

VALENCIA COLLEGE

2021 LEGISLATIVE SESSION REPORT

THE DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE

JUNE 23, 2021

Session Highlights

- ▶ The 2021 Florida Legislature adjourned sine die on Friday afternoon, April 30, 2021. The legislature approved the General Appropriations Act and an overall budget of \$101.5 billion. A total of 3,096 bills were filed this Session, with only 275 bills being passed by both chambers and sent to the Governor.
- ▶ The Florida College System (FCS) has some significant statutory changes to address as a result of the 2021 Legislative Session. The most impactful changes likely will be associated with the implementation of bills involving dual enrollment, campus speech and student conduct matters, and workforce programs.
- ▶ Bills which are passed by the Legislature are sent to the Governor. If the Legislature is not in Session, the Florida Constitution allows the Governor fifteen days after receiving a bill to veto, sign, or let a bill become law without his signature. If the Legislature is in Session, the Governor has seven days. The Governor acted on the 2021-22 Appropriations Bill, with significant vetoes, on June 2, 2021. The Governor vetoed one Valencia appropriation: \$1 million for the production of a film, *July in November - The Story of the 1920 Ocoee Elections Day Riots*, a project supported by Senator Randolph Bracy, a member of Valencia's legislative delegation.

Valencia College Funding - 2021-22

Funding Category	Selected System Funding Matters	Valencia Funding 2021-22
Program Fund - Lottery		\$11,267,752
Program Fund- General Revenue		\$84,933,611* <i>*including \$1 million for Ocoee Massacre Film - Now Vetoed</i>
2+2 Program		\$2,386,639
Student Success		\$1,148,976
TOTAL COMBINED		\$99,736,978 (\$98,736,978 Post-Veto)
Additional Funding Opportunities	Available to State Universities, Tech Colleges, and FCS Institutions	
Dual Enrollment	\$15,500,000	TBD
Open Door Grants - (CS/CS/CS 1507)	\$20,000,000	TBD

Bills of Note That Passed

How to Find the Final Version of a Bill

The simplest way to see the final version of a bill is to go to www.flsenate.gov and enter the bill number in the space provided on the top of the homepage, or go to www.flhouse.gov and click on the top tab "Bills." Senate bills are always even numbers (SB 00) and House bills are always odd numbers (HB 11). On the House site, note that you may choose either chamber or choose "both." When you enter the bill number, the history of the bill will appear. For bills that have passed, go to the section on "Bill Text" and choose the entry followed by "ER," which is the most recent, enrolled version of the bill. An enrolled bill is the one being sent to the Governor. For bills that have not passed, go to the section on "Bill Text" and choose the entry with the latest date, which is the final version of the bill before it failed. Staff analyses for bills are also found on the bill sites.

CS/ SB 72 (Brandes) Civil Liability for Damages Relating to COVID-19

(Approved by Governor; Chapter No. 2021-001)

▶ The bill provides protections for any civil liability claim against a public or non-public educational institution for COVID-19 related claims. A COVID-19-related claim is defined as a civil liability claim for damages, injury, or death that arises from, or is related to, COVID-19. The bill requires certain preliminary steps from Plaintiffs in order to bring claims. Additionally, the trial judge must determine before trial whether the educational institution a good faith effort to substantially comply with authoritative or controlling government-issued health standards or guidance at the time that the cause of action accrued. Even if the court makes such a finding, Plaintiffs must prove that the educational institution is grossly negligent by clear and convincing evidence. Finally, Plaintiffs must bring their claims within one year of the accrual of their action.

CS/CS/HB 233 (Roach) Intellectual Freedom

(Approved by Governor)

▶ Annual Survey: The bill requires the State Board of Education (SBE) and Board of Governors of the State University System (BOG) to select or create a survey to be administered annually by all Florida College System (FCS) institutions and state universities. The surveys must be designed to capture the extent to which competing ideas and perspectives are presented on campus as well as the extent to which those surveyed feel free to express their beliefs and viewpoints on campus and in the classroom. The bill requires the surveys to be objective, nonpartisan, and "statistically valid." Beginning September 1, 2022, the results of this survey are to be compiled by the SBE and the BOG, respectively, and published each September.

▶ No "Shielding": The bill prohibits the SBE, the BOG, FCS institutions, and state universities from shielding students, faculty, or staff from protected free speech. The bill defines "shield" to mean the limiting of students' access to or observation of ideas and opinions they may find uncomfortable, unwelcome, disagreeable, or offensive.

▶ Classroom Audio/Video Recording: The bill authorizes the video and audio recording of class lectures and clarifies that the nonconsensual recording of video and audio of such lectures recorded in classrooms, subject to the privacy protections provided in the Family Educational Rights and Privacy Act (FERPA), is permissible. The bill makes it clear that this specified recording as authorized would not be a felony under Florida law, even if all the parties to the

recording did not consent to be recorded. A recording made in a classroom may only be used for the following purposes: personal educational use in connection with a complaint to the public institution of higher education where the recording was made; or as evidence in, or in preparation for, a criminal or civil proceeding. The bill further requires that a recording made in a classroom may only be published with the lecturer's consent. The bill provides for causes of action that may be brought by a student against an institution that violates this law, and by individuals (such as faculty members against a student who publishes recordings in violation of this law).

▶ Student Codes of Conduct: The bill proscribes certain requirements that now must be contained in the codes of student conduct maintained by FCS and State University System (SUS) institutions, including:

- Written notice of disciplinary proceeding, at least 7 business days prior to the proceeding, that includes the allegations, a specific citation to the code of conduct provision alleged violated, a description of the process to be used for the disciplinary proceeding, student's or student organization's rights in the proceeding, the date, time, and location of the disciplinary proceeding;
- A student or student organization must be provided a list of witnesses who provided information to the institution or will provide information at the proceeding as well as all known inculpatory and exculpatory information at least 5 business days prior to the proceeding;
- A presumption of innocence of the accused student or student organization until the institution carries its burden of proof, as created by this bill, as at least a preponderance of the evidence;
- The right to an impartial hearing officer;
- The right to not self-incriminate and to remain silent and that such silence cannot be used against the accused student or student organization;
- The right to present relevant evidence and question witnesses;
- The right to an advocate or advisor provided by the institution to assist the student or student organization in understanding their rights;
- The right, at their own expense, to hire an advisor, advocate, or legal representative to be present and who can fully participate in the disciplinary proceeding;
- The right to appeal any initial determination to an appropriate senior administrator of the institution;
- A requirement that an accurate and complete recording be made of the disciplinary proceeding and any appeal and that such recording be made available to the student or student organization upon request; and
- A time limit for the charging of students under the code, including any exceptions to such time limit.

CS/HB 7017 (Grail) Foreign Influence

(Approved by Governor; Chapter No. 2021-76)

- ▶ The bill requires state agencies and political subdivisions to disclose all foreign donations and grants of \$50,000 or more to the Department of Financial Services (DFS).

- ▶ The bill also requires applicants for grants or those proposing contracts with state agencies and political subdivisions to disclose all foreign financial connections with any of seven countries of concern (the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern). The Department of Management Services (DMS) is required to screen vendors participating in the online procurement system at least once every five years.
 - Disclosure is not required for an application or proposal from an entity that is a state agency, political subdivision, or institution of higher education that is required to disclose a grant or gift from a foreign source. DFS may administratively enforce the disclosures of state agencies, political subdivisions, and entities applying for grants or proposing contracts.

- ▶ The bill authorizes both DMS and DFS to adopt rules needed to carry out the new law. Rules must be published by December 31, 2021, unless the department head certifies that a delay is necessary and sets a date by which such rules will be published.

- ▶ The bill prohibits participation in an agreement with a foreign country of concern by any state agency, political subdivision, public school, state college, or state university that is authorized to expend state-appropriated funds or levy ad valorem taxes that:
 - Constrains the freedom of contract of such public entity;
 - Allows the curriculum or values of a program in the state to be directed or controlled by the foreign country of concern; or
 - Promotes an agenda detrimental to the safety or security of the United States or its residents.

- ▶ Prior to execution of any cultural exchange agreement with a foreign country of concern the substance of the agreement must be shared with federal agencies concerned with protecting national security or enforcing trade sanctions, embargoes, or other restrictions under federal law. If such federal agency provides information suggesting such agreement promotes an agenda detrimental to the safety or security of the United States or its residents, the public entity may not enter into the agreement.

- ▶ The bill also prohibits any grant or donation conditioned upon participation in such program or endeavor. Each Florida institution or other public body will remain free to pursue the study of any language and culture apart from any such agreement or conditions.

- ▶ The bill requires institutions of higher education to semiannually report, each January 31 and July 31, all foreign gifts, grants, and contracts valued at \$50,000 or more.
 - The bill defines “institution of higher learning” to mean a state university, an entity listed in subpart B of part II of chapter 1004 that has its own governing board, a Florida College System institution, an independent nonprofit college or university that is located in and chartered by the state and grants baccalaureate or higher degrees, any other institution that has a physical presence in the state and is required to report foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f, or an affiliate organization of an institution of higher education.
 - The bill defines “gift” to mean any transfer of money or property from one entity to another without compensation. The bill defines “grant” to mean a transfer of money for a specified purpose, including a conditional gift. The bill defines “contract” to mean any agreement for the direct benefit or use of any party to such agreement, including an agreement for the sale of commodities or services.
- ▶ Universities and colleges, including their direct-support organizations and other affiliates, must disclose applicable donations or grants to either the Board of Governors of the State University System or the Florida Department of Education. The disclosure must include:
 - The amount of the gift and the date it was received.
 - The contract start and end date if the gift involves a contract.
 - The name of the foreign source and, if not a foreign government, the country of citizenship, if known, and the country of principal residence or domicile of the foreign source.
 - A copy of a gift agreement between the foreign source and the institution of higher education, signed by the foreign source and the chief administrative officer of the institution of higher education, or their respective designees. If an agreement includes certain information protected from disclosure, then an abstract and redacted copy providing all required information may be submitted in lieu of a copy of the agreement.

CS/CS/SB 52 (Rodrigues) Dual Enrollment/Early College Program

*(Signed by Officers and presented to Governor,
Governor must act on this bill by 07/07/21)*

- ▶ Waivers for Children in Department of Children and Families (DCF) Custody: The bill amends s. 1009.25, F.S., to clarify that tuition and fee exemptions apply to a student who is currently in the custody of the DCF or in the custody of a relative or nonrelative defined in law, or was so at the time he or she reached 18 years of age. Therefore, the bill may reduce confusion in the identification of students under DCF custody who are eligible for a tuition and fee exemption, specifically those students who enroll at a postsecondary institution prior to the age of 18.

► Dual Enrollment Scholarship: The bill establishes in policy of a dedicated funding source to help defray the costs of dual enrollment for postsecondary institutions and private secondary schools may enhance student access to dual enrollment courses. The Program may also reduce the cost of dual enrollment for private school and home education students through providing additional funds for instructional materials. The goal of the Program is to support postsecondary institutions in providing dual enrollment. The bill establishes the following requirements for reimbursements to postsecondary institutions for students participating in dual enrollment.

- Beginning in the 2021 fall term, the Program reimburses eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by private school or home education program secondary students during the fall or spring terms. Beginning in the 2022 summer term, the Program reimburses institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, or home education program secondary students during the summer term.
- The Program requires a student participating in a dual enrollment program to meet minimum eligibility requirements specified in law for the institution to receive reimbursement.
- The bill establishes reporting requirements for participating postsecondary institutions, such that annually by March 15, each participating institution must report to the Department of Education (DOE) any eligible secondary students from private schools or home education programs enrolled during the previous fall or spring terms.
- The bill specifies that reimbursement is contingent upon an appropriation in the GAA each year. If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have reported eligible students to the DOE by the deadlines specified. The bill requires the State Board of Education (SBE) to adopt rules to implement this section.

► Collegiate High School Program (now, the Early College Program): The bill modifies s. 1007.273, F.S., and changes the name of the Collegiate High School Program to the Early College Program.

- In addition, the bill changes the purpose of the early college program to remove specified grade levels and credit thresholds to specify that an early college program means a structured high school acceleration program in which a cohort of students is enrolled full-time in postsecondary courses toward an associate degree.
- It also requires that early college programs prioritize courses applicable as general education core courses for an associate degree or a baccalaureate degree and specifies that the early college program contract between a district school board and the local Florida College System (FCS) institution delineate dual enrollment courses available, including general education core courses. It specifies that a charter school may execute a

contract directly with the local FCS institution or another postsecondary institution to establish an early college program at a mutually agreed upon location.

- The bill includes conforming provisions to change the name of the collegiate high school program to the Early College Program related to K-12 student and parent rights and educational choice, and requirements for a standard high school diploma for students with a disability.

CS/CS/CS/HB 1507 (Melo, Yarborough) Workforce Related Programs and Services

(Signed by Officers and presented to Governor,

Governor must act on this bill by 07/07/21)

► The REACH Office: To facilitate alignment and coordination of entities responsible for Florida’s Workforce Delivery System, the bill creates the Office of Reimagining Education and Career Help (REACH Office) in the Executive Office of the Governor. The Director of the REACH Office is required to be appointed by the Governor and serve at his or her pleasure. The Director is tasked with many responsibilities:

- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the Department of Economic Opportunity (DEO), and the Department of Education (DOE);
- Oversee the workforce development information system designed by the DOE to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law;
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work;
- Coordinate and facilitate a memorandum of understanding (MOU) for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures;
- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements of nursing education program approval;
- Direct the objectives of the Talent Development Council;
- Develop criteria to grade the local workforce development boards, which is primarily based on the long-term self-sufficiency of participants through outcome measures;
- Develop a “No Wrong Door Strategy” in Florida which reduces the number of visits to resource offices in order to obtain workforce related services;
- Develop a workforce opportunity portal to integrate state information systems and report on the integration on December 1, 2022 and annually thereafter; and

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- Review each workforce related programs offered by public postsecondary educational institutions and public and private training providers 1 year after each program’s graduating class and every 5 years after the first review.

▶ Career Source Florida and Local Workforce Development Boards (LWDBs): The bill requires the CareerSource state board to work with state and local partners in the workforce development system to develop the strategic planning elements required by Workforce Innovation and Opportunity Act (WIOA) for Florida’s state plan. Moreover, the bill increases the responsibility of Career Source State Board.

▶ The bill eliminates local standards for eligible training provider lists, and instead directs the use of WIOA workforce program funds to high-quality training providers as determined by rules to be set by the Department of Economic Opportunity (DEO).

▶ Strategic Efforts to Achieve Self-Sufficiency (SEAS): The bill names three strategies under the title of SEAS, which are the workforce opportunity portal, the Open Door Grant Program, and the Money-Back Guarantee Program.

- The Open Door Grant Program awards grants to school district’s postsecondary technical centers and Florida College System (FCS) institutions to cover up to two-thirds of the cost of short-term high-demand programs for eligible students upon successful completion and award of a credential of value. The grant program will provide short-term training for high demand programs in Florida, offering job seekers an opportunity to obtain expedited and affordable training.
 - In order to be eligible, a student must complete the Federal Application for Federal Student Aid (FASFA). For a student who does not receive state or federal aid, then at the time of enrollment the student is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an additional one-third of the program cost in the event of noncompletion. For a student who does receive state or federal aid, grant funds may be awarded to cover the unmet need after all eligible aid is accounted for. Grant funds can be used to cover tuition, fees, examinations, books, and materials. The maximum reimbursement is \$3,000 per training program by a student. The Department of Education (DOE) must provide an annual report on the program.
- The Money Back Guarantee Program requires each school district and FCS institution, beginning in the 2022-2023 academic year, to refund the cost of tuition to students who are not able to find a job within 6 months of successful completion of select workforce related programs.
 - The bill requires each institution to offer a money-back guarantee on at least three programs that prepare individuals to enter in-demand, middle-level to high-level wage occupations, or at least 50 percent of workforce education programs if the institution offers six or fewer programs.

- The bill requires the money-back guarantee program to be offered for all workforce education program which are established to meet a critical local economic need and are not aligned to statewide needs identified by the Labor Market Estimating Conference.
 - The bill requires each institution to establish student eligibility criteria for the program, including student attendance, career service attendance, participation in internships or work-study, job search documentation, and development of a student career plan.
 - Institutions are required to notify the State Board of Education (SBE) of the money-back guarantee programs it offers by July 1, 2022 and information on the offered programs are required to be made available on each school district's and FCS institution's website, on the DOE's website, and on the Employ Florida website.
 - The bill requires the DOE to provide a report on performance results by school district, FCS institution, and program by November 1 of each year.
- ▶ Healthcare Services Study: The bill requires the Board of Governors (BOG) and the State Board of Education (SBE) to conduct a statistically valid biennial data-driven gap analysis of the healthcare workforce. The analysis must provide 10-year trend information on nursing education programs.
- ▶ Credential Review Committee and Master Credentials List: The bill centralizes identification and designation of credentials of value by requiring the CareerSource state board to appoint a Credentials Review Committee to identify non-degree credentials and degree credentials of value for approval by the CareerSource state board and inclusion in a Master Credentials List. Credentials must include registered apprenticeship programs, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. Beginning with the 2022-2023 school year, the bill requires the CareerSource state board to produce and submit a Master Credentials List to the State Board of Education (SBE).
- ▶ Returned Value Funding Formula of Industry Certification Performance Funds: Beginning with FY 2022-2023, the bill revises the formula for allocating postsecondary performance incentive funding to school district technical centers and Florida College System (FCS) institutions. Rather than each certification earning an institution \$1,000, the bill requires the committee to develop a returned value funding formula that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations.
- ▶ Workforce Education Programs: The bill requires the State Board of Education (SBE) to develop criteria for the review and approval of new workforce education programs which are not included in the statewide curriculum framework and are proposed to be offered by a Florida College System (FCS) institution or a school district technical center.

▶ Career Technical Education (CTE) Audit: The bill requires the Department of Education's (DOE) annual CTE audit to examine, at a minimum: (1) alignment of offerings with the framework of quality established by the Credentials Review Committee; (2) alignment of offerings at the K-12 and postsecondary levels with credentials or degree programs identified on the Master Credentials List; (3) program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area; and institutional performance measured by student outcomes.

- The bill requires the Commissioner of Education to use the findings from the CTE audit to phase out CTE offerings which are not aligned with the framework of quality established by the Credentials Review Committee, do not meet labor market demand or institutional performance, or are unwarranted program duplications. The bill requires the DOE to adopt rules to administer the annual review of K-12 and postsecondary CTE offerings.

▶ Career Readiness: At the postsecondary level, the bill authorizes courses that provide instruction in student life skills, including career planning and exploration, or similar, to use state career planning resources within the course and provide students with the opportunity to create a digital resume. For postsecondary student career service centers, the bill requires centers to prepare students for employment upon completion of their academic work.

▶ Digital Badges: Beginning with students initially entering a public postsecondary institution in 2022-2023, the bill requires each student to be able to earn a nationally recognized digital credential from competencies within the general education core courses which demonstrate career readiness.

- The bill requires the digital credentials to be identified by a faculty committee appointed by the chair of the State Board of Education (SBE) and the chair of the Board of Governors (BOG). The faculty committee must identify the competencies within the general education core courses which demonstrate career readiness and will result in the award of a verifiable and interoperable nationally recognized digital credential.
- Beginning in the 2022-2023 academic year, the bill requires students entering AAS or AS degree programs to complete at least one identified core course in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.
- The bill requires all public postsecondary institutions to distinguish the general education core courses linked to earning a digital credential in their course catalog and requires institutions to grant and accept the identified digital credential.

CS/CS/SB 366 (Hutson) Educational Opportunities Leading to Employment

*(Signed by Officers and presented to Governor,
Governor must act on this bill by 07/07/21)*

- ▶ The bill modifies s. 1007.263, F.S., to provide flexibility to Florida College System (FCS) institutions in their admissions requirements for entering students. Specifically, the bill authorizes FCS institutions to accept:
 - Alternate methods, to be approved by the State Board of Education, to measure achievement of college level communication and computation competencies by students entering college credit programs.
 - For admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by State Board of Education (SBE) rule and is based on an assessment recognized by the United States Department of Education.

- ▶ The bill requires that admissions counseling at FCS institutions measure achievement of basic skills for career education programs, which may direct a student to developmental education in order to improve communication and computation skills. The bill also modifies s. 1008.30, F.S., to remove language related to a requirement that FCS institutions develop and submit a developmental education plan to the Chancellor of the FCS. In addition, the bill removes the requirement that the FCS annually prepare an accountability report that includes student success data relating to each developmental education strategy and submit the report.

- ▶ Student Eligibility for Dual Enrollment Programs: The bill modifies the mechanism in s. 1007.271, F.S., for assessing the readiness of a student for initial enrollment in college credit dual enrollment courses. In addition to achievement by a student of the minimum score on a common placement test, the bill authorizes a student to demonstrate a level of achievement of college-level communication and computation skills via an alternative method of assessment.

- ▶ Common Placement Testing for Public Postsecondary Education: The bill modifies s. 1008.30, F.S., to require, by January 31, 2022, the State Board of Education (SBE) to adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at a Florida College System (FCS) institution.
 - The bill authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication. The bill removes the requirement that program include the capacity to diagnose certain basic competencies in the areas of English, reading, and mathematics. The bill also specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill.

▶ The bill modifies s. 1007.23, F.S., to require the statewide articulation agreement to specify three mathematics pathways, which are aligned to programs, meta-majors, and careers, on which degree-seeking students must be placed. This change comes after the work that started in 2018 by the Florida Student Success Center and workgroups that recommended the creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.

- The bill specifies the purpose of the pathways is to facilitate seamless transfer, reduce excess credit hours, and ensure that students are taking the relevant courses needed for their future careers. To accomplish the identification of the mathematics pathways, the bill requires a representative committee of SUS, district career centers, and FCS faculty to collaborate to identify the three pathways. The bill removes the requirement that the SBE, in consultation with the BOG, approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major.

▶ Homeless Student Fee Waiver: The bill also modifies s. 1009.25, F.S., to authorize the State Board of Education (SBE) and the Board of Governors of the State University System of Florida (BOG) to adopt rules and regulations, regarding documentation and procedures to implement a fee waiver for a student who is homeless.

CS/CS/SB 1028 (Hutson) Education

(Approved by Governor; Chapter No. 2021-35)

▶ Authorizes state universities and Florida College System Institutions, with Department of Education approval, to solicit applications and sponsor a charter school in its service area, under certain circumstances.

- The board of trustees of a charter school sponsoring state university or Florida College System institution is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities.

▶ Fairness in Women's Sports Act: The bill creates the Fairness in Women's Sports Act, Section 1006.205, F.S., which requires interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public secondary school or public postsecondary institution to be expressly designated as either a men's team or women's team as determined by the student's biological sex at birth; or a co-ed team.

CS/CS/SB 1108 (Diaz) Education

(Approved by Governor)

▶ **Civic Literacy Exemption:** The bill amends s. 1003.4282, F.S. to require every student who takes the United States Government course in high school to take a civic literacy assessment, beginning with the 2021-2022 school year. Students who earn a passing score on the course assessment are exempt from the postsecondary civic literacy requirement. The bill amends s. 1007.25, F.S. to require students who initially enter a SUS or FCS institution during or after the 2021-2022 school year to demonstrate civic literacy by passing an assessment and taking a course on civic literacy. Students in high school may complete the civic literacy requirement through an accelerated mechanism, such as dual enrollment.

▶ **Public Records Exemptions for Assessments:** The bill amends the test administration and security public records exemption under s. 1008.24, F.S., which currently protects tests under the student assessment program, to specifically and expressly identify the protected assessment tests. The assessment tests expressly incorporated into the exemption relate to, among others, English language assessments for limited English proficient students; postsecondary General Education courses; and educator certifications.

CS/CS/SB 2006 (Burgess) Emergency Management

(Approved by Governor; Chapter No. 2021-008)

▶ In an amendment filed the last week of Session, the bill created a new section of law, Section 381.00316, F.S., which states in subsection (3) that: “[a]n educational institution as defined in s. 768.38 may not require students or residents to provide any documentation certifying COVID-19 vaccination or post-infection recovery for attendance or enrollment, or to gain access to, entry upon, or service from such educational institution in this state. This subsection does not otherwise restrict educational institutions from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.” Section 768.38, F.S. was created by SB 72, the “Covid Liability Bill” which defines educational institution as “... a school, including a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.” Thus, no educational institution in Florida can require of students the provision of evidence of receiving a COVID-19 vaccine in order to attend school.

CS/HB 1261 (Toledo) Higher Education

(HOUSE Enrolled Text (ER) Filed, Bill Discussed During the Office of EDR’s Revenue Estimating Impact Conference, 06/21/21)

▶ **Creates Tuition and Fee Litigation Liability Protections:** The bill creates Section 768.39, F.S., which applies to public and non-public educational institutions operating during the COVID-19 pandemic. These institutions now have immunity from any civil damages, equitable relief, or other remedies relating to having to shift in-person instruction to online or remote instruction for any period of time; closing or modifying the provision of facilities, other than housing or dining facilities, on the campus of the educational institution; or pausing or modifying

ancillary student activities and services available through the educational institution. The statute declares that in-person or on-campus education and related services were impossible for educational institutions during any period of time in which such institutions took reasonably necessary actions described to protect students, staff, and educators in response to the COVID-19 public health emergency.

▶ Establishes New Duties for Institutions Participating in State Financial Aid Programs: The bill also creates Section 1009.46, F.S., which creates certain duties relating to state financial aid and tuition assistance programs. Each postsecondary institution that receives state student financial aid is required to complete and return the annual application for state aid funds in the format and by the date established by the Department of Education, among other new requirements.

Bills of Note That Did Not Pass

HB 6001 (Sabatini) Firearms on Campus

▶ Would have removed provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility.

SB 84 (Rodrigues) Retirement

▶ Would have provided for compulsory membership in the Florida Retirement System Investment Plan, prohibiting membership in the Pension Plan (with some exceptions), for specified employees initially enrolled on or after July 1, 2022.

CS/HB 135 (Robinson)/CS/SB 532 (Burgess) Career Center Degrees

▶ Would have authorized a school district career center to offer an Associate in Applied Science (AAS) or Associate in Science (AS) nursing degree program, only to graduates of a Licensed Practical Nursing (LPN) program offered by the same career center.

HB 997 (Garrison)/SB 220 (Brandes) Public Records Exemption/Executive Searches

▶ Would have provided an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or Florida College System institution; and would provide an exemption from public meeting requirements for any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and for any portion of a meeting that would disclose personal identifying information of an applicant or potential applicant.