



**FLORIDA SCHOOL  
LABOR RELATIONS SERVICE &  
FLORIDA EDUCATIONAL NEGOTIATORS**



# 2023 LEGISLATIVE SESSION WRAP UP

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- Kevin Shibley, Esq., Assistant Superintendent for Administration, Pasco County
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# May 5, 2023 - 60th Day - Last day of Regular Session

9:00AM **S SESSION**

**Consideration of Bills on Third Reading**

HB 7063 Taxation

**Special order as determined by the Committee on Rules and Calendar**

SB 2500 Appropriations (the budget or GAA)

SB 2502 Implementing the 2023-2024 General Appropriations Act

SB 2504 State Employees

SB 7024 Retirement

SB 2506 Capitol Complex

SB 7018 Inmate Welfare Trust Fund

SB 2510 Health

HB 5101 Education (conforming bill)

HB 5303 Biomedical Research

HB 1285 Florida State Guard

10:00AM **Event**

**H SESSION**

**Adjourn Sine Die**





**ADJOURNMENT SINE DIE (FROM LATIN  
"WITHOUT A DAY").**

**SINE DIE ADJOURNMENT IS THE FINAL  
ADJOURNMENT OF A LEGISLATIVE SESSION.**





**2023 BUDGET  
THE FEFP, VOUCHERS, FRS AND  
MORE  
– WHAT WE THINK WE KNOW**



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Category	FY 2022-23 FEFP 4th	FY 2023-24 proposed	Difference	Percentage
Unweighted FTE	2,977,710.18	3,095,082.45	117,372.27	3.94%
Weighted FTE	3,276,847.70	3,413,445.79	136,598.09	4.17%
School Taxable Value	\$2,933,437,989,999.00	\$3,286,296,358,377.00	\$352,858,368,378.00	12.03%
Total Millage	4.010	4.010	0.000	0.00%
Base Student Allocation	\$4,587.40	\$5,139.73	\$552.33	12.04%
Funds per FTE	\$8,243.44	\$8,648.11	\$404.67	4.91%
Total FEFP Funding	\$24,546,566,152.00	\$26,766,612,957.00	\$2,220,046,805.00	9.04%

Category	FY 2022-23 FEFP 4th	FY 2023-24 proposed	Difference	Percentage
WFTE x BSA x CWF x Small District Factor (Base FEFP Funding, school district students and voucher students)	\$15,034,590,411.00	\$17,753,850,142.00	\$2,719,259,731.00	18.09%
<b>*** 5.93% of Base FEFP Funding Is allocated for Teacher and Others</b>				
Instructional Personnel Salary Increases	\$800,000,000.00	\$1,052,803,316.00	\$252,803,316.00	31.60%
0.748 Mills Discretionary Compression (eligible school district students and eligible voucher students )	\$356,338,419.00	\$389,413,555.00	\$33,075,136.00	9.28%
DJJ Supplemental Allocation (eligible school district students)	\$3,617,572.00	\$3,373,272.00	-\$244,300.00	-6.75%
Educational Enrichment Allocation (all school district students and all voucher students)	\$719,314,907.00	\$825,066,525.00	\$105,751,618.00	14.70%
ESE Guaranteed Allocation (eligible school district students and eligible voucher students)	\$1,094,851,200.00	\$1,211,296,702.00	\$116,445,502.00	10.64%
Federally Connected Student Supplement (eligible school district students)	\$14,303,467.00	\$14,958,729.00	\$655,262.00	4.58%
Mental Health Assistance Allocation (all school district students)	\$140,000,000.00	\$160,000,000.00	\$20,000,000.00	14.29%
Safe Schools Allocation (all school district students)	\$210,000,000.00	\$250,000,000.00	\$40,000,000.00	19.05%

Category	Amount	Change
Funding Compression and Hold Harmless Allocation	\$66,139,409	Transfer funds to base FEFP funding
Instructional Materials Allocation	\$246,978,361	
Reading Allocation	\$170,000,000	
Sparsity Supplement	\$62,181,511	
Teacher Salary Increase Allocation	\$800,000,000	
Teacher Classroom Supply Assistance	\$54,143,375	
<b>Total transferred to the BSA</b>	<b>\$1,399,442,656</b>	
Turnaround Supplemental Services Allocation	\$16,913,480	Transfer to Educational Enrichment



## HB 5101 (CONFORMING)

### **Examples of programs your district will still fund.**

**Reading instruction** - Each school district must implement a system of comprehensive reading instruction (GAA and Conforming)

**Mental Health** - Each school district must implement a school-based mental health assistance program that includes training classroom teachers and other school staff in detecting and responding to mental health issues and connecting children, youth, and families who may experience behavioral health issues with appropriate services.

**Instructional Materials** – There are duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.

**Safe Schools** - to provide funding to assist school districts in their compliance with ss. 1006.07-1006.12, with priority given to safe-school officers pursuant to s. 1006.12.

**Educational enrichment** – to fund activities and services that support and increase the academic achievement of students in grades kindergarten through 12.







**“PROVISO” MEANS LANGUAGE THAT QUALIFIES OR RESTRICTS A SPECIFIC APPROPRIATION AND WHICH CAN BE LOGICALLY AND DIRECTLY RELATED TO THE SPECIFIC APPROPRIATION.**



**A CONFORMING BILL AMENDS  
THE FLORIDA STATUTES TO  
PROVIDE FOR SPECIFIC CHANGES  
IN THE GENERAL  
APPROPRIATIONS ACT (GAA).**

## SB 2500 – THE GENERAL APPROPRIATIONS ACT (PROVISO, LINE 80) TSIA

From the funds in Specific Appropriations 5 and 80, \$250,329,290 is provided for school districts and charter schools to provide salary increases to full time classroom teachers and certified prekindergarten teachers funded in the (FEFP), and other instructional personnel.

Each school district and charter school shall use 1.41 percent of its base FEFP funding amount as provided in the conference report of the Fiscal Year 2023-2024 General Appropriations Act, to either:

- (a) increase the minimum base salary reported on the school district's or charter school's performance salary schedule, as defined in section 1012.22(1) (c), Florida Statutes, to at least \$47,500 or the maximum amount achievable based on the amount the 1.41 percent generates, or
- (b) to provide salary increases to other full-time instructional personnel as defined in Section 1012.01(2), Florida Statutes. If a school district or charter school uses all or a portion of its funds to increase the minimum base salary, no eligible full-time classroom teacher or eligible certified prekindergarten teacher shall receive a minimum base salary less than the adjusted amount.

From the funds in Specific Appropriations 5 and 80, 4.52 percent, or \$802.474,026 of the base FEFP program funding is provided to maintain prior year salary increases provided to classroom teachers and any other instructional personnel.





# Florida Education Finance Program

## Classroom Teacher and Other Instructional Personnel Salary Increase

District	2023-2024 Base Funding	4.52% for Maintaining 2022-2023 Increases	1.41% for 2023-2024 Increases	Teacher and Other Instructional Personnel Salary Increase
	-1-	-2-	-3-	-4-
1 Alachua	177,062,773	8,003,237	2,496,585	10,499,822
2 Baker	27,969,514	1,264,222	394,370	1,658,592
3 Bay	164,216,686	7,422,594	2,315,455	9,738,049
4 Bradford	18,008,688	813,993	253,923	1,067,916
5 Brevard	452,231,274	20,440,854	6,376,461	26,817,315
6 Broward	1,587,558,299	71,757,635	22,384,572	94,142,207
7 Calhoun	12,129,922	548,272	171,032	719,304
8 Charlotte	100,960,950	4,563,435	1,423,549	5,986,984
9 Citrus	90,944,387	4,110,686	1,282,316	5,393,002



## HB 5101 (CONFORMING)

**(14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL SALARY INCREASE.**—The Legislature may annually apportion an amount of funds provided in the Florida Education Finance Program to assist school districts and charter schools in their compliance with the requirement that the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), and certified prekindergarten teachers funded in the Florida Education Finance Program is at least \$47,500. The amount and distribution methodology for the funding of the allocation shall be specified in the General Appropriations Act.

*Major portion of the section are deleted.*



## HB 5101 (CONFORMING)

- ~~No 150% / 75% restrictions- Beginning July 1, 2021, and until such time as the minimum base salary as defined in s. (14) equals or exceeds \$47,500, the annual increase to the minimum base salary shall not be less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. Thereafter, the annual increase to the minimum base salary shall not be less than 75 percent of the largest adjustment for an employee on the grandfathered salary schedule.~~
- The definitions and prescriptions contained in 1012.22, FS for adjustment, performance schedule, differential pay for highly effective, effective, supplements, the longevity restriction etc. all remain intact.



## HB 5101 (CONFORMING)

Section 10. Subsection (21) of section 1001.42, Florida Statutes, is amended to read:

### **(21) EDUCATIONAL EMERGENCY.**

To free schools with a school grade of “D” or “F” from contract restrictions that limit the school’s ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address. The negotiations shall result in a memorandum of understanding that addresses the selection, placement, compensation, and expectations of instructional personnel and provide provides principals with the autonomy described in s 1012.28(8)

Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

- (a) Provide salary incentives that differentiate based on a teacher’s certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.
- (b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.




## OTHER BUDGET ISSUES

- **Educational Enrolment Stabilization Fund.** The nonrecurring sum of \$350,000,000 from the General Revenue fund is appropriated to the Department of Education for the 2023-2024 fiscal year for the Family Empowerment Scholarship. These funds are placed in reserve. The Department of Education is authorized to submit budget amendments requesting release of the funds held in reserve pursuant to chapter 216, Florida Statutes.
- **School Recognition Program** – allocated per 1008.36,FS = \$200,000,000
- **Florida Teachers Classroom Supply Assistance Program** – allocated per 1012.71, Florida Statutes = minimum \$300 per eligible classroom teacher.





## FRS DECISIONS – CS/SB 7024

- Eliminates the restrictive entry window for eligible FRS members to participate in DROP for all retirement classes.
- Extends the maximum amount of time for a qualified FRS member to participate in DROP from 60 calendar months to 96 calendar months for all classes, **except** 
- Extends the maximum amount of time for Instructional Personnel to participate in DROP from 96 to 120 calendar months, effective June 30, 2023. The extension sunsets June 30, 2029.
- Increases the interest rate applied to a member's accrued monthly DROP benefit from 1.3 percent to 4 percent.
- Increases the employer-funded allocations to investment plan accounts by 2 percent for each membership class



## CHARTER SCHOOL CAPITAL OUTLAY FUNDING

### CS/CS/HB 1259 (CANADY) / CS/CS/SB 1328 (HUDSON)

- Clarifies that charter school capital outlay funding shall consist of state funds and revenue resulting from the discretionary 1.5 millage.
- Removes the state funding threshold from the calculation methodology to determine the amount of the discretionary 1.5 millage revenue a school district must distribute to each eligible charter school and establishes a 5-year glide path for implementation.
- Clarifies the proportionate share of school capital outlay surtax shall be based on capital outlay full-time equivalent (FTE) enrollment.
- Requires charter schools to attest public funds will revert to the school district if the charter school is nonrenewed or terminated.
- Requires purchases, lease-purchases or leases by a charter school using charter school capital outlay funds be at the “appraised value,” which is defined as the fair market value determined by an independent, Florida-licensed, qualified appraiser.





# **2023 SESSION UPDATE A REVIEW OF THE BILLS AND SOME BARGAINING IMPLICATIONS**



# **BILLS: ALREADY SIGNED INTO LAW**



## **SCHOOL CHOICE (UNIVERSAL VOUCHERS)**

[CS/CS/CS/CS/HB 1 \(TUCK AND PLASCENCIA\) / CS/CS/SB 202 \(SIMON\)](#)

**Parents of an eligible student will receive an empowerment savings account to customize their child's K-12 education and it expands the scope of authorized uses for scholarships.**

Any school including public charter schools are permitted to enroll part-time a student and provides that the student will be funded proportionally based on their time of attendance

It increases the number of students with disabilities served under the FES-UA and it clarifies that a student attending the school with a disability is not entitled to the special education and related services under IDEA.

It expands eligibility for the FTC and FES-EO scholarships to any student who is a resident of Florida and is eligible to enroll and creates a second priority for households with income not exceeding 400 percent of the FPL



## SCHOOL CHOICE (UNIVERSAL VOUCHERS) (CONT)

### CS/CS/CS/CS/HB 1 (TUCK AND PLASCENCIA) / CS/CS/SB 202 (SIMON)

- new construction of educational plant space that was started on or before July 1, 2026, is exempt from the total **cost per student station requirements**.
- provides flexibility to district school boards in the **transportation of student** by authorizing the use of other vehicles.
- requires the SBE to develop and recommend to the Governor and Legislature for adoption during the 2024 legislative session **repeals and revisions** to the school code, chapters 1000-1013, Florida Statutes.
- employees whose job duties support activities funded by the district school tax are **an authorized use for district school tax funds**.
- removes the **online course requirement** for a standard high school diploma.



**SCHOOL CHOICE (UNIVERSAL VOUCHERS) (CONT)**  
[CS/CS/CS/CS/HB 1 \(TUCK AND PLASCENCIA\)](#) / [CS/CS/SB 202 \(SIMON\)](#)

**Educator Certification – changes became effective March 27<sup>th</sup>.**

- The requirement of mastery of general knowledge shall be waived for an individual who has been provided 3 years of support and instruction and who has been rated effective or highly effective for each of the last 3 years.
- If a teacher has a master's degree, they are exempt from the subject area test requirement in the area of certification as identified in rule.
- Teachers with a temporary certificate are exempt from professional knowledge exam if they complete the professional preparation and education competence program and have three years of Effective or Highly Effective performance evaluations.
- Temporary Certificates are now valid for 5 years rather than three.



## CIVIL REMEDIES (TORT REFORM)

### [CS/CS/HB 837 \(GREGORY AND FABRICIO\)](#) / [CS/CS/SB 236 \(HUTSON\)](#)

Changes Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" system, except for medical negligence cases, so that a plaintiff who is more at fault for his or her own injuries than the defendant may not generally recover damages from the defendant.

Allow an insurer to avoid third-party bad faith liability if the insurer tenders the policy limits or the amount demanded by the claimant within 120 days after receiving actual notice of the claim and it requires a claimant to act in good faith with respect to furnishing information, making demands,

It allows an insurer, when there are multiple claimants in a single action, to limit the insurer's bad faith liability by paying the total amount of the policy limits at the outset.

Provides that a contingency fee multiplier for an attorney fee award is appropriate only in a rare and exceptional circumstance, adopting the federal standard and provides that Florida's one-way attorney fee provisions for insurance cases apply in limited situations.

Requires the trier of fact to consider the fault of all persons who contributed to the injury, establishes a presumption against negligent security liability in specified situations, and expands immunity for a property owner defending a lawsuit against a criminal actor who is injured on the property.

Reduces the statute of limitations for general negligence cases from 4 years to 2 years.





## **PUBLIC SAFETY (PERMITLESS CARRY AND SAFE SCHOOLS)** **CS/HB 543 (BRANNAN AND PAYNE) / CS/SB 150 (COLLINS)**

- The bill extends the benefits granted to a concealed weapon licensee to a person who is authorized to carry a CWCF without a license.

### **School Safety**

- Requires DOE to implement new behavioral threat management operational processes, a threat assessment instrument, and a threat management portal.
- Update the membership and responsibilities of school district threat assessment teams.
- Authorizes private schools to implement safe-school officers.
- Requires the DOE to adopt emergency rules establishing which School Environmental Safety Incident Reporting incidents require referral to law enforcement.
- Requires all law enforcement agencies to adopt a written active assailant response policy.





**BILLS THAT HAVE PASSED BOTH  
CHAMBERS BUT NOT YET SIGNED INTO  
LAW**

# EMPLOYEE ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES

## [CS/HB 1445 \(BLACK\)](#) / [CS/CS/SB 256 \(INGOGLIA\)](#)

- Beginning 7/1/23, it requires employees who wish to join a union to sign a membership authorization form that must contain specific information and it allows a member to revoke his or her membership in the union at any time, and without any reason.
- Beginning 7/1/23, it prohibits unions from receiving their members' dues and assessments via salary deduction from the members' public employer.
- Effective 10/1/23, it expands the information required in a union's annual registration renewal with the PERC. The required information includes information that relates to the number and percentage (60%) of dues-paying members in each bargaining unit. In addition, the employee organization's current annual financial report must be audited by an independent certified public accountant.
- Effective 7/1/23 it authorizes the public employer or an employee who is eligible for representation in the bargaining unit to challenge the application for registration renewal.
- §1012.2315(4), Florida Statutes is deleted.
- The bill does not apply to unions and members of union certified to represent law enforcement officers correction officers, or correctional probation officers; or, firefighters. Federal Transit Authority employees may also receive a waiver of the provisions in the bill.



## INDIVIDUAL EDUCATION PLANS (LEGAL RIGHTS AND RESPONSIBILITIES WHEN STUDENT TURNS 18) [CS/CS/HB 19 \(TANT\)](#) / [CS/SB 636 \(SIMON\)](#)

- The bill requires school districts to provide information and instruction to a student and his or her parent on self-determination and the legal rights and responsibilities relating to educational decisions that transfer to the student upon turning 18.
- The information provided must include options for maintaining parental involvement in educational decision-making and must include a Family Educational Rights and Privacy Act waiver, powers of attorney, guardian advocacy, and guardianship.
- The bill also provides the State Board of Education (SBE) with rulemaking authority and requires the SBE to adopt rules for the administration of the provisions of the bill.



## **PARTISAN ELECTION OF MEMBERS OF DISTRICT SCHOOL BOARDS** **[HJR 31 \(ROACH AND SIROIS\) / SJR 94 \(GRUTERS\)](#)**

- The House joint resolution proposes an amendment to the Florida Constitution requiring that members of a district school board be elected in a partisan election. The proposed change would apply only to elections on or after November 3, 2026.

## **Term Limits for District School Board Members** **[HB 477 by Rizo / CS/CS/SB 1110 by Ingoglia](#)**

- The bill reduces the length of the term limit for school board members to 8 years from 12 years applies the limits to terms of office beginning on or after November 8, 2022.







# SIGNIFICANT BILLS BEING DEBATED

## EDUCATION (CHARTER SCHOOL PROVISIONS)

### CS/CS/HB 443 (VALDES) / CS/CS/CS/SB 986 (BURGESS)

- authorizes a charter school to give enrollment preference to students who are the children of a school safety officer assigned to the charter school
- authorizes charter schools to loan unrestricted current or capital assets to other charter schools operated by the same entity within the state
- Requirements a sponsors to report on charter schools to Florida Department of Education on what services are being rendered from the sponsor's portion of the administrative fee and to make timely payments and reimbursement of eligible federal grant funds.

#### Modifies the **Florida Teachers Classroom Supply Assistance Program:**

- Expanding the definition of a classroom teacher for purposes of the Program.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.

Requires the district to post step-by-step instructions on how to provide first aid for choking in each public school cafeteria within the district

Authorizes private tutoring for up to 25 students in identified facilities.



# TEACHER TRAINING AND CONDUCT

## CS/HB 1035 GONZALEZ PITTMAN / SB 244 CALATAYUD

- requiring the Commissioner of Education to conduct a comprehensive review of all federal, state, and local teacher training requirements by December 31, 2023
- establishes the process by which a teacher or staff member may request the appointment of a special magistrate to determine the facts relating to the dispute for being directed to take an action that would violate state or federal law. It allows a court to award attorney fees to prevailing teachers and staff members and against the school district or school in certain situations.
- requires a principal to notify a teacher of the discipline and interventions to address the problematic behavior of a student who was sent to the principal.
- creates a rebuttable presumption that an action by a teacher or other staff member was necessary to restore or maintain safety and the educational atmosphere. Under the bill, a teacher or applicable staff member who is involved in such an action may receive legal services or reimbursement.

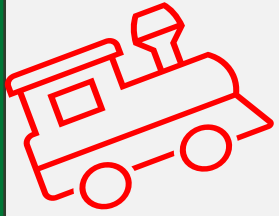


## TEACHER TRAINING AND CONDUCT

### CS/CS/HB 1069: EDUCATION, MCCLAIN/ SB 1320, HB 1223

- requires that district school boards be responsible for the contents of classroom libraries, instructional materials and school libraries.
- requires that district school board policies regarding objections to specific materials include objection on the basis that the material depicts or describes sexual conduct, as defined in law.
- provides for an exception for material used in required instruction or any course identified by the DOE.
- creates an appeals process requires that all books in elementary school classroom libraries be included in the required online catalogue of elementary school library materials and school districts must adopt and implement a process for parents to limit their child's access to library materials.
- defines "sex" for the purposes of the education code and requires that instruction in human sexuality include instruction on the binary, stable, and unchanging nature of biological sex.
- expands existing parental authority to include prekindergarten through grade 8.
- implements new requirements relating to the use of personal titles and pronouns.





## EDUCATION

### [CS/CS/CS/HB 1537 \(RIZO\)](#) / [CS/SB 1430 \(AVILA\)](#)

- The bill revisits concordant scores for the Class of 2023, which means this year's seniors will have the same concordant scores in place last year (e.g., 430 SAT, 19 ACT Reading). With respect to Algebra I, the bill allows the PERT as an option (a student must score a 114 to satisfy the requirement up from 97).
- 9/11 Heroes Day (individual bill also passed the Senate this week).
- Allowing charter schools to dismiss low-performing students.
- Changing professional development to professional learning.
- A year-round school pilot program.
- Required instruction in the history of Asian Americans and Pacific Islanders (individual bill passed the House this week too but has not advanced beyond one committee in the Senate).
- Allowing one credit in CTE to satisfy graduation requirement in the arts.
- Rebuttable presumption that a student breaking up a fight acted in a way that was necessary to restore or maintain the safety of others.
- Asking state colleges and universities to develop new courses for acceleration to compete with AP classes.





## EDUCATION (CONT)

### CS/CS/CS/HB 1537 (RIZO) / CS/SB 1430 (AVILA)

- Allowing districts to offer the Classic Learning Test to 11th graders in addition to the SAT or ACT.
- Adding a new grading component for elementary schools – the percentage of 3rd graders scoring level 3 or above.
- Clarification that students can combine volunteer hours and paid work for Bright Futures after legislation last year allowed paid work instead of volunteer services.
- Creating a temporary certification program for people enrolled in a teacher preparation program who have completed at least 60 college credits.
- *Allowing a failing charter school to continue to receive capital outlay funds until it earns two consecutive F's, 3 consecutive grades below a C, or 2 consecutive unsatisfactory ratings.*
- ~~The bill also contains a provision that would allow school boards to “review and reappoint any member of the district executive staff” if the district has an appointed superintendent. There is no definition of executive staff, nor is it clear what happens after a board refuses to reappoint a staff member. Similarly, it is not clear if the board can take up a member of the executive staff on its own motion and reappoint that person even if the superintendent wishes to make a change.~~





**EDUCATION (CTE AND WORKFORCE)**  
**[CS/CS/HB 7051](#) / [CS/CS/SB 240 \(HUTSON\)](#)**

- These bills provide \$102 million to fund the creation or expansion of CTE programs that serve secondary students.
- Authorize secondary CTE programs to be funded according to the cost of the programs.
- Remove limitations on bonus funding for middle school students in CTE program and may provide additional bonus funding within the Florida Education Finance Program for select achievements in CTE.
- Expands options for students to earn credit through extracurricular participation in career and technical student organizations.



## FLORIDA RETIREMENT SYSTEM

### CS/CS/HB 1121 (BARTLEMAN AND TOMKOW) / CS/SB 1156 (BURTON)

- These bills attempt to allow former employees to volunteer during the first year of their retirement.
- Employers would be able to establish post-employment volunteer programs with some restrictions and record-keeping requirements, and retirees would be able to volunteer for up to 20% of the amount of time the retiree worked per week before retiring.





**OTHER BILLS? QUESTIONS?**



**THANK YOU!**



**FLORIDA SCHOOL  
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