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## **MEMORANDUM**

**TO:** School District Superintendents  
School District Postsecondary Career and Technical Education Directors  
School District Technical College Directors  
District Adult Education Directors

**FROM:** Kevin O'Farrell, Ph.D.

**DATE:** July 27, 2022

**SUBJECT: 2022 Legislation Affecting Career, Technical and Adult Education Partners**

The 2022 Florida Legislature passed legislation that will have implications for school district career and technical education (CTE) and adult general education (AGE) programs. A summary of action required of school districts is provided below and in Appendix A. Because many of the bills cross multiple offices and functions, we encourage everyone at our institutions to read the bills themselves and pay close attention to each section.

### **APPROPRIATIONS**

#### **School District Workforce Funding in the General Appropriations Act (House Bill [HB] 5001)**

- Program funds of \$390.4 million, an increase of \$18 million (4.8 percent) over the current year
- Industry Certifications funding: \$6.5 million
- Open Door Grant Program funds: \$15 million
- New Nursing Education for Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) in the amount of \$20 million
- Worker's compensation insurance premiums reimbursement: \$2 million

Other noteworthy funding items from the conference report include:

- Federal funding authority for Perkins V and Workforce Innovation and Opportunity Act (WIOA) - Title II
- Linking Industry to Nursing Education (LINE) in the amount of \$19 million for several sectors
- Law Enforcement Training Incentives in the amount of \$6 million: \$5 million for Law Enforcement Academy Scholarship Program and \$1 million for Out-of-state Law Enforcement Equivalency Reimbursement

KEVIN O'FARRELL PH.D.,  
CHANCELLOR OF CAREER AND ADULT EDUCATION

- Dual Enrollment Scholarship Program \$18.05 million to support this program in FY 2022-23 and \$2 million for FY 2021-22 to cover a deficit

Open Door Grant Program (Senate Bill [SB] 2524)

SB 2524 amended section (s.) 1009.895, Florida Statutes (F.S.), to modify the Open Door Grant Program, which provides funds to support student completion of short-term, high-demand credit and non-credit CTE programs at school district career centers. Specifically, SB 2524:

- Extended eligibility for Open Door funds to school districts without a career center that offer eligible integrated education and training programs;
- Removed completion of a Free Application for Federal Student Aid as a requirement for student eligibility; and
- Allowed institutions to use Open Door funds to cover the student portion of the Student Investment approach

The bill became effective on July 1, 2022. The Florida Department of Education (FDOE) has already begun rule development to align Rule 6A-20.045, Florida Administrative Code (F.A.C.), Open Door Grant Program, with the new provisions in SB 2524. Once in effect, institutions who currently receive Open Door funds may need to update their recruitment materials, as well as internal policies and processes, to reflect these changes. The Florida Legislature appropriated \$15 million for school districts to support this program in fiscal year (FY) 2022-23.

## **NURSING EDUCATION**

Linking Industry to Nursing Education (SB 2524)

SB 2524 created s. 1009.896, F.S., to create the LINE Fund. The purpose of the LINE Fund is to incentivize collaboration between nursing education programs and health care partners to combat the growing nursing shortage in the state. The goals of the LINE Fund are to recruit faculty and clinical preceptors, increase the capacity for high-quality nursing education programs, and increase the number of nursing program graduates who are prepared to enter the workforce.

This competitive grant program will provide matching funds, on a dollar-to-dollar basis, to participating institutions that partner with a healthcare provider. The bill became effective on July 1, 2022. The Florida Legislature appropriated \$19 million for Florida College System (FCS) institutions, school district career centers, charter technical career centers, and independent nonprofit colleges and universities.

Rule development is currently in progress for this grant program. A rule workshop was held on June 29, 2022. More information on the rule development process can be found here

[https://www.flrules.org/gateway/View\\_Notice.asp?id=26017939](https://www.flrules.org/gateway/View_Notice.asp?id=26017939).

Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) (SB 2524)

SB 2524 created s. 1009.897, F.S., to create the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund. District career centers, charter technical career centers, and FCS and State University System institutions will be allocated funds based on the performance of nursing education programs.

Performance metrics for programs include the number of nursing education program completers and the first-time National Council of State Boards of Nursing Licensing Examination (NCLEX) passage rate of the institution's nursing education program completers. Additionally, allocations must reward programs with first-time average NCLEX passage rates above the national average.

The Florida Legislature appropriated \$20 million for school district career centers that offer practical nursing programs. In summer/fall 2022, the FDOE will engage in rule development for the PIPELINE fund.

Rule development is currently in progress for this grant program. A rule workshop was held on June 29, 2022. More information on the rule development process can be found here: [https://www.flrules.org/gateway/View\\_Notice.asp?id=26018036](https://www.flrules.org/gateway/View_Notice.asp?id=26018036).

Nursing Program Data Collection (SB 2524)

SB 2524 amended s. 464.0195, F.S., to require the biennial gap analysis of the supply and demand of the healthcare workforce to be conducted by the Florida Center for Nursing. Additionally, SB 2524 amended s. 1004.015, F.S., to require the Florida Talent Development Council (TDC), with the support of the Board of Governors (BOG) and the State Board of Education (SBE), to develop a survey to annually report 10-year trend information on nursing education programs.

FDOE is working with BOG and the TDC to modify the 10-year trend survey data collection instrument that was used in 2021. The FDOE may request additional data from school districts with postsecondary programs required for this study. Data collection is expected to occur early fall 2022. The TDC will report the results of this survey by December 1, 2022.

## **WORKFORCE PROGRAMS**

Law Enforcement Academy Scholarship (HB 3) – Informational

HB 3 created s. 1009.896, F.S., the Florida Law Enforcement Academy Scholarship Program, to assist in the recruitment of law enforcement officers by providing financial assistance to trainees who enroll in a law enforcement officer basic recruit training program. The Florida Legislature appropriated \$5 million to students at school district career centers and FCS institutions in approved training programs. The bill became effective on July 1, 2022. FDOE's Office of Student

Financial Assistance will administer the scholarship program in consultation with the Department of Law Enforcement.

Law Enforcement Reimbursement (HB 3) – Informational

HB 3 created s. 1009.8961, F.S., to establish a reimbursement program for eligible applicants who relocate from outside the state or who transition from service in the special operations forces to become full-time law enforcement officers in Florida. Beginning in 2022-23, FDOE, in consultation with the Department of Law Enforcement, shall reimburse eligible applicants for eligible expenses incurred while obtaining a Florida law enforcement officer certification. The bill became effective on July 1, 2022. The Florida Legislature appropriated \$1 million for the reimbursement program, which will be administered by FDOE's Office of Student Financial Assistance.

Educator Certification Pathways for Veterans (SB 896) – Informational

SB 896 modified s. 1012.56, F.S., to create an additional pathway for veterans to qualify for educator certification. The bill removed the requirement that an applicant for a temporary educator certificate hold a baccalaureate degree if the applicant has completed certain military service and education requirements. The effective date is July 1, 2022. Teacher preparation programs and veterans' liaisons should be aware of these changes.

Education for Student Inmates (SB 722)

SB 722 amended s. 944.801, F.S., to authorize a county or municipal detention facility or the Department of Corrections (DOC) to contract with an FCS institution to provide education services to its inmates. The bill affirmatively provides that state funds provided for the operation of post-secondary workforce programs may be expended on a state inmate with 24 months or less remaining on his or her sentence, notwithstanding s. 1011.81(4), F.S., which prohibits state funds for the Florida College System Program Fund from being expended on the education of state or federal inmates.

For school districts, while the language on serving inmates has appeared in the statute in prior years, the annual implementing bill provided that funds may not be expended, except to the extent that such funds are specifically appropriated for such purpose in the 2021-22 General Appropriations Act (GAA). Because funds had not been provided in the GAA, school districts were still not allowed to serve state or federal inmates. The changes from SB 722 will allow school districts to expend their state funds on certain inmates as provided in s. 1011.80, F.S. The bill became effective on July 1, 2022.

Fee Waivers/Exemptions (HB 45, HB 1577, SB 7034, HB 7065)

**Disabled Veterans Fee Waiver**

HB 45 created s. 295.011, F.S., to establish a fee waiver for disabled veterans who are enrolled in a postsecondary program and receive education assistance under the G.I. Bill, but who do not qualify for the 100 percent eligibility tier under federal law. Beginning in 2022-23, these students are eligible to receive a waiver in the amount that is the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill established a requirement that institutions report the number and value of all fee waivers granted under the program. HB 45 requires the SBE to adopt rules to implement the new tuition and fee waiver. In the coming months, FDOE will initiate rule development to outline the tuition and fee waiver implementation.

**Homeless Youth Fee Exemption**

HB 1577 modified s. 1009.25, F.S., to specify that students who meet the definition of homeless children and youths in section 725 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. s. 11434(a)(2), are exempt from the payment of tuition and fees, including lab fees, at school district career centers. The bill specified the SBE shall consider a rule accepting documentation that meets the standards under 20 U.S.C. s. 1087uu-2(a) shall be adequate to determine fee exemption eligibility. Additionally, the bill presumed that any student determined to be an unaccompanied homeless youth for the tuition and fee exemption for a preceding year to be homeless for each subsequent year unless the institution has specific conflicting information.

HB 1577 also amended s. 409.1452, F.S., to require postsecondary institutions that grant fee exemptions under s. 1009.25, F.S., to have an on-campus liaison who is, at a minimum, a knowledgeable, accessible and responsive staff member to help with any problems related to the use of the exemption. Institutions are required to provide the liaison's contact information to each student using a tuition and fee exemption and to the Department of Children and Families (DCF) and community-based care lead agencies. In the coming months, FDOE will collaborate with DCF to outline campus liaison implementation and initiate rule development to outline the exemption.

**Former Foster Youth Fee Exemption**

SB 7034 amended s. 1009.25, F.S., to expand the tuition and fee exemption for foster care students to include a student who was the subject of a shelter proceeding, a dependency proceeding, or a termination of parental rights proceeding, and who:

- Is, or was at the time of reaching 18 years of age, in out-of-home care, or in the custody of a relative or non-relative under s. 39.5085 or 39.6225, F.S.
- Was adopted from DCF after May 5, 1997;

- After reaching 14 years of age, spent at least 18 months in out-of-home care and was then reunited with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age, including a student who was reunited under s. 39.8155, F.S. (reinstatement of parental rights). A student is only eligible for this tuition waiver if, in addition to the above-described factors, the student is also Pell Grant-eligible; or
- Was placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, F.S., and remains in such guardianship until either the student reaches 18 years of age or, if before reaching 18 years of age, enrolls in an eligible institution.

Additionally, HB 7065 amended s. 409.1452, F.S., which requires DCF to work in collaboration with the BOG, FCS and FDOE to address the need for a comprehensive support structure in the academic arena to assist current or former foster youth in making the transition from a structured care system into an independent living setting. In concert with HB 1577, FCS institutions and school districts with workforce education programs will provide campus liaison positions for current and former foster youth and students experiencing homelessness so dedicated, on-campus support is readily available. This information is required to be made available on institutional webpages, to exemption recipients, DCF, and other care lead agencies.

Lastly, the bill required each institution where a student is exempt from the payment of tuition and fees under s. 1009.25, F.S., to maintain the original documentation submitted regarding a child or young adult's involvement in the child welfare system that confers eligibility for the tuition and fee exemption. Postsecondary institutions are prohibited from making additional requests for such documentation.

The bills authorizing the three preceding fee waivers/exemptions take effect as of July 1, 2022. School districts with workforce education programs may need to review processes and identify required documentation for individuals who claim the waiver and/or exemption. As a reminder, ss. 1009.22(9), F.S., and 1009.23(12)(a), F.S., specify that districts may not charge any fee except as authorized by law.

Technical requirements for reporting the waiver or exemption will be transmitted to college reports coordinators as soon as practical. School districts are required to report students with exemptions and waivers in the Workforce Development Information System.

#### Individual Freedom (HB 7)

HB 7 amended multiple Florida Statutes related to non-discrimination in the Florida Civil Rights Act (FCRA) and Florida Education Code. It provided that it is discrimination under the FCRA for an employer to subject individuals as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required

activity that espouses, promotes, advances, inculcates, or compels such individual to believe any of the following concepts:

- Members of a race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
- Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

HB 7 also provided that subjecting a student or employee in the Florida K-20 public education system to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe the above-listed concepts constitutes discrimination.

HB7 also replaced “gender” with “sex” and replaced “ethnicity” with “color.”

Institutions are encouraged to take the necessary action to ensure compliance. This may require institutions to revisit required faculty and staff professional development onboarding or training requirements, tenure promotional or retention policies, and/or the course content for students enrolled in required coursework or any instruction that actively espouses, promotes, advances, inculcates, or compels faculty, staff, and/or students to believe any of the aforementioned concepts without providing such training or instruction in an objective manner. The bill became effective on July 1, 2022.

Support for Children and Youth Special Populations – Informational (HB 1577, SB 7034, HB 7065)

In addition to amending 1009.25, F.S., related to fee exemptions, several bills that passed during the 2022 legislative session addressed services for homeless youth and former foster youth throughout K-12 and postsecondary education.

HB 1577 amended multiple Florida Statutes to expand services available to children and youth experiencing homelessness. Specifically, the bill:

- Required district school boards to issue a certified unaccompanied homeless youth card that includes information on the youth's rights and available benefits, and allowed health care providers to accept the issued card as proof of the status as a certified unaccompanied homeless youth.
- Expanded the Keys-to-Independence program to unaccompanied homeless youth who meet certain requirements.
- Waived fees for copies of a birth certificate for certified unaccompanied homeless youth and young adults who aged out of foster care.
- Required the Office of Program Policy Analysis and Government Accountability (OP-PAGA) to study the current use of college liaisons, the number of students experiencing homelessness, students' requested services, and student experiences.

SB 7034 amended multiple Florida Statutes regarding the duties and responsibilities of DCF in the Relative Caregiver Program, the care of children, and the Road-to-Independence Program that are targeted at benefiting the lives of foster youth in Florida.

Additionally, HB 7065 amended multiple Florida Statutes strengthening child welfare programs. Specific areas of focus included fathers, at-risk children, including dually involved children, at-risk male students, and former foster youth.

## **ARTICULATION**

### Dual Enrollment (SB 2524)

SB 2524 modified s. 1007.271(17), F.S., to remove the requirement that only public school students be provided instructional materials for use in dual enrollment courses free of charge. In effect, all students – public school, private school, and home education – will be provided instructional materials free of charge. Additionally, SB 2524 provided that postsecondary institutions may not require payment for instructional material costs that are eligible for reimbursement under the Dual Enrollment Scholarship Program in s. 1009.30, F.S.

Related to the Dual Enrollment Scholarship Program, SB 2524 modified the timeline for reporting and reimbursements. To receive a reimbursement, postsecondary institutions must report students within 30 days after the end of the regular registration period and FDOE must distribute reimbursements no later than 30 days upon receipt of the institutions' submissions. The Florida Legislature appropriated \$18.05 million to support this program in FY 2022-23 and \$2 million for FY 2021-22 to cover a deficit.



The bill became effective on July 1, 2022. In summer/fall 2022, FDOE will engage in rule development to align Rule 6A-20.0282, F.A.C., *Dual Enrollment Scholarship Program*, with the new provisions. Once the rule is effective, FDOE will provide additional technical assistance and guidance.

#### Uniform Award of Credit for Law Enforcement Training (HB 3)

HB 3 created s. 1004.098, F.S., requiring the BOG and the SBE to adopt regulations and rules to create a process to allow eligible law enforcement officers or former law enforcement officers to earn postsecondary credit across all Florida public postsecondary educational institutions for college-level training and education acquired while serving as a law enforcement officer. The bill specified the regulations and rules must include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours.

HB 3 requires the Articulation Coordinating Committee (ACC) to convene a workgroup by September 1, 2022 to develop a process for determining equivalencies. The workgroup must provide recommendations to the BOG and the SBE by March 1, 2023. Annually, the ACC must approve and update a prioritized list of postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for law enforcement training and experience.

FDOE will begin working with the ACC, BOG, and Florida Department of Law Enforcement to convene a workgroup by September 1, 2022. Like the process developed for the uniform awarding of military credit, FDOE may request additional data from school districts with postsecondary programs to identify the most common courses and trainings for which students receive postsecondary credit or clock hours, and the specific course number and credit or clock hours awarded for these trainings.

As institutions will be required to award credit or clock hours (if applicable) to the students' degrees or certificates, institutions should expect follow-up guidance after equivalencies are developed and adopted. The Office of Articulation, which administratively supports the ACC, will be providing additional implementation procedures in the future regarding this portion of the legislation.

#### Statewide Course Numbering System (SB 7044)

SB 7044 modified s. 1007.24, F.S., to require the maintenance of the electronic Statewide Course Numbering System (SCNS). It specified the SCNS include, for postsecondary courses, course levels, numbers, titles, credits awarded, and other identifiable information by institution and academic year, as required by Rule 6A-10.024, F.A.C., *Articulation Between and Among Universities, Florida Colleges, and School Districts*. In addition to the SCNS, postsecondary institutions are responsible for including this information in their registration processes.

Additionally, SB 7044 reiterated that institutions accept and apply course credit in transfer first toward general education core requirements or other general education requirements before applying courses as elective credit. This requirement applies to course credit earned through dual enrollment, course equivalences, and other acceleration mechanisms. SB 7044 also required the SBE to adopt rules related to the collection of course information, identifiable information required for each course, and the conduct of regularly scheduled faculty committee reviews and recommendations. The bill became effective on July 1, 2022.

FDOE will review Rule 6A-10.024, F.A.C., to determine if these requirements can be accomplished through amendment or if these requirements would be better suited to a new rule. FDOE will provide additional information and training on Florida's SCNS System in the coming months.

Thank you for implementing these important changes.

KO/cr

**Appendix A – School District Actions for Workforce Education Programs Following the 2022 Legislative Session**

	<b>May require review of local policy and/or procedure</b>	<b>May require data or information to be submitted to the state</b>
Dual Enrollment (SB 2524)	Yes	Yes; information currently collected
Uniform Award of Credit for Law Enforcement Training (HB 3)	Yes	Not anticipated
Statewide Course Numbering System (SB 7044)	Yes	Possibly; information on faculty committees
Open Door Grant Program (SB 2524)	Yes	Yes; information currently collected
Linking Industry to Nursing Education (LINE) (SB 2524)	To be determined by Rule-making	To be determined by Rule-making
Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) (SB 2524)	Not anticipated	Not anticipated
Nursing Data Collection (SB 2524)	Not anticipated	Yes; information currently collected
Education for Student Inmates (SB 722)	No	Yes; through current reporting mechanism
Fee Waivers/Exemptions (HB 45, HB 1577, SB 7034)	Yes	Yes; through current reporting mechanism
Individual Freedom (HB 7)	Yes	Unknown at this time