



2023 Legislation Implementation

Office of Policy and General Counsel

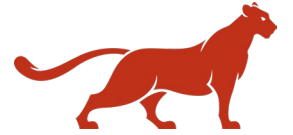
2023 Legislative Session



During the 2023 Legislative Session, the College closely tracked 105 bills that, if passed, would or might impact the College. Of these bills, 29 passed both the House and the Senate and were approved by the Governor. Ten of these bills require special attention by the College in terms of implementation and compliance.

What follows is a summary of the College's implementation efforts to date.

HB 3: Government and Corporate Activism



Responsible Executives: Oscar Cristancho and Jay Galbraith

1.) Valencia College must include in its procurement/solicitation documents and related procurement contracts notice that the College will not give a preference to a vendor based on the vendor's social, political, or ideological beliefs, and will not request documentation or considering a vendor's social, political, or ideological beliefs when determining if the vendor is a responsible vendor.

2.) Any contracts between Valencia College and an investment manager executed, amended, or renewed on or after July 1, 2023, must contain a provision requiring the investment manager to include a disclaimer in specified external communications, as detailed above.

Status: In Compliance

SB 240: Education

Responsible Executive: Joe Battista

Valencia College will participate in the process adopted by the State Board of Education to approve associate in science and associate in applied science degree programs that may be proposed to be offered by either the Orange or Osceola County district school boards.

Status: In Compliance





SB 256: Employee Organizations Representing Public Employees

Responsible Executives: Carla McKnight and Oscar Cristancho

Note: The current CBA expires January 18, 2024. The reopener meeting is scheduled to occur on September 15, 2023.

In accordance with the new law, Valencia College will decline to deduct union dues from the paychecks of bargaining unit members of the SEIU, if so requested by the union. To date, since the District Board's approval of the collective bargaining agreement in January 2023, no such dues deductions have occurred.

Status: In Compliance

SB 258: Prohibited Applications on Government-issued Devices

Responsible Executive: Brandon McKelvey

Upon the Department of Management Services' (DMS) creation and adoption of a list of prohibited applications of Internet application deemed to present a security risk in the form of unauthorized access to, or temporary unavailability of a public employer's records, digital assets, systems, networks, servers, or information, Valencia College will implement all protective measures required by the new law.



Status: Awaiting Rulemaking



SB 266: Higher Education

Responsible Executives: Carla McKnight, Isis Artze-Vega, and Lesley Frederick



1.) **Prohibited Expenditures** – As Valencia College awaits the final adoption by the State Board of Education of Rules implementing this new law which will provide more detail on prohibitions, exemptions, exceptions, and required actions, the College continues to comply with applicable provisions of the Florida Civil Rights Act, s. 1000.05, F.S.

2.) **General Education** – The College has nominated Valencia faculty members to be considered for service on the faculty committee(s) to be appointed by the State Board of Education, for the purpose of recommending revisions to the general education core course options. The College will adopt and implement changes required by the State at the conclusion of this process.



SB 266: Higher Education



3.) Accreditation – This new law has no immediate impact on Valencia College, as it continues its progress in the SACSCOC accreditation reaffirmation process.

4.) Compliance Actions Taken by College to Date:

- A. Separation of the Peace and Justice Institute from the College.
- B. Indefinite pause of certain faculty development workshops requiring review in light of emerging regulatory environment.
- C. Update to the DEI programs/activities list as requested by the Executive Office of the Governor, noting ending dates and exemptions/exceptions as provided by law.



SB 274: Nursing Education Pathway for Military Combat Medics

Status: Awaiting Rulemaking

Responsible Executives: Isis Artze-Vega and Joe Battista

Valencia College will, when it is adopted by the Articulation Coordinating Committee, implement the prioritized list of postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited program for military training and education.



SB 846 - Agreements of Educational Entities with Foreign Entities

Responsible Executives: Joe Battista and Isis Artze-Vega

-
- 1.) Valencia College will comply with the prohibitions established by this new law with respect to foreign country of concern, including against soliciting or accepting any gift in their official capacities from a college or university based in a foreign country of concern, and against accepting any grant from or participating in any agreement or partnership with any college or university or foreign principal based in a foreign country of concern.
 - 2.) The College has delivered notices of termination with respect to all international student recruiting contracts in effect that, if maintained, would violate the prohibitions established by this new law.

Status: Actions Taken / In Compliance



HB 931: Postsecondary Educational Institutions

Responsible Executives: Senior Team

- 1.) Valencia College will comply with the prohibitions against preferential considerations to a person for employment by, admission into, or promotion, and against requiring or soliciting a person to complete a political loyalty test (as defined) as a condition of employment by, admission into, or promotion within the College.
- 2.) The College will examine its hiring practices to determine whether any tool or activity currently in use could fit within the stated prohibitions and if so, will cease its use immediately.
- 3.) The College has adjusted its learning-centered statement prompt in faculty application materials regarding creating the right conditions to advance student learning in a manner as to avoid conflicts with the new legal requirements.



HB 931: Postsecondary Educational Institutions

Responsible Executives: Senior Team

The revised Learning Centered Statement prompt now reads:

In order to determine an applicant's proficiency in written communication and ensure the appropriateness of teaching assignments, a directed writing sample is required. As an open-access college, at Valencia we open our doors to everyone. One of our Big Ideas is that "anyone can learn anything under the right conditions." This means that as educators we are committed to creating the conditions that make success attainable for all students. Please provide a 300 to 500-word description of how you create the "right conditions" to advance student learning.

Status: Actions Taken / Further Review Required



HB 1521: Facility Requirements Based on Sex

Responsible Executives: Carla McKnight, Lesley Frederick, and Shaun Andrews

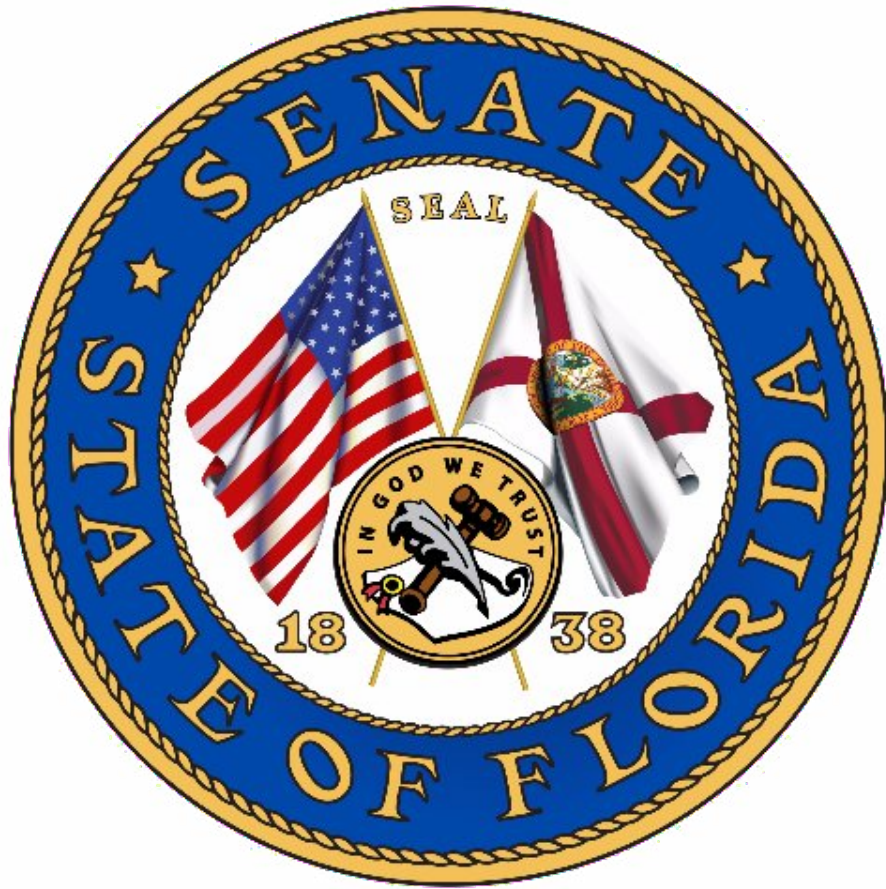


- 1.) The College has amended its Student Code of Conduct to provide for disciplinary action against any student who violates this new law.
- 2.) The College has amended its Employee Code of Conduct to provide for disciplinary action against any employee who violates this new law.
- 3.) The College designates restrooms with clearly marked signs, specifying "Women," "Men," or "Unisex," as appropriate.
- 4.) Valencia College will submit the required compliance documentation to the Department of Education no later than April 1, 2024.

Status: Actions Taken / Awaiting Rulemaking

SB 1580: Protections of Medical Conscience

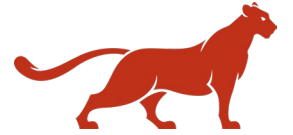
Responsible Executive: Joe Battista



- 1.) The College will prohibit discrimination or adverse action against a student who falls under the definition of "health care provider" on the basis of the student's decision to opt-out of participation in any health care service on the basis of a conscience-based objection.
- 2.) The College will work with its clinical partners and examine its clinical affiliation agreements to promote compliance with this new law in such external environments.

Status: Further Action Required

Summary



Legislation		Status
HB 3	Government and Corporate Activism	In Compliance
SB 240	Education	In Compliance
SB 256	Employee Organizations Representing Public Employees	In Compliance
SB 258	Prohibited Applications on Government-issued Devices	Awaiting Rulemaking
SB 266	Higher Education	Steps Taken / Awaiting Rulemaking
SB 274	Nursing Education Pathway for Military Combat Medics	Awaiting Rulemaking
SB 846	Agreements of Educational Entities with Foreign Entities	In Compliance
HB 931	Postsecondary Educational Institutions	Steps Taken / Further Review Required
HB 1521	Facility Requirements Based on Sex	Steps Taken / Awaiting Rulemaking
SB 1580	Protection of Medical Conscience	Further Action Required





QUESTIONS?

Thank You

VALENCIA COLLEGE

2023 LEGISLATIVE SESSION BILL IMPLEMENTATION REPORT: BILL DESCRIPTIONS

THE DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE

August 10, 2023

General Session Highlights

- ▶ The 2023 Florida Legislature adjourned sine die on Monday afternoon, May 5, 2023. The legislature approved the General Appropriations Act and an overall budget of \$117 billion. A total of 1,873 bills were filed this Session, with only 356 bills being passed by both chambers and sent to the Governor.
- ▶ The Florida College System (FCS) has some significant statutory changes to address because of the 2023 Legislative Session. More specifically, the most impactful changes likely will be associated with the implementation of bills involving general education courses, new prohibitions on expenditures, new requirements for union registration/certification, and new restrictions on the use of certain applications on college devices and networks.
- ▶ This Report highlights the actions required to be taken by the College to implement the statutory requirements set forth in new laws emerging from the actions of the 2023 Florida Legislature.

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.

The online version of The 2023 Legislative Session Bill Implementation Report: Bill Descriptions, may be found at <http://valenciacollege.edu/generalcounsel>.

DESCRIPTIONS OF BILLS TO BE IMPLEMENTED

HB 3 (Rommel) Government and Corporate Activism

(Approved by Governor; Chapter No. 2023-28)

- ▶ The bill requires any contract between a governmental entity (including FCS institutions) and an investment manager executed, amended, or renewed on or after July 1, 2023, to contain a provision requiring the investment manager to include a disclaimer in an external communication, if the communication is to a company in which the investment manager has invested public funds and discusses social, political, or ideological interests; subordinates the interests of the company's shareholders to the interests of another entity; or advocates for an entity other than the company's shareholders. This applies to the investment of general revenue, surplus funds, trust funds, and retirement plans.
 - The required disclaimer must state: "The views and opinions expressed in this communication are those of the sender and do not reflect the views and opinions of the people of the state of Florida." All contracts with investment managers executed, amended, or renewed on or after July 1, 2023, may be unilaterally terminated if certain communications of an investment manager include discussion of social, political, or ideological interests and omit the required disclaimer described above.
- ▶ The bill prohibits consideration of social, political, or ideological beliefs in state and local government contracting, and explicitly notes that this includes all political subdivisions of the state. Specifically, the bill prohibits an awarding body from: 1) requesting documentation or considering a vendor's social, political, or ideological beliefs when determining if the vendor is a responsible vendor; or 2) giving a preference to a vendor based on the vendor's social, political, or ideological beliefs. Beginning July 1, 2023, all solicitations for commodities or contractual services must include notice of these requirements.
- ▶ The bill states that when deciding whether to invest and when investing public funds pursuant to this section, a unit of local government must make decisions based solely on pecuniary factors. The bill defines the term "pecuniary factor" as a factor expected to have a material effect on the risk or returns of an investment based on appropriate investment horizons consistent with applicable investment objectives and funding policy. The term does not include the consideration of the furtherance of any social, political, or ideological interests.

SB 240 (Hutson) Workforce Education Programs

(Approved by Governor; Chapter No. 2023-81)

- ▶ The bill authorizes district school boards to award college credit in associate in applied science and associate in science degrees. The bill provides a process for the State Board of Education to approve associate in science and associate in applied science degree programs offered by district school boards that aligns with the process that allows FCS institutions to offer baccalaureate degree programs. The bill aligns the technical college tuition for associate in science and associate in applied science degree programs with the tuition for the programs offered by FCS institutions, which is \$71.98 per credit hour for residents and nonresidents, and an out-of-state fee of \$215.94 per credit hour.
- ▶ Among other provisions regarding the state administration of workforce programs, revisions to workforce education funding provisions, and workforce education programs, the bill also amends s. 1011.80, F.S., to modify the approval process for FCS institutions and school districts to conduct workforce education programs.

- Maintains the requirement that FCS institutions and district school boards obtain approval by the State Board of Education of new workforce education programs that are not included in the statewide curriculum framework.
- Shifts from the State Board of Education to the local college board of trustees or district school board the responsibility for approval of new workforce education programs that are in the statewide curriculum framework.
- Specifies that FCS institutions and district school boards may offer continuing workforce education courses or programs without prior State Board of Education approval but requires keeping adequate and accurate records of instructional activity and reporting continuing workforce education instructional activity in a format prescribed by the DOE.
- The bill specifies that continuing workforce education courses and programs are exempt from the requirements for approval by the State Board of Education, FCS institution board of trustees, or district school board, and are ineligible for performance funding.

SB 256 (Ingoglia) Employee Organizations Representing Public Employees

(Approved by Governor; Chapter No. 2023-35)

- ▶ Creates several new requirements of the employee organizations that represent public employees in collective bargaining, including the SEIU's unit of part-time faculty and instructors at Valencia College.
- ▶ Specifically, the bill:
 - Requires employees who wish to join certain employee organizations to sign a membership authorization form that is prescribed by the Public Employees Relations Commission (PERC), which must contain specific information.
 - Requires specific employee organizations to allow a member to revoke his or her membership in the organization at any time, and without any reason and allows the PERC to inspect specific employee organization's membership authorization forms and membership revocation forms.
 - Prohibits certain employee organizations from receiving their members' dues and assessments via salary deduction from the members' public employer and requires the certified bargaining agent to provide certain information to its members, including the annual costs of membership.
 - Expands the information required in an employee organization's annual registration renewal with the PERC. This newly required information includes information that relates to the number and percentage 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.
 - Authorizes the public employer or an employee who is eligible for representation in the bargaining unit to challenge the application for registration renewal. The PERC must investigate to confirm the information submitted.
 - Requires the employee organization to be recertified if the number of employees paying dues to the employee organization during the last registration period is less than 60 percent of the employees eligible for representation in the bargaining unit.

SB 258 (Burgess) Prohibited Applications on Government-issued Devices

(Approved by Governor; Chapter No. 2023-32)

- ▶ The bill bans the use of prohibited applications on devices issued to an employee or officer by a public employer, or otherwise used on a network that is owned, operated, or maintained by a public employer. It requires the Department of Management Services (DMS) to create and maintain a list of prohibited applications of any Internet application that it deems to present a security risk in the form of unauthorized access to, or temporary unavailability of the public employer's records, digital assets, systems, networks, servers, or information. A "prohibited application" is alternatively defined as any that participates in certain activities, such as conducting cyber-espionage against a public employer, and that is created, maintained, or owned by a foreign principal.
 - The DMS must adopt this list of prohibited applications through rulemaking, publish the list on its website, and disseminate it to public employers.
- ▶ Public employers must:
 - Block access to any prohibited application via their wireless networks and virtual private networks.
 - Restrict access to any prohibited application on any government cell phone, laptop, desktop computer, tablet computer, or other electronic device that can connect to the Internet that has been issued to an employee or officer for a work-related purpose.
 - retain the ability to remotely wipe and uninstall any prohibited application from any such device that is believed to have been adversely impacted by a prohibited application.
 - Additionally, the bill prohibits all persons (not just employees) from downloading or accessing any prohibited application on a government-issued device.
- ▶ The bill requires an employee or officer to remove any prohibited application from his or her government-issued device within 15 days of the DMS' publication of its list of prohibited applications, and within 15 days of any subsequent update to the list of prohibited applications.

SB 266 (Grall) Prohibited Expenditures/General Education/Accreditation

(Approved by Governor; Chapter No. 2023-82)

Prohibited Expenditures

- ▶ Among several provisions focused only on state university system administrative and curricular activities, the bill also specifies that an FCS institution, state university, FCS institution direct-support organization, or state university direct-support organization may not expend any funds, regardless of source, to promote, support, or maintain any programs or campus activities that:
 - Violate s. 1000.05, F.S.; or
 - Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education (SBE) and regulations of the Board of Governors (BOG).

▶ The bill exempts from prohibited expenditure requirements student fees to support student-led organizations regardless of any speech or expressive activity by such organizations that would otherwise violate the above provisions, but the public funds must be allocated to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable. The bill also exempts the use of institution facilities by student-led organizations provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable.

▶ The prohibition on expenditures established in the bill does not prohibit programs, campus activities, or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the FCS, students from low-income families, or students with unique abilities. The bill authorizes the SBE and the BOG to adopt rules and regulations to implement these provisions.

General Education

▶ The bill modifies current law to require revisions to the general education core course options by faculty committees appointed by the SBE and BOG. These faculty committees must, by July 1, 2024, and each four years thereafter, review and recommend to the Articulation Coordinating Committee (ACC) and the SBE and BOG changes to the core course options.

▶ The bill requires each public postsecondary institution to offer at least one general education core course in each of the identified subject areas, and accept all such courses for general education credit, whether or not the receiving institution offers that course. The bill also protects a student who has completed a general education core course from having to take an additional core course in that subject area if the course is later removed from the identified list.

▶ The bill specifies that public postsecondary educational institution boards of trustees and presidents are responsible for annually reviewing and approving, at a public meeting, general education course requirements. The following information must be included for each general education course record on the list for approval by the institution's board of trustees:

- The general education distribution area.
- The number of state universities that offer the course and the number of Florida College System institutions that offer the course, and the course level.

▶ The ACC must by December 1, 2024, and each December 1 thereafter, submit to the SBE and the BOG courses that have been approved by public postsecondary educational institutions as meeting general education requirements. The SBE and the BOG must approve or reject the list of general education courses for each FCS institution and state university, respectively.

▶ The bill establishes conditions and standards for the content and identification of courses as general education core, which include the following:

- General education core courses may not distort significant historical events or include a curriculum that teaches identity politics that violates Florida Educational Equity Act, or that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
- General education core courses must meet the following standards:
 - Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.

- Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western canon.
- Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and past and present social, political, and economic issues.
- Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.
- Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

▶ Public postsecondary educational institutions that fail to comply with the requirements for general education courses are not eligible to receive performance-based funding.

Accreditation

▶ The bill modifies current law to clarify that a public postsecondary institution is not required to change accrediting agencies each accreditation cycle, but that the change in accreditation required in law is restricted to a one-time change, prior to the expiration of this requirement on December 31, 2032.

▶ The bill also prohibits an accrediting agency or association from compelling any public postsecondary institution to violate state law and specifies that any adverse action on the institution based upon the institution's compliance with state law constitutes a violation that may be enforced by the institution in a court of competent jurisdiction, to seek damages which may result from agency retaliatory or adverse actions taken against the institution. The bill provides an exception to the consequences for specified accrediting agency actions to the extent that state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement.

SB 274 (Avila) Nursing Education Pathway for Military Combat Medics (Approved by Governor; Chapter No. 2023-158)

- ▶ Creates the "Pathway for Military Combat Medics Act." The bill expands s. 1004.096, F.S., to promote uniformity in the application of military combat medic training and education toward creditor clock hours by public postsecondary educational institutions. The bill establishes a process similar to those established for the award of postsecondary credit for military training and education and for law enforcement training.
- ▶ The bill requires state universities, FCS institutions, and career centers to award credit or clock hours, as applicable, for such military training and education based on a prioritized list of postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited program for such military training and education. The list is to be adopted by the Articulation Coordinating Committee (if the credit or clock hours are applicable to the student's degree or certificate). Credit or clock hours awarded on these bases are guaranteed to transfer from one state university, FCS institution, or career center to another.

SB 846 (Avila) Agreements of Educational Entities with Foreign Entities
(Approved by Governor; Chapter No. 2023-34)

▶ The bill prohibits state universities, FCS institutions, and their employees and representatives, from soliciting or accepting any gift in their official capacities from a college or university based in a foreign country of concern (Russia, China, Cuba, Venezuela, North Korea, Iran, Syria) or from a foreign principal, as those terms are defined by the bill. It also prohibits state universities and colleges from accepting any grant from or participating in any agreement or partnership with any college or university based in a foreign country of concern, or with any foreign principal.

▶ The bill defines:

- “Foreign principal” to mean:
 - The government or an official of the government of a foreign country of concern.
 - A political party or a member of a political party in a foreign country of concern.
 - A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern or a subsidiary thereof; or
 - Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent resident of the U.S.
- “Partnership” to mean a faculty or student exchange program, a study abroad program, an articulation program, a recruiting program, or a dual degree program. The term “agreement” means a written statement of mutual interest in academic or research collaboration.

▶ A state university or college may only participate in a partnership or agreement with a college or university based in a foreign country of concern, or with a foreign principal, if authorized by the Board of Governors or the State Board of Education, respectively, and if the agreement satisfies certain other criteria required of all state agency cultural agreements. The bill requires the BOG and the SBE to adopt administrative regulations and rules, respectively.

- The bill authorizes a state university or FCS institution, upon approval by the BOG or SBE, respectively, to enter into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal, if the BOG or SBE, respectively, deems the partnership or agreement valuable to students and the state university or FCS institution and the partnership or agreement is not detrimental to the safety or security of the U.S. or its residents. The bill requires such agreement to also meet other statutory requirements for international cultural agreements, which prohibit agreements that constrain the institution’s freedom over contracts and curriculum and require sharing the agreement with an appropriate federal agency.

▶ The bill also requires the BOG and SBE, beginning July 1, 2023, to exercise statutory oversight enforcement authority and impose statutory sanctions upon any state university or state college, respectively, that enters into a partnership or agreement with a college or university based in a foreign country of concern, or with a foreign principal, without the approval of the BOG or

SBE, respectively. The bill authorizes the BOG and SBE to withhold additional performance funding for such partnerships or agreements and requires them to deposit such funds into the General Revenue Fund.

- By December 1, 2024, and each December 1 thereafter, requires the BOG and the Department of Education, respectively, to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to partnerships and agreements of state universities and FCS institutions, respectively, with colleges and universities based in a foreign country of concern, and with foreign principals.

HB 931 (Roach) Postsecondary Educational Institutions/Political Loyalty Tests
(Approved by Governor; Chapter No. 2023-83)

▶ The bill prohibits any public institution of higher education from requiring or soliciting a person to complete a political loyalty test as a condition of employment by, admission into, or promotion within such institution.

▶ The bill provides that a political loyalty test includes compelling, requiring, or soliciting a person to identify commitment to or to make a statement of personal belief in support of:

- Any ideology or movement that promotes the differential treatment of a person or a group of persons based on race or ethnicity, including an initiative or a formulation of diversity, equity, and inclusion beyond upholding the equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution or a theory or practice that holds that systems or institutions upholding the equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution are racist, oppressive, or otherwise unjust; or a specific partisan, political, or ideological set of beliefs.
- The bill explicitly states that a political loyalty test does not include fidelity to, or an oath or effort taken to uphold, the United States Constitution or the Florida Constitution.

▶ Also prohibits public institutions of higher education from giving preferential consideration to a person for employment by, admission into, or promotion within the institution for an opinion or actions in support of a partisan, a political, or an ideological set of beliefs or another person or group of persons based on the person's or group's race or ethnicity or support of a specified ideology or movement.

▶ Moves the date of the annual assessment of intellectual freedom and viewpoint diversity (conducted by colleges for the SBOE) to December 31 of each year beginning in 2024.

HB 1521 (Plakon) Facility Requirements Based on Sex
(Approved by Governor; Chapter No. 2023-106)

▶ The bill creates the “Safety in Private Spaces Act.” The bill provides the intent that “females and males should be provided restrooms and changing facilities for their exclusive use in order to maintain public safety, decency, decorum, and privacy.”

▶ The bill requires a covered entity that maintains a changing facility and/or a water closet (toilet or urinal) to, at a minimum, have:

- A changing facility and/or restroom designated for exclusive use by females and a restroom designated for exclusive use by males; or
- A unisex changing facility and/or restroom.

▶ The bill authorizes a person to enter a restroom or changing facility designated for the opposite sex under the following circumstances:

- To accompany another person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, elderly person (as defined), or disabled person (as defined).
- For law enforcement or governmental regulatory purposes.
- To render emergency medical assistance or to intervene in any other emergency where the health or safety of another person is at risk.
- For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use, or if the appropriate designated restroom or changing facility is out of order or under repair and the opposite designated restroom or changing facility contains no person of the opposite sex.

▶ The bill makes it a second-degree misdemeanor for a person 18 years of age or older to willfully enter, for a purpose other than those allowed by the law, a restroom or changing facility designated for the opposite sex; and refuse to immediately depart when asked to do so by another person present in the restroom or changing facility.

▶ The bill requires each educational institution (including FCS institutions) to amend its code of student conduct to include disciplinary procedures for any student who willfully enters, for a purpose other than those allowed by the law, a restroom or changing facility designated for the opposite sex on the premises of the educational institution and refuses to depart when asked to do so by, for FCS institutions, any administrative personnel, faculty member, security personnel, or law enforcement personnel.

▶ Instructional personnel or administrative personnel at a Florida College System institution or state university who willfully enter, for a purpose other than those allowed by the law, a restroom or changing facility designated for the opposite sex on the premises of the educational institution and refuse to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel are subject to disciplinary actions established in State Board of Education rule or Board of Governors regulation.

▶ Each postsecondary educational institution, including FCS, is required to include provisions in their employee disciplinary policies to address administrative personnel and instructional personnel who willfully enter, for a purpose other than those allowed by the law, a restroom or changing facility designated for the opposite sex on the premises of the educational institution and refuse to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel.

▶ Colleges must submit certain compliance documentation to the Department of Education no later than April 1, 2024, and beginning July 1, 2024, the Attorney General may bring a civil action to enforce

this section against any covered entity. The Attorney General may seek injunctive relief, and, for any covered entity found to have willfully violated this section, the Attorney General may seek to impose a fine of up to \$10,000.

SB 1580 (Trumball) **Protections of Medical Conscience**
(Approved by Governor; Chapter No. 2023-57)

- ▶ Creates s. 381.00321, F.S., to provide rights of conscience for health care providers and health care payors. Any student enrolled in an educational institution who is seeking to become a health care provider is included in the definition of “health care provider.”

- ▶ The bill provides that a health care provider or health care payor has the right to opt-out of participation in or payment for any health care service on the basis of a conscience-based objection (CBO).

- ▶ The bill provides that a health care provider may not be discriminated against or suffer adverse action because the health care provider declined to participate in a health care service on the basis of a CBO. The definition of “adverse action” includes any action that may negatively impact the advancement or graduation of a student, including, but not limited to, the withholding of scholarship funds; or any other disciplinary or retaliatory action taken against a health care provider.