> The tool will notify the person reporting the suspicious activity that information may be provided anonymously, but if, following an investigation, it is determined that an individual knowingly submitted a false tip, the Internet Protocol (IP) address of the device from which the tip was submitted will be provided to law enforcement and the individual may be subject to criminal penalties.<sup>91</sup> If the person chooses to identify him or herself, then the identity will be shared with the law enforcement agency and school officials. However, those entities must keep the identify information confidential.<sup>92</sup>

The FDLE must collaborate with the Division of Victims Services within the Office of the Attorney General and the OSS to develop and provide a comprehensive training and awareness program on the use of FortifyFL.<sup>93</sup> Each district school board must promote the use of FortifyFL by advertising it on the school district website, in publications, and on school campuses. FortifyFL must be installed on all mobile devices issued to students and bookmarked in web browsers on all computer devices issued to students.<sup>94</sup>

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<sup>89</sup> S. 943.082(1), F.S.

<sup>90</sup> S. 943.082(3), F.S.

<sup>91</sup> S. 943.082(2), F.S.

<sup>92</sup> *Id.*

<sup>93</sup> S. 943.082(5), F.S.

<sup>94</sup> S. 943.082(4)(b), F.S.

## Effect of Proposed Changes – FortifyFL

The bill requires each school principal to incorporate the use of FortifyFL into the school curriculum at least once per school year. Instruction on FortifyFL must be age and developmentally appropriate and include the consequences for inappropriate use of the system.

### **Drones**

#### Background

Under Florida law, a drone is a powered, aerial vehicle that:

- does not carry a human operator;
- uses aerodynamic forces to provide vehicle lift;
- can fly autonomously or be piloted remotely;
- can be expendable or recoverable; and
- can carry a lethal or nonlethal payload.<sup>95</sup>

In Florida, the authority to regulate the operation of drones is preempted to the state.<sup>96</sup> Political subdivisions may not enforce ordinances or resolutions impacting the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of a drone.<sup>97</sup> However, political subdivisions may enact or enforce ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of drones if such laws or ordinances are not specifically related to the use of a drone for those illegal acts.<sup>98</sup>

A person may not knowingly or willfully:

- operate a drone over a critical infrastructure facility;
- allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- allow a drone to come close enough to a critical infrastructure facility as to interfere with the operations of or cause a disturbance to the facility.<sup>99</sup>

A person who violates this prohibition commits a second degree misdemeanor.<sup>100</sup> A second or subsequent violation is a first degree misdemeanor.<sup>101</sup>

The prohibition against operating a drone over a critical infrastructure facility does not apply to:

- a federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity;
- a law enforcement agency that is in compliance with s. 934.50, F.S.,<sup>102</sup> or a person under contract with or otherwise acting under the direction of such law enforcement agency; or
- an owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.

A “critical infrastructure facility” is defined as any of the following, if completely enclosed by a fence or other physical barrier, or if clearly marked with a sign or signs that indicate entry is forbidden:

- power generation or transmission facility, substation, switching station, or electrical control center;
- chemical or rubber manufacturing or storage facility;
- water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- mining facility;

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<sup>95</sup> S. 934.50(2)(a), F.S.

<sup>96</sup> S. 330.41(3)(a), F.S.

<sup>97</sup> S. 330.41(3)(b), F.S.

<sup>98</sup> S. 330.41(3)(c), F.S.

<sup>99</sup> S. 330.41(4)(a), F.S.

<sup>100</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Ss. 775.082 or 775.083, F.S.

<sup>101</sup> A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. Ss. 775.082 or 775.083, F.S.

<sup>102</sup> Generally, s. 934.50, F.S., provides requirements for the use of drones by a law enforcement agency.



- natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline;
- liquid natural gas or propane gas terminal or storage facility;
- any portion of an aboveground oil or gas pipeline;
- refinery;
- gas processing plant, including a plant used in the processing, treatment, or fractionalization of natural gas;
- wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment;
- seaport;
- inland port or other facility or group of facilities serving as a point or intermodal transfer of freight in a specific area physically separated from a seaport;
- airport;
- spaceport;
- military installation as defined in 10 U.S.C. s. 2801(c)(4) or an armory;
- dam, or other structures such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways;
- state correctional institution or a private correctional facility;
- secure detention center or facility, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility; or
- county detention facility.<sup>103</sup>

### Effect of Proposed Changes – Drones

The bill prohibits a person from knowingly or willfully:

- operating a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- allowing a drone to make contact with a school, including any person or object on the premises of or within a school facility.

Under the bill, a person who violates such a prohibition commits a second degree misdemeanor for a first violation or a first degree misdemeanor for a second or subsequent violation.

If a person commits a violation and records video of the school, including any person or object on the premises of or within the school facility, the person commits a first degree misdemeanor for a first violation, or a third degree felony for a second or subsequent violation.

The prohibition against operating a drone over a school does not apply to a:

- person operating a drone with the prior written consent of the school principal, district school board, superintendent, or school governing board; or
- law enforcement agency that is in compliance with s. 934.50, F.S., or a person under contract with or otherwise acting under the direction of such law enforcement agency.

The bill provides an effective date of July 1, 2024.

### B. SECTION DIRECTORY:

**Section 1:** Amends s. 30.15, F.S., relating to powers, duties, and obligations.

**Section 2:** Amends s. 330.41, F.S., relating to Unmanned Systems Aircraft Act.

**Section 3:** Amends s. 943.082, F.S., relating to School Safety Awareness Program.

**Section 4:** Amends s. 985.04, F.S., relating to oaths; records; confidential information.

**Section 5:** Amends s. 1001.212, F.S., relating to Office of Safe Schools.

**Section 6:** Amends s. 1006.07, F.S., relating to district school board duties relating to student discipline and school safety.

**Section 7:** Amends s. 1006.12, F.S., relating to safe-school officers at each public school.

**Section 8:** Amends s. 1012.795, F.S.; relating to Education Practices Commission; authority to discipline.

**Section 9:** Establishes a grant program.

**Section 10:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The House Proposed General Appropriations Act for Fiscal Year 2024-2025 (HB 5001) appropriates \$3.8 million in recurring general revenue funds for the bonus program administered by the OSS. Additionally, 15 FTE and \$1.7 million in recurring funds is appropriated to the OSS for the additional workload associated with the completion of the annual compliance inspections.

The bill may have a positive fiscal impact on revenues of sheriff's offices and other law enforcement agencies who apply for and receive cost reimbursements under the school security assessment grant program. HB 5001 appropriates \$5.0 million in nonrecurring general revenue funds to FDLE to implement the grant program.

FDLE may also experience increased workload and additional technology costs associated with administering the grant program, tracking school guardian data, and publishing online training information.<sup>104</sup> However, any initial impact can likely be absorbed within existing resources. Future needs of the department could be addressed through the annual Legislative Budget Request process.

The bill may also have an indeterminate positive impact on jail beds by creating new misdemeanor offenses for operating drones near schools.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

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<sup>104</sup> Florida Department of Law Enforcement, Agency Analysis of House Bill 1473, p. 4 (Jan. 12, 2024).

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not give the SBE any additional rulemaking authority, however, existing rules may need to be amended to incorporate the changes to statute in the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 30, 2024, the Judiciary Committee adopted a proposed committee substitute (PCS) and two amendments to the PCS. The PCS, as amended, differed from the original bill as filed in that it:

- Specified that any stipend provided by a sheriff to a school guardian cannot be used to subsidize any screening or training-related costs that have been waived by a sheriff.
- Required a school guardian to complete 12 hours of de-escalation training, rather than 12 hours of diversity training.
- Revised the date by which a sheriff must report to the FDLE specified information about each person who was issued a guardian certificate from August 1 to September 1.
- Revised the date by which a school district, charter school, or private school must report to the FDLE specified information about each person who has been appointed as a school guardian from August 1 to September 1.
- Specified that a school district, charter school, or private school who fails to report guardian information to the FDLE may not operate a guardian program for the following school year.
- Prohibited a person from knowingly or willfully operating a drone over a public or private school.
- Required the OSS to conduct unannounced inspections of schools triennially, rather than annually.
- Deleted a requirement for the OSS to provide a copy of the school safety compliance inspection report to the Commissioner of Education and the SBE.
- Required the school safety specialist to report noncompliance with laws or rules relating to school safety to the district school board, in addition to the district school superintendent.
- Required the school safety specialist to conduct annual unannounced inspections of all public schools while school is in session and investigate reports of noncompliance with school safety requirements.
- Deleted signage requirements for specified gates or access points.
- Authorized a school safety specialist to determine that an open or unlocked door, gate, or other access point is not a threat to school safety and thus does not need to be closed or locked at all times.
- Required a school district or charter school, prior to appointing a person as a school guardian, to contact the FDLE and review all information related to the person.
- Made other technical changes to improve the clarity and structure of the bill.

This analysis is drafted to the committee substitute as passed by the Judiciary Committee.

1                                   A bill to be entitled  
2           An act relating to school safety; amending s. 30.15,  
3           F.S.; providing that private schools are responsible  
4           for specified costs relating to school guardian  
5           programs; authorizing sheriffs to waive specified  
6           costs for private schools; prohibiting specified funds  
7           from being used to subsidize certain costs;  
8           authorizing certain persons to be certified as school  
9           guardians without completing certain training  
10          requirements; revising specified training requirements  
11          for school guardians; requiring school districts,  
12          charter schools, private schools, and sheriffs to  
13          report specified information relating to school  
14          guardians and school guardian programs to the  
15          Department of Law Enforcement within specified  
16          timeframes; requiring the Department of Law  
17          Enforcement to maintain a list of school guardians and  
18          school guardian trainings; providing for the removal  
19          of specified persons from such list; providing  
20          requirements for such list; prohibiting sheriffs who  
21          fail to report specified information from receiving  
22          certain reimbursement; prohibiting school districts,  
23          charter schools, and private schools that fail to  
24          report specified information from operating school  
25          guardian programs for the following school year;

26 requiring the Department of Law Enforcement to report  
27 certain information to the Department of Education by  
28 specified dates of each school year; amending 330.41,  
29 F.S.; prohibiting the operation of a drone over public  
30 and private schools and recording video of such  
31 schools; providing criminal penalties; providing  
32 exemptions; amending s. 943.082, F.S.; requiring the  
33 mobile suspicious activity reporting tool to be  
34 integrated into schools' curriculum at least once per  
35 academic year; providing requirements for such  
36 instruction; amending s. 985.04, F.S.; requiring the  
37 superintendent of schools to notify specified chiefs  
38 of police or public safety directors of certain  
39 postsecondary institutions of specified alleged acts  
40 by children dual enrolled at such institutions;  
41 amending s. 1001.212, F.S.; requiring the Office of  
42 Safe Schools to develop and adopt a specified report  
43 relating to compliance and noncompliance with school  
44 safety requirements by a specified date; requiring the  
45 office to provide such report to specified persons;  
46 requiring the office to conduct specified inspections  
47 triennially and investigate certain noncompliance;  
48 providing requirements for the provision of specified  
49 information from such inspections and investigations;  
50 requiring the office to provide certain quarterly

51 reports to specified persons; requiring the office to  
52 provide bonuses to certain persons who comply with  
53 specified requirements; requiring the office to refer  
54 certain personnel to specified persons or the  
55 Department of Education; requiring the office to  
56 notify specified personnel electronically of certain  
57 requirements; requiring the office to recommend a  
58 methodology to distribute the safe schools allocation  
59 by a specified date; providing requirements for such  
60 recommendation; amending s. 1006.07, F.S.; requiring  
61 schools, including charter schools, to maintain a  
62 specified record relating to certain drills; providing  
63 that certain school safety specialist duties are in  
64 conjunction with the district school superintendent;  
65 requiring school safety specialists to conduct  
66 specified annual inspections, investigate specified  
67 reports of noncompliance, and report certain  
68 noncompliance and violations to specified individuals,  
69 the district school board, and the office; requiring  
70 school districts and charter school governing boards  
71 to comply with certain school safety requirements by a  
72 specified date; providing that certain personnel are  
73 subject to specified disciplinary measures for certain  
74 violations; providing reporting requirements for  
75 violations of certain school safety requirements;

76 | amending s. 1006.12, F.S.; requiring specified  
 77 | agreements relating to school resource officers to  
 78 | identify the entity responsible for maintaining  
 79 | specified records; providing requirements before the  
 80 | appointment of a school guardian; requiring the  
 81 | Department of Education to provide certain information  
 82 | to the Department of Law Enforcement; requiring county  
 83 | sheriffs and the office to be notified when a safe-  
 84 | school officer separates from his or her appointment;  
 85 | repealing specified training requirements for safe-  
 86 | school officers; amending s. 1012.795, F.S.; providing  
 87 | that school administrators are subject to disciplinary  
 88 | measures by the Education Practices Commission for  
 89 | certain violations; subject to legislative  
 90 | appropriation, requiring the Department of Law  
 91 | Enforcement to provide grants to sheriffs' offices and  
 92 | law enforcement agencies for specified purposes  
 93 | relating to school safety in private schools;  
 94 | providing requirements for such grants; requiring the  
 95 | Department of Law Enforcement to develop a specified  
 96 | form and provide such form to grant recipients;  
 97 | providing an effective date.

98 |  
 99 | Be It Enacted by the Legislature of the State of Florida:  
 100 |

101 Section 1. Paragraph (k) of subsection (1) of section  
 102 30.15, Florida Statutes, is amended to read:

103 30.15 Powers, duties, and obligations.—

104 (1) Sheriffs, in their respective counties, in person or  
 105 by deputy, shall:

106 (k) Assist district school boards and charter school  
 107 governing boards in complying with, or private schools in  
 108 exercising options in, s. 1006.12. A sheriff must, at a minimum,  
 109 provide access to a Chris Hixon, Coach Aaron Feis, and Coach  
 110 Scott Beigel Guardian Program to aid in the prevention or  
 111 abatement of active assailant incidents on school premises, as  
 112 required under this paragraph. Persons certified as school  
 113 guardians pursuant to this paragraph have no authority to act in  
 114 any law enforcement capacity except to the extent necessary to  
 115 prevent or abate an active assailant incident.

116 1.a. If a local school board has voted by a majority to  
 117 implement a guardian program, the sheriff in that county shall  
 118 establish a guardian program to provide training, pursuant to  
 119 subparagraph 2., to school district, charter school, or private  
 120 school employees, either directly or through a contract with  
 121 another sheriff's office that has established a guardian  
 122 program.

123 b. A charter school governing board in a school district  
 124 that has not voted, or has declined, to implement a guardian  
 125 program may request the sheriff in the county to establish a



126 guardian program for the purpose of training the charter school  
127 employees. If the county sheriff denies the request, the charter  
128 school governing board may contract with a sheriff that has  
129 established a guardian program to provide such training. The  
130 charter school governing board must notify the superintendent  
131 and the sheriff in the charter school's county of the contract  
132 prior to its execution.

133 c. A private school in a school district that has not  
134 voted, or has declined, to implement a guardian program may  
135 request that the sheriff in the county of the private school  
136 establish a guardian program for the purpose of training private  
137 school employees. If the county sheriff denies the request, the  
138 private school may contract with a sheriff from another county  
139 who has established a guardian program to provide such training.  
140 The private school must notify the sheriff in the private  
141 school's county of the contract with a sheriff from another  
142 county before its execution. The private school is responsible  
143 for all training and screening-related costs for a school  
144 guardian program. The sheriff providing such training must  
145 ensure that any moneys paid by a private school are not  
146 commingled with any funds provided by the state to the sheriff  
147 as reimbursement for screening-related and training-related  
148 costs of any school district or charter school employee.

149 d. The training program required in sub-subparagraph 2.b.  
150 is a standardized statewide curriculum, and each sheriff

151 providing such training shall adhere to the course of  
152 instruction specified in that sub-subparagraph. This  
153 subparagraph does not prohibit a sheriff from providing  
154 additional training. A school guardian who has completed the  
155 training program required in sub-subparagraph 2.b. may not be  
156 required to attend another sheriff's training program pursuant  
157 to that sub-subparagraph unless there has been at least a 1-year  
158 break in his or her appointment ~~employment~~ as a guardian.

159 e. The sheriff conducting the training pursuant to  
160 subparagraph 2. for school district and charter school employees  
161 will be reimbursed for screening-related and training-related  
162 costs and for providing a one-time stipend of \$500 to each  
163 school guardian who participates in the school guardian program.

164 f. The sheriff may waive the training and screening-  
165 related costs for a private school for a school guardian  
166 program. Funds provided pursuant to sub-subparagraph e. may not  
167 be used to subsidize any costs that have been waived by the  
168 sheriff.

169 g. A person who is certified under the Florida Criminal  
170 Justice Standards and Training Commission, who meets the  
171 qualifications established in s. 943.13, and who is otherwise  
172 qualified for the position of a school guardian may be certified  
173 as a school guardian by the sheriff without completing the  
174 training requirements of sub-subparagraph 2.b. However, a person  
175 certified as a school guardian under this sub-subparagraph must

176 meet the requirements of sub-subparagraphs 2.c.-e.

177       2. A sheriff who establishes a program shall consult with  
178 the Department of Law Enforcement on programmatic guiding  
179 principles, practices, and resources, and shall certify as  
180 school guardians, without the power of arrest, school employees,  
181 as specified in s. 1006.12(3), who:

182       a. Hold a valid license issued under s. 790.06.

183       b. Complete a 144-hour training program, consisting of 12  
184 hours of training to improve the school guardian's knowledge and  
185 skills necessary to respond to and de-escalate incidents on  
186 school premises ~~certified nationally recognized diversity~~  
187 ~~training~~ and 132 total hours of comprehensive firearm safety and  
188 proficiency training conducted by Criminal Justice Standards and  
189 Training Commission-certified instructors, which must include:

190       (I) Eighty hours of firearms instruction based on the  
191 Criminal Justice Standards and Training Commission's Law  
192 Enforcement Academy training model, which must include at least  
193 10 percent but no more than 20 percent more rounds fired than  
194 associated with academy training. Program participants must  
195 achieve an 85 percent pass rate on the firearms training.

196       (II) Sixteen hours of instruction in precision pistol.

197       (III) Eight hours of discretionary shooting instruction  
198 using state-of-the-art simulator exercises.

199       (IV) Sixteen hours of instruction in active shooter or  
200 assailant scenarios.

201 (V) Eight hours of instruction in defensive tactics.

202 (VI) Four hours of instruction in legal issues.

203 c. Pass a psychological evaluation administered by a  
 204 psychologist licensed under chapter 490 and designated by the  
 205 Department of Law Enforcement and submit the results of the  
 206 evaluation to the sheriff's office. The Department of Law  
 207 Enforcement is authorized to provide the sheriff's office with  
 208 mental health and substance abuse data for compliance with this  
 209 paragraph.

210 d. Submit to and pass an initial drug test and subsequent  
 211 random drug tests in accordance with the requirements of s.  
 212 112.0455 and the sheriff's office.

213 e. Successfully complete ongoing training, weapon  
 214 inspection, and firearm qualification on at least an annual  
 215 basis.

216  
 217 The sheriff who conducts the guardian training or waives the  
 218 training requirements for a person under sub-subparagraph 1.g.  
 219 shall issue a school guardian certificate to persons ~~individuals~~  
 220 who meet the requirements of this section to the satisfaction of  
 221 the sheriff, and shall maintain documentation of weapon and  
 222 equipment inspections, as well as the training, certification,  
 223 inspection, and qualification records of each school guardian  
 224 certified by the sheriff. A person ~~An individual~~ who is  
 225 certified under this paragraph may serve as a school guardian

226 under s. 1006.12(3) only if he or she is appointed by the  
227 applicable school district superintendent, charter school  
228 principal, or private school head of school.

229 3.a.(I) Within 30 days after issuing a school guardian  
230 certificate, the sheriff who issued the certificate must report  
231 to the Department of Law Enforcement the name, date of birth,  
232 and certification date of the school guardian.

233 (II) By September 1, 2024, each sheriff who issued a  
234 school guardian certificate must report to the Department of Law  
235 Enforcement the name, date of birth, and certification date of  
236 each school guardian who received a certificate from the  
237 sheriff.

238 b.(I) By February 1 and September 1 of each school year,  
239 each school district, charter school, and private school must  
240 report to the Department of Law Enforcement the name, date of  
241 birth, and appointment date of each person appointed as a school  
242 guardian. The school district, charter school, and private  
243 school must also report to the Department of Law Enforcement the  
244 date such person separates from his or her appointment as a  
245 school guardian.

246 (II) By September 1, 2024, each school district, charter  
247 school, and private school must report to the Department of Law  
248 Enforcement the name, date of birth, and appointment date of  
249 each person appointed as a school guardian. Within 30 days after  
250 a school guardian separates from his or her appointment, the

251 school district, charter school, and private school must report  
252 to the Department of Law Enforcement the date such person  
253 separated from his or her appointment as a school guardian.

254 c. The Department of Law Enforcement shall maintain a list  
255 of each person appointed as a school guardian in the state. The  
256 list must include the name and certification date of each school  
257 guardian and the date the person was appointed as a school  
258 guardian, including the name of the school district, charter  
259 school, or private school in which the school guardian is  
260 appointed, any information provided pursuant to s. 1006.12(5),  
261 and, if applicable, the date such person separated from his or  
262 her appointment as a school guardian. The Department of Law  
263 Enforcement shall remove from the list any person whose training  
264 has expired pursuant to sub-subparagraph 1.d.

265 d. Each sheriff must report on a quarterly basis to the  
266 Department of Law Enforcement the schedule for upcoming school  
267 guardian trainings, including the dates of the training, the  
268 training locations, a contact person to register for the  
269 training, and the class capacity. The Department of Law  
270 Enforcement shall publish on its website a list of the upcoming  
271 school guardian trainings. The Department of Law Enforcement  
272 must update such list quarterly.

273 e. A sheriff who fails to report the information required  
274 by this subparagraph may not receive reimbursement from the  
275 Department of Education for school guardian trainings. Upon the

276 submission of the required information, a sheriff is deemed  
 277 eligible for such funding and is authorized to continue to  
 278 receive reimbursement for school guardian training.

279 f. A school district, charter school, or private school  
 280 that fails to report the information required by this  
 281 subparagraph may not operate a school guardian program for the  
 282 following school year. Upon the submission of the required  
 283 information, the school district, charter school, or private  
 284 school is authorized to resume operation of the school guardian  
 285 program.

286 g. By March 1 and October 1 of each school year, the  
 287 Department of Law Enforcement shall notify the Department of  
 288 Education of any sheriff, school district, charter school, or  
 289 private school that has not complied with the reporting  
 290 requirements of this subparagraph.

291 Section 2. Subsection (5) of section 330.41, Florida  
 292 Statutes, is renumbered as subsection (6), and a new subsection  
 293 (5) is added to that section to read:

294 330.41 Unmanned Aircraft Systems Act.—

295 (5) PROTECTION OF SCHOOLS.—

296 (a) A person may not knowingly or willfully:

297 1. Operate a drone over a public or private school serving  
 298 students in any grade from voluntary prekindergarten through  
 299 grade 12; or

300 2. Allow a drone to make contact with a school, including

301 any person or object on the premises of or within the school  
 302 facility.

303 (b) A person who violates paragraph (a) commits a  
 304 misdemeanor of the second degree, punishable as provided in s.  
 305 775.082 or s. 775.083. A person who commits a second or  
 306 subsequent violation commits a misdemeanor of the first degree,  
 307 punishable as provided in s. 775.082 or s. 775.083.

308 (c) A person who violates paragraph (a) and records video  
 309 of the school, including any person or object on the premises of  
 310 or within the school facility, commits a misdemeanor of the  
 311 first degree, punishable as provided in s. 775.082 or s.  
 312 775.083. A person who commits a second or subsequent violation  
 313 commits a felony of the third degree, punishable as provided in  
 314 s. 775.082, s. 775.083, or s. 775.084.

315 (d) This subsection does not apply to actions identified  
 316 in paragraph (a) which are committed by:

317 1. A person acting under the prior written consent of the  
 318 school principal, district school board, superintendent, or  
 319 school governing board.

320 2. A law enforcement agency that is in compliance with s.  
 321 934.50 or a person under contract with or otherwise acting under  
 322 the direction of such law enforcement agency.

323 Section 3. Paragraph (b) of subsection (4) of section  
 324 943.082, Florida Statutes, is amended to read:

325 943.082 School Safety Awareness Program.—



326 (4)  
 327 (b) The district school board shall promote the use of the  
 328 mobile suspicious activity reporting tool by advertising it on  
 329 the school district website, in newsletters, on school campuses,  
 330 and in school publications, by installing it on all mobile  
 331 devices issued to students, and by bookmarking the website on  
 332 all computer devices issued to students. Each school principal  
 333 must integrate the use of the mobile suspicious activity  
 334 reporting tool within the school's curriculum a minimum of once  
 335 per academic year. The instruction must be age and  
 336 developmentally appropriate and include the consequences for  
 337 making a threat or false report, as described in ss. 790.162 and  
 338 790.163, respectively, involving school or school personnel's  
 339 property, school transportation, or a school-sponsored activity.

340 Section 4. Paragraph (a) of subsection (4) of section  
 341 985.04, Florida Statutes, is amended to read:

342 985.04 Oaths; records; confidential information.—

343 (4) (a) Notwithstanding any other provision of this  
 344 section, when a child of any age is taken into custody by a law  
 345 enforcement officer for an offense that would have been a felony  
 346 if committed by an adult, or a crime of violence, the law  
 347 enforcement agency must notify the superintendent of schools  
 348 that the child is alleged to have committed the delinquent act.  
 349 If the child is a dual enrolled student at a postsecondary  
 350 institution, the superintendent of schools must notify the chief

351 of police or the public safety director of the postsecondary  
352 institution at which the student is dual enrolled within 24  
353 hours after receiving such notification.

354 Section 5. Subsection (14) of section 1001.212, Florida  
355 Statutes, is amended, and subsections (17) and (18) are added to  
356 that section, to read:

357 1001.212 Office of Safe Schools.—There is created in the  
358 Department of Education the Office of Safe Schools. The office  
359 is fully accountable to the Commissioner of Education. The  
360 office shall serve as a central repository for best practices,  
361 training standards, and compliance oversight in all matters  
362 regarding school safety and security, including prevention  
363 efforts, intervention efforts, and emergency preparedness  
364 planning. The office shall:

365 (14) (a) By August 1, 2024, develop and adopt a Florida  
366 school safety compliance inspection report to document  
367 compliance or noncompliance with school safety requirements  
368 mandated by law or rule and adherence to established school  
369 safety best practices to evaluate the safety, security, and  
370 emergency response of the school. Upon the adoption of the  
371 report and upon any revisions to the report, the office shall  
372 provide a blank copy of the report to each district school  
373 superintendent and charter school administrator.

374 (b) Monitor compliance with requirements relating to  
375 school safety by school districts and public schools, including

376 | charter schools. The office shall conduct unannounced  
377 | inspections of all public schools, including charter schools,  
378 | while school is in session, triennially and investigate reports  
379 | of noncompliance with school safety requirements. Within 3  
380 | school days after the unannounced inspection, the office shall  
381 | provide a copy of the completed Florida school safety compliance  
382 | inspection report, including any photographs or other evidence  
383 | of noncompliance, to the school safety specialist and the school  
384 | principal or charter school administrator, as appropriate. The  
385 | school principal or charter school administrator shall  
386 | acknowledge receipt of the report in writing within 1 school day  
387 | after receipt. The school safety specialist shall inform the  
388 | district school superintendent of any schools in the district,  
389 | including charter schools, with documented noncompliance. The  
390 | office shall reinspect any school with documented deficiencies  
391 | within 6 months. The school principal or charter school  
392 | administrator, or his or her designee, must provide the office  
393 | with written notice of how the noncompliance with s.  
394 | 1006.07(6)(f) has been remediated within 3 school days after  
395 | receipt of the report.

396 |       (c) Provide quarterly reports to each district school  
397 | superintendent and school safety specialist identifying the  
398 | number and percentage of schools, including charter schools,  
399 | inspected or reinspected during that quarter and the number and  
400 | percentage of inspected schools that had no school safety

401 requirement deficiencies. The school safety specialist shall  
402 present each quarterly report to the district school board in a  
403 public meeting. Annually, during the first quarter of every  
404 school year, the school safety specialist shall report to the  
405 district school board in a public meeting the number of schools  
406 inspected during the preceding calendar year and the number and  
407 percentage of schools in compliance during the initial  
408 inspection and reinspection.

409 (d) Provide a bonus in an amount determined in the General  
410 Appropriations Act, at the conclusion of the initial unannounced  
411 inspection conducted during the triennial period, to the school  
412 principal or charter school administrator of each school that  
413 complies with all school safety requirements.

414 (e)1. Refer any instructional personnel as defined in s.  
415 1012.01(2) who knowingly violate s. 1006.07(6)(f) to the  
416 district school superintendent or charter school administrator,  
417 as applicable, for disciplinary action if such action has not  
418 already been commenced by the district school superintendent or  
419 charter school administrator upon receipt of the Florida school  
420 safety compliance inspection report. The district school  
421 superintendent or charter school administrator must notify the  
422 office of the outcome of the disciplinary proceedings within 3  
423 school days after the conclusion of the proceedings.

424 2. Refer any administrative personnel as defined in s.  
425 1012.01(3) who knowingly permitted a violation of s.

426 1006.07(6)(f) to the department pursuant to s. 1012.796.

427 3. Maintain a record of any administrative personnel or  
428 instructional personnel who unknowingly violated s.  
429 1006.07(6)(f), and may use such information when making any  
430 subsequent determinations of an alleged violation by the same  
431 person.

432 (17) Annually, at the beginning of the school year, notify  
433 all administrative and instructional personnel by electronic  
434 mail of the requirements of s. 1006.07(6)(f).

435 (18) By December 1, 2024, recommend a methodology to  
436 distribute the safe schools allocation under s. 1011.62(12)  
437 based upon the number and severity of incidents reported  
438 pursuant to s. 1006.07(9) and each school district's  
439 proportionate share of the state's total unweighted full-time  
440 equivalent student enrollment ~~report incidents of noncompliance~~  
441 to the commissioner pursuant to s. 1001.11(9) and the state  
442 board pursuant to s. 1008.32 and other requirements of law, as  
443 appropriate.

444 Section 6. Paragraph (a) of subsection (4) and paragraph  
445 (a) of subsection (6) of section 1006.07, Florida Statutes, are  
446 amended, and paragraph (f) is added to subsection (6) of that  
447 section, to read:

448 1006.07 District school board duties relating to student  
449 discipline and school safety.—The district school board shall  
450 provide for the proper accounting for all students, for the

451 attendance and control of students at school, and for proper  
452 attention to health, safety, and other matters relating to the  
453 welfare of students, including:

454 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

455 (a) Formulate and prescribe policies and procedures, in  
456 consultation with the appropriate public safety agencies, for  
457 emergency drills and for actual emergencies, including, but not  
458 limited to, fires, natural disasters, active assailant and  
459 hostage situations, and bomb threats, for all students and  
460 faculty at all public schools of the district composed of grades  
461 K-12, pursuant to State Board of Education rules. Drills for  
462 active assailant and hostage situations must be conducted in  
463 accordance with developmentally appropriate and age-appropriate  
464 procedures, as specified in State Board of Education rules. Law  
465 enforcement officers responsible for responding to the school in  
466 the event of an active assailant emergency, as determined  
467 necessary by the sheriff in coordination with the district's  
468 school safety specialist, must be physically present on campus  
469 and directly involved in the execution of active assailant  
470 emergency drills. School districts must notify law enforcement  
471 officers at least 24 hours before conducting an active assailant  
472 emergency drill at which such law enforcement officers are  
473 expected to attend. Each school, including charter schools, must  
474 maintain a record that is accessible on each campus or by  
475 request of the Office of Safe Schools of all current school year

476 and prior school year drills conducted pursuant to this  
477 subsection, including the names of law enforcement personnel  
478 present on campus for each active assailant emergency drill.  
479 District school board policies must include commonly used alarm  
480 system responses for specific types of emergencies and  
481 verification by each school that drills have been provided as  
482 required by law, State Board of Education rules, and fire  
483 protection codes and may provide accommodations for drills  
484 conducted by exceptional student education centers. District  
485 school boards shall establish emergency response and emergency  
486 preparedness policies and procedures that include, but are not  
487 limited to, identifying the individuals responsible for  
488 contacting the primary emergency response agency and the  
489 emergency response agency responsible for notifying the school  
490 district for each type of emergency. The State Board of  
491 Education shall refer to recommendations provided in reports  
492 published pursuant to s. 943.687 for guidance and, by August 1,  
493 2023, consult with state and local constituencies to adopt rules  
494 applicable to the requirements of this subsection which, at a  
495 minimum, define the terms "emergency drill," "active threat,"  
496 and "after-action report" and establish minimum emergency drill  
497 policies and procedures related to the timing, frequency,  
498 participation, training, notification, accommodations, and  
499 responses to threat situations by incident type, school level,  
500 school type, and student and school characteristics. The rules

501 must require all types of emergency drills to be conducted no  
502 less frequently than on an annual school year basis.

503 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district  
504 school superintendent shall establish policies and procedures  
505 for the prevention of violence on school grounds, including the  
506 assessment of and intervention with individuals whose behavior  
507 poses a threat to the safety of the school community.

508 (a) School safety specialist.—Each district school  
509 superintendent shall designate a school safety specialist for  
510 the district. The school safety specialist must be a school  
511 administrator employed by the school district or a law  
512 enforcement officer employed by the sheriff's office located in  
513 the school district. Any school safety specialist designated  
514 from the sheriff's office must first be authorized and approved  
515 by the sheriff employing the law enforcement officer. Any school  
516 safety specialist designated from the sheriff's office remains  
517 the employee of the office for purposes of compensation,  
518 insurance, workers' compensation, and other benefits authorized  
519 by law for a law enforcement officer employed by the sheriff's  
520 office. The sheriff and the school superintendent may determine  
521 by agreement the reimbursement for such costs, or may share the  
522 costs, associated with employment of the law enforcement officer  
523 as a school safety specialist. The school safety specialist must  
524 earn a certificate of completion of the school safety specialist  
525 training provided by the Office of Safe Schools within 1 year



526 after appointment and is responsible for the supervision and  
527 oversight for all school safety and security personnel,  
528 policies, and procedures in the school district. The school  
529 safety specialist shall:

530 1. In conjunction with the district school superintendent,  
531 annually review school district policies and procedures for  
532 compliance with state law and rules, including the district's  
533 timely and accurate submission of school environmental safety  
534 incident reports to the department pursuant to s. 1001.212(8).  
535 At least quarterly, the school safety specialist must report to  
536 the district school superintendent and the district school board  
537 any noncompliance by the school district with laws or rules  
538 regarding school safety.

539 2. Provide the necessary training and resources to  
540 students and school district staff in matters relating to youth  
541 mental health awareness and assistance; emergency procedures,  
542 including active shooter training; and school safety and  
543 security.

544 3. Serve as the school district liaison with local public  
545 safety agencies and national, state, and community agencies and  
546 organizations in matters of school safety and security.

547 4. In collaboration with the appropriate public safety  
548 agencies, as that term is defined in s. 365.171, by October 1 of  
549 each year, conduct a school security risk assessment at each  
550 public school using the Florida Safe Schools Assessment Tool

551 developed by the Office of Safe Schools pursuant to s.  
552 1006.1493. Based on the assessment findings, the district's  
553 school safety specialist shall provide recommendations to the  
554 district school superintendent and the district school board  
555 which identify strategies and activities that the district  
556 school board should implement in order to address the findings  
557 and improve school safety and security. Each district school  
558 board must receive such findings and the school safety  
559 specialist's recommendations at a publicly noticed district  
560 school board meeting to provide the public an opportunity to  
561 hear the district school board members discuss and take action  
562 on the findings and recommendations. Each school safety  
563 specialist, through the district school superintendent, shall  
564 report such findings and school board action to the Office of  
565 Safe Schools within 30 days after the district school board  
566 meeting.

567 5. Conduct annual unannounced inspections of all public  
568 schools while school is in session and investigate reports of  
569 noncompliance with school safety requirements.

570 6. Report violations of paragraph (f) by administrative  
571 personnel and instructional personnel to the district school  
572 superintendent or charter school administrator, as applicable,  
573 and the Office of Safe Schools.

574 (f) School safety requirements.-

575 1. By August 1, 2024, each school district and charter

576 school governing board shall comply with the following school  
577 safety requirements:

578 a. All gates or other access points that restrict ingress  
579 to or egress from a school campus shall remain closed and locked  
580 when students are on campus. A gate or other campus access point  
581 may not be open or unlocked, unless attended or actively staffed  
582 by a person when students are on campus, regardless of whether  
583 it is during normal school hours, or the school safety  
584 specialist has determined in writing and notified the Office of  
585 Safe Schools that the open and unlocked gate or other access  
586 point is not a threat to school safety based upon other school  
587 safety measures. The office may conduct a compliance visit  
588 pursuant to s. 1001.212(14) to review if such determination is  
589 appropriate.

590 b. All school classrooms and other instructional spaces  
591 must be locked to prevent ingress when occupied by students,  
592 except between class periods when students are moving between  
593 classrooms or other instructional spaces. If a classroom or  
594 other instructional space door must be left unlocked or open for  
595 any reason other than between class periods when students are  
596 moving between classrooms or other instructional spaces, the  
597 door must be actively staffed by a person standing or seated at  
598 the door.

599 c. All campus access doors, gates, and other access points  
600 that allow ingress to or egress from a school building shall

601 remain closed and locked at all times to prevent ingress, unless  
602 a person is actively entering or exiting the door, gate, or  
603 other access point or the school safety specialist has  
604 determined in writing and notified the Office of Safe Schools  
605 that the open and unlocked door, gate, or other access point is  
606 not a threat to school safety based upon other school safety  
607 measures. The office may conduct a compliance visit pursuant to  
608 s. 1001.212(14) to review if such determination is appropriate.  
609 All campus access doors, gates, and other access points may be  
610 electronically or manually controlled by school personnel to  
611 allow access by authorized visitors, students, and school  
612 personnel.

613 d. All school classrooms and other instructional spaces  
614 must clearly and conspicuously mark the safest areas in each  
615 classroom or other instructional space where students must  
616 shelter in place during an emergency. Students must be notified  
617 of these safe areas within the first 5 days of the school year.  
618 If it is not feasible to clearly and conspicuously mark the  
619 safest areas in a classroom or other instructional space, the  
620 school safety specialist or his or her designee must document  
621 such determination in writing, identify where affected students  
622 must shelter in place, and notify the Office of Safe Schools.  
623 The office shall assist the school safety specialist with  
624 compliance during the inspection required under s. 1001.212(14).

625 2. Administrative personnel as defined in s. 1012.01(3)

626 who knowingly violate the requirements of this paragraph are  
627 subject to disciplinary measures under ss. 1012.795 and  
628 1012.796.

629  
630 Persons who are aware of a violation of this paragraph must  
631 report the violation to the school principal. The school  
632 principal must report the violation to the school safety  
633 specialist no later than the next business day after receiving  
634 such report. If the person who violated this paragraph is the  
635 school principal or charter school administrator, the report  
636 must be made directly to the district school superintendent or  
637 charter school governing board, as applicable.

638 Section 7. Paragraph (b) of subsection (1) and subsections  
639 (3), (5), and (6) of section 1006.12, Florida Statutes, are  
640 amended to read:

641 1006.12 Safe-school officers at each public school.—For  
642 the protection and safety of school personnel, property,  
643 students, and visitors, each district school board and school  
644 district superintendent shall partner with law enforcement  
645 agencies or security agencies to establish or assign one or more  
646 safe-school officers at each school facility within the  
647 district, including charter schools. A district school board  
648 must collaborate with charter school governing boards to  
649 facilitate charter school access to all safe-school officer  
650 options available under this section. The school district may

651 implement any combination of the options in subsections (1)-(4)  
 652 to best meet the needs of the school district and charter  
 653 schools.

654 (1) SCHOOL RESOURCE OFFICER.—A school district may  
 655 establish school resource officer programs through a cooperative  
 656 agreement with law enforcement agencies.

657 (b) School resource officers shall abide by district  
 658 school board policies and shall consult with and coordinate  
 659 activities through the school principal, but shall be  
 660 responsible to the law enforcement agency in all matters  
 661 relating to employment, subject to agreements between a district  
 662 school board and a law enforcement agency. The agreements shall  
 663 identify the entity responsible for maintaining records relating  
 664 to training. Activities conducted by the school resource officer  
 665 which are part of the regular instructional program of the  
 666 school shall be under the direction of the school principal.

667 (3) SCHOOL GUARDIAN.—

668 (a) At the school district's or the charter school  
 669 governing board's discretion, as applicable, pursuant to s.  
 670 30.15, a school district or charter school governing board may  
 671 participate in the Chris Hixon, Coach Aaron Feis, and Coach  
 672 Scott Beigel Guardian Program to meet the requirement of  
 673 establishing a safe-school officer. The following individuals  
 674 may serve as a school guardian, in support of school-sanctioned  
 675 activities for purposes of s. 790.115, upon satisfactory

676 completion of the requirements under s. 30.15(1)(k) and  
677 certification by a sheriff:

678 ~~1.(a)~~ A school district employee or personnel, as defined  
679 under s. 1012.01, or a charter school employee, as provided  
680 under s. 1002.33(12)(a), who volunteers to serve as a school  
681 guardian in addition to his or her official job duties; or

682 ~~2.(b)~~ An employee of a school district or a charter school  
683 who is hired for the specific purpose of serving as a school  
684 guardian.

685 (b) Before appointing an individual as a school guardian,  
686 the school district or charter school shall contact the  
687 Department of Law Enforcement and review all information  
688 maintained under s. 30.15(1)(k)3.c. related to the individual.

689 (c) The department shall provide to the Department of Law  
690 Enforcement any information relating to a school guardian  
691 received pursuant to subsection (5).

692 (5) NOTIFICATION.—The district school superintendent or  
693 charter school administrator, or a respective designee, shall  
694 notify the county sheriff and the Office of Safe Schools  
695 immediately after, but no later than 72 hours after:

696 (a) A safe-school officer is dismissed for misconduct or  
697 is otherwise disciplined.

698 (b) A safe-school officer discharges his or her firearm in  
699 the exercise of the safe-school officer's duties, other than for  
700 training purposes.

701        (c) A safe-school officer separates from his or her  
 702 appointment.

703        (6) CRISIS INTERVENTION TRAINING.—

704        ~~(a)~~ Each safe-school officer who is also a sworn law  
 705 enforcement officer shall complete mental health crisis  
 706 intervention training using a curriculum developed by a national  
 707 organization with expertise in mental health crisis  
 708 intervention. The training must improve the officer's knowledge  
 709 and skills as a first responder to incidents involving students  
 710 with emotional disturbance or mental illness, including de-  
 711 escalation skills to ensure student and officer safety.

712        ~~(b) Each safe-school officer who is not a sworn law~~  
 713 ~~enforcement officer shall receive training to improve the~~  
 714 ~~officer's knowledge and skills necessary to respond to and de-~~  
 715 ~~escalate incidents on school premises.~~

716  
 717 If a district school board, through its adopted policies,  
 718 procedures, or actions, denies a charter school access to any  
 719 safe-school officer options pursuant to this section, the school  
 720 district must assign a school resource officer or school safety  
 721 officer to the charter school. Under such circumstances, the  
 722 charter school's share of the costs of the school resource  
 723 officer or school safety officer may not exceed the safe school  
 724 allocation funds provided to the charter school pursuant to s.  
 725 1011.62(12) and shall be retained by the school district.



726 Section 8. Paragraph (q) is added to subsection (1) of  
727 section 1012.795, Florida Statutes, to read:

728 1012.795 Education Practices Commission; authority to  
729 discipline.—

730 (1) The Education Practices Commission may suspend the  
731 educator certificate of any instructional personnel or school  
732 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
733 years, thereby denying that person the right to teach or  
734 otherwise be employed by a district school board or public  
735 school in any capacity requiring direct contact with students  
736 for that period of time, after which the person may return to  
737 teaching as provided in subsection (4); may revoke the educator  
738 certificate of any person, thereby denying that person the right  
739 to teach or otherwise be employed by a district school board or  
740 public school in any capacity requiring direct contact with  
741 students for up to 10 years, with reinstatement subject to  
742 subsection (4); may permanently revoke the educator certificate  
743 of any person thereby denying that person the right to teach or  
744 otherwise be employed by a district school board or public  
745 school in any capacity requiring direct contact with students;  
746 may suspend a person's educator certificate, upon an order of  
747 the court or notice by the Department of Revenue relating to the  
748 payment of child support; may direct the department to place a  
749 certificateholder employed by a public school, charter school,  
750 charter school governing board, or private school that

751 participates in a state scholarship program under chapter 1002  
752 on the disqualification list maintained by the department  
753 pursuant to s. 1001.10(4)(b) for misconduct that would render  
754 the person ineligible pursuant to s. 1012.315 or sexual  
755 misconduct with a student; or may impose any other penalty  
756 provided by law, if the person:

757 (q) Is a school administrator who knowingly violated the  
758 school safety requirements under s. 1006.07(6)(f).

759 Section 9. For the 2024-2025 fiscal year and subject to  
760 legislative appropriation, the Department of Law Enforcement  
761 shall provide grants to sheriffs' offices and law enforcement  
762 agencies to conduct physical site security assessments for and  
763 provide reports to private schools with recommendations on  
764 improving such schools' infrastructure safety and security; to  
765 assist private schools in developing active assailant response  
766 protocols and develop and implement training relating to active  
767 assailant responses, including active assailant response drills  
768 for students and school personnel; and to consult with or  
769 provide guidance to private schools in implementing a threat  
770 management program similar to the program required under s.  
771 1001.212(12), Florida Statutes, for public schools. The  
772 Department of Law Enforcement shall develop a site security  
773 assessment form for use by sheriffs' offices and law enforcement  
774 agencies and provide the form, including any subsequent  
775 revisions, to the recipient of funds in conducting the duties

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776 outlined in this section. Grants awarded under this section may  
777 be used for personnel costs and to purchase software and other  
778 items necessary to assist private schools. The Department of Law  
779 Enforcement shall establish the requirements for awarding grants  
780 under this section through an open, competitive process. Grants  
781 must be awarded no later than October 1, 2024.

782 Section 10. This act shall take effect July 1, 2024.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Trabulsy offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (k) of subsection (1) of section

8 30.15, Florida Statutes, is amended to read:

9 30.15 Powers, duties, and obligations.—

10 (1) Sheriffs, in their respective counties, in person or  
 11 by deputy, shall:

12 (k) Assist district school boards and charter school  
 13 governing boards in complying with, or private schools in  
 14 exercising options in, s. 1006.12. A sheriff must, at a minimum,  
 15 provide access to a Chris Hixon, Coach Aaron Feis, and Coach  
 16 Scott Beigel Guardian Program to aid in the prevention or

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17 abatement of active assailant incidents on school premises, as  
18 required under this paragraph. Persons certified as school  
19 guardians pursuant to this paragraph have no authority to act in  
20 any law enforcement capacity except to the extent necessary to  
21 prevent or abate an active assailant incident.

22 1.a. If a local school board has voted by a majority to  
23 implement a guardian program, the sheriff in that county shall  
24 establish a guardian program to provide training, pursuant to  
25 subparagraph 2., to school district, charter school, or private  
26 school employees, either directly or through a contract with  
27 another sheriff's office that has established a guardian  
28 program.

29 b. A charter school governing board in a school district  
30 that has not voted, or has declined, to implement a guardian  
31 program may request the sheriff in the county to establish a  
32 guardian program for the purpose of training the charter school  
33 employees. If the county sheriff denies the request, the charter  
34 school governing board may contract with a sheriff that has  
35 established a guardian program to provide such training. The  
36 charter school governing board must notify the superintendent  
37 and the sheriff in the charter school's county of the contract  
38 prior to its execution.

39 c. A private school in a school district that has not  
40 voted, or has declined, to implement a guardian program may  
41 request that the sheriff in the county of the private school

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42 establish a guardian program for the purpose of training private  
43 school employees. If the county sheriff denies the request, the  
44 private school may contract with a sheriff from another county  
45 who has established a guardian program to provide such training.  
46 The private school must notify the sheriff in the private  
47 school's county of the contract with a sheriff from another  
48 county before its execution. The private school is responsible  
49 for all training and screening-related costs for a school  
50 guardian program. The sheriff providing such training must  
51 ensure that any moneys paid by a private school are not  
52 commingled with any funds provided by the state to the sheriff  
53 as reimbursement for screening-related and training-related  
54 costs of any school district or charter school employee.

55 d. The training program required in sub-subparagraph 2.b.  
56 is a standardized statewide curriculum, and each sheriff  
57 providing such training shall adhere to the course of  
58 instruction specified in that sub-subparagraph. This  
59 subparagraph does not prohibit a sheriff from providing  
60 additional training. A school guardian who has completed the  
61 training program required in sub-subparagraph 2.b. may not be  
62 required to attend another sheriff's training program pursuant  
63 to that sub-subparagraph unless there has been at least a 1-year  
64 break in his or her appointment ~~employment~~ as a guardian.

65 e. The sheriff conducting the training pursuant to  
66 subparagraph 2. for school district and charter school employees

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67 will be reimbursed for screening-related and training-related  
68 costs and for providing a one-time stipend of \$500 to each  
69 school guardian who participates in the school guardian program.

70 f. The sheriff may waive the training and screening-  
71 related costs for a private school for a school guardian  
72 program. Funds provided pursuant to sub-subparagraph e. may not  
73 be used to subsidize any costs that have been waived by the  
74 sheriff.

75 g. A person who is certified and in good standing under  
76 the Florida Criminal Justice Standards and Training Commission,  
77 who meets the qualifications established in s. 943.13, and who  
78 is otherwise qualified for the position of a school guardian may  
79 be certified as a school guardian by the sheriff without  
80 completing the training requirements of sub-subparagraph 2.b.  
81 However, a person certified as a school guardian under this sub-  
82 subparagraph must meet the requirements of sub-subparagraphs  
83 2.c.-e.

84 2. A sheriff who establishes a program shall consult with  
85 the Department of Law Enforcement on programmatic guiding  
86 principles, practices, and resources, and shall certify as  
87 school guardians, without the power of arrest, school employees,  
88 as specified in s. 1006.12(3), who:

89 a. Hold a valid license issued under s. 790.06.

90 b. Complete a 144-hour training program, consisting of 12  
91 hours of training to improve the school guardian's knowledge and

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92 | skills necessary to respond to and de-escalate incidents on  
93 | school premises ~~certified nationally recognized diversity~~  
94 | ~~training~~ and 132 total hours of comprehensive firearm safety and  
95 | proficiency training conducted by Criminal Justice Standards and  
96 | Training Commission-certified instructors, which must include:

97 | (I) Eighty hours of firearms instruction based on the  
98 | Criminal Justice Standards and Training Commission's Law  
99 | Enforcement Academy training model, which must include at least  
100 | 10 percent but no more than 20 percent more rounds fired than  
101 | associated with academy training. Program participants must  
102 | achieve an 85 percent pass rate on the firearms training.

103 | (II) Sixteen hours of instruction in precision pistol.

104 | (III) Eight hours of discretionary shooting instruction  
105 | using state-of-the-art simulator exercises.

106 | (IV) Sixteen hours of instruction in active shooter or  
107 | assailant scenarios.

108 | (V) Eight hours of instruction in defensive tactics.

109 | (VI) Four hours of instruction in legal issues.

110 | c. Pass a psychological evaluation administered by a  
111 | psychologist licensed under chapter 490 and designated by the  
112 | Department of Law Enforcement and submit the results of the  
113 | evaluation to the sheriff's office. The Department of Law  
114 | Enforcement is authorized to provide the sheriff's office with  
115 | mental health and substance abuse data for compliance with this  
116 | paragraph.

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117 d. Submit to and pass an initial drug test and subsequent  
118 random drug tests in accordance with the requirements of s.  
119 112.0455 and the sheriff's office.

120 e. Successfully complete ongoing training, weapon  
121 inspection, and firearm qualification on at least an annual  
122 basis.

123  
124 The sheriff who conducts the guardian training or waives the  
125 training requirements for a person under sub-subparagraph 1.g.  
126 shall issue a school guardian certificate to persons ~~individuals~~  
127 who meet the requirements of this section to the satisfaction of  
128 the sheriff, and shall maintain documentation of weapon and  
129 equipment inspections, as well as the training, certification,  
130 inspection, and qualification records of each school guardian  
131 certified by the sheriff. A person ~~An individual~~ who is  
132 certified under this paragraph may serve as a school guardian  
133 under s. 1006.12(3) only if he or she is appointed by the  
134 applicable school district superintendent, charter school  
135 principal, or private school head of school.

136 3.a.(I) Within 30 days after issuing a school guardian  
137 certificate, the sheriff who issued the certificate must report  
138 to the Department of Law Enforcement the name, date of birth,  
139 and certification date of the school guardian.

140 (II) By September 1, 2024, each sheriff who issued a  
141 school guardian certificate must report to the Department of Law

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142 Enforcement the name, date of birth, and certification date of  
143 each school guardian who received a certificate from the  
144 sheriff.

145 b.(I) By February 1 and September 1 of each school year,  
146 each school district, charter school, and private school must  
147 report to the Department of Law Enforcement the name, date of  
148 birth, and appointment date of each person appointed as a school  
149 guardian. The school district, charter school, and private  
150 school must also report to the Department of Law Enforcement the  
151 date each school guardian separates from his or her appointment  
152 as a school guardian.

153 (II) By September 1, 2024, each school district, charter  
154 school, and private school must report to the Department of Law  
155 Enforcement the name, date of birth, and initial and end-of-  
156 appointment dates, as applicable, of each person appointed as a  
157 school guardian.

158 c. The Department of Law Enforcement shall maintain a list  
159 of each person appointed as a school guardian in the state. The  
160 list must include the name and certification date of each school  
161 guardian and the date the person was appointed as a school  
162 guardian, including the name of the school district, charter  
163 school, or private school in which the school guardian is  
164 appointed, any information provided pursuant to s. 1006.12(5),  
165 and, if applicable, the date such person separated from his or  
166 her appointment as a school guardian. The Department of Law

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167 Enforcement shall remove from the list any person whose training  
168 has expired pursuant to sub-subparagraph 1.d.

169 d. Each sheriff must report on a quarterly basis to the  
170 Department of Law Enforcement the schedule for upcoming school  
171 guardian trainings, including the dates of the training, the  
172 training locations, a contact person to register for the  
173 training, and the class capacity. The Department of Law  
174 Enforcement shall publish on its website a list of the upcoming  
175 school guardian trainings. The Department of Law Enforcement  
176 must update such list quarterly.

177 e. A sheriff who fails to report the information required  
178 by this subparagraph may not receive reimbursement from the  
179 Department of Education for school guardian trainings. Upon the  
180 submission of the required information, a sheriff is deemed  
181 eligible for such funding and is authorized to continue to  
182 receive reimbursement for school guardian training.

183 f. A school district, charter school, or private school  
184 that fails to report the information required by this  
185 subparagraph may not operate a school guardian program for the  
186 following school year, unless the school district, charter  
187 school, or private school has submitted the required  
188 information.

189 g. By March 1 and October 1 of each school year, the  
190 Department of Law Enforcement shall notify the Department of  
191 Education of any sheriff, school district, charter school, or

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192 private school that has not complied with the reporting  
193 requirements of this subparagraph.

194 h. The Department of Law Enforcement may adopt rules to  
195 implement the requirements of this subparagraph, including  
196 requiring additional reporting information only as necessary to  
197 uniquely identify each school guardian reported.

198 Section 2. Subsection (5) of section 330.41, Florida  
199 Statutes, is renumbered as subsection (6), and a new subsection  
200 (5) is added to that section to read:

201 330.41 Unmanned Aircraft Systems Act.—

202 (5) PROTECTION OF SCHOOLS.—

203 (a) A person may not knowingly or willfully:

204 1. Operate a drone over a public or private school serving  
205 students in any grade from voluntary prekindergarten through  
206 grade 12; or

207 2. Allow a drone to make contact with a school, including  
208 any person or object on the premises of or within the school  
209 facility.

210 (b) A person who violates paragraph (a) commits a  
211 misdemeanor of the second degree, punishable as provided in s.  
212 775.082 or s. 775.083. A person who commits a second or  
213 subsequent violation commits a misdemeanor of the first degree,  
214 punishable as provided in s. 775.082 or s. 775.083.

215 (c) A person who violates paragraph (a) and records video  
216 of the school, including any person or object on the premises of

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217 or within the school facility, commits a misdemeanor of the  
218 first degree, punishable as provided in s. 775.082 or s.  
219 775.083. A person who commits a second or subsequent violation  
220 commits a felony of the third degree, punishable as provided in  
221 s. 775.082, s. 775.083, or s. 775.084.

222 (d) This subsection does not apply to actions identified  
223 in paragraph (a) which are committed by:

224 1. A person acting under the prior written consent of the  
225 school principal, district school board, superintendent, or  
226 school governing board.

227 2. A law enforcement agency that is in compliance with s.  
228 934.50 or a person under contract with or otherwise acting under  
229 the direction of such law enforcement agency.

230 Section 3. Paragraph (b) of subsection (4) of section  
231 943.082, Florida Statutes, is amended to read:

232 943.082 School Safety Awareness Program.—

233 (4)

234 (b) The district school board shall promote the use of the  
235 mobile suspicious activity reporting tool by advertising it on  
236 the school district website, in newsletters, on school campuses,  
237 and in school publications, by installing it on all mobile  
238 devices issued to students, and by bookmarking the website on  
239 all computer devices issued to students. Within the first 5 days  
240 of each school year, each district school board and charter  
241 school governing board must ensure that instruction on the use

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242 of the mobile suspicious activity reporting tool known as  
243 FortifyFL is provided to students. The instruction must be age  
244 and developmentally appropriate and include the consequences for  
245 making a threat or false report as described in ss. 790.162 and  
246 790.163, respectively, involving school or school personnel's  
247 property, school transportation, or a school-sponsored activity.

248 Section 4. Paragraph (a) of subsection (4) of section  
249 985.04, Florida Statutes, is amended to read:

250 985.04 Oaths; records; confidential information.—

251 (4) (a) Notwithstanding any other provision of this  
252 section, when a child of any age is taken into custody by a law  
253 enforcement officer for an offense that would have been a felony  
254 if committed by an adult, or a crime of violence, the law  
255 enforcement agency must notify the superintendent of schools  
256 that the child is alleged to have committed the delinquent act.  
257 If the child is a dual enrolled student at a postsecondary  
258 institution, the superintendent of schools, or his or her  
259 designee, must notify the chief of police or the public safety  
260 director of the postsecondary institution at which the student  
261 is dual enrolled within 1 business day after receiving the  
262 initial notification.

263 Section 5. Subsection (14) of section 1001.212, Florida  
264 Statutes, is amended, and subsections (17) and (18) are added to  
265 that section, to read:

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266 1001.212 Office of Safe Schools.—There is created in the  
267 Department of Education the Office of Safe Schools. The office  
268 is fully accountable to the Commissioner of Education. The  
269 office shall serve as a central repository for best practices,  
270 training standards, and compliance oversight in all matters  
271 regarding school safety and security, including prevention  
272 efforts, intervention efforts, and emergency preparedness  
273 planning. The office shall:

274 (14) (a) By August 1, 2024, develop and adopt a Florida  
275 school safety compliance inspection report to document  
276 compliance or noncompliance with school safety requirements  
277 mandated by law or rule and adherence to established school  
278 safety best practices to evaluate the safety, security, and  
279 emergency response of the school. Upon the adoption of the  
280 report and upon any revisions to the report, the office shall  
281 provide a blank copy of the report to each district school  
282 superintendent and charter school administrator.

283 (b) Monitor compliance with requirements relating to  
284 school safety by school districts and public schools, including  
285 charter schools. The office shall conduct unannounced  
286 inspections of all public schools, including charter schools,  
287 while school is in session, triennially and investigate reports  
288 of noncompliance with school safety requirements. Within 3  
289 school days after the unannounced inspection, the office shall  
290 provide a copy of the completed Florida school safety compliance

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291 inspection report, including any photographs or other evidence  
292 of noncompliance, to the school safety specialist, the school  
293 principal or charter school administrator, as appropriate, and  
294 the district school superintendent. The school safety specialist  
295 or charter school administrator shall acknowledge receipt of the  
296 report in writing within 1 school day after receipt. The office  
297 shall reinspect any school with documented deficiencies within 6  
298 months. The school safety specialist or charter school  
299 administrator, or his or her designee, must provide the office  
300 with written notice of how the noncompliance with s.  
301 1006.07(6)(f) has been remediated within 3 school days after  
302 receipt of the report.

303 (c) Provide quarterly reports to each district school  
304 superintendent and school safety specialist identifying the  
305 number and percentage of schools, including charter schools,  
306 inspected or reinspected during that quarter and the number and  
307 percentage of inspected schools that had no school safety  
308 requirement deficiencies. The school safety specialist shall  
309 present each quarterly report to the district school board in a  
310 public meeting. Annually, during the first quarter of every  
311 school year, the school safety specialist shall report to the  
312 district school board in a public meeting the number of schools  
313 inspected during the preceding calendar year and the number and  
314 percentage of schools in compliance during the initial  
315 inspection and reinspection.

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316 (d) Provide a bonus in an amount determined in the General  
317 Appropriations Act, at the conclusion of the initial unannounced  
318 inspection conducted during the triennial period, to the school  
319 principal or charter school administrator of each school that  
320 complies with all school safety requirements.

321 (e) Refer any instructional personnel as defined in s.  
322 1012.01(2) and any administrative personnel as defined in s.  
323 1012.01(3) who knowingly violate s. 1006.07(6)(f) to the  
324 district school superintendent or charter school administrator,  
325 as applicable, for disciplinary action if such action has not  
326 already been commenced by the district school superintendent or  
327 charter school administrator upon receipt of the Florida school  
328 safety compliance inspection report. The district school  
329 superintendent or charter school administrator must notify the  
330 office of the outcome of the disciplinary proceedings within 3  
331 school days after the conclusion of the proceedings.

332 (17) Annually, at the beginning of the school year, notify  
333 all administrative and instructional personnel by electronic  
334 mail of the requirements of s. 1006.07(6)(f).

335 (18) By December 1, 2024, evaluate the methodology for the  
336 safe schools allocation in s. 1011.62(12) and, if necessary,  
337 make recommendations for an alternate methodology to distribute  
338 the remaining balance of the safe schools allocation as  
339 indicated in s. 1011.62(12) ~~report incidents of noncompliance to~~  
340 ~~the commissioner pursuant to s. 1001.11(9) and the state board~~

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341 ~~pursuant to s. 1008.32 and other requirements of law, as~~  
342 ~~appropriate.~~

343 Section 6. Paragraph (a) of subsection (4) and paragraph  
344 (a) of subsection (6) of section 1006.07, Florida Statutes, are  
345 amended, and paragraph (f) is added to subsection (6) of that  
346 section, to read:

347 1006.07 District school board duties relating to student  
348 discipline and school safety.—The district school board shall  
349 provide for the proper accounting for all students, for the  
350 attendance and control of students at school, and for proper  
351 attention to health, safety, and other matters relating to the  
352 welfare of students, including:

353 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

354 (a) Formulate and prescribe policies and procedures, in  
355 consultation with the appropriate public safety agencies, for  
356 emergency drills and for actual emergencies, including, but not  
357 limited to, fires, natural disasters, active assailant and  
358 hostage situations, and bomb threats, for all students and  
359 faculty at all public schools of the district composed of grades  
360 K-12, pursuant to State Board of Education rules. Drills for  
361 active assailant and hostage situations must be conducted in  
362 accordance with developmentally appropriate and age-appropriate  
363 procedures, as specified in State Board of Education rules. Law  
364 enforcement officers responsible for responding to the school in  
365 the event of an active assailant emergency, as determined

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366 necessary by the sheriff in coordination with the district's  
367 school safety specialist, must be physically present on campus  
368 and directly involved in the execution of active assailant  
369 emergency drills. School districts must notify law enforcement  
370 officers at least 24 hours before conducting an active assailant  
371 emergency drill at which such law enforcement officers are  
372 expected to attend. Each school, including charter schools, must  
373 maintain a record that is accessible on each campus or by  
374 request of the Office of Safe Schools of all current school year  
375 and prior school year drills conducted pursuant to this  
376 subsection, including the names of law enforcement personnel  
377 present on campus for each active assailant emergency drill.  
378 District school board policies must include commonly used alarm  
379 system responses for specific types of emergencies and  
380 verification by each school that drills have been provided as  
381 required by law, State Board of Education rules, and fire  
382 protection codes and may provide accommodations for drills  
383 conducted by exceptional student education centers. District  
384 school boards shall establish emergency response and emergency  
385 preparedness policies and procedures that include, but are not  
386 limited to, identifying the individuals responsible for  
387 contacting the primary emergency response agency and the  
388 emergency response agency responsible for notifying the school  
389 district for each type of emergency. The State Board of  
390 Education shall refer to recommendations provided in reports

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391 published pursuant to s. 943.687 for guidance and, by August 1,  
392 2023, consult with state and local constituencies to adopt rules  
393 applicable to the requirements of this subsection which, at a  
394 minimum, define the terms "emergency drill," "active threat,"  
395 and "after-action report" and establish minimum emergency drill  
396 policies and procedures related to the timing, frequency,  
397 participation, training, notification, accommodations, and  
398 responses to threat situations by incident type, school level,  
399 school type, and student and school characteristics. The rules  
400 must require all types of emergency drills to be conducted no  
401 less frequently than on an annual school year basis.

402 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district  
403 school superintendent shall establish policies and procedures  
404 for the prevention of violence on school grounds, including the  
405 assessment of and intervention with individuals whose behavior  
406 poses a threat to the safety of the school community.

407 (a) School safety specialist.—Each district school  
408 superintendent shall designate a school safety specialist for  
409 the district. The school safety specialist must be a school  
410 administrator employed by the school district or a law  
411 enforcement officer employed by the sheriff's office located in  
412 the school district. Any school safety specialist designated  
413 from the sheriff's office must first be authorized and approved  
414 by the sheriff employing the law enforcement officer. Any school  
415 safety specialist designated from the sheriff's office remains

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416 the employee of the office for purposes of compensation,  
417 insurance, workers' compensation, and other benefits authorized  
418 by law for a law enforcement officer employed by the sheriff's  
419 office. The sheriff and the school superintendent may determine  
420 by agreement the reimbursement for such costs, or may share the  
421 costs, associated with employment of the law enforcement officer  
422 as a school safety specialist. The school safety specialist must  
423 earn a certificate of completion of the school safety specialist  
424 training provided by the Office of Safe Schools within 1 year  
425 after appointment and is responsible for the supervision and  
426 oversight for all school safety and security personnel,  
427 policies, and procedures in the school district. The school  
428 safety specialist, or his or her designee, shall:

429 1. In conjunction with the district school superintendent,  
430 annually review school district policies and procedures for  
431 compliance with state law and rules, including the district's  
432 timely and accurate submission of school environmental safety  
433 incident reports to the department pursuant to s. 1001.212(8).  
434 At least quarterly, the school safety specialist must report to  
435 the district school superintendent and the district school board  
436 any noncompliance by the school district with laws or rules  
437 regarding school safety.

438 2. Provide the necessary training and resources to  
439 students and school district staff in matters relating to youth  
440 mental health awareness and assistance; emergency procedures,

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441 including active shooter training; and school safety and  
442 security.

443 3. Serve as the school district liaison with local public  
444 safety agencies and national, state, and community agencies and  
445 organizations in matters of school safety and security.

446 4. In collaboration with the appropriate public safety  
447 agencies, as that term is defined in s. 365.171, by October 1 of  
448 each year, conduct a school security risk assessment at each  
449 public school using the Florida Safe Schools Assessment Tool  
450 developed by the Office of Safe Schools pursuant to s.  
451 1006.1493. Based on the assessment findings, the district's  
452 school safety specialist shall provide recommendations to the  
453 district school superintendent and the district school board  
454 which identify strategies and activities that the district  
455 school board should implement in order to address the findings  
456 and improve school safety and security. Each district school  
457 board must receive such findings and the school safety  
458 specialist's recommendations at a publicly noticed district  
459 school board meeting to provide the public an opportunity to  
460 hear the district school board members discuss and take action  
461 on the findings and recommendations. Each school safety  
462 specialist, through the district school superintendent, shall  
463 report such findings and school board action to the Office of  
464 Safe Schools within 30 days after the district school board  
465 meeting.

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466 5. Conduct annual unannounced inspections, using the form  
467 adopted by the Office of Safe Schools pursuant to s.  
468 1001.212(14), of all public schools, including charter schools,  
469 while school is in session and investigate reports of  
470 noncompliance with school safety requirements.

471 6. Report violations of paragraph (f) by administrative  
472 personnel and instructional personnel to the district school  
473 superintendent or charter school administrator, as applicable.

474 (f) School safety requirements.-

475 1. By August 1, 2024, each school district and charter  
476 school governing board shall comply with the following school  
477 safety requirements:

478 a. All gates or other access points that restrict ingress  
479 to or egress from a school campus shall remain closed and locked  
480 when students are on campus. A gate or other campus access point  
481 may not be open or unlocked, regardless of whether it is during  
482 normal school hours, unless attended or actively staffed by a  
483 person when students are on campus or the school safety  
484 specialist, or his or her designee, has documented in the  
485 Florida Safe Schools Assessment Tool portal maintained by the  
486 Office of Safe Schools that the gate or other access point is  
487 not subject to this requirement based upon other safety measures  
488 at the school. The office may conduct a compliance visit  
489 pursuant to s. 1001.212(14) to review if such determination is  
490 appropriate.

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491 b. All school classrooms and other instructional spaces  
492 must be locked to prevent ingress when occupied by students,  
493 except between class periods when students are moving between  
494 classrooms or other instructional spaces. If a classroom or  
495 other instructional space door must be left unlocked or open for  
496 any reason other than between class periods when students are  
497 moving between classrooms or other instructional spaces, the  
498 door must be actively staffed by a person standing or seated at  
499 the door.

500 c. All campus access doors, gates, and other access points  
501 that allow ingress to or egress from a school building shall  
502 remain closed and locked at all times to prevent ingress, unless  
503 a person is actively entering or exiting the door, gate, or  
504 other access point or the school safety specialist, or his or  
505 her designee, has documented in the Florida Safe Schools  
506 Assessment Tool portal maintained by the Office of Safe Schools  
507 that the open and unlocked door, gate, or other access point is  
508 not subject to this requirement based upon other safety measures  
509 at the school. The office may conduct a compliance visit  
510 pursuant to s. 1001.212(14) to review if such determination is  
511 appropriate. All campus access doors, gates, and other access  
512 points may be electronically or manually controlled by school  
513 personnel to allow access by authorized visitors, students, and  
514 school personnel.



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515 d. All school classrooms and other instructional spaces  
516 must clearly and conspicuously mark the safest areas in each  
517 classroom or other instructional space where students must  
518 shelter in place during an emergency. Students must be notified  
519 of these safe areas within the first 10 days of the school year.  
520 If it is not feasible to clearly and conspicuously mark the  
521 safest areas in a classroom or other instructional space, the  
522 school safety specialist, or his or her designee, must document  
523 such determination in the Florida Safe Schools Assessment Tool  
524 portal maintained by the Office of Safe Schools, identifying  
525 where affected students must shelter in place. The office shall  
526 assist the school safety specialist with compliance during the  
527 inspection required under s. 1001.212(14).

528  
529 Persons who are aware of a violation of this paragraph must  
530 report the violation to the school principal. The school  
531 principal must report the violation to the school safety  
532 specialist no later than the next business day after receiving  
533 such report. If the person who violated this paragraph is the  
534 school principal or charter school administrator, the report  
535 must be made directly to the district school superintendent or  
536 charter school governing board, as applicable.

537 (g) Progressive discipline policy.—Each district school  
538 board and charter school governing board shall adopt a  
539 progressive discipline policy for addressing any instructional

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540 personnel as defined in s. 1012.01(2) and any administrative  
541 personnel as defined in s. 1012.01(3) who knowingly violate  
542 school safety requirements.

543 Section 7. Paragraph (b) of subsection (1) and subsections  
544 (3) and (6) of section 1006.12, Florida Statutes, are amended to  
545 read:

546 1006.12 Safe-school officers at each public school.—For  
547 the protection and safety of school personnel, property,  
548 students, and visitors, each district school board and school  
549 district superintendent shall partner with law enforcement  
550 agencies or security agencies to establish or assign one or more  
551 safe-school officers at each school facility within the  
552 district, including charter schools. A district school board  
553 must collaborate with charter school governing boards to  
554 facilitate charter school access to all safe-school officer  
555 options available under this section. The school district may  
556 implement any combination of the options in subsections (1)-(4)  
557 to best meet the needs of the school district and charter  
558 schools.

559 (1) SCHOOL RESOURCE OFFICER.—A school district may  
560 establish school resource officer programs through a cooperative  
561 agreement with law enforcement agencies.

562 (b) School resource officers shall abide by district  
563 school board policies and shall consult with and coordinate  
564 activities through the school principal, but shall be

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565 responsible to the law enforcement agency in all matters  
566 relating to employment, subject to agreements between a district  
567 school board and a law enforcement agency. The agreements shall  
568 identify the entity responsible for maintaining records relating  
569 to training. Activities conducted by the school resource officer  
570 which are part of the regular instructional program of the  
571 school shall be under the direction of the school principal.

572 (3) SCHOOL GUARDIAN.—

573 (a) At the school district's or the charter school  
574 governing board's discretion, as applicable, pursuant to s.  
575 30.15, a school district or charter school governing board may  
576 participate in the Chris Hixon, Coach Aaron Feis, and Coach  
577 Scott Beigel Guardian Program to meet the requirement of  
578 establishing a safe-school officer. The following individuals  
579 may serve as a school guardian, in support of school-sanctioned  
580 activities for purposes of s. 790.115, upon satisfactory  
581 completion of the requirements under s. 30.15(1)(k) and  
582 certification by a sheriff:

583 ~~1.(a)~~ A school district employee or personnel, as defined  
584 under s. 1012.01, or a charter school employee, as provided  
585 under s. 1002.33(12)(a), who volunteers to serve as a school  
586 guardian in addition to his or her official job duties; or

587 ~~2.(b)~~ An employee of a school district or a charter school  
588 who is hired for the specific purpose of serving as a school  
589 guardian.

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590 (b) Before appointing an individual as a school guardian,  
591 the school district or charter school shall contact the  
592 Department of Law Enforcement and review all information  
593 maintained under s. 30.15(1)(k)3.c. related to the individual.

594 (c) The department shall provide to the Department of Law  
595 Enforcement any information relating to a school guardian  
596 received pursuant to subsection (5).

597 (6) CRISIS INTERVENTION TRAINING.—

598 ~~(a)~~ Each safe-school officer who is also a sworn law  
599 enforcement officer shall complete mental health crisis  
600 intervention training using a curriculum developed by a national  
601 organization with expertise in mental health crisis  
602 intervention. The training must improve the officer's knowledge  
603 and skills as a first responder to incidents involving students  
604 with emotional disturbance or mental illness, including de-  
605 escalation skills to ensure student and officer safety.

606 ~~(b) Each safe-school officer who is not a sworn law~~  
607 ~~enforcement officer shall receive training to improve the~~  
608 ~~officer's knowledge and skills necessary to respond to and de-~~  
609 ~~escalate incidents on school premises.~~

610  
611 If a district school board, through its adopted policies,  
612 procedures, or actions, denies a charter school access to any  
613 safe-school officer options pursuant to this section, the school  
614 district must assign a school resource officer or school safety

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615 officer to the charter school. Under such circumstances, the  
616 charter school's share of the costs of the school resource  
617 officer or school safety officer may not exceed the safe school  
618 allocation funds provided to the charter school pursuant to s.  
619 1011.62(12) and shall be retained by the school district.

620 Section 8. For the 2024-2025 fiscal year and subject to  
621 legislative appropriation, the Department of Law Enforcement  
622 shall provide grants to sheriffs' offices and law enforcement  
623 agencies to conduct physical site security assessments for and  
624 provide reports to private schools with recommendations on  
625 improving such schools' infrastructure safety and security; to  
626 assist private schools in developing active assailant response  
627 protocols and develop and implement training relating to active  
628 assailant responses, including active assailant response drills  
629 for students and school personnel; and to consult with or  
630 provide guidance to private schools in implementing a threat  
631 management program similar to the program required under s.  
632 1001.212(12), Florida Statutes, for public schools. The  
633 Department of Law Enforcement shall develop a site security  
634 assessment form for use by sheriffs' offices and law enforcement  
635 agencies and provide the form, including any subsequent  
636 revisions, to the recipient of funds in conducting the duties  
637 outlined in this section. Grants awarded under this section may  
638 be used to provide reimbursements for personnel costs, software,  
639 and other items necessary to assist private schools. The

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640 Department of Law Enforcement shall establish the requirements  
641 for awarding grants under this section. An applicant may not  
642 receive more than 10 percent of the total amount appropriated  
643 for the program.

644 Section 9. This act shall take effect July 1, 2024.

645

646 -----

647 **T I T L E A M E N D M E N T**

648 Remove everything before the enacting clause and insert:

649 A bill to be entitled

650 An act relating to school safety; amending s. 30.15,  
651 F.S.; providing that private schools are responsible  
652 for specified costs relating to school guardian  
653 programs; authorizing sheriffs to waive specified  
654 costs for private schools; prohibiting specified funds  
655 from being used to subsidize certain costs;  
656 authorizing certain persons to be certified as school  
657 guardians without completing certain training  
658 requirements; revising specified training requirements  
659 for school guardians; requiring school districts,  
660 charter schools, private schools, and sheriffs to  
661 report specified information relating to school  
662 guardians and school guardian programs to the  
663 Department of Law Enforcement within specified  
664 timeframes; requiring the Department of Law

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665 Enforcement to maintain a list of school guardians and  
666 school guardian trainings; providing for the removal  
667 of specified persons from such list; providing  
668 requirements for such list; prohibiting sheriffs who  
669 fail to report specified information from receiving  
670 certain reimbursement; prohibiting school districts,  
671 charter schools, and private schools that fail to  
672 report specified information from operating school  
673 guardian programs for the following school year unless  
674 the school district, charter school, or private school  
675 has submitted the required information; requiring the  
676 Department of Law Enforcement to report certain  
677 information to the Department of Education by  
678 specified dates of each school year; authorizing the  
679 Department of Law Enforcement to adopt rules; amending  
680 330.41, F.S.; prohibiting the operation of a drone  
681 over public and private schools and the recording of  
682 video of such schools; providing criminal penalties;  
683 providing exemptions; amending s. 943.082, F.S.;  
684 requiring district school boards and charter school  
685 governing boards to ensure specified instruction  
686 relating to the mobile suspicious activity reporting  
687 tool be provided to students within a specified  
688 timeframe; providing requirements for such  
689 instruction; amending s. 985.04, F.S.; requiring the

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690 superintendent of schools, or his or her designee, to  
691 notify specified chiefs of police or public safety  
692 directors of certain postsecondary institutions of  
693 specified alleged acts by children dual enrolled at  
694 such institutions within a specified timeframe;  
695 amending s. 1001.212, F.S.; requiring the Office of  
696 Safe Schools to develop and adopt a specified report  
697 relating to compliance and noncompliance with school  
698 safety requirements by a specified date; requiring the  
699 office to provide such report to specified persons;  
700 requiring the office to conduct specified inspections  
701 triennially and investigate certain noncompliance;  
702 providing requirements for the provision of specified  
703 information from such inspections and investigations;  
704 requiring the office to provide certain quarterly  
705 reports to specified persons; requiring the office to  
706 provide bonuses to certain persons who comply with  
707 specified requirements; requiring the office to refer  
708 certain personnel to specified persons; requiring the  
709 office to notify specified personnel electronically of  
710 certain requirements; requiring the office to evaluate  
711 the methodology for the safe schools allocation and,  
712 if necessary, recommend an alternative methodology for  
713 specified purposes by a specified date; amending s.  
714 1006.07, F.S.; requiring schools, including charter

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715 schools, to maintain a specified record relating to  
716 certain drills; providing that school safety  
717 specialist duties may be completed by his or her  
718 designee; providing that certain school safety  
719 specialist duties are in conjunction with the district  
720 school superintendent; requiring school safety  
721 specialists to conduct specified annual inspections,  
722 investigate specified reports of noncompliance, and  
723 report certain noncompliance and violations to  
724 specified individuals and the district school board;  
725 requiring school districts and charter school  
726 governing boards to comply with certain school safety  
727 requirements by a specified date; providing reporting  
728 requirements for violations of certain school safety  
729 requirements; requiring district school boards and  
730 charter school governing boards to adopt a progressive  
731 discipline policy for specified personnel who commit  
732 specified violations; amending s. 1006.12, F.S.;  
733 requiring specified agreements relating to school  
734 resource officers to identify the entity responsible  
735 for maintaining specified records; providing  
736 requirements before the appointment of a school  
737 guardian; requiring the Department of Education to  
738 provide certain information to the Department of Law  
739 Enforcement; repealing specified training requirements

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740 for safe-school officers; subject to legislative  
741 appropriation, requiring the Department of Law  
742 Enforcement to provide grants to sheriffs' offices and  
743 law enforcement agencies for specified purposes  
744 relating to school safety in private schools;  
745 providing requirements for such grants; requiring the  
746 Department of Law Enforcement to develop a specified  
747 form and provide such form to grant recipients;  
748 providing requirements for the use of such funds;  
749 providing a limit on the amount of funds an applicant  
750 may receive; providing an effective date.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 7051 PCB PEW 24-01 Education

**SPONSOR(S):** Higher Education Appropriations Subcommittee, Postsecondary Education & Workforce Subcommittee, Melo

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 7032

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Postsecondary Education & Workforce Subcommittee	16 Y, 0 N	Kiner	Kiner
1) Higher Education Appropriations Subcommittee	14 Y, 0 N, As CS	Stenson	Smith
2) Education & Employment Committee		Kiner	Hassell

**SUMMARY ANALYSIS**

The bill creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Startup Grant Program to provide individuals ages 16 to 21 who have discontinued school enrollment in traditional high school programs the opportunity to earn, at no cost, a standard high school diploma, or equivalent, and a workforce credential. The bill provides eligibility criteria and defines the programs and certificates that may be offered.

The bill requires postsecondary career centers and Florida College System institutions to waive 100 percent of tuition, certain fees, and instructional materials costs after all other federal and state aid is applied and reimburses the institutions for such expenditures. Students participating in the program will also be eligible for a stipend through another student financial aid program.

The bill tasks the Department of Education (DOE) with state-level administration of the new GATE programs, including administering the GATE Startup Grant Program. School districts and institutions without programs that meet GATE Program requirements, and that are within or serve a rural area of opportunity, may apply for grant funds.

The bill provides several provisions to identify and enroll eligible students. First, when students choose to disenroll from school, the bill requires they be made aware of the GATE program and its opportunities. The bill also requires GED candidates be made aware of the program and eligibility requirements. For those who have been separated for longer periods of time and may engage with a one-stop center, the bill requires they be made aware of adult education generally, and the GATE program specifically.

Additionally, DOE will be required to develop and implement a statewide recruitment campaign in conjunction with other entities that interact with the target population. To provide accountability and assess the overall success of the program, the bill requires DOE to annually report certain information.

All funding for new GATE programs is subject to appropriation.

To the extent funds are specifically appropriated, the bill will have an indeterminate fiscal impact on school districts and Florida College System institutions relating to the implementation of the GATE Program. See fiscal comments.

The bill is effective July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### **Compulsory Age of Attendance**

When a student reaches 16 years of age, he or she is no longer required to attend school if he/she files a formal declaration of intent to terminate school enrollment with the school district.<sup>1</sup> The declaration must be signed by the student and the student's parent.<sup>2</sup>

In signing the declaration, the student must acknowledge that leaving school is likely to reduce earning potential.<sup>3</sup>

The student's school counselor is required to conduct an exit interview with the student to determine reasons for the student's decision and actions that could be taken to keep the student in school.<sup>4</sup> The school counselor is also required to inform the student of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and high school equivalency examination preparation.<sup>5</sup>

##### **High School Graduation in Florida**

##### ***Florida's High School Graduation Requirements***

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>6</sup>

The 24-credit option for a standard high school diploma includes:<sup>7</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.<sup>8</sup>

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<sup>1</sup> s. 1003.21(1)(c), F.S.

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> s. 1003.4282(1)(a), F.S.

<sup>7</sup> s. 1003.4282(3)(a)-(g), F.S.

<sup>8</sup> s. 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. *See section 1008.22(3)(b)6., F.S.*

Students who earn the required credits to graduate, but fail to pass the required assessments or achieve a 2.0 grade point average (GPA) are awarded a certificate of completion in a form prescribed by the State Board of Education (SBE)<sup>9</sup>. In the 2022-2023 graduation cohort, 5,818 students earned a certificate of completion.<sup>10</sup>

### **High School Equivalency Diploma Program**

The high school equivalency diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. To be eligible for the high school equivalency diploma program students must meet the following criteria:<sup>11</sup>

- At least 16 years old and currently enrolled in a prekindergarten-12 program.
- Enrolled in and attending high school courses that meet high school graduation requirements.
- In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low GPA.
- Assessed at a seventh grade reading level or higher at the time of selection as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.

Each school district is required to offer and administer the high school equivalency diploma examinations and the subject area examination to candidates.<sup>12</sup> A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.<sup>13</sup> School districts may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.<sup>14</sup>

As seen in the tables below, the number of students enrolling in GED programs at both school districts and colleges in the Florida College System (FCS) has increased since the 2020-21 school year.<sup>15</sup>

<b>Students enrolled in a School District GED program</b>		
<b>School Year</b>	<b>Number of Students enrolled in a GED program</b>	<b>Number Students enrolled in a GED program who are 21 years of age or less</b>
2020-2021	5,256	2,851
2021-2022	7,499	4,123
2022-2023	8,888	5,330

<b>Students enrolled in an FCS GED program</b>
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<sup>9</sup> s. 1003.4282(5)(c), F.S.

<sup>10</sup> Florida Department of Education, *Florida's High School Cohort 2022-23 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2223.pdf> (last visited Feb. 12, 2024).

<sup>11</sup> Rule 6A-6.0212, F.A.C

<sup>12</sup> s. 1003.435(3), F.S.

<sup>13</sup> s. 1003.435(4), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Data provided by Florida Department of Education.

School Year	Number of Students enrolled in a GED program	Number Students enrolled in a GED program who are 21 years of age or less
2020-2021	780	353
2021-2022	1,034	525
2022-2023	1,166	552

## Existing Initiatives in Adult Secondary and Career Education

### ***Workforce Innovation and Opportunity Act of 2014***

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.<sup>16</sup> WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.<sup>17</sup>

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.<sup>18</sup> The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;<sup>19</sup> and
- Vocational Rehabilitation Services.<sup>20</sup>

In Fiscal Year 2022-2023, CareerSource Florida allocated \$238 million in funding<sup>21</sup> and assisted nearly 64,000 job seekers in obtaining employment.<sup>22</sup>

WIOA includes funding to provide adult education and literacy activities for individuals who are at least 16 years of age, not enrolled in secondary school, and do not have a secondary school diploma or its recognized equivalent.<sup>23</sup> Adult education and family literacy activities include programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.<sup>24</sup> The estimated award for Fiscal Year 2023 for basic adult education and family literacy activities in Florida is \$40,506,044.<sup>25</sup>

<sup>16</sup> Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).

<sup>17</sup> See 29 U.S.C. s. 3112(a).

<sup>18</sup> See 29 U.S.C. s. 3102(13).

<sup>19</sup> See 29 U.S.C. s. 49 et seq. The Wagner-Peyser Act establishes a system of public employment offices to bring together individuals seeking employment and employers seeking workers.

<sup>20</sup> See 29 U.S.C. s. 720 et. seq.

<sup>21</sup> CareerSource Florida, 2022-2023 CareerSource Florida Annual Report, <https://careersourceflorida.com/wp-content/uploads/2023/12/CAREERSOURCE-FLORIDA-FY-22-23-ANNUAL-REPORT-DIGITAL.pdf> (last visited Feb. 12, 2024).

<sup>22</sup> CareerSource Florida, CareerSource Florida Celebrates 2023 Workforce Development Accomplishments, <https://careersourceflorida.com/2023/12/28/2023-workforce-development-accomplishments/> (last visited Feb. 12, 2024).

<sup>23</sup> 29 U.S.C. s. 3272(4).

<sup>24</sup> 29 U.S.C. s. 3272(2).

<sup>25</sup> USDOE, Office of Career, Technical, and Adult Education, FY\_2023\_State\_Grant\_Allocations\_Memo, <https://aefta.ed.gov/state-grants> at 2 (last visited Feb. 12, 2024).

WIOA also provides funds to local workforce boards to provide youth workforce investment activities that provide:<sup>26</sup>

- Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
- Preparation for postsecondary educational and training opportunities;
- Strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials;
- Preparation for unsubsidized employment opportunities, in appropriate cases; and
- Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

Florida's allotment for youth workforce investment activities under WIOA is \$39,224,930 for the 2023 Program Year.<sup>27</sup>

### **Perkins V**

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), assists states and outlying areas in expanding and improving career and technical education (CTE) in secondary schools, technical schools, and community colleges.<sup>28</sup> The term "career and technical education" means organized educational activities that:<sup>29</sup>

- Offer a sequence of courses that provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.
- To the extent practicable, coordinate between secondary and postsecondary education programs through programs of study that provide postsecondary credit or advanced standing.
- May include career exploration at the high school level or as early as the middle grades.

Florida received \$82,363,333 under Perkins V for Fiscal Year 2023.<sup>30</sup>

### **Florida Workforce Education**

"Workforce education" is adult general education or career education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a career certificate, an applied technology diploma, a career degree, or a registered apprenticeship certificate of completion.

At the postsecondary level, the terms "workforce education" and "workforce education program" include:<sup>31</sup>

- Adult general education programs designed to improve the employability skills of the state's workforce.<sup>32</sup>
- Career certificate programs, which are defined as a course of study that leads to one completion point.<sup>33</sup>

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<sup>26</sup> 29 U.S.C. s. 3164(c)(1)(C).

<sup>27</sup> USDOL, ETA, *WIOA Youth Activities State Allotments* (2023), <https://www.dol.gov/sites/dolgov/files/ETA/budget/pdfs/23you%24.pdf> (last visited Feb. 12, 2024).

<sup>28</sup> 20 U.S.C. s. 2301 et seq.

<sup>29</sup> 20 U.S.C. s. 2302(5).

<sup>30</sup> USDOE, Office of Career, Technical, and Adult Education, *Final Program Memo - Estimated FY 2023 Perkins State Allocations*, [https://s3.amazonaws.com/PCRN/docs/Final\\_Program\\_Memo-Estimated\\_FY\\_2023\\_Perkins\\_State\\_Allocations.pdf](https://s3.amazonaws.com/PCRN/docs/Final_Program_Memo-Estimated_FY_2023_Perkins_State_Allocations.pdf) (last visited Feb. 12, 2024).

<sup>31</sup> s. 1011.80(1), F.S.

<sup>32</sup> s. 1011.80(1)(a), F.S.

<sup>33</sup> s. 1004.02(20), F.S.



- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

Adult education programs in Florida were established to encourage the provision of educational services that will enable adults to acquire:<sup>34</sup>

- The basic skills necessary to attain basic and functional literacy.
- A high school diploma or successfully complete the high school equivalency examination.
- An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.

The major program areas are Adult Basic Education Adult High School and GED® Preparation, and English for Speakers of Other Languages (ESOL). These programs emphasize basic skills such as reading, writing, math, and English language competency. Adult education programs also help adult learners gain the knowledge and skills they need to enter and succeed in postsecondary education.<sup>35</sup>

“Adult secondary education” is a course through which a person receives high school credit that leads to the award of a high school diploma or a course of instruction through which a student prepares to take the high school equivalency examination.<sup>36</sup>

An “applied technology diploma program” (ATD) is a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation.<sup>37</sup> An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to an FCS institution. Statewide articulation among public schools and FCS institutions is guaranteed.<sup>38</sup>

To qualify for admission to an ATD program, a student must:<sup>39</sup>

- Have a high school diploma, a high school equivalency diploma, or a certificate of completion; or
- Submit a signed affidavit by the student's parent or legal guardian attesting that the student has completed a home education program that satisfies school attendance requirements.<sup>40</sup>

A “career certificate program” is a course of study that leads to at least one occupational completion point.<sup>41</sup> An “occupational completion point” means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.<sup>42</sup> The career certificate program may also confer credit that may articulate with a diploma or career degree education program.<sup>43</sup> The DOE has established 29 statewide articulation agreements for career certificate programs to career degree education programs.<sup>44</sup>

## Rural Areas of Opportunity

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<sup>34</sup> s. 1004.93(1)(a), F.S.

<sup>35</sup> Florida Department of Education, *Adult Education*, <https://www.fldoe.org/academics/career-adult-edu/adult-edu/>, (last visited Feb. 12, 2024).

<sup>36</sup> s. 1004.02(4), F.S.

<sup>37</sup> s. 1004.02(7), F.S.

<sup>38</sup> s. 1007.23(5), F.S.

<sup>39</sup> Rule 6A-10.024(7), F.A.C.

<sup>40</sup> s. 1002.41, F.S.

<sup>41</sup> s. 1004.02(20), F.S.

<sup>42</sup> s. 1004.02(21), F.S.

<sup>43</sup> s. 1004.02(20), F.S.

<sup>44</sup> Florida Department of Education, *Statewide Articulation Agreements: Statewide Career Pathways*, <https://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml> (last visited Feb. 12, 2024).

A rural area of opportunity (RAO) is a rural community, or a region consisting of rural communities, which has been negatively impacted by an extraordinary economic event, severe distress, or a natural disaster or presents a unique development opportunity of regional impact.<sup>45</sup> The Governor designates RAOs by executive order to establish those regions as priority assignments for Rural and Economic Development Initiative (REDI) agencies. The designation allows the Governor to waive criteria of any economic development incentive including:<sup>46</sup>

- The Qualified Target Industry Tax Refund Program under s. 288.106, F.S.
- The Quick Response Training Program and the Quick Response Training Program for participants in the welfare transition program under s. 288.047, F.S.
- Transportation projects under s. 339.2821, F.S.
- The brownfield redevelopment bonus refund under s. 288.107, F.S.
- The rural job tax credit program under s. 212.098, F.S. and s. 220.1895, F.S.

The Governor designates RAOs by executive order. The currently designated RAOs are:<sup>47</sup>

- **Northwest Rural Area of Opportunity:** Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the area within the city limits of Freeport and Walton County north of the Choctawhatchee Bay and intercoastal waterway.
- **South Central Rural Area of Opportunity:** DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).
- **North Central Rural Area of Opportunity:** Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

### **Funds for Operation of Workforce Education Programs**

State funding for workforce education programs is calculated based on weighted student enrollment and program costs, minus tuition and fee revenues, and including various supplemental cost factors.<sup>48</sup> To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education uses and submits to the Legislature, a funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs.<sup>49</sup>

Continuing workforce education programs provided by district school boards or Florida College System institutions must be fully supported by fees.<sup>50</sup> For fee-exempt students, such as students in an apprenticeship program, state funding is 100 percent of the average cost of instruction.<sup>51</sup>

### **Workforce Education Tuition and Fees**

For programs leading to a career certificate or an ATD, the standard tuition is \$2.33 per contact hour for residents.<sup>52</sup> A block tuition of \$45 per half year or \$30 per term is assessed for students enrolled in adult general education, which includes adult secondary education programs.<sup>53</sup> Each district school board and FCS institution may adopt tuition that is within the range of five percent below to five percent

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<sup>45</sup> s. 288.0656(2)(d), F.S.

<sup>46</sup> Florida Department of Commerce, Rural Areas of Opportunity, <https://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited Feb. 12, 2024).

<sup>47</sup> *Id.*

<sup>48</sup> s. 1011.80(6)(b), F.S.

<sup>49</sup> s. 1011.80(7)(a), F.S.

<sup>50</sup> *See* s. 1011.80(6)(a), F.S.

<sup>51</sup> *See* s. 1011.80(6)(c), F.S.

<sup>52</sup> s. 1009.22, F.S.

<sup>53</sup> s. 1009.22(3)(c), F.S.

above the standard tuition.<sup>54</sup> Institutions may also adopt student financial aid,<sup>55</sup> capital improvement,<sup>56</sup> and technology fees<sup>57</sup> for students that are not enrolled in adult general education programs. The student financial aid fee is capped at 10 percent of tuition, while the capital improvement and technology fees are capped at 5 percent of tuition.<sup>58</sup>

Florida College System institution boards of trustees and district school boards are also authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines may not exceed the cost of the services provided and may only be charged to persons receiving the service.<sup>59</sup>

The total tuition and fee estimate for district career centers for postsecondary certificate and adult general education programs in the 2023-2024 fiscal year is \$40,152,198.<sup>60</sup>

### **Workforce Education Funding for Co-enrollment**

School districts and FCS institutions are permitted to allow students currently enrolled in high school to co-enroll in their Adult High School program.<sup>61</sup> A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in core curricula courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to two courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs. The Department of Education is required to develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.<sup>62</sup>

### **State Financial Aid and Grant**

The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:<sup>63</sup>

- Achievement of the academic requirements of and acceptance at a state university or state college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the SBE; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the SBE.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.<sup>64</sup> Residency in this state must be for purposes other than to obtain an education.

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<sup>54</sup> s. 1009.22(3)(d), F.S. Florida Department of Education, *State Funding for Districts: 2023-24 District Workforce Education Tuition and Fees (Attachment)*, <https://www.fldoe.org/core/fileparse.php/7529/urlt/2023-24-Workforce-Education-Tuition-and-Fees-Attachment.pdf> at 1 (last visited Feb. 12, 2024).

<sup>55</sup> s. 1009.22(6), F.S.

<sup>56</sup> s. 1009.22(7), F.S.

<sup>57</sup> s. 1009.22(8), F.S.

<sup>58</sup> s. 1009.22(6)-(8), F.S.

<sup>59</sup> s. 1009.22(10), F.S.

<sup>60</sup> Florida Department of Education, *2023-24 District Workforce Education Funding Summary*, <https://www.fldoe.org/core/fileparse.php/7529/urlt/2324-wf-fundingsummary.pdf> at 32 (last visited Feb. 12, 2024).

<sup>61</sup> Florida Department of Education, *Memorandum: 2023-24 Adult High School Co-Enrollment Program Eligible Course List* (May 23, 2023), <https://www.fldoe.org/core/fileparse.php/7522/urlt/2324AdultHSCoEnroll-ProMemo.pdf> (last visited Feb. 12, 2024).

<sup>62</sup> s. 1011.80(10), F.S.

<sup>63</sup> s. 1009.40(1)(a), F.S.

<sup>64</sup> The residency requirement is specific to awards under ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.60, 1009.62, 1009.72, 1009.73, 1009.75, 1009.77, 1009.89, and 1009.894, F.S.

- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants.

### ***Open Door Grant Program***

The Open Door Grant Program is a financial aid program for students of a state college or career center to incentivize current and future workers to enroll in an adult education integrated education and training program or a workforce education program on the Master Credentials List that leads to a credential, certificate, or degree.<sup>65</sup>

In order to be eligible for the Open Door Grant Program, a student must:<sup>66</sup>

- Be a resident of Florida for tuition purposes and attest to the accuracy, completeness, and correctness of information provided to demonstrate the student's eligibility to receive state financial aid awards or tuition assistance grants;
- Be enrolled in an integrated education and training program, career certificate, applied technology diploma, continuing workforce education, associate's degree, or apprenticeship and preapprenticeship programs included on the Master Credentials List or lead to a certification on the Master Credentials list;
- Be enrolled at a school district postsecondary technical career center, a state college, or a charter technical career center.

A student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible workforce education program after all other federal and state financial aid and any other private or public financial assistance is applied. These costs may include tuition and fees, exam or assessment costs, books, or related materials. Additionally, a student is eligible to receive a stipend up to \$1,500 per academic year to cover other educational expenses related to cost of attendance. The awards are subject to availability of funding and stipend amounts may be specified in the General Appropriations Act.

For the 2023-2024 fiscal year, the Legislature appropriated \$35 million in recurring general revenue funds for the Open Door Grant Program, including \$15 million for District Workforce Education and \$20 million for the Florida College System.<sup>67</sup>

### ***CAPE Industry Certification Funding List***

The State Board of Education is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand.<sup>68</sup>

Certifications included on the CAPE Industry Certification Funding List:<sup>69</sup>

- Require at least 150 hours of instruction and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

Unless otherwise specified in the General Appropriations Act, district workforce education programs and FCS institutions may receive \$1,000 in performance funding for each eligible postsecondary

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<sup>65</sup> s. 1009.895, F.S.

<sup>66</sup> *Id.*

<sup>67</sup> Specific Appropriation 59B, ch. 2023-239, L.O.F.

<sup>68</sup> s. 1008.44(1), F.S.

<sup>69</sup> Rule 6A-6.0576(5)-(6), F.S.

industry certification that their students earn in an academic year.<sup>70</sup> If funds are insufficient to fully fund the calculated total award, they will be prorated accordingly.<sup>71</sup>

For the 2023-2024 fiscal year, the Legislature appropriated \$8.5 million in recurring general revenue funds for CAPE incentive funds to district workforce education programs and \$20 million in recurring general revenue funds for CAPE incentive funds for Florida College System institutions.<sup>72</sup>

### **Effect of Proposed Changes**

The bill creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Startup Grant Program to provide individuals ages 16 to 21 who have discontinued school enrollment in traditional high school programs the opportunity to earn, at no cost, a standard high school diploma, or equivalent, and a workforce credential.

### **GATE Program**

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that may be offered through the program. The bill specifies that a student must:

- Not have earned a standard high school diploma or a high school equivalency diploma.
- Be a resident of this state for tuition purposes.
- Be 16 to 21 years of age at the time of initial enrollment.
- Select the adult secondary education program and career education program of his or her choice at the time of admission to the GATE program, provided the program is included on the Master Credentials List. The student may not change the requested pathway after enrollment.
- Maintain a 2.0 grade point average (GPA) for career and technical education coursework.
- Complete the adult secondary education program and the career education program within two years unless the institution determines that an extension is warranted due to extenuating circumstances.

The bill defines a “career education program” as an applied technology diploma program or a career certificate program and defines an “institution” as a school district career center, a charter technical career center, or a Florida College System institution.

Subject to appropriation, the bill also requires institutions to waive 100 percent of the registration, tuition, laboratory, and examination fees and instructional materials costs after all other federal and state aid is applied, including Workforce Innovation and Opportunity Act and Open Door Grant funds. Subject to the eligibility of funds, students participating in the program will also be eligible for a stipend to cover other educational expenses related to the cost of attendance through the Open Door Grant.<sup>73</sup>

The bill provides several provisions to engage eligible students. First, when students choose to disenroll from school, the bill requires they be made aware of the GATE program and the opportunities it offers. The bill also requires GED candidates be made aware of the program and its eligibility requirements. For those who have been separated for longer periods of time and may engage with a one-stop center, the bill requires they be made aware of adult education generally, and the GATE program specifically.

Additionally, the Department of Education will be required to develop and implement a statewide recruitment campaign in conjunction with eligible institutions, local workforce development boards, and other local, regional, or state initiatives that interact with the target population.

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<sup>70</sup> ss. 1011.80(7)(b) and 1011.81(2)(b), F.S.

<sup>71</sup> *Id.*

<sup>72</sup> Specific Appropriations 111 and 120, ch. 2023-239, L.O.F.

<sup>73</sup> s. 1009.895(3), F.S.

To provide accountability and assess the overall success of the program, the bill requires the Department of Education to annually report the number and value of registration, tuition, laboratory, and examination fees and instructional materials costs waived and reimbursed; and the number of students who have obtained a standard high school diploma or high school equivalency diploma, completed an applied technology diploma or career certificate, number of students that receive an Open Door Grant stipend, and earned an industry certificate, while participating in the program.

The bill requires the State Board of Education to adopt rules to implement the GATE Program.

### **GATE Scholarship Program**

The bill creates the GATE Scholarship Program to reimburse eligible institutions for registration, tuition, laboratory, and examination fees and related instructional materials costs for students enrolled in the GATE Program. The bill requires the GATE Scholarship Program to reimburse career centers and Florida College System institutions at their respective in-state resident tuition rates.

Each participating institution is required to report to DOE all students enrolled in the GATE Program during the fall, spring, or summer terms within 30 days after the end of regular registration. For each eligible student, the institution is required to report the total reimbursable expenses by category, which the DOE must consider in determining an institution's GATE Scholarship Program award. The bill requires the DOE to reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

The bill provides that reimbursements from the GATE Scholarship Program are contingent upon an annual appropriation in the General Appropriations Act (GAA). If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have timely reported eligible students.

The bill requires the State Board of Education to adopt rules to implement the GATE Scholarship Program.

### **GATE Startup Grant Program**

The bill establishes the GATE Startup Grant Program (grant program) within the Department of Education (DOE) to fund and support the startup and implementation of new GATE programs. Funding for the grant program is subject to legislative appropriation. The purpose of the grant program is to increase access statewide to programs that support adult learners earning a high school credential and workforce credential aligned to statewide or regional demand.

The bill tasks DOE with administering the grant program, including soliciting and funding proposals. Only school districts and Florida College System institutions in counties that do not have programs that are eligible for the GATE Program may apply for and receive grant program funds. Such school districts and institutions must also be located in or serve a rural area of opportunity. The bill requires the department to prioritize grant proposals that combine adult secondary education and career education programs at one location or allow students to complete programs via distance learning. Pursuant to the bill, an applicant may not receive more than 10 percent of the total amount appropriated by the Legislature.

The bill requires DOE to make the grant application available to potential applicants no later than August 15, 2024. Grant proposals must include the following:

- The institution or institutions that will provide the adult secondary education and career education programs;
- The proposed adult secondary education program or programs the institution or institutions will provide and projected enrollment;
- The proposed career education program or programs and the institution or institutions will provide and projected enrollment;

- The credential or credentials associated with the career education program or programs. Such credential or credentials must be included on the Master Credentials List;
- The cost of instruction for all programs contemplated in the proposal, including costs for tuition, fees, registration, laboratory, examination, and instructional materials costs.
- Outreach strategies including local workforce development boards; and
- A plan or timeline for implementing the provisions of the GATE program and enrolling students.

The bill specifies grant funds may be used for planning activities and other expenses associated with the creation of a new GATE program, such as expenses related to program instruction, instructional equipment, supplies, instructional personnel, and student services. Grant funds may not be used for indirect costs. Grant recipients must submit an annual report in a format prescribed by the department.

The State Board of Education may adopt rules to administer the grant program.

### **Funds for the Operation of Workforce Programs**

The bill increases from two to four the number of courses that may be reported for funding for a student who is coenrolled in a K-12 education program and adult education program. The bill also removes the requirement that the courses funded must be core curricula.

#### **B. SECTION DIRECTORY:**

- Section 1:** Amends s. 445.009, F.S., clarifying the services for which the one-stop delivery system is intended to provide access to include additional specified services.
- Section 2:** Amends s. 1003.21, F.S., requiring a student's certified school counselor or other school personnel to inform the student of opportunities in specified programs, including, but not limited to, adult education, high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program; requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options.
- Section 3:** Amends s. 1003.435, F.S., requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options.
- Section 4:** Creates s. 1004.933, F.S., defining the terms "career education program" and "institution"; establishing the Graduation Alternative to Traditional Education (GATE) Program; providing the purpose of the program; requiring institutions to waive payments for registration, tuition, laboratory, and examination fees for students enrolled in the program after all other federal aid is applied; providing eligibility requirements; prohibiting an institution from imposing additional eligibility requirements; requiring the State Board of Education to adopt rules
- Section 5:** Creates s. 1009.711, F.S., creating the GATE Scholarship Program; requiring the Department of Education to administer the program; requiring the program to reimburse eligible institutions for student costs; requiring participating institutions to report to the department all students enrolled in the program; providing that reimbursements are contingent on legislative appropriations and may be prorated in the event that total reimbursements owed exceed available funds; requiring the state board to adopt rules
- Section 6:** Amends s. 1011.80, F.S., revising the number of courses certain students may be reported for relating to funding purposes; providing that such courses do not have to be core curricula courses; deleting a requirement for the department to develop a list of courses to be designated as core curricula courses.
- Section 7:** Creates s. 1011.804, F.S., creating the GATE Startup Grant Program; provides the program is established within the Department of Education to fund and support the startup and implementation of new GATE programs, subject to appropriation; providing the purpose of the grant program; provides eligibility for the program; provides duties to the Department of Education.

**Section 8:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

### D. FISCAL COMMENTS:

The bill's fiscal impact is indeterminate due to the unknown number of individuals who qualify for, and will choose to enroll in, the GATE program. However, during the 2022-2023 academic year, there were 5,882 students who were 21 years of age or younger enrolled in GED programs at career centers or state colleges. This figure does not include the number of individuals not currently enrolled in an adult secondary education program or career education program who may learn of the GATE Program as a result of the statewide recruitment campaign or one of the bill's other provisions to identify and engage eligible students.

To the extent funding is provided, school districts and Florida College System institutions would incur the following costs to implement the GATE Program per student:

- adult education tuition & fees (\$90/student);
- career education program tuition & fees (\$2.33/hour);
- lab equipment (\$1,000/per student); and
- instructional materials (\$500/student).

The bill requires institutions to waive 100 percent of the tuition costs after all other state and federal aid is applied, including Workforce Innovation and Opportunity Act funds, saving students money and providing additional access to postsecondary education. Institutions may receive a reimbursement for the amount of costs waived. Subject to the eligibility of funds, students participating in the program will also be eligible for a stipend to cover other educational expenses related to the cost of attendance through the Open Door Grant. Additionally, certain institutions may apply for startup grants to establish new GATE programs.

Total costs per student and total number of students is unknown and will vary by institution and program type. However, for the 5,882 students enrolled in the 2022-2023 academic year, the fiscal impact of the waivers and subsequent institution reimbursements would be approximately \$6,953,441.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:



1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is required to adopt rules to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On February 6, 2024, the Higher Education Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment differed from the original bill in the following ways:

- Requires institutions to waive 100 percent of tuition, registration, laboratory, and examination fees after all state and federal aid is applied for a student participating in the GATE Program, subject to legislative appropriation.
- Changes the amount of time a student must complete the programs from three years to two years.
- Creates the GATE Startup Grant Program in lieu of the GATE Student Success Incentive Fund to increase access to programs that support adult learners and enable school districts and Florida College System institutions in areas of rural opportunity to start and implement GATE programs. The GATE Startup Grant Program is created within the Department of Education and is subject to legislative appropriation.

The analysis is drafted to the committee substitute adopted by the Higher Education Appropriations Subcommittee.

1                   A bill to be entitled  
2           An act relating to education; amending s. 445.009,  
3           F.S.; revising the services for which the one-stop  
4           delivery system is intended to provide access to;  
5           amending s. 1003.21, F.S.; requiring a student's  
6           certified school counselor or other school personnel  
7           to inform the student of opportunities in specified  
8           programs; amending s. 1003.435, F.S.; requiring  
9           district school boards to notify all candidates for  
10          the high school equivalency diploma of adult secondary  
11          and postsecondary education options, including  
12          specified eligibility requirements; creating s.  
13          1004.933, F.S.; providing definitions; establishing  
14          the Graduation Alternative to Traditional Education  
15          (GATE) Program for a specified purpose; requiring  
16          institutions to waive payments for specified student  
17          fees; providing eligibility requirements; providing  
18          that students participating in the program are  
19          eligible for a specified stipend under certain  
20          circumstances; prohibiting an institution from  
21          imposing additional eligibility requirements;  
22          providing Department of Education responsibilities;  
23          providing department reporting requirements; requiring  
24          the State Board of Education to adopt rules; creating  
25          s. 1009.711, F.S.; creating the GATE Scholarship

26 Program; requiring the department to administer the  
27 program; requiring the program to reimburse eligible  
28 institutions for specified student fees and costs;  
29 requiring participating institutions to report  
30 specified information to the department; requiring the  
31 department to reimburse participating institutions  
32 within a specified timeframe; providing that  
33 reimbursements are contingent upon legislative  
34 appropriation and must be prorated under certain  
35 circumstances; requiring the state board to adopt  
36 rules; amending s. 1011.80, F.S.; revising the number  
37 of courses for which certain students may be reported  
38 for certain funding purposes; providing that such  
39 courses do not have to be core curricula courses;  
40 deleting a requirement for the department to develop a  
41 list of courses to be designated as core curricula  
42 courses; creating s. 1011.804, F.S.; establishing the  
43 GATE Startup Grant Program within the department for a  
44 specified purpose; providing eligibility requirements;  
45 providing department duties; providing requirements  
46 for grant proposals, grant awards, and the use of  
47 grant funds; providing reporting requirements;  
48 authorizing the state board to adopt rules; providing  
49 an effective date.

50

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

52

53 Section 1. Paragraph (g) of subsection (1) of section  
54 445.009, Florida Statutes, is amended to read:

55 445.009 One-stop delivery system.—

56 (1) The one-stop delivery system is the state's primary  
57 customer-service strategy for offering every Floridian access,  
58 through service sites or telephone or computer networks, to the  
59 following services:

60 (g) Adult education, ~~and~~ basic skills training, integrated  
61 education and training, and the Graduation Alternative to  
62 Traditional Education Program under s. 1004.933.

63 Section 2. Paragraph (c) of subsection (1) of section  
64 1003.21, Florida Statutes, is amended to read:

65 1003.21 School attendance.—

66 (1)

67 (c) A student who attains the age of 16 years during the  
68 school year is not subject to compulsory school attendance  
69 beyond the date upon which he or she attains that age if the  
70 student files a formal declaration of intent to terminate school  
71 enrollment with the district school board. Public school  
72 students who have attained the age of 16 years and who have not  
73 graduated are subject to compulsory school attendance until the  
74 formal declaration of intent is filed with the district school  
75 board. The declaration must acknowledge that terminating school

76 enrollment is likely to reduce the student's earning potential  
77 and must be signed by the student and the student's parent. The  
78 school district shall notify the student's parent of receipt of  
79 the student's declaration of intent to terminate school  
80 enrollment. The student's certified school counselor or other  
81 school personnel shall conduct an exit interview with the  
82 student to determine the reasons for the student's decision to  
83 terminate school enrollment and actions that could be taken to  
84 keep the student in school. The student's certified school  
85 counselor or other school personnel shall inform the student of  
86 opportunities to continue his or her education in a different  
87 environment, including, but not limited to, adult education, ~~and~~  
88 high school equivalency examination preparation, and the  
89 Graduation Alternative to Traditional Education Program under s.  
90 1004.933. Additionally, the student shall complete a survey in a  
91 format prescribed by the Department of Education to provide data  
92 on student reasons for terminating enrollment and actions taken  
93 by schools to keep students enrolled.

94 Section 3. Subsection (3) of section 1003.435, Florida  
95 Statutes, is amended to read:

96 1003.435 High school equivalency diploma program.—

97 (3) Each district school board shall:

98 (a) Offer and administer the high school equivalency  
99 diploma examinations and the subject area examinations to all  
100 candidates pursuant to rules of the State Board of Education.

101        (b) Notify each candidate of adult secondary and  
 102 postsecondary education options available in or near the school  
 103 district, including the Graduation Alternative to Traditional  
 104 Education Program under s. 1004.933. The candidate must also be  
 105 informed of the eligibility requirements and any minimum  
 106 academic requirements for each available option.

107        Section 4. Section 1004.933, Florida Statutes, is created  
 108 to read:

109        1004.933 Graduation Alternative to Traditional Education  
 110 (GATE) Program.—

111        (1) DEFINITIONS.—As used in this section, the term:

112        (a) "Career education program" means an applied technology  
 113 diploma program as defined in s. 1004.02(7) or a career  
 114 certificate program as defined in s. 1004.02(20).

115        (b) "Institution" means a school district career center  
 116 established under s. 1001.44, a charter technical career center  
 117 established under s. 1002.34, or a Florida College System  
 118 institution identified in s. 1000.21.

119        (2) ESTABLISHMENT; PURPOSE.—The Graduation Alternative to  
 120 Traditional Education (GATE) Program is created within the  
 121 Department of Education for the following purposes:

122        (a) Assisting students who may have challenges in  
 123 completing the requirements for a standard high school diploma  
 124 in a traditional setting.

125        (b) Creating an alternative education pathway that

126 supports this state's commitment to educational accessibility  
127 for all students by providing additional opportunities for  
128 students 16 to 21 years of age who have discontinued enrollment  
129 in traditional high school programs.

130 (c) Increasing the number of students who successfully  
131 earn a high school credential in this state.

132 (d) Increasing the number of students in career education  
133 programs.

134 (3) PAYMENT WAIVER; ELIGIBILITY.—

135 (a) Notwithstanding any other provision of state law,  
136 including ss. 445.009(8)(d) and 1009.895(3), and contingent upon  
137 an appropriation provided pursuant to s. 1009.711(5), an  
138 institution shall waive 100 percent of the registration,  
139 tuition, laboratory, and examination fees after all other  
140 federal and state aid is applied for a student participating in  
141 the GATE Program, including Workforce Innovation and Opportunity  
142 Act funds. Instructional materials assigned for use under the  
143 GATE Program must be made available to GATE Program students  
144 free of charge. An institution may not require payment by  
145 students of instructional materials costs eligible for  
146 reimbursement under s. 1009.711.

147 (b) To be eligible for participation in the GATE Program,  
148 a student may not have earned a standard high school diploma  
149 pursuant to s. 1003.4282 or a high school equivalency diploma  
150 pursuant to s. 1003.435 before enrolling in the GATE Program and

151 must:

152 1. Be a resident of this state as defined in s.  
 153 1009.21(1);

154 2. Be 16 to 21 years of age at the time of initial  
 155 enrollment;

156 3. Select the adult secondary education program and career  
 157 education program of his or her choice at the time of admission  
 158 to the GATE Program, provided that the program is included on  
 159 the Master Credentials List under s. 445.004(4). The student may  
 160 not change the requested pathway after enrollment;

161 4. Maintain a 2.0 GPA for career and technical education  
 162 coursework; and

163 5. Notwithstanding s. 1003.435(4), complete the programs  
 164 under subparagraph 3. within 2 years after his or her initial  
 165 enrollment unless the institution determines that an extension  
 166 is warranted due to extenuating circumstances.

167 (c) Subject to the availability of funds, a student who  
 168 meets the requirements of paragraph (b) and is enrolled in the  
 169 GATE Program is eligible to receive the stipend specified in s.  
 170 1009.895(3).

171 (d) An institution may not impose additional criteria to  
 172 determine a student's eligibility to receive a waiver under this  
 173 section.

174 (4) STUDENT SUPPORT.—In addition to administering the GATE  
 175 Program, the Department of Education shall perform the following



176 duties:

177 (a) Develop and implement a statewide recruitment campaign  
178 in conjunction with eligible institutions, local workforce  
179 development boards, and other local, regional, or state  
180 initiatives that interact with the GATE Program's target  
181 population.

182 (b) Connect prospective students directly to eligible  
183 institutions.

184 (c) Provide access to online career planning tools.

185 (5) REPORTING.—Beginning October 1, 2025, and each October  
186 1 thereafter, the Department of Education shall submit a report  
187 to the Governor, the President of the Senate, and the Speaker of  
188 the House of Representatives on the number and value of  
189 registration, tuition, laboratory, and examination fees and  
190 instructional materials costs waived and reimbursed, by  
191 institution; the number of students who have obtained a standard  
192 high school diploma or high school equivalency diploma while  
193 participating in the GATE Program; the number of students  
194 completing an applied technology diploma or career certificate  
195 while participating in the GATE Program; the number of students  
196 participating in the GATE Program who receive a stipend under s.  
197 1009.895(3); and the number of students who have earned an  
198 industry certification on the CAPE Industry Certification  
199 Funding List while participating in the GATE Program. The  
200 reporting period shall cover the previous academic year.

201        (6) RULES.—The State Board of Education shall adopt rules  
 202 to implement this section.

203        Section 5. Section 1009.711, Florida Statutes, is created  
 204 to read:

205        1009.711 GATE Scholarship Program.—

206        (1) The GATE Scholarship Program is created to financially  
 207 support institutions participating in the GATE Program  
 208 established pursuant to s. 1004.933.

209        (2) The Department of Education shall administer the GATE  
 210 Scholarship Program in accordance with rules adopted by the  
 211 State Board of Education pursuant to subsection (6).

212        (3) The GATE Scholarship Program shall reimburse eligible  
 213 institutions for registration, tuition, laboratory, and  
 214 examination fees and related instructional materials costs for  
 215 students enrolled in the GATE Program. School district career  
 216 centers and Florida College System institutions must be  
 217 reimbursed at the in-state resident tuition rate established in  
 218 s. 1009.22(3)(c).

219        (4) Each participating institution shall report to the  
 220 department all students enrolled in the GATE Program during the  
 221 fall, spring, or summer terms within 30 days after the end of  
 222 regular registration. For each eligible student, the institution  
 223 shall report the total reimbursable expenses by category, which  
 224 the department must consider in determining an institution's  
 225 award under this section. The department shall reimburse each

226 participating institution no later than 30 days after the  
 227 institution has reported enrollment for that term.

228 (5) Reimbursements from the GATE Scholarship Program are  
 229 contingent upon an annual appropriation in the General  
 230 Appropriations Act. If the statewide reimbursement amount is  
 231 greater than the appropriation, the institutional reimbursement  
 232 amounts specified in subsection (3) must be prorated among the  
 233 institutions that have timely reported eligible students to the  
 234 department.

235 (6) The State Board of Education shall adopt rules to  
 236 implement this section.

237 Section 6. Subsection (10) of section 1011.80, Florida  
 238 Statutes, is amended to read:

239 1011.80 Funds for operation of workforce education  
 240 programs.—

241 (10) A high school student dually enrolled under s.  
 242 1007.271 in a workforce education program operated by a Florida  
 243 College System institution or school district career center  
 244 generates the amount calculated for workforce education funding,  
 245 including any payment of performance funding, and the  
 246 proportional share of full-time equivalent enrollment generated  
 247 through the Florida Education Finance Program for the student's  
 248 enrollment in a high school. If a high school student is dually  
 249 enrolled in a Florida College System institution program,  
 250 including a program conducted at a high school, the Florida

251 College System institution earns the funds generated for  
252 workforce education funding, and the school district earns the  
253 proportional share of full-time equivalent funding from the  
254 Florida Education Finance Program. If a student is dually  
255 enrolled in a career center operated by the same district as the  
256 district in which the student attends high school, that district  
257 earns the funds generated for workforce education funding and  
258 also earns the proportional share of full-time equivalent  
259 funding from the Florida Education Finance Program. If a student  
260 is dually enrolled in a workforce education program provided by  
261 a career center operated by a different school district, the  
262 funds must be divided between the two school districts  
263 proportionally from the two funding sources. A student may not  
264 be reported for funding in a dual enrollment workforce education  
265 program unless the student has completed the basic skills  
266 assessment pursuant to s. 1004.91. A student who is coenrolled  
267 in a K-12 education program and an adult education program may  
268 be reported for purposes of funding in an adult education  
269 program. If a student is coenrolled in ~~core-curricula~~ courses  
270 for credit recovery or dropout prevention purposes and does not  
271 have a pattern of excessive absenteeism or habitual truancy or a  
272 history of disruptive behavior in school, the student may be  
273 reported for funding for up to four ~~two~~ courses per year. Such a  
274 student is exempt from the payment of the block tuition for  
275 adult general education programs provided in s. 1009.22(3)(c).

276 ~~The Department of Education shall develop a list of courses to~~  
277 ~~be designated as core curricula courses for the purposes of~~  
278 ~~enrollment.~~

279 Section 7. Section 1011.804, Florida Statutes, is created  
280 to read:

281 1011.804 GATE Startup Grant Program.-

282 (1) The GATE Startup Grant Program is established within  
283 the Department of Education to fund and support the startup and  
284 implementation of the new GATE Programs, subject to legislative  
285 appropriation. The purpose of the grant program is to increase  
286 access to programs that support adult learners earning a high  
287 school credential, either a high school diploma or its  
288 equivalent, and a workforce credential aligned to statewide or  
289 regional demand. The department shall administer the grants,  
290 determine eligibility, and distribute grant awards.

291 (2) The department may solicit proposals from school  
292 districts and Florida College System institutions without  
293 programs that meet the requirements of s. 1004.933(1)(a). Such  
294 school districts and institutions must be located in or serve a  
295 rural area of opportunity as designated by the Governor.

296 (3) The department shall prioritize grant proposals that  
297 combine adult secondary education and career education programs  
298 at one location or allow students to complete programs through  
299 distance learning. An applicant may not receive more than 10  
300 percent of the total amount appropriated for the program.

301       (4) The department shall make the grant application  
 302 available to potential applicants no later than August 15, 2024.

303 A grant proposal must include:

304       (a) The Florida College System institution or institutions  
 305 that will provide the adult secondary education and career  
 306 education programs;

307       (b) The proposed adult secondary education program or  
 308 programs the institution or institutions will provide and the  
 309 projected enrollment for such program or programs;

310       (c) The proposed career education program or programs the  
 311 institution or institutions will provide and the projected  
 312 enrollment for such program or programs;

313       (d) The credential or credentials associated with the  
 314 career education program or programs. Such credential or  
 315 credentials must be included on the Master Credentials List  
 316 under s. 445.004(4);

317       (e) The cost of instruction for all programs contemplated  
 318 in the proposal, including costs for tuition, fees,  
 319 registration, and laboratory, examination, and instructional  
 320 materials costs;

321       (f) Outreach strategies, including collaboration with  
 322 local workforce development boards; and

323       (g) A plan or timeline for implementing s. 1004.933 and  
 324 enrolling students.

325       (5) Grant funds may be used for planning activities and

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2024

326 other expenses associated with the creation of a new GATE  
327 Program, such as expenses related to program instruction,  
328 instructional equipment, supplies, instructional personnel, and  
329 student services. Grant funds may not be used for indirect  
330 costs. Grant recipients must submit an annual report in a format  
331 prescribed by the department. The department shall consolidate  
332 such annual reports and include the reports in the report  
333 required by s. 1004.933(5).

334 (6) The State Board of Education may adopt rules to  
335 administer this section.

336 Section 8. This act shall take effect July 1, 2024.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7051 (2024)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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1 Committee/Subcommittee hearing bill: Education & Employment  
2 Committee

3 Representative Melo offered the following:

4

5 **Amendment**

6 Remove line 164 and insert:

7 under subparagraph 3. within 3 years after his or her initial





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for CS/HB 917 Career and Technical Education

**SPONSOR(S):** Education & Employment Committee

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/CS/SB 460

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education & Employment Committee		Dixon	Hassell

### SUMMARY ANALYSIS

The bill authorizes a minor aged 16 or 17 years to work on any residential building construction if:

- the minor has earned his or her Occupational Health and Safety Administration (OSHA) 10 certification;
- the work being performed by the minor does not include work on any scaffolding, roof, superstructure, or ladder above 6 feet;
- the minor's work does not violate the federal Fair Labor Standards Act of 1938, any OSHA rule, or any federal law related to minors in the workplace;
- the minor is under the direct supervision of a person who has earned his or her OSHA 10 certification, is 21 years of age or older, and has at least 2 years of work experience related to the work he or she is supervising.

The bill removes the authorization for local governments to issue journeyworker licenses and charge registration fees for reciprocity in the plumbing, pipe fitting, mechanical, HVAC, electric, and alarm system trades. Instead, it mandates that local governments recognize individuals as journeyworkers in those trades if he or she meets specified exam and training requirements.

The bill requires the Department of Education to convene, no later than December 1, 2024, a workgroup to identify best practices in career and technical education pathways from middle school to high school and to identify the three math pathways for students enrolled in secondary grades.

The bill authorizes a school district and Florida College System institution to exempt from postsecondary career education program basic skills requirements a student who possesses a high school diploma from an eligible private school, or, for a student in a home education program or a personalized education program, a signed affidavit submitted by the student's parent or legal guardian.

The bill authorizes district school boards, as an alternative to the required annual career fair, to consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking and exposure opportunities for secondary and elementary students.

The bill has an indeterminate fiscal impact on state and local governments. See Fiscal Comments.

The bill has an effective date of July 1, 2024.

### FULL ANALYSIS

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

STORAGE NAME: pcs0917.EEC

DATE: 2/12/2024

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Hazardous Occupations Prohibited**

##### Present Situation

Prohibitions regarding the employment of minors age 16 or 17 in hazardous occupations in Florida are consistent with regulations adopted by the United States Secretary of Labor.<sup>1</sup> No minor under 18 years of age, whether such person's disabilities of nonage have been removed, may be employed or permitted or suffered to work on any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 feet.<sup>2</sup> This prohibition does not apply to a student learner who:<sup>3</sup>

- Is enrolled in a youth vocational training program under a recognized state or local educational authority.
- Is employed under a written agreement that provides:
  - That the work of the student learner in the occupation declared particularly hazardous is to be incidental to the training.
  - That such work will be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
  - That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
  - That a schedule of organized and progressive work processes to be performed on the job is to have been prepared.

Every employer in the construction industry is required to secure the payment of workers' compensation to his or her employees.<sup>4</sup> Employers who fail to secure the payment of workers' compensation for their employees are required to stop working and are liable for administrative and criminal penalties.<sup>5</sup> Employers must provide this benefit to all employees, including minors, whether lawfully or unlawfully employed.<sup>6</sup>

Employers in the construction industry are also required to provide certain training for their employees.<sup>7</sup> Employers are required to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to the work environment to control or eliminate any hazards or other exposure to illness or injury.<sup>8</sup> Employers are encouraged to use the safety and health training programs provided by the Secretary of Labor.<sup>9</sup>

The Occupational Health and Safety Administration (OSHA) within the Department of Labor, provides an Outreach Training Program to promote workplace safety and health and to make workers more knowledgeable about workplace hazards and their rights.<sup>10</sup> The OSHA Outreach Training Program provides training on the recognition, avoidance, abatement, and prevention of workplace hazards. Outreach classes also provide overview information regarding OSHA, including workers' rights, employer responsibilities, and how to file a complaint.<sup>11</sup>

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<sup>1</sup> Compare s. 450.061, F.S., with 29 CFR Part 570, Subpart E (Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being). However, the Secretary of Labor has not selected residential construction as a particularly hazardous activity. See 3 EMP. COORD. Compensation IV s. 24.20 (January 2024).

<sup>2</sup> Section 450.061(2)(b), F.S.

<sup>3</sup> Sections 450.061(2) and 450.161, F.S.

<sup>4</sup> Sections 440.10(1)(a) and 440.38(1), F.S.

<sup>5</sup> See ss. 440.105 and 440.107, F.S.

<sup>6</sup> Section 440.02(18)(a), F.S.

<sup>7</sup> 29 CFR s. 1926.21.

<sup>8</sup> 29 CFR s. 1926.21(b)(2).

<sup>9</sup> 29 CFR s. 1926.21(b)(1).

<sup>10</sup> USDOL, OSHA, *Outreach Training Program: Program Overview*, <https://www.osha.gov/training/outreach/overview> (last visited Jan. 31, 2024).

<sup>11</sup> *Id.*

The 10-hour training program is primarily intended for entry level workers. The 30-hour training program is intended to provide workers with some safety responsibility a greater depth and variety of training. All outreach training is intended to cover an overview of the hazards a worker may encounter on a job site. Training emphasizes hazard identification, avoidance, control and prevention, not OSHA standards.<sup>12</sup>

In the Fiscal Year 2023, 1,341,168 individuals were trained through the Outreach Training Program.<sup>13</sup> The construction 10-hour certification comprised 42 percent of the trainings.<sup>14</sup>

### Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.<sup>15</sup>

Within the FLSA, the child labor provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions which are detrimental to their health or well-being. These provisions include restrictions on the types of jobs that minors may perform.<sup>16</sup>

The FLSA establishes an 18-year minimum age for nonagricultural occupations that are declared to be particularly hazardous for 16 and 17-year old minors, or detrimental to their health or well-being. There are currently 17 hazardous occupations orders (HO) which include a partial or total ban on the occupations or industries they cover.<sup>17</sup> Some examples of the HOs include banning 16 and 17-year old's from operating certain power-driven metal-working machines and meat processing machines, from jobs in the manufacture of brick, tile and similar products, and from most jobs in roofing operations, including work performed on the ground and removal of the old roof, and all work on or about a roof.<sup>18</sup>

### Effect of Proposed Changes

The bill authorizes minors aged 16 or 17 years to be employed on any residential building construction if:

- the minor has earned his or her OSHA 10 certification;
- the work being performed by the minor does not include work on any scaffolding, roof, superstructure, or ladder above 6 feet;
- the minor's work does not violate the federal Fair Labor Standards Act of 1938, any OSHA rule, or any federal law related to minors in the workplace; and
- the minor is under the direct supervision of a person who has earned his or her OSHA 10 certification, is 21 years of age or older, and has at least 2 years of work experience related to the work he or she is supervising.

## **Apprentices and Journeyworkers**

### Present Situation

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<sup>12</sup> *Id.*

<sup>13</sup> USDOL, OSHA, *Outreach Training Program Annual Number of Trainees*, <https://www.osha.gov/training/outreach/growth> (last visited Jan. 31, 2024).

<sup>14</sup> USDOL, OSHA, *Number of Trainees by Class Type*, <https://www.osha.gov/training/outreach/growth#tab2> (last visited Jan. 31, 2024).

<sup>15</sup> U.S. Department of Labor, *Wages and the Fair Labor Standards Act*, <https://www.dol.gov/agencies/whd/flsa> (last visited Feb. 12, 2024).

<sup>16</sup> 29 CFR s. 570

<sup>17</sup> USDOL, Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act for Nonagricultural occupations (Dec. 2016), [Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act \(FLSA\) for Nonagricultural Occupations | U.S. Department of Labor \(dol.gov\)](#) (last visited Feb. 12, 2024).

<sup>18</sup> *Id.*

## Apprentice

Florida law defines an apprentice as a person at least 16 years of age who has entered into a written apprentice agreement with a registered sponsor. The sponsor can be an employer, an association of employers, or a local joint apprenticeship committee. The purpose of this agreement is to enable the apprentice to learn a recognized skilled trade through actual work experience under the supervision of a journeywork craftsman. Training for an apprentice should be combined with properly coordinated studies of related technical and supplementary subjects.<sup>19</sup>

An apprenticeship or preapprenticeship program must be registered and approved by the Department of Education (DOE).<sup>20</sup> A student who earns credit upon completion of a registered apprenticeship or preapprenticeship program may use such credit to satisfy high school graduation credit requirements for fine or performing arts, speech and debate, or career and technical education (CTE), or electives. The State Board of Education (SBE) is required to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which earned credit may be used to satisfy high school graduation requirements.<sup>21</sup>

The term of an apprenticeship may be completed through either a time-based approach, a competency-based approach, or a hybrid approach, as follows:<sup>22</sup>

- The time-based approach measures skill acquisition through the apprentice's completion of at least 2,000 hours of on-the-job training, exclusive of related technical instruction.
- The competency-based approach measures the apprentice's successful demonstration of acquired skills and knowledge, demonstrated through on-the-job training and related technical instruction.
- The hybrid approach measures the individual apprentice's skill acquisition through a combination of a range of specified number of hours of on-the-job training and the successful demonstration of competency.

## Journeyworkers

Florida apprenticeship standards define a journeyworker as a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.<sup>23</sup>

Counties and municipalities are authorized to issue journeyman licenses in various trades. These trades include plumbing, pipe fitting, mechanical, HVAC trades, electrical or alarm system trades.<sup>24</sup> An individual who holds a valid, active journeyman license in one of these trades issued by any county or municipality may work as a journeyman in the trade in which he or she is licensed in any other county or municipality without taking an additional examination or paying an additional license fee, if he or she:<sup>25</sup>

- Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;
- Has completed a registered apprenticeship program and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;
- Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code compliance and mitigation training

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<sup>19</sup> Section 446.021(2), F.S.; *see also* Florida Department of Education, *Apprentice Florida Report*, (2022-2023), at 3 and 9, <https://www.fldoe.org/core/fileparse.php/9904/urlt/2223ApprenticeshipReport.pdf> (last visited Jan. 31, 2024).

<sup>20</sup> Sections 446.021(5) and 446.021(6), F.S.

<sup>21</sup> Section 1003.4282(7)(a)3., F.S.

<sup>22</sup> Rule 6A-23.004(2), F.A.C.

<sup>23</sup> Section 446.021(4), F.S.; *see also* Florida Department of Education, *Apprentice Florida Report*, (2022-2023), at 3 and 9, <https://www.fldoe.org/core/fileparse.php/9904/urlt/2223ApprenticeshipReport.pdf> (last visited Jan. 31, 2024).

<sup>24</sup> Sections 489.1455 and 489.5335, F.S.

<sup>25</sup> Sections 489.5335(2) and 489.1455(2), F.S.

program,<sup>26</sup> specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

- Has not had a license suspended or revoked within the last 5 years.

A local government may charge a registration fee for reciprocity, not to exceed \$25.<sup>27</sup> Subject to limited exceptions,<sup>28</sup> state law related to electrical and alarm system contracting does not limit the power of a municipality or county to require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed locally, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work.<sup>29</sup>

### Effect of Proposed Changes

The bill adds the requirement for journeyworkers to pass a state-approved industry test, if required for the specific industry, and amends the type of apprenticeship program the journeyworker must complete to be a state-approved apprenticeship program.

The bill removes the authorization for counties and municipalities to issue journeyworker licenses and charge registrations fees for reciprocity in the plumbing, pipe fitting, mechanical, HVAC, electric, and alarm system trades. Instead, it mandates that the counties and municipalities must recognize individuals as journeyworkers in those trades if he or she meets the following requirements:

- Scores at least 70 percent, or after October 1, 1997, at least 75 percent, on a Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed.
- Completes a registered and state-approved apprenticeship program as defined under the law or accumulates at least 12,000 hours of on-the-job training in his or her specific trade.
- Satisfactorily completes specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established under the law, specific to the discipline or, pursuant to authorization by the certifying authority, and provides proof of completion of such coursework within 6 months after such certification.

## **Career and Technical Education and Mathematics Pathways**

### *Middle Grades Career Planning*

Florida law requires the completion of a career and education planning course in 6<sup>th</sup>, 7<sup>th</sup>, or 8<sup>th</sup> grade.<sup>30</sup> The course must:<sup>31</sup>

- be Internet-based, and customizable to each student and include research-based assessments to assist students in determining educational and career options and goals;
- result in a completed personalized academic and career plan for the student, which must use, when available, Florida's online career planning and work-based learning coordination system;<sup>32</sup>
- teach each student how to access and update the plan and encourage the student to update the plan at least annually as the student progresses through middle school and high school;
- emphasize the importance of entrepreneurship and employability skills; and
- include information from the economic security report and other state career planning resources.

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<sup>26</sup> Section 553.841, F.S.

<sup>27</sup> Sections 489.5335(3), F.S. and 489.1455(3), F.S.

<sup>28</sup> Section 489.503, F.S.

<sup>29</sup> Section 489.537(3)(f), F.S.

<sup>30</sup> Section 1003.4156(1)(e), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Xello, *For the Future of Work Florida*, <https://xello.world/en/florida-college-career-ready/> (last visited Jan. 31, 2024). Xello is Florida's official, K-12 career planning and work-based learning coordination provider.

The required personalized academic and career plan must inform students of high school graduation requirements including a detailed explanation of the requirements for earning a high school diploma designation and the CTE pathway to earn a standard high school diploma; the requirements for each scholarship in the Florida Bright Futures Scholarship Program requirements; state university and Florida college admission requirements; opportunities to earn college credit in high school, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment (including career dual enrollment), work-based learning opportunities (including internships, preapprenticeship and apprenticeship programs); career education courses (including career-themed courses and course sequences that lead to Industry certification).<sup>33</sup>

### *Statewide Mathematics Pathways*

In 2018, the Florida Student Success Center<sup>34</sup> established three workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education systems. The charge to the workgroups was to explore complex issues surrounding mathematics pathways to prepare high school students for transition into Florida College System (FCS) institutions, and FCS institution students for transition into four-year universities.<sup>35</sup>

In 2022, the SBE adopted statewide mathematics pathways at the postsecondary level to facilitate seamless transfer of credits, reduce excess credit hours, and ensure students take the courses needed for their future careers. Students entering the FCS in the 2024-2025 academic year and thereafter must be advised of the mathematics pathway that aligns to the mathematics skills needed for success in the corresponding academic programs aligned to their career goals.<sup>36</sup>

In 2023, the Florida Legislature required the DOE to convene a workgroup to:<sup>37</sup>

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The workgroup shall collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education, and careers.

### Effect of Proposed Changes

The bill requires the DOE to convene, no later than December 1, 2024, the workgroup to identify best practices in CTE pathways from middle school to high school and to identify the three math pathways for students enrolled in secondary grades.

### **Requirements for Career Education Basic Skills**

Each CTE career certificate program, 450 clock hours or longer, has identified associated basic academic skills (reading, mathematics, and language) that are required for completion from each CTE program. For the purpose of CTE and basic skills requirements, completion is accomplished when a

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<sup>33</sup> Section 1003.4156(1)(e), F.S.

<sup>34</sup> The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, <https://www.floridacollegesystemfoundation.org/fssc> (last visited Jan. 31, 2024).

<sup>35</sup> The Florida College System, *Mathematics Re-Design*, <https://www.floridacollegesystemfoundation.org/fscc-math-redesign> (last visited Jan. 31, 2024).

<sup>36</sup> Rule 6A-10.024(17), F.A.C.; *see also* State Board of Education, *Mathematics Pathway List*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15154> (last visited Jan. 31, 2024).

<sup>37</sup> Ch. 2023-81, L.O.F.; *see also* Section 1003.4282(10), F.S.

student has demonstrated mastery of the entire program's standards and benchmarks and receives a Career Certificate of Completion.<sup>38</sup>

Students who enroll in the program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program.<sup>39</sup> The SBE designates examinations to assess student mastery of basic communication (reading) or computation (mathematics) skills, which include the following:<sup>40</sup>

- Test of Adult Basic Education (TABE), Forms 11 and 12, 2017;
- Demonstration of basic communication and computation skills;<sup>41</sup>
- Comprehensive Adult Student Assessment System (CASAS), GOALS 900 Series, 2019;
- 2014 GED® Tests: Reasoning through Language Arts and Mathematical Reasoning where a minimum score as determined by the SBE has been attained on each test;<sup>42</sup> and
- A test adopted by the Criminal Justice Standards and Training Commission, used for admission into law enforcement or corrections training programs.<sup>43</sup>

A student who lacks the required level of basic skills for the career program must be provided with a structured program of basic skills instruction to correct deficiencies.<sup>44</sup> A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.<sup>45</sup>

An adult with a disability<sup>46</sup> may be exempted from the basic skills assessment requirement. In addition, the following students are exempt from taking the initial basic skills assessment.<sup>47</sup>

- A student who possesses a college degree at the associate in applied science level or higher.
- A student who demonstrates readiness for public postsecondary education in communication and computation specified in SBE rule.<sup>48</sup>
- A student who passes a specified state, national or industry certification or licensure examination that is aligned to the career education program.<sup>49</sup>
- An adult student who is enrolled in an apprenticeship program that is registered with the DOE.

### Effect of Proposed Changes

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<sup>38</sup> Florida Department of Education, *Career and Technical Education, 2019-2020 Technical Assistance Paper, CTE Basic Skills Assessment Requirements* (Mar. 2020), at 2, <https://www.fldoe.org/core/fileparse.php/5398/urlt/basic-skill-tap-att1.pdf>. (Last visited Jan. 31, 2024). The basic skills are exit requirements, not entry requirements.

<sup>39</sup> Section 1004.91(2), F.S.

<sup>40</sup> Rule 6A-10.040(1), F.A.C.

<sup>41</sup> The SBE determines the acceptable methods of demonstrating basic communication and computation skills. Methods include, but are not limited to, achieving a specified score on a common placement test such as the Postsecondary Education Readiness Test, the SAT, and the ACT, or specified performance in high school coursework. *See* Rule 6A-10.0315, F.A.C.

<sup>42</sup> A student must attain a minimum score of 145 on Reasoning through Language Arts and Mathematical Reasoning. *See* Rule 6A-6.0201, F.A.C.

<sup>43</sup> Applicants who apply for entry into a Commission-approved Basic Recruit Training Program are required to obtain a passing score on a Commission-approved Basic Abilities Test for the law enforcement or correctional disciplines, prior to entering a program. *See* Rule 11B-35.0011, F.A.C.

<sup>44</sup> Section 1004.91(2), F.S. *see also* Rule 6A-10.040, F.A.C.

<sup>45</sup> Section 1004.91(2), F.S.

<sup>46</sup> An adult with disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, and who requires modifications to the educational program, adaptive equipment, or specialized instructional methods and services in order to participate in workforce development programs that lead to competitive employment. *See* Section 1004.02(6), F.S.

<sup>47</sup> Section 1004.91(3), F.S.

<sup>48</sup> Rule 6A-10.0315, F.A.C.

<sup>49</sup> Section 943.17(1)(g), F.S., requires students in a career certificate program in law enforcement and corrections to complete a basic skills examination, based on FDLE rather than SBE standards, prior to entrance into the program. Law enforcement and correctional officer students are exempt from the basic skills requirement in s. 1004.91, F.S., because such students are required to pass the State Officer Certification Examination. Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis of SB 622* (Dec. 8, 2023), at 2.



The bill authorizes an exemption from postsecondary career education program basic skills requirements for a student who possesses a high school diploma from a private school in compliance with state requirements, or, for a student in a home education program or a personalized education program, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program or a personalized education program as prescribed under the law. A school district and FCS institution may exempt such students from the basic skills requirements.

## **School District Career Fairs**

### Present Situation

Each district school board must require each high school within its jurisdiction to host an annual career fair during the school year and establish a process to provide students in grades 11 and 12 the opportunity to meet or interview with potential employers during the career fair.<sup>50</sup> The career fair must be held on the campus of the high school, except that a group of high schools in the district or a group of districts may hold a joint career fair at an alternative location. A joint career fair must be held at a location within reasonable driving distance for students at all participating schools. The career fair must be held during the school day and may use Florida's online career planning and work-based learning system<sup>51</sup> as part of the career fair activities.<sup>52</sup>

### Effect of Proposed Changes

The bill authorizes district school boards, as an alternative to the required annual career fair, to consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking opportunities, during the school day, for secondary students and exposure for elementary and secondary students to a representative variety of industries, businesses, and careers.

## **State Academic Standards**

### Present Situation

Florida's state academic standards establish the core content of the curricula to be taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire.<sup>53</sup> The standards must be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time. Curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.<sup>54</sup>

The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The standards for grades 9 through 12 may be organized by grade clusters of more than one grade level except as otherwise provided for visual and performing arts, physical education, health, and foreign language standards.<sup>55</sup>

The commissioner, as needed, is required to develop and submit proposed revisions to the standards for review and comment by Florida educators, school administrators, representatives of the FCS and

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<sup>50</sup> Section 1001.43(14), F.S.

<sup>51</sup> Xello, *The Future of Work Florida*, <https://xello.world/en/florida-college-career-ready/> (last visited Jan. 31, 2024). Xello is Florida's official, K-12 career planning and work-based learning coordination provider.

<sup>52</sup> Section 1001.43(14), F.S.

<sup>53</sup> Section 1003.41(1), F.S.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education and careers, business and industry leaders, and the public. The commissioner, after considering reviews and comments, must submit the proposed revisions to the SBE for adoption.<sup>56</sup>

### The Effect of Proposed Changes

The bill adds to the persons who the commissioner must include for review and comment on proposed revisions to state standards to include a representative from the Department of Commerce and specifies that business and industry leaders are limited to those for in-demand careers.

#### B. SECTION DIRECTORY:

- Section 1:** Amends s. 446.021, F.S.; revising the definition of the term "journeyworker".
- Section 2:** Amends s. 450.061, F.S.; providing an exemption for minors to work in specified conditions.
- Section 3:** Amends s. 489.117, F.S.; conforming a cross-reference.
- Section 4:** Amends s. 489.1455 F.S.; requiring counties and municipalities to recognize certain persons as journeymen for specified occupations if such persons meet specified criteria; deleting provisions authorizing a local government to charge a specified registration fee.
- Section 5:** Amends s. 489.5335, F.S.; requiring counties and municipalities to recognize certain persons as journeymen for specified occupations if such persons meet specified criteria; deleting provisions authorizing a local government to charge a specified registration fee.
- Section 6:** Amends s. 1001.43, F.S.; providing an alternative to career fairs through other career and industry networking opportunities.
- Section 7:** Amends s. 1003.41, F.S.; revising a list of individuals who are required to review and comment on certain revisions to the state academic standards; making technical changes.
- Section 8:** Amends s. 1003.4282, F.S.; requiring the Department of Education to convene a workgroup by a specified date for specified purposes; making a technical change.
- Section 9:** Amends s. 1004.91, F.S.; providing an additional exemption from completing an entry-level examination for certain students.
- Section 10:** Establishes an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.
2. Expenditures:  
See Fiscal Comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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<sup>56</sup> Section 1003.41(3), F.S.  
**STORAGE NAME:** pcs0917.EEC  
**DATE:** 2/12/2024

1. Revenues:  
See Fiscal Comments.

2. Expenditures:  
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:  
None.

D. FISCAL COMMENTS:  
Local governments currently assessing licensing and registration fees to journeyworkers in specified trades would see an indeterminate decrease in revenues and expenditures.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:  
1. Applicability of Municipality/County Mandates Provision:  
None.

2. Other:  
None.

B. RULE-MAKING AUTHORITY:  
None.

C. DRAFTING ISSUES OR OTHER COMMENTS:  
None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1                   A bill to be entitled  
2           An act relating to career and technical education;  
3           amending s. 446.021, F.S.; revising the definition of  
4           the term "journeyworker"; amending s. 450.061, F.S.;  
5           providing an exemption for minors to work in specified  
6           conditions; amending s. 489.117, F.S.; conforming a  
7           cross-reference; amending ss. 489.1455 and 489.5335,  
8           F.S.; requiring counties and municipalities to  
9           recognize certain persons as journeymen for specified  
10          occupations if such persons meet specified criteria;  
11          deleting provisions authorizing a local government to  
12          charge a specified registration fee; amending s.  
13          1001.43, F.S.; providing an alternative to career  
14          fairs through other career and industry networking  
15          opportunities; amending s. 1003.41, F.S.; revising a  
16          list of individuals who are required to review and  
17          comment on certain revisions to the state academic  
18          standards; making technical changes; amending s.  
19          1003.4282, F.S.; requiring the Department of Education  
20          to convene a workgroup by a specified date for  
21          specified purposes; making a technical change;  
22          amending s. 1004.91, F.S.; providing an additional  
23          exemption from completing an entry-level examination  
24          for certain students; providing an effective date.  
25

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

27

28 Section 1. Subsection (4) of section 446.021, Florida  
 29 Statutes, is amended to read:

30 446.021 Definitions of terms used in ss. 446.011-446.092.—

31 As used in ss. 446.011-446.092, the term:

32 (4) "Journeyworker" means a person working in an  
 33 apprenticeable occupation who has successfully completed a  
 34 registered and state-approved apprenticeship program or who has  
 35 worked the number of years required by established industry  
 36 practices for the particular trade or occupation and, if  
 37 required for the specific industry, has passed the appropriate  
 38 state-approved industry test.

39 Section 2. Subsection (2) of section 450.061, Florida  
 40 Statutes, is amended to read:

41 450.061 Hazardous occupations prohibited; exemptions.—

42 (2) A ~~no~~ minor under 18 years of age, regardless of  
 43 whether such person's disabilities of nonage have been removed,  
 44 may not shall be employed or permitted or suffered to work in  
 45 any of the following places of employment or in any of the  
 46 following occupations, provided that ~~the provisions of~~  
 47 paragraphs (b), (e), (g), (h), (j), (m), (o), and (q) do shall  
 48 not apply to the employment of student learners under the  
 49 conditions prescribed in s. 450.161:

50 (a) In or around explosive or radioactive materials.

51 (b) On any scaffolding, roof, superstructure, residential  
 52 or nonresidential building construction, or ladder above 6 feet.  
 53 A minor 16 or 17 years of age may be employed on any residential  
 54 building construction if:

55 1. The minor 16 or 17 years of age has earned his or her  
 56 Occupational Safety and Health Administration 10 certification  
 57 and is under the direct supervision of a person who:

58 a. Has earned his or her Occupational Safety and Health  
 59 Administration 10 certification.

60 b. Is 21 years of age or older.

61 c. Has at least 2 years of work experience related to the  
 62 work he or she is supervising.

63 2. The minor 16 or 17 years of age is not working on any  
 64 scaffolding, roof, superstructure, or ladder above 6 feet.

65 3. The work being performed by the minor 16 or 17 years of  
 66 age is not in violation of the federal Fair Labor Standards act  
 67 of 1938, any Occupational Safety and Health Administration rule  
 68 or any federal law related to minors in the workplace.

69 (c) In or around toxic substances or corrosives, including  
 70 pesticides or herbicides, unless proper field entry time  
 71 allowances have been followed.

72 (d) Any mining occupation.

73 (e) In the operation of power-driven woodworking machines.

74 (f) In the operation of power-driven hoisting apparatus.

75 (g) In the operation of power-driven metal forming,

76 punching, or shearing machines.

77 (h) Slaughtering, meat packing, processing, or rendering,  
78 except as provided in 29 C.F.R. s. 570.61(c).

79 (i) In the operation of power-driven bakery machinery.

80 (j) In the operation of power-driven paper products and  
81 printing machines.

82 (k) Manufacturing brick, tile, and like products.

83 (l) Wrecking or demolition.

84 (m) Excavation operations.

85 (n) Logging or sawmilling.

86 (o) Working on electric apparatus or wiring.

87 (p) Firefighting.

88 (q) Operating or assisting to operate, including starting,  
89 stopping, connecting or disconnecting, feeding, or any other  
90 activity involving physical contact associated with operating, a  
91 tractor over 20 PTO horsepower, any trencher or earthmoving  
92 equipment, fork lift, or any harvesting, planting, or plowing  
93 machinery, or any moving machinery.

94 Section 3. Paragraph (a) of subsection (4) of section  
95 489.117, Florida Statutes, is amended to read:

96 489.117 Registration; specialty contractors.—

97 (4)(a)1. A person whose job scope does not substantially  
98 correspond to either the job scope of one of the contractor  
99 categories defined in s. 489.105(3)(a)-(o), or the job scope of  
100 one of the certified specialty contractor categories established

101 by board rule, is not required to register with the board. A  
 102 local government, as defined in s. 163.211, may not require a  
 103 person to obtain a license, issued by the local government or  
 104 the state, for a job scope which does not substantially  
 105 correspond to the job scope of one of the contractor categories  
 106 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.  
 107 489.1455 ~~s. 489.1455(1)~~, or the job scope of one of the  
 108 certified specialty contractor categories established pursuant  
 109 to s. 489.113(6). A local government may not require a state or  
 110 local license to obtain a permit for such job scopes. For  
 111 purposes of this section, job scopes for which a local  
 112 government may not require a license include, but are not  
 113 limited to, painting; flooring; cabinetry; interior remodeling  
 114 when the scope of the project does not include a task for which  
 115 a state license is required; driveway or tennis court  
 116 installation; handyman services; decorative stone, tile, marble,  
 117 granite, or terrazzo installation; plastering; pressure washing;  
 118 stuccoing; caulking; and canvas awning and ornamental iron  
 119 installation.

120 2. A county that includes an area designated as an area of  
 121 critical state concern under s. 380.05 may offer a license for  
 122 any job scope which requires a contractor license under this  
 123 part if the county imposed such a licensing requirement before  
 124 January 1, 2021.

125 3. A local government may continue to offer a license for



126 veneer, including aluminum or vinyl gutters, siding, soffit, or  
 127 fascia; rooftop painting, coating, and cleaning above three  
 128 stories in height; or fence installation and erection if the  
 129 local government imposed such a licensing requirement before  
 130 January 1, 2021.

131 4. A local government may not require a license as a  
 132 prerequisite to submit a bid for public works projects if the  
 133 work to be performed does not require a license under general  
 134 law.

135 Section 4. Section 489.1455, Florida Statutes, is amended  
 136 to read:

137 489.1455 Journeyman; reciprocity; standards.—

138 ~~(1)~~ Counties and municipalities must recognize a person as  
 139 a journeyman ~~are authorized to issue journeyman licenses~~ in the  
 140 plumbing, pipe fitting, mechanical, or HVAC trades if he or she  
 141 meets the following requirements:—

142 ~~(2) An individual who holds a valid, active journeyman~~  
 143 ~~license in the plumbing, pipe fitting, mechanical, or HVAC~~  
 144 ~~trades issued by any county or municipality in this state may~~  
 145 ~~work as a journeyman in the trade in which he or she is licensed~~  
 146 ~~in any county or municipality of this state without taking an~~  
 147 ~~additional examination or paying an additional license fee, if~~  
 148 ~~he or she:~~

149 (1)(a) Has scored at least 70 percent, or after October 1,  
 150 1997, at least 75 percent, on a proctored journeyman Block and

151 Associates examination or other proctored examination approved  
 152 by the board for the trade in which he or she is licensed;

153 ~~(2)-(b)~~ Has completed a registered and state-approved an  
 154 apprenticeship program as defined in s. 446.021(6) or has at  
 155 least 12,000 hours of on-the-job training in his or her specific  
 156 trade registered with a registration agency defined in 29 C.F.R.  
 157 s. 29.2 and demonstrates 4 years' verifiable practical  
 158 experience in the trade for which he or she is licensed, or  
 159 demonstrates 6 years' verifiable practical experience in the  
 160 trade for which he or she is licensed; and

161 ~~(3)-(e)~~ Has satisfactorily completed specialized and  
 162 advanced module coursework approved by the Florida Building  
 163 Commission, as part of the building code training program  
 164 established in s. 553.841, specific to the discipline or,  
 165 pursuant to authorization by the certifying authority, provides  
 166 proof of completion of such coursework within 6 months after  
 167 such certification.; ~~and~~

168 ~~(d)~~ ~~Has not had a license suspended or revoked within the~~  
 169 ~~last 5 years.~~

170 ~~(3)~~ ~~A local government may charge a registration fee for~~  
 171 ~~reciprocity, not to exceed \$25.~~

172 Section 5. Section 489.5335, Florida Statutes, is amended  
 173 to read:

174 489.5335 Journeyman; reciprocity; standards.—

175 ~~(1)~~ Counties and municipalities must recognize a person as

176 a journeyman ~~are authorized to issue journeyman licenses~~ in the  
 177 electrical and alarm system trades if he or she meets the  
 178 following requirements:-

179 ~~(2) An individual who holds a valid, active journeyman~~  
 180 ~~license in the electrical or alarm system trade issued by any~~  
 181 ~~county or municipality in this state may work as a journeyman in~~  
 182 ~~the trade in which he or she is licensed in any other county or~~  
 183 ~~municipality of this state without taking an additional~~  
 184 ~~examination or paying an additional license fee, if he or she:~~

185 (1)(a) Has scored at least 70 percent, or after October 1,  
 186 1997, at least 75 percent, on a proctored journeyman Block and  
 187 Associates examination or other proctored examination approved  
 188 by the board for the trade in which he or she is licensed;

189 (2)(b) Has completed a registered and state-approved an  
 190 apprenticeship program as defined in s. 446.021(6) or has at  
 191 least 12,000 hours of on-the-job training in his or her specific  
 192 trade registered with a registration agency defined in 29 C.F.R.  
 193 s. 29.2 and demonstrates 4 years' verifiable practical  
 194 experience in the trade for which he or she is licensed, or  
 195 demonstrates 6 years' verifiable practical experience in the  
 196 trade for which he or she is licensed; and

197 (3)(e) Has satisfactorily completed specialized and  
 198 advanced module coursework approved by the Florida Building  
 199 Commission, as part of the building code training program  
 200 established in s. 553.841, specific to the discipline or,

201 pursuant to authorization by the certifying authority, provides  
 202 proof of completion of such curriculum or coursework within 6  
 203 months after such certification.; ~~and~~

204 ~~(d) Has not had a license suspended or revoked within the~~  
 205 ~~last 5 years.~~

206 ~~(3) A local government may charge a registration fee for~~  
 207 ~~reciprocity, not to exceed \$25.~~

208 Section 6. Paragraph (c) of subsection (14) of section  
 209 1001.43, Florida Statutes, is amended to read:

210 1001.43 Supplemental powers and duties of district school  
 211 board.—The district school board may exercise the following  
 212 supplemental powers and duties as authorized by this code or  
 213 State Board of Education rule.

214 (14) RECOGNITION OF ACADEMIC AND CAREER ACHIEVEMENT.—

215 (c) Beginning with the 2023-2024 school year, each  
 216 district school board shall require each high school within its  
 217 jurisdiction to host an annual career fair during the school  
 218 year and establish a process to provide students in grades 11  
 219 and 12 the opportunity to meet or interview with potential  
 220 employers during the career fair. The career fair must be held  
 221 on the campus of the high school, except that a group of high  
 222 schools in the district or a group of districts may hold a joint  
 223 career fair at an alternative location to satisfy the  
 224 requirement in this paragraph. A joint career fair must be held  
 225 at a location located within reasonable driving distance for

226 students at all participating schools. The career fair must be  
 227 held during the school day and may use Florida's online career  
 228 planning and work-based learning system as part of the career  
 229 fair activities. Alternatively, district school boards may  
 230 consult with local workforce development boards, advisory  
 231 committees, and business groups to determine free or cost-  
 232 effective methods to provide other career and industry  
 233 networking opportunities, during the school day, for secondary  
 234 students and exposure for elementary and secondary students to a  
 235 representative variety of industries, businesses, and careers.

236  
 237 District school board policies and procedures may include  
 238 conducting assemblies or other appropriate public events in  
 239 which students sign actual or ceremonial documents accepting  
 240 scholarships or enrollment. The district school board may  
 241 encourage holding such events in an assembly or gathering of the  
 242 entire student body as a means of making academic and career  
 243 success and recognition visible to all students.

244 Section 7. Subsection (3) of section 1003.41, Florida  
 245 Statutes, is amended to read:

246 1003.41 State academic standards.—

247 (3) The Commissioner of Education shall, as deemed  
 248 necessary ~~needed, shall~~ develop and submit proposed revisions to  
 249 the standards for review and comment by Florida educators,  
 250 school administrators, representatives of the Florida College

251 System institutions and state universities who have expertise in  
 252 the content knowledge and skills necessary to prepare a student  
 253 for postsecondary education and careers, a representative from  
 254 the Department of Commerce, business and industry leaders for  
 255 in-demand careers, and the public. The commissioner, after  
 256 considering reviews and comments, shall submit the proposed  
 257 revisions to the State Board of Education for adoption.

258 Section 8. Subsection (10) of section 1003.4282, Florida  
 259 Statutes, is amended to read:

260 1003.4282 Requirements for a standard high school  
 261 diploma.—

262 (10) CAREER AND TECHNICAL EDUCATION CREDIT.—The Department  
 263 of Education shall convene a workgroup, no later than December  
 264 1, 2024, to:

265 (a) Identify best practices in career and technical  
 266 education pathways from middle school to high school to aid  
 267 middle school students in career planning and facilitate their  
 268 transition to high school programs. The career pathway must be  
 269 linked to postsecondary programs.

270 (b) Establish three mathematics pathways for students  
 271 enrolled in secondary grades by aligning mathematics courses to  
 272 programs, postsecondary education, and careers. The workgroup  
 273 shall collaborate to identify the three mathematics pathways and  
 274 the mathematics course sequence within each pathway which align  
 275 to the mathematics skills needed for success in the

276 | corresponding academic programs, postsecondary education, and  
 277 | careers.

278 |       Section 9. Subsection (3) of section 1004.91, Florida  
 279 | Statutes, is amended to read:

280 |           1004.91 Requirements for career education program basic  
 281 | skills.—

282 |       (3)(a) The following students may be exempted from this  
 283 | section:

284 |           1. An adult student with a disability.

285 |           2. A student who possesses a high school diploma from a  
 286 | private school that is in compliance with s. 1002.42, or, for a  
 287 | student in a home education program or a personalized education  
 288 | program, a signed affidavit submitted by the student's parent or  
 289 | legal guardian attesting that the student has completed a home  
 290 | education program pursuant to the requirements of s. 1002.41 or  
 291 | a personalized education program pursuant to the requirements of  
 292 | s. 1002.395.

293 |       Section 10. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Snyder offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 27 and 28, insert:

7 Section 1. Paragraph (1) is added to subsection (3) of  
 8 section 14.36, Florida Statutes, to read:

9 14.36 Reimagining Education and Career Help Act.—The  
 10 Reimagining Education and Career Help Act is created to address  
 11 the evolving needs of Florida's economy by increasing the level  
 12 of collaboration and cooperation among state businesses and  
 13 education communities while improving training within and equity  
 14 and access to a more integrated workforce and education system  
 15 for all Floridians.

16 (3) The duties of the office are to:

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Amendment No. 1

17 (1) Coordinate with the Department of Education, the  
18 Department of Commerce, and CareerSource Florida, Inc., to  
19 publish and disseminate, by March 1, 2025, a statewide asset map  
20 of career and technical education to inform workforce and  
21 industry partners of opportunities to partner and expand career  
22 and technical education in the state. The information must be  
23 disseminated in a user-friendly form and must:

24 1. List secondary career and technical education courses  
25 offered by each school district in the state categorized by  
26 career cluster, school, grade level, and the number of students  
27 enrolled.

28 2. Identify the total amount of funding provided for the  
29 secondary career and technical education programs offered by  
30 each school district in the state.

31 3. Compare existing secondary career and technical  
32 education program offerings with data on in-demand careers and  
33 the state's economic needs to identify industry opportunities in  
34 which increased program offerings would support state and local  
35 needs.

36 4. List career dual enrollment programs offered in each  
37 school district in the state categorized by program type,  
38 offering location, and the number of students enrolled. The list  
39 must indicate the credential earned upon completion of the  
40 program and if the credential is part of a sequence as

Amendment No. 1

41 identified by the Credentials Review Committee pursuant to s.  
42 445.004(4).

43

44

45

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**T I T L E   A M E N D M E N T**

46

Between lines 2 and 3, insert:

47

amending s. 14.36, F.S.; revising the duties of the Office

48

of Reimagining Education and Career Help; requiring the office,

49

in coordination with specified entities, to publish and

50

disseminate specified career and technical education information

51

by a specified date;