

MEMORANDUM

December 13, 2019

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools 

SUBJECT: 2020 LEGISLATIVE UPDATE – INTERIM COMMITTEE WEEK #6

The Florida Legislature held its sixth and final week of interim committees the week of December 9-13, 2019, in preparation for the 2020 legislative session scheduled to begin Tuesday, January 14, 2020.

The Senate State Affairs Committee met and passed SB 301 and SB 303 related to Florida's Constitutional Revision Commission (CRC). SB 301, a joint resolution, proposes amending the Florida Constitution to abolish the CRC. The joint resolution does not change the other methods to amend the Constitution. The joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot. Thereafter, it must be approved by at least 60 percent of the electors voting on the measure. If approved by the voters, the joint resolution will take effect January 5, 2021.

SB 303, which is linked to the passage of HJR 301 (2020), removes all references to the CRC in current law. The bill does not appear to have a fiscal impact on state or local government. The bill is effective contingent upon HJR 301 (2020) or a substantially similar amendment being approved in the next general election, in which case the bill is effective when HJR 301 or the similar amendment is effective.

The Senate Education Committee met and passed several bills, including:

- SB 376, sponsored by Senator Tom Lee, which exempts certain English Language Learners from the passage of the English Language Arts portion of the Florida Standards Assessment (FSA) graduation requirement.
- SB 418, sponsored by Senator Manny Diaz, which revises the workforce education programs that school district career centers may offer to include an associate in applied science or an associate in science degree nursing program.
- SB 434, sponsored by Senator Bill Montford, which revises the components on which a high school's grade is based on by adding career dual enrollment courses resulting in 450 hours or more of clock hours.
- SB 486, sponsored by Senator Rob Bradley, which repeals the Florida Best and Brightest Teacher Program and the Florida Best and Brightest Principal Program.

- SB 534, also sponsored by Senator Manny Diaz, which requires the Florida Department of Education to maintain a disqualification list that includes the identities of certain persons, requires District school boards to investigate certain complaints and report certain results of such investigations to the department, prohibits an individual who is on the disqualification list from being employed by a charter school or serving as a member of a charter school governing board, and requires certain private schools to adopt policies establishing standards of ethical conduct for certain employees.

The Senate Criminal Justice Committee heard and passed SB 154, sponsored by Senator Perry E. Thurston, which requires that the dangers and signs of human trafficking be included in comprehensive health education instruction.

The Senate Children and Family Committee met and passed SB 668, sponsored by Senator Lauren Book, which revises the definition of the term “child care facility” to exclude government-sponsored recreation programs from specified child care facility requirements.

The Senate Infrastructure and Security Committee heard and passed SB 7020 related to emergency staging areas. The proposed bill authorizes the Florida Department of Transportation (FDOT) to plan, design, and construct staging areas for emergencies as part of the turnpike system. These sites are intended to be designated areas for the staging of emergency supplies to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency. The proposed bill directs the FDOT, in consultation with the Division of Emergency Management (DEM), to consider certain factors when selecting a proposed site, and the FDOT is authorized to acquire property necessary for such staging areas. Under the proposed bill, the FDOT is required to give priority consideration to placement of such staging areas in counties with a population of 200,000 or less.

The House Public Integrity & Ethics Committee heard and passed proposed committee bill (PCB) PIE 20-01 related to the prohibition against abuse of public position. PIE 20-01 reenacts Section 112.317, Florida Statutes, providing penalties for violations of the Code of Ethics and any violation of the Ethics in Government section of the Florida Constitution. During the 2018 General Election, Florida voters approved Amendment 12, which amended the Ethics in Government section of the Constitution to, among other things, provide a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a “disproportionate benefit” for themselves or other specified persons or entities, including their spouse, children, employer, or entities with which they have certain business interests. The amendment included an implementation schedule and an effective date of December 31, 2020.

As required by the amendment, the Florida Commission on Ethics recently adopted a rule to define the term “disproportionate benefit” and prescribe the requisite intent for finding a violation of the provision. The adopted amendment also mandates that “appropriate penalties shall be provided by law.” A schedule included in the amendment requires the

Legislature to enact penalty legislation "following the adoption of rules" by the Commission. PCB PIE 20-01 expressly states that its purpose is to implement the abuse of position prohibition in the amendment. Under the PCB, the penalties applicable to that provision will be the same penalties applicable to other violations of the Ethics in Government section. PIE 20-01 is now HB 7009.

The House Education Committee heard presentations on school choice and Florida Virtual School from the Florida Department of Education. The House Education Innovation Subcommittee heard and passed HB 187, sponsored by Representative Ardian Zika, related to dual enrollment programs and HB 581, sponsored by Representative Ben Diamond, related to Civics education. HB 581 requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course beginning with the 2021-2022 school year.

The House Education Innovation Subcommittee also heard and passed PCB PKI 1 related to student athletics. The proposed bill requires the Florida High School Athletic Association (FHSAA) to:

- require member schools to use environmental monitoring and modify athletic activities (i.e., contests, practices, workouts, and conditioning) based on WetBulb Globe Temperature (WBGT) and heat index levels;
- make training and materials available on environmental monitoring and establish WBGT and heat index levels at which a school must implement a cooling zone at an athletic activity;
- establish requirements for cooling zones and individuals with related training at athletic activities, including the use of cold water immersion tubs or similar materials;
- require school emergency action plans to include a procedure for onsite cooling using cold water immersion or its equivalent before transport to the hospital for exertional heatstroke (EHS);
- establish hydration guidelines, including appropriate introduction of electrolytes;
- require student athletes to pass the annual medical evaluation each year before engaging in any athletic activities that occur outside of the school year; and
- notify member schools if it does not adopt a policy change as recommended by the FHSAA Sports Medicine Advisory Committee.

The bill also requires all athletic coaches and sponsors of extracurricular activities involving outdoor practices or events to complete annual training in EHS identification, prevention and response, including effective administration of cooling zones. Beginning June 1, 2021, the bill requires an employee or volunteer with current cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training to be present at each athletic event during and outside of the school year, including practices, workouts, and conditioning sessions. All employees or volunteers who are reasonably expected to use an AED must complete training and must be notified annually of the location of each AED on school grounds. The bill requires each school's AED to be available in a clearly

marked and publicized location for each athletic contest, practice, workout, or conditioning session. The bill has been renumbered and is now HB 7011.

The House Appropriations Committee heard a presentation on the Governor's recommended 2020-2021 budget to the Florida Legislature. As you may recall, the Governor is recommending a \$302 per student increase in the total Florida Education Finance Program (FEFP), which includes \$50 per student increase in the Base Student Allocation (BSA); \$25 million increase, for a total of \$100 million, in the Mental Health Assistance Allocation to decrease the ratio of students to mental health counselors; \$600 million to increase teacher minimum salary; and \$300 million for teacher and principal bonuses based on performance on state assessments. The Senate Appropriations Subcommittee on Education also heard presentations on the Governor's 2020-2021 budget recommendations related to the Department of Education, Office of Early Learning, and Board of Governors.

The House Appropriations Subcommittee on Education PreK-12 heard and passed numerous member projects, including HB 3749, sponsored by Representative Bryan Avila, related to an appropriations request for Miami-Dade County Public Schools in the amount of \$14.7 million.

The Senate Appropriations Subcommittee on Health and Human Services heard and passed SB 348, sponsored by Senator Aaron Bean, related to Florida's Kidcare Program. The bill removes the lifetime maximum cap for covered expenditures for a child enrolled in Florida's Healthy Kids program.

The House Transportation and Infrastructure Subcommittee heard and passed HB 37, sponsored by Representative Zika, which is related to school bus safety. The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200, and it indicates for a subsequent offense within five years, the Division of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver's license of the driver for not less than six months and not more than one year.

The House Oversight, Transparency and Public Management Subcommittee heard and passed HB 101, HB 441, and HB 491. HB 101, sponsored by Representative Robert Alexander Andrade, changes the limits on retainage permitted to be withheld on state and local government contracts. Current law sets limits on how much retainage can be withheld on state and local government contracts. For construction contracts with the state for \$200,000 or less, the state may withhold up to ten percent of a payment to a contractor. Under the proposed new language, for contracts more than \$200,000, the bill reduces the maximum amount that may be retained from ten percent before half of the work is complete and five percent after half of the work is complete to five percent for the entire project. If the government entity is a municipality with a population of 25,000 or less or a county with a population of 100,000 or less, the maximum retainage would be reduced from ten percent for the entire project to five percent.

The bill repeals the ability of a contractor to request the government entity release up to half of the retained amount after half of the project is completed, as well as the ability of a contractor to withhold more than five percent of each progress payment to his or her subcontractors after half of a project for a government entity is completed. For contracts less than \$200,000, the bill reduces the amount that the state may retain from a progress payment to a contractor from ten percent to five percent.

HB 441, sponsored by Representative Nick DiCeglie, amends the Consultants' Competitive Negotiation Act (CCNA) and increases the maximum limit for contracting with a firm, construction management entity, or program management entity using a continuing contract from an estimated per-project construction cost of \$2 million to \$5 million. The bill also increases the maximum limit for procuring a study using a continuing contract from \$200,000 per study to \$500,000. The bill requires that these maximum limits be adjusted by the Department of Management Services annually by rule based on the Construction Cost Index, an index created by the *Engineering News-Record*, a private sector publication. The adjustment must be made by July 1 of each year, beginning in 2021, using the most recent month for which data is available.

HB 491, sponsored by Representative Bobby Payne, provides that if the surplus funds from an election campaign are disposed of by donation to a charitable organization, the candidate may not be employed by the same charitable organization.

Senator Joe Gruters has filed SB 1216, which limits school board members to 12 consecutive years of service. A similar bill, HB 157, has been filed by Representative Anthony Sabatini and limits school board members to eight years of service. These bills propose amending the Florida Constitution and must pass each chamber with a three-fifths vote before being placed on the ballot. It must then be approved by at least 60 percent of the electors voting on the measure.

Upcoming association meetings in Tallahassee include the Florida School Boards Association's Annual Day in the Legislature January 22-24, 2020, and the Greater Florida Consortium of School Boards (GFCSB) January 22-23, 2020. The School District of Palm Beach County and the School District of Manatee County recently joined the Consortium, thereby increasing its member school districts to 12 and representation of students statewide to 43 percent.

If you have any questions or wish to schedule a briefing, please contact Ms. Iraida R. Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-2532.

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cc: School Board Attorney
Superintendent's Cabinet