

Tab 1	SB 240 by Hutson; (Compare to H 01537) Education					
608196	A	S	RCS	ED, Hutson	Delete L.289 - 489:	03/14 03:01 PM
862750	A	S	RCS	ED, Jones	Delete L.777 - 812:	03/14 03:01 PM
Tab 2	SB 290 by Jones (CO-INTRODUCERS) Berman; (Similar to CS/H 00223) Public School Student Progression for Students With Disabilities					
626400	A	S	RCS	ED, Jones	Delete L.41 - 83:	03/14 03:01 PM
Tab 3	SB 514 by Hooper (CO-INTRODUCERS) Perry; (Identical to H 00795) Private Instructional Personnel					
Tab 4	SB 936 by DiCeglie; (Compare to H 00969) Florida Endowment for Vocational Rehabilitation					
645638	A	S	RCS	ED, DiCeglie	Before L.10:	03/14 03:01 PM
Tab 5	SB 986 by Burgess; (Similar to H 00443) Education					
218074	D	S		ED, Burgess	Delete everything after	03/13 07:35 AM
Tab 6	SB 990 by Grall; (Similar to H 01021) Child Care and Early Learning Providers					
Tab 7	SB 1040 by Burgess; (Identical to H 00925) District School Board Direct-support Organizations					
Tab 8	SB 1004 by Torres (CO-INTRODUCERS) Perry, Rodriguez, Thompson, Osgood; (Identical to H 00265) High School Equivalency Diplomas					
Tab 9	SPB 7020 by ED; Public Records/Mobile Suspicious Activity Reporting Tool					
Tab 10	SPB 7022 by ED; OGSR/Marjory Stoneman Douglas High School Public Safety Commission/Safe-school Officers					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K -12
Senator Simon, Chair
Senator Burgess, Vice Chair

MEETING DATE: Tuesday, March 14, 2023**TIME:** 8:30—10:30 a.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Simon, Chair; Senator Burgess, Vice Chair; Senators Avila, Berman, Calatayud, Collins, Grall, Hutson, Jones, Osgood, Perry, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 240 Hutson (Compare H 1537, S 1430)	Education; Requiring the Office of Reimagining Education and Career Help to work with other specified entities to provide certain information relating to workforce development boards; revising the list of credentials that must be included on the Master Credentials List; revising the entities that may be a local apprenticeship sponsor; revising the credit requirements for a high school diploma; revising which courses must be included on the CAPE Industry Certification Funding List; revising the cost factor for secondary career education programs; revising requirements for the Florida Pathways to Career Opportunities Grant Program, etc. ED 03/14/2023 Fav/CS CM FP	Fav/CS Yeas 11 Nays 0
2	SB 290 Jones (Similar CS/H 223)	Public School Student Progression for Students With Disabilities; Requiring comprehensive plans for student progression to provide for specified students with disabilities to be retained in prekindergarten at the discretion of a student's parent; requiring such students to receive intensive reading interventions; revising the requirements for certain students with disabilities to receive a good cause exemption from mandatory retention in grade 3, etc. ED 03/14/2023 Fav/CS AED FP	Fav/CS Yeas 9 Nays 0
3	SB 514 Hooper (Identical H 795)	Private Instructional Personnel; Revising the definition of the term "private instructional personnel" to include registered behavioral technicians employed by certain providers, etc. ED 03/14/2023 Favorable HP RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K -12

Tuesday, March 14, 2023, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 936 DiCeglie (Compare H 969)	Florida Endowment for Vocational Rehabilitation; Extending the date for future review and repeal of the Florida Endowment for Vocational Rehabilitation Act, etc. ED 03/14/2023 Fav/CS AED FP	Fav/CS Yeas 8 Nays 0
5	SB 986 Burgess (Similar H 443)	Education; Requiring the Department of Education to develop a review and evaluation form for charter schools which meets specified criteria; revising the length of time for which a statement of status of eligibility is valid; revising how a district school board calculates teachers' shares of funds from the Florida Teachers Classroom Supply Assistance Program; authorizing a school administrator or substitute teacher to petition the department for Florida Teacher Classroom Supply Assistance Program funds under certain conditions, etc. ED 03/14/2023 Temporarily Postponed AED FP	Temporarily Postponed
6	SB 990 Grall (Similar H 1021)	Child Care and Early Learning Providers; Providing an exemption for public and private preschools from specified special assessments levied by a municipality; providing for a tax credit for certain contributions made to a child care facility; authorizing specified tax credits for corporations establishing and operating, or making payments to, child care facilities for their employees under certain conditions; requiring the Department of Children and Families to conduct specified screening of child care personnel within a specified timeframe and issue provisional approval of such personnel; providing that an insurer may not deny, cancel, or refuse to renew a policy on the basis that the policyholder operates a large family child care home, etc. ED 03/14/2023 Favorable FT AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K -12

Tuesday, March 14, 2023, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1040 Burgess (Identical H 925)	District School Board Direct-support Organizations; Authorizing district school boards to contract with direct-support organizations for personal services or operations; revising the amount of expenditures and expenses a direct-support organization must have to be required to provide for an annual financial audit; authorizing district school boards to contract with a vendor for such audits, etc. ED 03/14/2023 Favorable GO RC	Favorable Yeas 9 Nays 0
8	SB 1004 Torres (Identical H 265)	High School Equivalency Diplomas; Prohibiting a district school board from requiring certain students to take a course before taking the high school equivalency examination unless the student failed to earn a passing score on a specified practice test, etc. ED 03/14/2023 Favorable JU RC	Favorable Yeas 9 Nays 0
Consideration of proposed bill:			
9	SPB 7020	Public Records/Mobile Suspicious Activity Reporting Tool; Expanding exemptions from public records requirements for the identity of a reporting party and any information received through the mobile suspicious activity reporting tool to include such information held by the Department of Education; providing for future legislative review and repeal; providing statements of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
Consideration of proposed bill:			
10	SPB 7022	OGSR/Marjory Stoneman Douglas High School Public Safety Commission/Safe-school Officers; Amending a provision which provides an exemption from public meetings requirements for any portion of a meeting of the Marjory Stoneman Douglas High School Safety Commission at which exempt or confidential and exempt information is discussed; removing the scheduled repeal of the exemption; amending a provision relating to an exemption from public records requirements for information held by specified entities which could identify a safe-school officer; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 240

INTRODUCER: Education Pre-K –12 Committee and Senator Hutson

SUBJECT: Education

DATE: March 15, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Fav/CS
2.			CM	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 240 provides supports for district school boards, Florida College System institutions (state colleges), and other stakeholders in Florida’s workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.

The bill supports CTE for middle and high school students. Specifically, the bill:

- Provides \$100 million for district school boards and colleges to fund the creation or expansion of CTE programs that serve secondary students.
- Authorizes secondary CTE programs to be funded according to the cost of the programs.
- Removes limitations on bonus funding for middle school students in CTE programs.
- Provides additional bonus funding within the Florida Education Finance Program for select achievements in CTE.

The bill supports CTE pathways for students. Specifically, the bill:

- Adds continuity through controlled open enrollment for middle school students to continue their CTE programs in high school.
- Enhances career and academic plans by requiring them to be updated and requiring parents to be provided information about CTE opportunities and benefits for students.
- Expands options for students to earn credit through extracurricular participation in career and technical student organizations.

The bill strengthens opportunities for students to engage in work-based learning by:

- Establishing regional education and industry consortia to meet and report to local workforce development boards the most effective ways to grow, retain, and attract talent.
- Requiring each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity.

The bill provides flexibility for district school boards in recruiting CTE teachers. The bill:

- Provides discretion to district school boards to certify instructors to teach CTE programs.
- Requires school boards to give teachers credit toward continuing education requirements for supporting students in extracurricular CTE activities.

The bill provides flexibility in the administration of workforce development by:

- Restoring decision-making authority to the Department of Economic Opportunity to seek federal waivers as necessary and also to establish minimum requirements for eligible training providers of workforce development programs.
- Restoring to district school boards and state colleges the responsibility for approving workforce education programs that have a statewide curriculum framework developed by the Department of Education.

The bill provides flexibility for the Credentials Review Committee (Committee) in designating credentials of value. The bill:

- Authorizes the Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and long-term data of the Labor Market Estimating Conference as factors in the development of the criteria for identifying credentials of value.
- Removes the requirement for the Committee to develop a returned-value performance funding formula for colleges and career centers.

The bill enhances the CAPE Industry Certification Funding List (Funding List), which is used to incent credentials of value for CTE programs. The bill:

- Provides flexibility to CTE programs to choose the courses in which students may earn industry certifications identified in the Funding List.
- Requires the State Board of Education to adopt three funding tiers for postsecondary certifications on the Funding List according to anticipated wages.

The bill also provides flexibility in the administration of certain state financial aid and grant programs.

The bill takes effect July 1, 2023.

II. Present Situation:

Workforce Innovation and Opportunity Act of 2014

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.¹ WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.²

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.³ The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;⁴ and
- Vocational Rehabilitation Services.⁵

WIOA establishes minimum performance accountability measures for the evaluation of core programs in each state and performance reports to be provided at the state, local, and training provider levels.⁶ Performance measures that apply across all core programs include:⁷

- The percentage of participants in unsubsidized employment during second quarter after exit.
- The percentage of participants in unsubsidized employment during fourth quarter after exit.
- The median earnings of participants during second quarter after exit.
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit.
- The achievement of measureable skill gains toward credentials or employment; and
- The effectiveness in serving employers.

State Administration of Workforce Development

WIOA requires the Governor to establish a State Workforce Development Board (state board) to assist the Governor in carrying out the duties and responsibilities required by WIOA.⁸

CareerSource Florida, Inc., implements the policy directives of the state board and administers state workforce development programs.⁹ CareerSource Florida, Inc., provides administrative support to the state board, the principal workforce policy organization for the state.¹⁰ In Fiscal

¹ Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).

² See 29 U.S.C. s. 3112(a).

³ See 29 U.S.C. s. 3102(13).

⁴ See 29 U.S.C. s. 49 et seq.

⁵ See 29 U.S.C. s. 720 et. seq.

⁶ See 29 U.S.C. s. 3141.

⁷ *Id.*

⁸ 29 U.S.C. s. 3111.

⁹ Section 445.004(2), F.S.

¹⁰ Section 445.004(2)-(3), F.S.

Year 2021-2022, CareerSource allocated \$245 million in funding¹¹ and assisted 86,503 job seekers in obtaining employment.¹²

WIOA requires states to designate local workforce development areas in the state. The local workforce development areas must be consistent with labor market areas and regional economic development areas in the state and have available federal and non-federal resources necessary to effectively administer workforce development services.¹³ Within each area, a local workforce development board must be established.¹⁴ Each local workforce development board is required to coordinate planning and service delivery strategies within the local workforce development area and submit to the Governor a 4-year local plan for the delivery of workforce development services.¹⁵

The Department of Economic Opportunity (DEO) serves as Florida's lead workforce agency.¹⁶ DEO is responsible for the fiscal and administrative affairs of the workforce development system.¹⁷ DEO receives and distributes federal funds for employment-related programs to the local workforce development boards.¹⁸ Under the direction of CareerSource, the DEO is required to annually meet with each local workforce development board to review the board's performance and to certify that the board is in compliance with applicable state and federal laws.¹⁹ Within the DEO, the Labor Market Statistics Center of the Bureau of Workforce Statistics and Economic Research produces, analyzes, and delivers timely and reliable labor statistics to improve economic decision-making.²⁰

The REACH Office coordinates workforce development in Florida across the various agencies that participate in the workforce development system. The REACH Office is required to develop criteria for assigning letter grades to local workforce development boards.²¹ The state board is required to adopt letter grades annually by July 1.²² In implementing its various duties, the REACH Office is required to maximize the use of available federal and private funds for the development and initial operation of the workforce opportunity portal.²³

¹¹ CareerSource Florida, *Strategic Policy and Performance Council Meeting* (Feb. 16, 2022), available at https://careersourceflorida.com/wp-content/uploads/2022/08/2022-02-16-Closer-Look-Fed_Funding_State_Board_Initiatives.pdf, at 5.

¹² CareerSource Florida, *CareerSource Florida Celebrates 2022 Workforce Development Accomplishments*, <https://careersourceflorida.com/2022/12/29/careersource-florida-celebrates-2022-workforce-development-accomplishments/> (last visited Mar. 11, 2023).

¹³ See 29 U.S.C. s. 3121.

¹⁴ 29 U.S.C. s. 3122.

¹⁵ See 29 U.S.C. ss. 3122 and 3123.

¹⁶ Primarily through the Division of Workforce Services. See s. 20.60, F.S.

¹⁷ See s. 20.60(5)(c), F.S. and s. 445.009(3)(c), F.S.

¹⁸ See s. 20.60(5)(c), F.S. and s. 445.003, F.S.

¹⁹ See s. 445.007(3), F.S.

²⁰ Department of Economic Opportunity, *Workforce Statistics*, <https://floridajobs.org/workforce-statistics> (last visited Mar. 12, 2023).

²¹ Section 14.36(3)(h), F.S.

²² Section 445.004(8), F.S.

²³ Section 14.36, F.S.

WIOA Waivers

WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. Specifically related to local workforce development boards, the Governor is responsible for designating the local workforce areas,²⁴ certifying the local workforce development boards,²⁵ and negotiating the performance measures required by WIOA.²⁶ The Governor has the additional authority to decertify a local workforce development board, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.²⁷ If a local workforce development board fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify the local workforce development board and implement a reorganization plan.²⁸ The Governor, after consultation with CareerSource Florida, may reallocate youth, adult, and dislocated worker funds among local areas within the State.²⁹

WIOA authorizes the US Secretary of Labor to waive specific WIOA requirements to grant states additional flexibility to meet their workforce needs and achieve better outcomes for job seekers and employers.³⁰ The Secretary may waive any of the federal requirements for workforce investment activities except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of WIOA.³¹

The DEO is required under state law to prepare a federal waiver to be submitted by the Governor to the United States Department of Labor that:³²

- Allows the state board to fulfill the roles and responsibilities of local workforce development boards or that reduces the number of local workforce development boards based on population size and commuting patterns.
- Allows the Governor to reallocate funds among local areas that have a demonstrated need for additional funding and programmatic outcomes that will maximize the use of the additional funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants.

²⁴ See 29 U.S.C. s. 3121(b).

²⁵ See 29 U.S.C. s. 3122(a).

²⁶ See 29 U.S.C. s. 3121(c).

²⁷ See 29 U.S.C. s. 3122(c).

²⁸ See 29 U.S.C. s. 3141(g).

²⁹ 20 C.F.R. s. 683.140.

³⁰ 29 U.S.C. s. 3249(i)(3).

³¹ 29 U.S.C. s. 3249(i)(3).

³² Section 445.006(4), F.S.

On December 6, 2022, the United States Department of Labor granted the Governor a waiver request made by the DEO's allowing Florida to consider additional factors in determining local workforce development area eligibility for reallocation of recaptured funds.³³

On January 18, 2023, the DEO submitted two requests to the US Department of Labor to waive WIOA requirements related to the percentage of expenditures between out-of-school youth and in-school youth so that Florida may better serve youth who are in school but at risk of dropping out.³⁴

Career and Technical Education

The \$1.3 billion Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), assists states and outlying areas in expanding and improving career and technical education (CTE) in secondary schools, technical schools, and community colleges.³⁵ The term “career and technical education” means organized educational activities that:³⁶

- Offer a sequence of courses that provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.
- To the extent practicable, coordinate between secondary and postsecondary education programs through programs of study that provide postsecondary credit or advanced standing.
- May include career exploration at the high school level or as early as the middle grades.

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency. Perkins V defines a CTE concentrator as a student at the secondary school level who has completed at least 2 courses in a single CTE program or program of study.³⁷ CTE program administrators are accountable for:³⁸

- Student demonstration of the academic skills necessary to enter an occupation.
- Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
- Career program articulation with other corresponding postsecondary programs and job training experiences.

³³ U.S. Department of Labor, Employment and Training Administration, *Letter from Assistant Secretary Brent Parton to Governor Ron DeSantis* (Dec. 6, 2022), available at https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/FL%20waiver%20response%20_signed_12.06.22.pdf.

³⁴ See Department of Economic Opportunity, *Letter from Secretary Meredith Ivey to Secretary Martin J. Walsh* (Jan. 18, 2023), available at <https://careersourceflorida.com/wp-content/uploads/2023/01/Cover-Letter-for-WIOA-OSY-and-ISY-Waiver.pdf>; and see Department of Economic Opportunity, *Letter from Secretary Meredith Ivey to Secretary Martin J. Walsh* (Jan. 18, 2023), available at <https://careersourceflorida.com/wp-content/uploads/2023/01/Cover-Letter-for-WIOA-OSY-and-ISY-Waiver.pdf>.

³⁵ 20 U.S.C. s. 2301 et seq.

³⁶ 20 U.S.C. s. 2302(5).

³⁷ 20 U.S.C. s. 2302(12).

³⁸ Section 1004.92, F.S.

- Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
- Student completion, placement, and retention rates.

The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs and workforce development education programs are annually adopted by the State Board of Education and published by the commissioner in the curriculum frameworks.³⁹ The approved curriculum frameworks are aligned with the following career clusters:⁴⁰

- Agriculture, Food & Natural Resources
- Architecture & Construction
- Arts, A/V Technology & Communication
- Business, Management & Administration
- Education & Training
- Energy
- Engineering & Technology Education
- Finance
- Government & Public Administration
- Health Science
- Hospitality & Tourism
- Human Services
- Information Technology
- Law, Public Safety & Security
- Manufacturing
- Marketing, Sales & Service
- Transportation, Distribution & Logistics
- Additional CTE programs and courses, including diversified education, instructional support services, and high school apprenticeship and preapprenticeship.

Career and technical student organizations (CTE student organizations) are a key component of Florida's plan under Perkins V to strengthen the employability skills of students.⁴¹ A CTE student organization is an organization for students enrolled in a CTE program that engages in CTE activities as an integral part of the instructional program.⁴² These organizations are aligned with a respective career cluster and provide a unique program of career and leadership development, motivation, and recognition for middle, secondary and post-secondary students.⁴³

³⁹ Rule 6A-6.0571, F.A.C.

⁴⁰ FLDOE, *Curriculum Frameworks*, <https://www.fl DOE.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2022-23-frameworks/> (last visited Mar. 8, 2023).

⁴¹ Florida Department of Education, *Perkins V: Florida's State Plan for the Strengthening Career and Technical Education For the 21st Century Act (Perkins V)*, available at <https://www.fl DOE.org/core/fileparse.php/18815/urlt/FloridaStatePlanPerkinsV.pdf>, at 28.

⁴² 20 USC s. 2302(5).

⁴³ Florida Department of Education, *Career and Technical Education Student Organization (CTSO) Request Form*, available at <https://www.fl DOE.org/academics/career-adult-edu/perkins/>.

A CTE student organization is eligible to receive funds from the state's Perkins V allocation through the Department of Education (DOE) if the organization submits a request to the DOE and has, for one year:⁴⁴

- Been incorporated as a 501(c)(3) not-for-profit corporation in the United States, with an established constitution & bylaws and a board of directors having majority representation from CTE educators or administrators.
- Been organized into state geographic units and affiliated organizations.
- Included 150 or more student members organized into chapters in middle, secondary or postsecondary institutions, with a formalized process for selection of student leaders at the local and state levels.
- Served students and teachers in one or more of the 17 career clusters.
- Included 10 or more middle, secondary or postsecondary chapters.
- Offered at least one statewide leadership development event and competitions event aligned with CTE program standards and curricula.
- Included an identified, participating and employed state executive director or equivalent.
- Supported the integration of arts and design skills and support for hands-on learning, particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations.
- At least one business partner outreach activity.
- Included an established operating budget
- Increased the participation of students in nontraditional fields and students who are members of special populations.

There are eleven registered CTE student organizations in Florida,⁴⁵ including the Florida Future Educators of America, which is facilitated by the DOE.⁴⁶ State CTE student organizations may be associated with nationally recognized CTE student organizations.

The Florida Future Farmers of America (FFA) is an association of the Future Farmers of America, which is a federally-chartered national and patriotic organization.⁴⁷ A core component of FFA participation is the supervised agricultural experience. A supervised agricultural experience is an entrepreneurial or work-based learning experience related to the student's career interests and goals.⁴⁸ It is year-round, led by the student, and supervised by the agricultural education instructor. A supervised agricultural experience consists of projects or enterprises within the Agriculture, Food and Natural Resources career pathways where the student applies agricultural skills and knowledge taught in the classroom to real-world experiences. A supervised

⁴⁴ Florida Department of Education, *Career and Technical Education Student Organization (CTSO) Request Form*, available at <https://www.fldoe.org/academics/career-adult-edu/perkins/>.

⁴⁵ Florida Department of Education, *Career and Technical Student Organizations*, available at <https://www.fldoe.org/core/fileparse.php/7515/urlt/CareerTechStudentOrg.pdf>.

⁴⁶ Florida Department of Education, *Florida Future Educators of America*, <https://www.fldoe.org/teaching/recruitment/fl-future-educators-of-america/index.stml> (last visited Mar. 12, 2023).

⁴⁷ 20 U.S.C. s. 70901.

⁴⁸ Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzcqeqq>, at 11.

agricultural experience is one component of a CTE credit in Agriscience Foundations 1.⁴⁹ There are six types of supervised agricultural experiences:⁵⁰

- Foundational supervised agricultural experience, in which students shadow a worker in an agricultural career and start learning personal financial management and planning and how to safely live and work in agriculture.
- Ownership/Entrepreneurship, in which students own and operate an agriculture-related business or enterprise providing goods or services.
- Placement/internship, in which students gain experience through working for an agricultural employer.
- Research-based supervised agricultural experience, in which students use the scientific process to discover new agricultural knowledge or validate current knowledge and research.
- School-based enterprise, in which students start or continue a business owned and managed by students using school facilities. It must take place outside of teacher-directed class instruction time and must provide goods or services that meet the needs of an identified market.
- Service-learning, in which students complete a service-learning project that is pre-approved by a local review committee that includes the agricultural education teacher and community stakeholders. It must be a stand-alone project, not part of an ongoing chapter project or community fundraiser. The project must align to the Agriculture, Food and Natural Resources Technical Standards and CareerReady Practices.

Each of the recognized CTE student organizations provides similar meaningful opportunities for students to participate in extracurricular CTE activities that provide employability skills and enhance student interest in education.

Career and Education Planning

In order for a student to be promoted to high school from a middle school, a student must complete a course in career and education planning, which may be taught by any member of the instructional staff. The course may be implemented as a stand-alone course or integrated into another course or courses and must:⁵¹

- Be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals.
- Result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the DEO's economic security report and other state career planning resources.

⁴⁹ Florida Department of Education, *Student Performance Standards: Agriscience Foundations 1, Course Number 8106810*, as adopted in Florida Department of Education, *2012-2022 Course Code Directory, Section 5: CTE*, available at <https://www.fldoe.org/policy/articulation/ccd/2021-2022-course-directory.stml>.

⁵⁰ Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzqcqgg>, at 11.

⁵¹ Section 1003.4156(7)(e), F.S.

In addition, the course must inform students of:⁵²

- High school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation;
- The requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and state college admission requirements;
- Available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification.

At the beginning of each school year, district school boards are required to notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.⁵³

Work-Based Learning

Work-based learning is featured prominently in Perkins V as a strategy for preparing CTE students for further learning and careers.⁵⁴ The term “work-based learning opportunity” means an interaction with industry or community professionals that occurs in a workplace setting, to the extent possible, or a simulated environment at an educational institution that allows firsthand experience with tasks required in a given career field, is aligned with curriculum and instruction, and is provided in partnership with an educational institution.⁵⁵

A work-based learning opportunity must:⁵⁶

- Be developmentally appropriate.
- Identify learning objectives for the term of experience.
- Explore multiple aspects of an industry.
- Develop workplace skills and competencies.
- Assess performance.
- Provide opportunities for work-based reflection.
- Link to next steps in career planning and preparation in a student’s chosen career pathway.
- Be provided in an equal and fair manner.
- Be documented and reported in compliance with state and federal labor laws.

The State Board of Education establishes uniform minimum standards and guidelines for determining student eligibility, obligations of employers, and requirements of institutions that offer work-based learning opportunities.⁵⁷ The standards require participating employers,

⁵² Section 1003.4156(7)(e), F.S.

⁵³ Section 1003.02(1)(i), F.S.

⁵⁴ US Department of Education, Office of Career, Technical, and Adult Education, *Expanding Work-Based Learning Opportunities for Youth: Insights from the Field* (Jan. 19, 2021), available at <https://s3.amazonaws.com/PCRN/file/WBL-RFI-Comments-Summary.pdf>, at 1.

⁵⁵ Section 446.0915(1), F.S.

⁵⁶ Section 446.0915(2), F.S.

⁵⁷ Section 446.0915(3), F.S.

schools, and students, or the parent of a student, to execute a training agreement that includes the names and contact information of the participants and:⁵⁸

- The start and end dates of the work-based learning opportunity;
- The number of hours to be worked per week by the student and the student's work schedule, if available;
- Whether the work-based learning opportunity is paid or unpaid;
- A description of the work-based learning opportunity, including, but not limited to, the student's specific job responsibilities;
- The employability and technical skills to be learned by the student during the work-based learning opportunity;
- A description of how the student's performance will be assessed by the employer supervisor and instructor.

A work-based learning opportunity should prioritize paid experiences, such as apprenticeship and preapprenticeship programs.⁵⁹ Diversified education also offers a program of structured work-based learning. Diversified education is a cooperative education program for Middle and High School students that offers career guidance, occupational work experience and coursework in employability skills. It utilizes a cooperative partnership between schools, businesses and parents to prepare students for future employment and careers.⁶⁰

The benefits of work-based learning opportunities for students are recognized by the Florida Talent Development Council. The Legislature created the Florida Talent Development Council to develop a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system.⁶¹ The strategic plan formulated by the Florida Talent Development Council for strengthening Florida's workforce includes building partnerships among K-12, postsecondary education, technical education, adult education, industry, apprenticeships, specialty training and other partners to facilitate earlier engagement in career exploration and work-based learning opportunities for all student populations.⁶²

Workers' Compensation Reimbursement Program

Business are authorized to employ students in work-based learning opportunities, and a state program exists to reimburse employers for the workers' compensation insurance premiums associated with the employment. Employers subject to the requirements of Florida's Workers' Compensation Law are required to secure the payment of workers' compensation for their

⁵⁸ Rule 6A-23.0042, F.A.C.

⁵⁹ Section 446.0915(2), F.S.

⁶⁰ Florida Department of Education, *Additional CTE Programs/Courses: Diversified Education*, <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/additional-cte-programs-courses/diversified-edu.stml> (last visited Mar. 11, 2023).

⁶¹ Section 1004.015(1), F.S.

⁶² Florida Talent Development Council, *Strategic Plan: 2020-2030*, available at https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions, at 8.

employees.⁶³ A student 18 years of age or younger who is in a paid work-based learning opportunity must be covered by the workers' compensation insurance of his or her employer. A student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by a school district or state college is considered to be employed by the school district or state college.⁶⁴

The DOE is authorized to reimburse employers, including school districts and state college, for the proportionate cost of workers' compensation insurance premiums for students in work-based learning opportunities in accordance with DOE rules.⁶⁵ The DOE reviews requests to ensure that each request for reimbursement is limited to an increase in the employer's workers compensation premiums attributable to the inclusion of a student participating in a work-based learning opportunity.⁶⁶

CTE Teachers

Each district school board is required to establish the minimal qualifications for part-time and full-time nondegreed teachers of career programs. The qualifications for such teachers must require the filing of a complete set of fingerprints for background screening and documentation of:⁶⁷

- A high school diploma or the equivalent.
- Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
- Completion of career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the Department of Education pursuant to s. 1004.85.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.
- Demonstration of successful teaching performance.
- Documentation of industry certification when state or national industry certifications are available and applicable.

District school boards are required to issue an adjunct teaching certificate to any applicant who meets background screening requirements and who has expertise in the subject area to be taught as evidenced by passage of a subject area test.⁶⁸

⁶³ Section 440.10(1), F.S.

⁶⁴ Section 446.54, F.S.

⁶⁵ Section 446.54, F.S.

⁶⁶ Rule 6A-6.05732(4), F.A.C.

⁶⁷ Section 1012.39(1)(c), F.S.

⁶⁸ Section 1012.57(1), F.S.

Teachers have continuing education requirements to renew their certificates.⁶⁹ To renew a professional certificate, an applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. Renewal of subject area specializations also requires specific college credits or inservice points.⁷⁰ For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Training that may be applied toward any specialization includes:⁷¹

- Education in “clinical educator” training.
- Participation in mentorship and induction activities.
- Training in the area of literacy and reading instruction, implementing multisensory intervention strategies, computational skills acquisition, exceptional student education, normal child development, and the disorders of development.

Controlled Open Enrollment

“Controlled open enrollment” is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor. Controlled open enrollment is only available if the desired school of attendance has capacity to receive the student. A middle grades student who desires to continue a CTE pathway only offered in a high school outside of the student's zone is not included in the list of students that receive preferential treatment for enrollment.⁷²

Standard High School Diploma Requirements

A student must complete 24 credits to earn a standard high school diploma. The 24 required credits include:⁷³

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education which includes the integration of health.
- 7.5 credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and such electives must include opportunities for students to earn college credit.
- One-half credit in financial literacy.

⁶⁹ Section 1012.585, F.S.

⁷⁰ Section 1012.585(3), F.S.

⁷¹ Section 1012.585(3)(a), F.S.

⁷² Section 1002.31(2)(c), F.S.

⁷³ Section 1003.4282(3)(a)-(g), F.S.

A student may earn a ‘merit designation’ on a standard high school diploma by attaining at least one industry certification identified on the CAPE Industry Certification Funding List.⁷⁴

The DOE is required to develop multiple additional CTE courses or programs that allow students to earn credit in both the career education course and courses required for high school graduation. The State Board of Education is required to determine at least biennially if sufficient academic standards are covered in CTE courses to warrant the award of academic credit, including satisfaction of assessment requirements.⁷⁵ There are 543 CTE courses that do not satisfy the practical arts requirement.⁷⁶

A student who earns credit upon completion of a registered apprenticeship or preapprenticeship program may use the credit to satisfy the high school graduation credit requirements in an elective or fine or performing arts, speech and debate, or practical arts.⁷⁷ In addition, approximately 280 CTE courses meet the practical arts requirement.⁷⁸

Articulation

The State Board of Education and the Board of Governors of the State University System of Florida (Board of Governors) are required to enter into a statewide articulation agreement that helps to facilitate the seamless transition of students across and among Florida’s educational entities.⁷⁹ Statewide agreements to articulate career certificate and industry certifications into college credit include:⁸⁰

- Career certificate to associate degree agreements that allow students who complete designated programs to articulate credits into related Associate in Science and Associate in Applied Science degree programs.
- Florida’s Gold Standard Career Pathways Articulation Agreements, which guarantee the award of an identified number of college credits to students who have earned a specified industry certification and are enrolled in a designated Associate in Science and Associate in Applied Science degree program.⁸¹

In addition, the statewide articulation agreement requires the identification of three mathematics pathways, which are aligned to programs, meta-majors, and careers.⁸² The three pathways adopted in the statewide articulation agreement include:⁸³

- Algebra through Calculus.
- Statistical Reasoning.
- Mathematical Thinking in Context.

⁷⁴ Section 1003.4285(1)(b), F.S.

⁷⁵ Section 1003.4282(8)(a), F.S.

⁷⁶ Email, Florida Department of Education (Mar. 3, 2023).

⁷⁷ Section 1003.4282(8)(a)3., F.S.

⁷⁸ Florida Department of Education, *CTE Courses that meet the Practical Arts High School Graduation Requirement*, available at <https://www.fldoe.org/core/fileparse.php/7746/urlt/2122PACourses.pdf>.

⁷⁹ Section 1007.23, F.S.

⁸⁰ Section 1007.23, F.S.

⁸¹ Rule 6A-10.0401, F.A.C.

⁸² Section 1007.23(3), F.S.

⁸³ Rule 6A-10.024(16), F.A.C.; State Board of Education, *Math Pathways List – 6A-10.024* (Feb. 2023), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15154>.

Credentials of Value

Labor Market Estimating Conference

The Florida Talent Development Council noted the importance of identifying high-demand employment needs in its strategic plan.⁸⁴ In this regard, the Labor Market Estimating Conference is required to develop official information with respect to real-time supply and demand in Florida's statewide, regional, and local labor markets as the conference determines is needed by the state planning and budgeting system. Such information must include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, a ranking of critical areas of concern, and identification of in-demand, high-skill, middle-level to high-level wage occupations prioritized by level of statewide or regional shortages.⁸⁵

All state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference. State agencies are required to ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference.⁸⁶ The labor market demand data informs the development of a state Master Credentials List. State agencies and the judicial branch are required to use the official information developed by each of the consensus estimating conferences in carrying out their duties under the state planning and budgeting system.⁸⁷

Master Credentials List

The state workforce development board is required to appoint a Credentials Review Committee, which includes the director of the REACH Office, to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion in the Master Credentials List.⁸⁸ The Master Credentials List must, at a minimum, identify:

- Nondegree credentials and degree programs determined to be of value for the CAPE Industry Certification Funding List, which identifies credentials that are eligible for bonus funding within the Florida Education Finance Program;
- If the credential or degree program meets statewide, regional, or local level demand;
- The type of certificate, credential, or degree; and
- The primary standard occupation classification code.

The 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. The Department of Agriculture and Consumer Services, in cooperation with the Institute of Food and Agricultural

⁸⁴ Florida Talent Development Council, *Strategic Plan: 2020-2030*, available at https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions, at 6.

⁸⁵ Section 216.136(7), F.S.

⁸⁶ Section 216.136(7)(a), F.S.

⁸⁷ Section 216.135, F.S.

⁸⁸ The law requires the Credentials Review Committee to include certain members representing different components of the workforce development system but does identify the chair of the committee. Section 445.004(4)(h)1., F.S.

Sciences at the University of Florida and the College of Agriculture and Food Sciences at the Florida Agricultural and Mechanical University, submits industry certifications for agriculture occupations to the Credentials Review Committee to be considered for placement on the Master Credentials List.⁸⁹

The Credentials Review Committee is required to establish a definition for credentials of value and create a framework of quality. The framework is required to align with federally funded workforce accountability requirements and undergo biennial review. The Credentials Review Committee is required to establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.⁹⁰

The Credentials Review Committee adopted the framework of quality for determining credentials of value December 7, 2022.⁹¹ The framework of quality aligns with statutory guidelines. The criteria to determine value for nondegree credentials should, at a minimum, require:⁹²

- Evidence that the credential meets labor market demand as identified by the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence must include employer information on present credential use or emerging opportunities.
- Evidence that the competencies mastered upon completion of the credential are aligned with labor market demand.
- Evidence of the employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must be part of a sequence of credentials that are required for the next level occupation that does meet the earnings outcomes criteria in order to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

The Credentials Review Committee is also required to establish the criteria to determine value for degree programs. This criteria must include evidence that the program meets the labor market demand as identified by the Labor Market Estimating Conference or meets local demand as determined by the committee.⁹³

The Credentials Review Committee must also establish a process for:⁹⁴

- At a minimum, quarterly review and approval of credential applications. Approved credentials of value shall be used by the committee to develop the Master Credentials List.
- Annual review of the Master Credentials List.
- Phasing out credentials on the Master Credentials List that no longer meet the framework of quality.

⁸⁹ Section 570.07(43), F.S.

⁹⁰ Section 445.004(4)(h)6., F.S.

⁹¹ Florida Credentials Review Committee, *December 2022 Meeting Minutes*, available at https://careersourceflorida.com/wp-content/uploads/2023/02/230209_CRCagendaPacket.pdf, at 4.

⁹² Section 445.004(4)(h)3.-4., F.S.

⁹³ Section 445.004(4)(h)5., F.S.

⁹⁴ Section 445.004(4)(h)7., F.S.

- Designating performance funding eligibility for district school boards and state colleges, based upon the highest available certification for postsecondary students.
- Submitting the Master Credentials List to the State Board of Education.

On February 9, 2023, the Credentials Review Committee approved the Master Credentials List for the 2023-2024 fiscal year.⁹⁵ The list included 275 degree credentials, 1,446 non-degree credentials, and 33 digital tools. A provisional status of one year was conferred on 10 degree programs, 78 industry certifications, 85 apprenticeships, and 136 non-degree programs of study.⁹⁶ However, no baccalaureate and graduate degrees were included in the Master Credentials List.⁹⁷

All information pertaining to the Credentials Review Committee, the process for the approval of credentials of value, and the Master Credentials List is required to be made available and be easily accessible to the public on all relevant state agency websites.⁹⁸

CAPE Industry Certification Funding List

The Master Credentials List is submitted to the State Board of Education for the adoption of the CAPE Industry Certification Funding List. The State Board of Education is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand, and courses that lead to such certifications. Additional full-time equivalent membership funding for regional and local demand certifications and courses that lead to such certifications may only be earned in those areas with regional or local demand as identified by the Credentials Review Committee.

Industry certification is a process where students demonstrate knowledge, skills, and competencies and earn a credential that is nationally recognized and is:

- Within an industry that addresses a critical local or statewide economic need;
- Linked to an occupation that is included in the workforce system's targeted occupation list; or
- Linked to an occupation that is identified as emerging.⁹⁹

The CAPE Industry Certification Funding List may include the following certificates, certifications, and courses:¹⁰⁰

- CAPE industry certifications identified as credentials of value that meet the framework of quality. The CAPE Industry Certification Funding List must incorporate by reference the

⁹⁵ Florida Credentials Review Committee, *Credentials Review Committee Meeting* (Feb. 9, 2023), <https://careersourceflorida.com/event/crc-feb-2023/> (last visited Mar. 10, 2023).

⁹⁶ Florida Credentials Review Committee, *Florida Credentials Review Committee* (Feb. 9, 2023), available at https://careersourceflorida.com/wp-content/uploads/2023/02/230209_CRCMeetingPresentation.pdf, at 11.

⁹⁷ CareerSource FL, *Master Credentials List: 2023-2024 Master Credentials List*, <https://careersourceflorida.com/boardroom/florida-credentials-review-committee/master-credentials-list/> (last visited Mar. 10, 2023).

⁹⁸ Section 445.004(4)(h)2., F.S.

⁹⁹ Section 1003.492(2), F.S.

¹⁰⁰ Section 1008.44(1), F.S.

industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Scholars award.

- CAPE Digital Tool certificates.
- CAPE ESE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities.
- CAPE Innovation Courses that combine academic and career performance outcomes with embedded industry certifications.
- CAPE Acceleration Industry Certifications that articulate for 15 or more college credit hours.

Certifications included on the CAPE Industry Certification Funding List:¹⁰¹

- Require at least 150 hours of instruction and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

CAPE Digital Tools

Each district school board is required to make available digital materials, CAPE Digital Tool certificates, and CAPE industry certifications for students in prekindergarten through grade 12 in order to enable students to attain digital skills.¹⁰² The DOE is required to identify in the CAPE Industry Certification Funding List CAPE Digital Tool certificates that indicate a student's digital skills and notify each school district when the certificates are available. The DOE must make the certificates available to all public elementary and middle grades students, but the Commissioner of Education may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades based on formal recommendations by providers of CAPE industry certifications and CAPE Digital Tool certificates.¹⁰³

Each district school board is also required to make available digital and instructional materials, including software applications, to students with disabilities who are in prekindergarten through grade 12. Digital materials may include CAPE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities; and each student's individual educational plan for students with disabilities must identify the CAPE Digital Tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.¹⁰⁴

Courses identified in the CAPE Industry Certification Funding List that combine academic and career content and performance outcome expectations and articulate for college credit are eligible for additional full-time equivalent membership. Such approved courses must incorporate at least two third-party assessments that, if successfully completed by a student, articulate for college credit. At least one of the two third-party assessments must be associated with an industry certification that is identified on the CAPE Industry Certification Funding List. Each course that is approved by the commissioner must be specifically identified in the Course Code

¹⁰¹ Rule 6A-6.0576(5)-(6), F.S.

¹⁰² Section 1003.4203(1), F.S.

¹⁰³ Section 1008.44(4)(b), F.S.

¹⁰⁴ Section 1003.4203(2), F.S.

Directory as a CAPE Innovation Course.¹⁰⁵ The 2022-2023 CAPE Industry Certification Funding List does not include any CAPE Innovation courses.¹⁰⁶

Florida Education Finance Program

The additional FTE for CAPE programs is provided through the Florida Education Finance Program (FEFP), which is the primary mechanism for funding the operating costs of Florida school districts. To equalize educational opportunities, the FEFP formula recognizes varying local property tax bases, education program costs, costs of living, and costs for equivalent educational programs due to sparsity and dispersion of the student population.¹⁰⁷

Cost factors based on desired relative cost differences between programs are established in the annual General Appropriations Act. Nationwide, it is estimated that CTE costs may be between 20 and 40 percent higher than those for general academic instruction.¹⁰⁸ The cost factor for secondary CTE programs in Florida, however, is required to be the same as for basic programs grade 9 through 12.¹⁰⁹

The FEFP incents various instructional programs by providing weighted full-time equivalent student membership for students who attain a specified level of performance in the programs. CAPE industry certifications issued to middle school and high school students are eligible for additional full-time equivalent membership.¹¹⁰ School districts earn bonus funding of 0.025 FTE for students who complete a CAPE Digital Tool Certificate and 0.1 FTE for each student who completes a career-themed course or a course embedded with a CAPE industry certification. This bonus funding is limited to 0.1 FTE for a middle school student each year. High school students are not subject to the same limit and are able to generate for the school district:¹¹¹

- A value of 0.2 FTE for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education.
- A value of 0.3 FTE for student completion of the courses and the embedded certifications for CAPE Innovation courses.
- A value of 0.5 FTE for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 FTE for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours.

There is also bonus funding for teachers who provide the instruction for students who earn one of these digital tools or industry certifications. The bonuses range from \$25 for each student who

¹⁰⁵ Section 1003.4203(5)(a), F.S.

¹⁰⁶ Florida Department of Education, *2022-2023 CAPE Industry Certification Funding List*, available at <https://www.fldoe.org/core/fileparse.php/8904/urlt/2223CAPECertFundList.pdf>.

¹⁰⁷ OPPAGA, *Florida Education Finance Program*, <https://oppaga.fl.gov/ProgramSummary/BackPageDetail?programNumber=2002&backPageNumber=01> (last visited Mar. 9, 2023).

¹⁰⁸ Education Commission of the State, *State Approaches to Secondary CTE Funding* (Apr. 8, 2020), <https://ednote.ecs.org/state-approaches-to-secondary-cte-funding/> (last visited Mar. 11, 2023).

¹⁰⁹ Section 1011.62(1)(c), F.S.

¹¹⁰ Section 1003.4203(4), F.S.

¹¹¹ Section 1011.61(1)(o)1., F.S.

earns a credential weighted at 0.1 FTE up to \$100 for each student who successfully completes a CAPE Acceleration Industry Certification weighted at 1.0 FTE.¹¹²

In the 2020-2021 school year, 99,043 students in secondary grades earned at least one industry certification.¹¹³ Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.¹¹⁴

The Commissioner of Education was required to conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in the Florida Education Finance Program and, if necessary, recommend revised weights. The weights must factor in the prioritization of critical shortages of labor market demand and middle-level to high-level wage earning outcomes as identified by the Credentials Review Committee. The results of the review and the commissioner's recommendations were required to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2021.¹¹⁵ The commissioner was unable to conduct the review because the Labor Market Estimating Conference had not identified the list of occupations that are in demand.¹¹⁶

Dual Enrollment

Incentives are also provided to encourage students to participate in dual enrollment. The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.

Students enrolled in dual enrollment instruction may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Dual enrollment full-time equivalent student membership is calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students enrolled in dual enrollment instruction are exempt from the payment of tuition and fees, including laboratory fees.¹¹⁷

District school boards receive additional full-time equivalent student membership for students who meet specified standards in dual enrollment courses. A value of 0.16 full-time equivalent student membership for secondary students enrolled full time in a technical or state college, and a value of 0.08 full-time equivalent student membership for other students, who complete a general education core course through the dual enrollment program with a grade of "A." In addition, a value of 0.3 full-time equivalent student membership is calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better.¹¹⁸ Each school district is required to allocate at least 50 percent of the funds

¹¹² Section 1011.62(1)(o)3., F.S.

¹¹³ Florida Department of Education, *State Secondary: Career, Technical, and Adult Education 2020-2021 Summary*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/2021secondarycte.pdf>, at 3.

¹¹⁴ Section 1011.62(1)(o)2., F.S.

¹¹⁵ Section 1008.44(1)(f), F.S.

¹¹⁶ Florida Department of Education, *Memorandum re: CAPE Weights from Commissioner Richard Corcoran to Governor Ron DeSantis, Speaker of the House Chris Sprowls, and Senate President Wilton Simpson* (Dec. 1, 2021).

¹¹⁷ Section 1011.62(1)(i)1., F.S.

¹¹⁸ Section 1011.62(1)(i)2., F.S.

received from the dual enrollment bonus FTE funding to the schools that generated the funds to support student academic guidance and postsecondary readiness.¹¹⁹

School districts received approximately 10,564 weighted full-time equivalent student membership related to dual enrollment performance in the 2021-2022 fiscal year.¹²⁰

Postsecondary Workforce Education

At the postsecondary level, the terms “workforce education” and “workforce education program” include.¹²¹

- Adult general education programs designed to improve the employability skills of the state’s workforce.¹²²
- Career certificate programs, which are defined as a course of study that leads to one completion point.¹²³
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

Postsecondary Workforce Education Performance Funding

Annual performance funding distributions to district school boards and state colleges are based on student attainment of the credentials included in the CAPE Industry Certification Funding List.¹²⁴ Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act.¹²⁵

Prior to the 2022-2023 fiscal year, each school district and state college was to be provided \$1,000 for each industry certification earned by a workforce education student, or prorated if funds were insufficient to fully fund the calculated total award. Beginning with the 2022-2023 fiscal year, the Credentials Review Committee is required to develop a returned-value funding formula to allocate school district performance funds that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations.

One-third of the performance funds under the formula must be allocated based on student job placements. The remaining two-thirds must be allocated using a tiered weighted system based on aggregate student wages that exceed minimum wage, with the highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution’s training. At a minimum,

¹¹⁹ Section 1011.62(1)(i)2., F.S.

¹²⁰ Florida Department of Education, *2021-22 FEFP Final Calculation*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/2122FEFPFinalcalc.pdf>, at 16.

¹²¹ Section 1011.80(1), F.S.

¹²² Section 1011.80(1), F.S.

¹²³ Section 1004.02(20), F.S.

¹²⁴ Section 1008.44(2), F.S.

¹²⁵ Section 1011.80(7)(b), F.S.

the formula must take into account variables such as differences in population and wages across school districts.¹²⁶

Challenges to the development of the returned-value funding formula have been employment tracking, lack of access to out-of-state placement, wage information for state incentive fund calculations, and a lag between behavior and employment activity.¹²⁷

Operation of Postsecondary Workforce Education Programs

District school boards and state colleges may only conduct workforce education programs with approval by the State Board of Education. Only state colleges may award college credit in an associate in applied science or an associate in science degree, except that district school boards may conduct any portion of the degree program that contains within it an occupational completion point that confers a certificate or an applied technology diploma. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education.¹²⁸

The State Board of Education is required to establish criteria, based on the framework of quality established by the Credentials Review Committee, for review and approval of new workforce education programs by an state college or a school district that are not included in the statewide curriculum framework.¹²⁹

A state college or school district offering a new workforce education program that is in the statewide curriculum framework may not receive performance funding and additional full-time equivalent membership funding until the workforce education program is reviewed, through an expedited review process, and approved by the State Board of Education based on criteria that must include, but is not limited to, the following:¹³⁰

- A description of the new workforce education program that includes all of the following:
 - An analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate, including evidence from entities independent of the technical center or institution.
 - The geographic region to be served.
- Documentation of collaboration among technical centers and institutions serving the same students in a geographical or service area that enhances program offerings and prevents program duplication that exceeds workforce need. Unnecessary duplication of programs offered by public and private institutions must be avoided.
- Alignment of program offerings with credentials or degree programs identified on the Master Credentials List.
- Articulation agreements between technical centers and state colleges for the enrollment of graduates in related workforce education programs.

¹²⁶ Sections 1011.80(7)(b) and 1011.81(2), F.S.

¹²⁷ Florida Credentials Review Committee, *June 2022 Meeting Minutes*, available at <https://careersourceflorida.com/wp-content/uploads/2022/10/2022-10-31-CRC-Agenda.pdf>, at 3.

¹²⁸ Section 1011.80(2), F.S.

¹²⁹ Section 1011.80(2)(a), F.S.

¹³⁰ Section 1011.80(2)(b), F.S.

- Documentation of alignment between the exit requirements of a technical center and the admissions requirements of a state college into which students typically transfer.
- Performance and compliance indicators that will be used in determining the program's success.

State University System Programs

For each university in the State University System of Florida, the Board of Governors is responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.¹³¹

The Board of Governors is required to develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan is required to:¹³²

- Include performance metrics and standards common for all institutions and metrics and standards unique to institutions.
- Consider reports and recommendations of the Florida Talent Development Council and the Articulation Coordinating Committee.
- Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.
- Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis, using the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee. The Board of Governors must review designated programs of emphasis, at a minimum, every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the Credentials Review Committee.

State Financial Aid and Grants

The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:¹³³

- Achievement of the academic requirements of and acceptance at a state university or state college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the State Board of Education; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the State Board of Education.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.¹³⁴ Residency in this state must be for purposes other than to obtain an education.

¹³¹ Section 1001.706(1), F.S.

¹³² Section 1001.706(5), F.S.

¹³³ Section 1009.40(1)(a), F.S.

¹³⁴ The residency requirement is specific to awards under ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.60, 1009.62, 1009.72, 1009.73, 1009.75, 1009.77, 1009.89, and 1009.894, F.S.

- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants.

Money-Back Guarantee Program

The Money-back Guarantee Program requires each district school board and state college to refund the cost of tuition to students who are not able to find a job in the field in which the student was trained within six months of successful completion of select workforce education programs that prepare students for in-demand, middle-level to high-level wage occupations.¹³⁵

Each district school board and state college is required to establish a money-back guarantee program to:¹³⁶

- Offer a money-back guarantee on at least three programs that prepare individuals to enter in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. School districts or state colleges must offer a money-back guarantee on at least 50 percent of workforce education programs if they offer six or fewer programs.
- Offer a money-back guarantee for all workforce education programs that are established to meet a critical local economic industry need, but are not linked to the statewide needs list as identified by the Labor Market Estimating Conference.
- Establish student eligibility criteria for the money-back guarantee program that includes:
 - Student attendance.
 - Student program performance.
 - Career Service or Career Day attendance.
 - Participation in internship or work-study programs.
 - Job search documentation.
 - Development of a student career plan with the institution's career services department.

By November 1 of each year, the DOE is required to report performance results by school district, state college, and program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹³⁷

Open Door Grant Program

Under the Open Door Grant Program, grants are provided to district school boards and state colleges 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 provides short-term training for high-demand programs in Florida. The Open Door Grant Program allows grant funds to be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials.¹³⁸

A student who does not receive state or federal aid at the time of enrollment is responsible for paying one-third of the cost of the program and signing an agreement to either complete the

¹³⁵ Section 1011.803(1), F.S.

¹³⁶ Section 1011.803(2), F.S.

¹³⁷ Section 1011.803(4), F.S.

¹³⁸ Section 1009.895, F.S.

program or pay an additional one-third of the program cost in the event of non-completion. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet requirements established by the DOE. A student who does receive state or federal aid may be awarded a grant to cover the unmet need after all eligible aid is accounted for.¹³⁹

The DOE is required to prioritize funding for integrated education and training programs in which institutions establish partnerships with local workforce development boards to provide basic skills instruction contextually and concurrently with workforce training that results in the award of credentials on the Master Credentials List. One-quarter of the appropriated grant funds must prioritize students attending rural institutions. No more than one-quarter of funds may be disbursed annually to any one eligible institution.¹⁴⁰

The DOE may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.¹⁴¹

The State Board of Education is required to adopt rules for the DOE to administer the grant by:

- Requiring eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients;
- Undertaking periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments;
- Establishing the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs; and
- Requiring each eligible institution to submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program.¹⁴²

The DOE must provide an annual report to the State Board of Education on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.¹⁴³

As of March 1, 2023, the DOE disbursed to institutions \$3,772,008 for the Open Door Grant Program in the 2022-2023 fiscal year.¹⁴⁴

Florida Pathways to Career Opportunities Grant Program

The Florida Pathways to Career Opportunities Grant Program provides grants to high schools, district school boards and state colleges, and other apprenticeship and preapprenticeship program sponsors, on a competitive basis, to establish or expand apprenticeship or preapprenticeship

¹³⁹ Section 1009.895(4), F.S.

¹⁴⁰ Section 1009.895(3), F.S.

¹⁴¹ Section 1009.895(5), F.S.

¹⁴² Section 1009.895(6) and (8), F.S.

¹⁴³ Section 1009.895(7), F.S.

¹⁴⁴ Email, Department of Education (Mar. 3, 2023).

programs programs. The Department of Education is authorized to use up to \$200,000 of the total amount allocated to administer the grant program.¹⁴⁵

Applications are required to include projected enrollment and projected costs for the new or expanded apprenticeship program. The department is required to award grants for preapprenticeship or apprenticeship programs with demonstrated regional demand that:

- Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference and are industry sectors not adequately represented throughout the state, such as health care;
- Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference; or
- Expand existing programs that exceed the median completion rate and employment rate one year after completion of similar programs in the region, or the state if there are no similar programs in the region.¹⁴⁶

Grant funds may be used for instructional equipment, supplies, instructional personnel, student services, and other direct expenses associated with the creation or expansion of an apprenticeship program. Grant recipients must submit quarterly reports in a format prescribed by the Department of Education, which annually publishes a report on its website.¹⁴⁷

For the 2022-2023 program year, the Legislature appropriated \$15 Million, and reappropriated approximately \$2.9 Million, for the Florida Pathways to Career Opportunities Grant Program.¹⁴⁸ As of December 5, 2022, the Department of Education has provided \$16.5 Million in grants to 50 district school boards, state colleges, and registered apprenticeship programs.¹⁴⁹

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program is a program to provide grants to school districts and state colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs. The State Board of Education is required to give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Labor Market Estimating Conference and other programs approved by the State Board of Education, programs that train people to enter occupations under the welfare transition program, or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers.¹⁵⁰ The grant was not funded in the 2022 fiscal year.¹⁵¹

¹⁴⁵ Section 1011.802(5), F.S.

¹⁴⁶ Sections 1011.802(2) and (3), F.S.

¹⁴⁷ Sections 1011.802(3) and (4).

¹⁴⁸ Transparency Florida, *2022-2023 Operating Budget in Ledger Format*, <http://www.transparencyflorida.gov/OperatingBudget/Ledger.aspx?FY=22&BE=48250800&AC=051310&Fund=1000&LI=123&OB=Y&SC=F>, (last visited Feb. 27, 2023).

¹⁴⁹ Florida Department of Education, *Pathways to Career Opportunities Grant Program*, PCOG Prioritized Funding List (Statewide Competition), <https://www.fldoe.org/core/fileparse.php/18794/urlt/22-23PCOG-PFLStatewide.pdf>, and PCOG Prioritized Funding List (Space Coast Competition) (last visited Feb. 27, 2023).

¹⁵⁰ Section 1011.801, F.S.

¹⁵¹ Chapter 2022-156, Laws of Fla.

Workforce Training

The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:¹⁵²

- Job search, referral, and placement assistance.
- Career counseling and educational planning.
- Consumer reports on service providers.
- Recruitment and eligibility determination.
- Support services, including child care and transportation assistance to gain employment.
- Employability skills training.
- Adult education and basic skills training.
- Technical training leading to a certification and degree.
- Claim filing for reemployment assistance services.
- Temporary income, health, nutritional, and housing assistance.
- Other appropriate and available workforce development services.

Intensive services and training provided pursuant to WIOA are required to be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The state workforce development board is required to develop criteria for use of these accounts.¹⁵³

Individual Training Accounts must be expended on programs that prepare people to enter occupations identified by the Labor Market Estimating Conference and on other programs recommended and approved by the state board following a review by the DEO to determine the program's compliance with federal law.¹⁵⁴ For each approved training program, local workforce development boards, in consultation with training providers, must establish a fair-market purchase price to be paid through an Individual Training Account. Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering final payment of at least 10 percent.¹⁵⁵

Typical training services for adults and dislocated workers include, but are not limited to occupational skills training, on-the-job training and related instruction, incumbent worker training, job readiness training, entrepreneurship, adult literacy, and employer-specific training.¹⁵⁶

An eligible training provider is the only type of entity that may receive funding for providing these services.¹⁵⁷ An eligible training provider must be included on the state list of eligible training providers and must:¹⁵⁸

- Provide a program of higher education which leads to a recognized postsecondary credential;
- Be a registered apprenticeship or pre-apprenticeship program; or

¹⁵² Section 445.009(1), F.S.

¹⁵³ Section 445.009(7), F.S.

¹⁵⁴ Section 445.009(8)(a), F.S.

¹⁵⁵ Section 445.009(8)(e), F.S.

¹⁵⁶ 20 C.F.R. s. 680.200.

¹⁵⁷ 20 C.F.R. s. 680.410.

¹⁵⁸ 20 C.F.R. s. 680.410.

- Provide other training services, including adult education and literacy activities provided in combination with other eligible training services.

Training provided by an eligible training provider must lead to:¹⁵⁹

- A certificate, an associate degree, baccalaureate degree, or
- The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

The DEO is responsible for establishing standards for eligible training providers of workforce development programs funded through WIOA. The DEO is required to establish initial and subsequent eligibility criteria, based on input from the state board, local workforce development boards, the DOE, and other stakeholders, for the WIOA eligible training provider list. The list directs training resources to programs leading to employment in high-demand and high-priority occupations that provide economic security, particularly those occupations facing a shortage of skilled workers. A training provider who offers training to obtain a credential on the Master Credentials List may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. Subsequent eligibility criteria must use the performance and outcome measures defined and reported under the Workforce Development Information System maintained by the DOE, to determine whether each program offered by a training provider is qualified to remain on the list. Nationally, 54 percent of WIOA participants who complete a training program of an eligible training provider find employment.¹⁶⁰ Every program offered by a training provider in Florida is required to demonstrate.¹⁶¹

- That income earnings for all individuals who complete the program are equivalent to or above the state's minimum wage in a calendar quarter.
- An employment rate of at least 75 percent for all individuals. For programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.
- A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.

III. Effect of Proposed Changes:

SB 240 provides supports for district school boards, Florida College System institutions (state colleges), and other stakeholders in Florida's workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.

State Administration of Workforce Development

SB 240 amends s. 14.36, F.S., to require the REACH Office, in consultation with the Department of Economic Opportunity and CareerSource Florida, Inc., to provide information to the public which allows consumers of the state's workforce system to be notified of performance and

¹⁵⁹ 20 C.F.R. s. 663.508.

¹⁶⁰ USDOL, Employment and Training Administration, *Finding the Right Training*, <https://www.trainingproviderresults.gov/#!/about>, (last visited Mar. 11, 2023).

¹⁶¹ Section 445.003(7)(b), F.S.

accountability measures and return on investment for each local workforce development board. The bill requires that the information be provided to the public in a manner that displays the improvement by each local workforce development board in the long-term self-sufficiency of participants. Such information must include the assignment of a letter grade for each workforce board, but the bill removes the requirement that the criteria for assigning letter grades to local workforce development boards be based in part on local workforce development board performance accountability measures and return on investment. The bill authorizes the REACH Office to also develop criteria and display public information that will assist the public in making informed decisions when deciding to access the local workforce board or one-stop career center.

The bill shifts the requirement for the REACH Office to maximize the use of federal and private funds to instead require the maximum use of appropriated funds for the development of the consumer-first workforce system.

The bill renames the workforce opportunity portal to the consumer-first workforce system.

The bill modifies s. 445.006, F.S., to repeal the requirement for the Department of Economic Opportunity to prepare a federal waiver to be submitted by the Governor to the United States Department of Labor regarding replacement or consolidation of local workforce development boards and reallocation of local areas funds by the Governor.

Career and Technical Education

Career and Education Planning

The bill amends s. 1003.4156, F.S., to modify the middle school course in career and education planning to require, instead of authorize, updating the academic and career plan for a student at least annually as the student progresses through middle school and high school.

The bill amends s. 1014.05, F.S., to require district school board policies to include procedures for a parent or guardian to learn about workforce education options for students, such as apprenticeships and preapprenticeships, diversified education, CTE courses and programs, career and technical student organizations (CTE student organizations), and industry certifications, and the costs and benefits of CTE in comparison to other postsecondary pathways.

Work-Based Learning

The bill establishes regional education and industry consortia and requires meetings and reports to the local workforce development board. The bill creates in s. 445.007, F.S., the requirement for each local workforce development board to create an education and industry consortium composed of representatives of educational entities and businesses in the designated service delivery area. Each consortium is required to provide quarterly reports to the applicable local board that provide community-based information related to educational programs and industry needs to assist the local board in making decisions on programs, services, and partnerships in the service delivery area. The bill requires the local board to consider the information obtained from the consortium to determine the most effective ways to grow, retain, and attract talent to the service delivery area.

The bill requires the chair of the local workforce development board to appoint the consortium members. The bill prohibits a member of a local workforce development board from serving as a member of the consortium. The bill provides that consortium members are appointed for 2-year terms beginning on January 1 of the year of appointment, and any vacancy on the consortium must be filled for the remainder of the unexpired term in the same manner as the original appointment.

The bill requires in s. 1004.015, F.S., the Florida Talent Development Council identify barriers and best practices in the facilitation of work-based learning opportunities for students in middle and high school. The bill requires the Florida Talent Development Council, by December 1, 2023, to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives recommendations on best practices for collaboration between district school boards, local workforce development boards, and local businesses and business groups. The recommendations must include any necessary legislative action to facilitate work-based learning opportunities for students in middle and high school, including the identification of potential targeted financial incentives that may help to facilitate work-based learning opportunities for students.

The bill specifies that work-based learning should prioritize diversified education, which adds to current law that encourages apprenticeship and preapprenticeship opportunities. The bill modifies s. 446.071, F.S., to authorize an educational institution, a local workforce board, a community or faith-based organization, or an association to be an apprenticeship sponsor.

Additionally, the bill modifies s. 446.0915, F.S., to require each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity.

Workers' Compensation Reimbursement Program

The bill modifies s. 446.54, F.S., to shift the administration of reimbursements for workers' compensation insurance costs of work-based learners from the Department of Education to the Department of Financial Services (DFS) and clarifies that reimbursements are for workers' compensation insurance premiums paid during the previous state fiscal year.

The bill requires an application for reimbursement to include:

- The number of students participating in work-based learning opportunities with the employer, including the number of those who are participating in paid and unpaid work-based learning opportunities with the employer;
- An attestation of information specified in law regarding student eligibility and details of the employer request for reimbursement.

The bill requires DFS to process applications within 45 days and coordinate with the educational institution to verify student and employer information. Reimbursements must be made on a first-come, first-served basis.

The bill defines an "educational institution" to include a school operated by a district school board, a charter school, a career center operated by a district school board, a charter technical career center operated by a district school board, or a state college.

The bill provides \$2 million in nonrecurring funds to the DFS to make reimbursements for workers-compensation premiums for students in work-based learning programs.

CTE Teachers

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree CTE teachers by removing the 6-year experience and specified training requirements, and removing the requirement for demonstrating successful teaching performance.

As an alternative to the requirement of passing a subject area exam, the bill authorizes a person who holds an industry certification in a subject matter area to serve as an adjunct teacher.

The bill modifies s. 1012.585, F.S. to require district school boards to include in inservice plans a process for teachers to earn inservice hours toward renewal of a professional certificate through involvement in extracurricular CTE activities, such as serving as an advisor for a CTE student organization.

Controlled Open Enrollment

The bill modifies s. 1002.31, F.S., to require each district school board to enable a student who, in middle school, completed a CTE course or an industry certification included in the CAPE Industry Certification Funding List to continue a sequential program of CTE in the same concentration, if a high school in the district offers the program.

Standard High School Diploma

The bill amends s. 1003.4282, F.S., to modify the options for a student to complete required credits to earn a standard high school diploma. The bill replaces the practical arts option in the required credit in fine or performing arts, speech and debate, or practical arts with the option to complete one credit in CTE to satisfy the required credit.

The bill adds graduation and university admissions requirements to the required biennial study by the State Board of Education on the sufficiency of academic standards of CTE courses. In addition, the bill requires the Department of Education (DOE) to convene a workgroup to:

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The bill requires the workgroup to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education, and careers.

The bill modifies s. 1003.4285, F.S., to rebrand the merit designation on a standard high school diploma as the "Industry Scholar" designation.

Articulation

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a review of approved career statewide articulation agreements that include:

- Industry certification, career certificate, and applied technology diploma programs that articulate to associate in science or associate in applied science degrees.
- Early childhood education programs.
- Associate in science to baccalaureate degree programs.

The bill requires the review to include:

- The number of CAPE industry certifications on the Master Credentials List which are included in a statewide articulation agreement.
- The number of career programs or degrees offered by career centers and state colleges compared to the number of such certifications or programs included in a statewide articulation agreement.
- The extent to which articulated programs included in a statewide articulation agreement are offered in a region or service area.
- The number and percentage of students in an articulated career program who transfer to and then complete the linked program specified in the statewide articulation agreement.
- Recommendations to strengthen the process of developing statewide articulation agreements, and on the role of such agreements in a Florida stackable credential framework.

The bill requires the office to report its findings to the President of the Senate and the Speaker of the House of Representatives by December 31, 2023.

Credentials of Value

Labor Market Estimating Conference

The bill amends s. 216.135, F.S., to require state agencies to ensure that any related work product is consistent with the official information developed by the Economic Estimating Conference, the Demographic Estimating Conference, and the Labor Market Estimating Conference, including, but not limited to, work product related to non-farm employment, civilian labor force, labor force participation rate, civilian employment rate, unemployed, civilian unemployment rate, labor demand, or labor supply.

The bill modifies in s. 216.136, F.S., the duties of the Labor Market Estimating Conference, to remove the requirement for the Labor Market Estimating Conference to:

- Develop real-time supply and demand data in Florida's local labor markets but maintain the requirement to develop information with respect to supply and demand in Florida's statewide and regional labor markets, and specifies the obligation is with respect to the state's near- and long-term planning and budgeting needs.
- Identify in-demand, high-skill, middle-level to high-level wage occupations.

Master Credentials List

The bill modifies the requirements for the Master Credentials List. The bill amends s. 445.004, F.S., to:

- Specifically provide that industry certifications for agricultural occupations are eligible for inclusion on the Master Credentials List.
- Limit the Master Credentials List to credentials up to and including associate degrees, and exclude baccalaureate and graduate degrees.
- Specify that the REACH Office Director serves as chair of the Credentials Review Committee.
- Provide flexibility to the Credentials Review Committee to adopt criteria for determining whether nondegree credentials meet labor market demand instead of relying on the Labor Market Estimating Conference for the determination.
- Require the Credentials Review Committee to consider information provided by Labor Market Statistics Center within the Department of Economic Opportunity (DEO) as a factor in the evidence for determining whether a nondegree credential meets labor market demand. The bill makes conforming changes throughout to authorize agencies to consider labor information provided by the Labor Market Statistics Center.
- Require the Credentials Review Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and long-term data of the Labor Market Estimating Conference as factors in the development of the criteria to determine whether to include degree programs on the Master Credentials List.
- Remove the requirement that the Master Credentials List and the Labor Market Estimating Conference be used to designate state university Programs of Strategic Emphasis.
- Requires a minimum phase-out period of at least one year after being marked for removal for credentials on the Master Credentials List; which provides stability and predictability in creating programs.
- Specify that the Master Credentials List is used for the development of the CAPE Industry Certification Funding List.

CAPE Industry Certification Funding List

In order to provide flexibility to align the CAPE Industry Certification Funding List with CTE pathways instead of individual courses, the bill modifies s. 1008.44, F.S., to remove the requirement that courses that lead to certifications identified in the Master Credentials List be included in the CAPE Industry Certification Funding List.

CAPE Digital Tools

The bill removes from the CAPE Industry Certification Funding List requirements for inclusion of CAPE ESE digital tools and CAPE Innovation credentials and their associated incentives.

The bill specifies that the DOE selects the CAPE digital tool certificates that are included on the CAPE Industry Certification Funding List and requires the DOE to annually review available assessments that meet the requirements for inclusion on the list. The bill also authorizes the DOE to limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades without receiving formal recommendations from the providers of the certificate.

Florida Education Finance Program

The bill modifies s. 1011.62, F.S., to require in the Florida Education Finance Program the cost factor for secondary CTE programs to be higher than the cost factor basic programs grade 9 through 12.

The bill removes the limitation of 0.1 additional FTE membership for an elementary or middle grades student for certificates earned within the same year and authorizes middle school digital tool certificates to partially satisfy sequential industry certification requirements for FTE bonus funding.

The bill provides an incentive for CTE concentrators by providing additional FTE to students who complete at least three courses and an industry certification in a single CTE program or program of study.

The bill maintains the current requirement that 80 percent of bonus funds remain with the CTE program, but also specifies that the remaining 20 percent must be reserved for district CTE programs.

The bill extends the deadline for the commissioner to review whether the weights for additional FTE for CTE programs should be revised to prioritize valuable certifications.

Dual Enrollment

The bill adds to the options for district school boards to generate additional full-time equivalent student membership through the dual enrollment program. The bill provides that a value of 0.08 full-time equivalent student membership must be calculated for each student who completes a career course through the dual enrollment program with a grade of “A” in a pathway that leads to an industry certification that is included on the CAPE Industry Certification Funding List.

Postsecondary Workforce Education

Postsecondary Workforce Education Performance Funding

The bill modifies s. 445.004, F.S., to remove the requirement for the Credentials Review Committee to develop a returned-value performance funding formula for performance funding for district school boards and state colleges.

The bill modifies ss. 1011.80(7) and 1011.81(2), to create tiered performance funding for district school boards and state colleges by providing a higher incentive for certifications with higher anticipated wages, rather than the current returned-value funding formula or \$1,000 for all certifications. The bill requires the State Board of Education to adopt the tiers for each earned industry certification based upon the anticipated average wages of the highest earning occupation to which the certification is linked on the Master Credentials List. The amount awarded for each tier must be specified in the GAA.

Operation of Postsecondary Workforce Education Programs

The bill amends s. 1011.80, F.S., to modify the approval process for state colleges and school districts to conduct workforce education programs. The bill:

- Maintains the requirement that state colleges and district school boards obtain approval 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 state colleges 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, state college board of trustees, or district school board, and are ineligible for performance funding.

The bill also removes the prohibition on the awarding by district school boards of college credit in associate in applied science and associate in science degrees.

State University System Programs

The bill provides flexibility to the Board of Governors of the State University System of Florida by removing in s. 1001.706, F.S., the requirement to adopt the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee for designating high-demand programs of emphasis.

The bill requires the strategic plan for the Board of Governors to consider information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and the long-term data of the Labor Market Estimating Conference.

State Financial Aid and Grants***Money-Back Guarantee Program***

The bill modifies s. 1011.803, F.S., to provide flexibility for institutions to determine the three programs for which the institution offers a money-back guarantee, by removing the requirement that the programs be linked to preparing students for in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. The bill also removes the requirement that all programs offered to meet local workforce demand include a money-back guarantee for employment.

Open Door Grant Program

The bill modifies s. 1009.895, F.S., to convert the Open Door Grant Program to a financial aid program for students of a state college or technical center to incentivize current and future workers to enroll in CTE that leads to a credential, certificate, or degree. The bill requires

participating postsecondary institutions to administer the grant program in accordance with rules of the State Board of Education.

Under the bill, in order to be eligible for the program, a student must:

- Be a resident of Florida for tuition purposes and attest to the accuracy, completeness, and correctness of information provided to demonstrate the student's eligibility to receive state financial aid awards or tuition assistance grants;
- Be enrolled in a workforce education program; and
- Be enrolled at a school district postsecondary technical career center, a state college, or a charter technical career center.

An institution is prohibited by the bill from imposing additional criteria to determine a student's eligibility to receive a grant.

Under the bill, a student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible workforce education program after all other federal and state financial aid is applied. These costs may include, but are not limited to, tuition and fees, exam or assessment costs, books, materials, or other college-related expenses such as personal computers, housing, or transportation. The awards are subject to availability of funding. The bill requires institutions to give returning students priority over new students.

The bill provides a timetable for funding the grant program. Pursuant to the bill:

- For the 2023-2024 fiscal year, funding for eligible institutions must consist of a base amount provided for in the General Appropriations Act plus each institution's proportionate share of full-time equivalent students enrolled in CTE programs.
- Beginning in fiscal year 2024-2025, the funds appropriated for the Open Door Grant Program must be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards.

The bill requires, subject to the appropriation of funds by the Legislature, the Department of Education to transmit payment of grants to the institution in advance of the registration period and institutions to notify students of the amount of their awards.

The bill requires institutions to determine the eligibility status of each student to receive a disbursement as of the end of its regular registration period, inclusive of a drop-add period and proscribes any requirement for institutions to subsequently reevaluate a student's eligibility status.

The bill requires institutions to certify to the DOE within 30 days after the end of the regular registration period of each term the amount of funds disbursed to each student. Institutions are required under the bill to remit to the DOE any undisbursed advances for the fall, spring, and summer terms within 30 days after the end of the summer term.

The bill requires each institution to report to the DOE by the established date:

- The number of students eligible for the program for each academic term.

- Any necessary demographic and eligibility data for students;
- The information from the currently required report that includes data from the previous fiscal year on program completion and credential attainment by students participating in the grant program. The bill removes the requirement that the report include the average cost per workforce credential attained, categorized by credential name and relevant occupation.

The bill maintains the requirement for the DOE to compile the data and provide a report to the State Board of Education but removes the requirements for the report to include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

The bill maintains the requirement for the State Board of Education to adopt rules to implement the program.

Pathways to Career Opportunities Grant Program

The bill modifies s. 1011.802, F.S., to provide flexibility for the administration of the Pathways to Career Opportunities Grant Program. Specifically, the bill:

- Removes the requirement that the grant be awarded on a competitive basis.
- Enables the DOE to consider, in the approval of grant awards, information in addition to the findings of the Labor Market Estimating Conference related to labor market demand, including short-term data of the Labor Market Statistics Center within the Department of Economic Opportunity (DEO).
- Authorizes awards to address K-12 teacher shortages through advancement of the registered apprenticeship model as an alternative pathway to certify and train the future educator workforce.
- Incentivizes programs to work together to share program resources.
- Doubles to \$400,000 the amount the DOE may use to administer the program.

The bill prohibits any individual applicant from receiving more than ten percent of the total amount appropriated.

Workforce Development Capitalization Incentive Grant Program

The bill amends s. 1011.801, F.S., to modify the purpose and administration of the Workforce Development Capitalization Incentive Grant Program. The bill:

- Removes the requirement that the grant be administered on a competitive basis.
- Shifts the focus of the workforce development grant to serving secondary students in CTE programs.
- Requires the Department of Education to administer the workforce development capitalization incentive grant program and authorizes the state board of education to adopt rules.
- Provides \$100 million for the Workforce Development Capitalization Incentive Grant Program.

Workforce Training

The bill maintains the requirement in s. 445.009, F.S., that training services provided through WIOA individual training accounts be performance-based but removes the specified final payment of at least 10 percent for job placement.

The bill modifies s. 445.003, F.S., to repeal the minimum completion, employment, and earnings requirements for eligible training providers and authorizes the Department of Economic Opportunity to establish the initial and subsequent eligibility criteria for eligible training providers based on input from the state board, local workforce development boards, the Department of Education, and other WIOA stakeholders.

The bill restores an annual nursing study. The bill modifies s. 464.0195, F.S., to require the Florida Center for Nursing to convene various groups representative of nurses, other health care providers, business and industry, consumers, lawmakers, and educators to:

- Review and comment on data analysis prepared for the center;
- Recommend systemic changes, including strategies for implementation of recommended changes; and
- Evaluate and report the results of these efforts to the Legislature and others.
- No later than each January 10, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing details of its activities during the preceding calendar year in pursuit of its goals and in the execution of its duties.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have a significant impact on state revenues and expenditures. The bill requires an appropriation of \$100 million to support career and technical education for students in secondary grades and an appropriation of \$2 million to reimburse employers providing work-based learning opportunities for students.

The provisions of the bill adjusting the cost factor and weighted funding for students in career and technical education programs may reallocate funds within the Florida Education Finance Program to school districts with relatively more students enrolled in career and technical education programs.

The bill doubles to \$400,000 the amount the Department of Education may retain for administering the Pathways to Career Opportunities Grant Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 14.36, 216.135, 216.136, 445.003, 445.004, 445.006, 445.007, 445.009, 445.038, 446.071, 446.0915, 446.54, 464.0195, 1001.706, 1002.31, 1003.4156, 1003.4203, 1003.4282, 1003.4285, 1003.491, 1004.013, 1004.015, 1008.41, 1008.44, 1009.895, 1011.62, 1011.80, 1011.801, 1011.802, 1011.803, 1011.81, 1012.39, 1012.57, 1012.585, and 1014.05.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
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The Committee on Education Pre-K -12 (Hutson) recommended the following:

Senate Amendment

Delete lines 289 - 489

and insert:

Market Estimating Conference.

Section 3. Paragraph (a) of subsection (7) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(7) LABOR MARKET ESTIMATING CONFERENCE.—



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(a) The Labor Market Estimating Conference shall develop such official information with respect to ~~real-time~~ supply and demand in Florida's statewide and, regional, ~~and local~~ labor markets as the conference determines is needed by the state's near-term and long-term ~~state~~ planning and budgeting system. Such information must ~~shall~~ include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, and a ranking of critical areas of concern, ~~and identification of in-demand, high-skill, middle-level to high-level wage occupations~~ prioritized by level of statewide or regional shortages. The Office of Economic and Demographic Research is designated as the official lead for the United States Census Bureau's State Data Center Program or its successor. All state agencies shall ~~must~~ provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference. ~~In accordance with s. 216.135, state agencies must ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference created in s. 216.136.~~

Section 4. Paragraph (b) of subsection (7) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Innovation and Opportunity Act.—

(7) DUTIES OF THE DEPARTMENT.—The department shall adopt rules to implement the requirements of this chapter, including:

(b) Initial and subsequent eligibility criteria, based on input from the state board, local workforce development boards, the Department of Education, and other stakeholders, for the



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Workforce Innovation and Opportunity Act eligible training provider list. This list directs training resources to programs leading to employment in high-demand and high-priority occupations that provide economic security, particularly those occupations facing a shortage of skilled workers. A training provider ~~who offers training to obtain a credential on the Master Credentials List under s. 445.004(4)(h)~~ may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. ~~Subsequent eligibility criteria must use the performance and outcome measures defined and reported under s. 1008.40, to determine whether each program offered by a training provider is qualified to remain on the list.~~

~~1. For the 2021-2022 program year, The Department of Economic Opportunity and the Department of Education shall establish the minimum criteria a training provider must achieve for completion, earnings, and employment rates of eligible participants. The minimum program criteria may not exceed the threshold at which more than 20 percent of all eligible training providers in the state would fall below.~~

~~2. Beginning with the 2022-2023 program year, each program offered by a training provider must, at a minimum, meet all of the following:~~

~~a. Income earnings for all individuals who complete the program that are equivalent to or above the state's minimum wage in a calendar quarter.~~

~~b. An employment rate of at least 75 percent for all individuals. For programs linked to an occupation, the~~



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~~employment rate is calculated based on obtaining employment in the field in which the participant was trained.~~

~~e. A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.~~

Section 5. Paragraph (h) of subsection (4) and subsection (8) of section 445.004, Florida Statutes, are amended to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(4)

(h)1. The state board shall appoint a Credentials Review Committee to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion in the Master Credentials List. Such credentials must include registered apprenticeship programs, industry certifications, including industry certifications for agricultural occupations submitted pursuant to s. 570.07(43), licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, and associate degrees, but may not include baccalaureate degrees, and graduate degrees. The Credentials Review Committee must include:

a. The Chancellor of the Division of Public Schools.

b. The Chancellor of the Division of Career and Adult Education.

c. The Chancellor of the Florida College System.

d. The Chancellor of the State University System.

e. The director of the Office of Reimagining Education and Career Help, who must serve as chair of the committee.

f. Four members from local workforce development boards,



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with equal representation from urban and rural regions.

g. Two members from nonpublic postsecondary institutions.

h. Two members from industry associations.

i. Two members from Florida-based businesses.

j. Two members from the Department of Economic Opportunity.

k. One member from the Department of Agriculture and
Consumer Services.

2. All information pertaining to the Credentials Review
Committee, the process for the approval of credentials of value,
and the Master Credentials List must be made available and be
easily accessible to the public on all relevant state agency
websites.

3. The Credentials Review Committee shall establish a
definition for credentials of value and create a framework of
quality. The framework must align with federally funded
workforce accountability requirements and undergo biennial
review.

4. The criteria to determine value for nondegree
credentials should, at a minimum, require:

a. Evidence that the credential meets labor market demand
~~as identified by the Labor Market Estimating Conference created~~
~~in s. 216.136~~ or meets local demand as identified in the
criteria adopted by the Credentials Review Committee. Evidence
to be considered by the Credentials Review Committee must
include, but is not limited to, information provided by the
Labor Market Statistics Center within the Department of Economic
Opportunity and employer information on present credential use
or emerging opportunities.

b. Evidence that the competencies mastered upon completion



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of the credential are aligned with labor market demand.

c. Evidence of the employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must be part of a sequence of credentials that are required for the next level occupation that does meet the earnings outcomes criteria in order to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

5. The Credentials Review Committee shall establish the criteria to determine value for degree programs. This criteria ~~must shall~~ include evidence that the program meets statewide, regional, or local the labor market demand ~~as identified by the Labor Market Estimating Conference created in s. 216.136 or meets local demand~~ as determined by the committee. The committee shall consider both the information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and the long-term data of the Labor Market Estimating Conference as factors in the criteria ~~Such criteria must be used to designate programs of emphasis under s. 1001.706 and to guide the development of program standards and benchmarks under s. 1004.92.~~

6. The Credentials Review Committee shall establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.

7. The Credentials Review Committee shall establish a process for:



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156 a. At a minimum, quarterly review and approval of
157 credential applications. Approved credentials of value shall be
158 used by the committee to develop the Master Credentials List.

159 b. Annual review of the Master Credentials List.

160 c. Phasing out credentials on the Master Credentials List
161 that no longer meet the framework of quality. Credentials must
162 remain on the list for at least 1 year after identification for
163 removal.

164 d. Designating performance funding eligibility under ss.
165 1011.80 and 1011.81, based upon the highest available
166 certification for postsecondary students.

167 e. Upon approval ~~Beginning with the 2022-2023 school year,~~
168 the state board shall submit the Master Credentials List to the
169 State Board of Education. The list must, at a minimum, identify
170 nondegree credentials and degree programs determined to be of
171 value for purposes of the CAPE Industry Certification Funding
172 List adopted under ~~of~~ ss. 1008.44 and 1011.62(1); if the
173 credential or degree program meets statewide, regional, or local
174 level demand; the type of certificate, credential, or degree;
175 and the primary standard occupation classification code. ~~For the~~
176 ~~2021-2022 school year, the Master Credentials List shall be~~
177 ~~comprised of the CAPE Industry Certification Funding List and~~
178 ~~the CAPE Postsecondary Industry Certification Funding List under~~
179 ~~ss. 1008.44 and 1011.62(1) and adopted by the State Board of~~
180 ~~Education before October 1, 2021.~~

181 8. The Credentials Review Committee shall establish a
182 process for linking Classifications of Instructional Programs
183 (CIP) to Standard Occupational Classifications (SOC) for all new
184 credentials of value identified on the Master Credentials List.



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The CIP code aligns instructional programs to occupations. A CIP to SOC link indicates that programs classified in the CIP code category prepare individuals for jobs classified in the SOC code category. The state board shall submit approved CIP to SOC linkages to the State Board of Education with each credential that is added to the Master Credentials List.

9. The Credentials Review Committee shall identify all data elements necessary to collect information on credentials by the Florida Education and Training Placement Program automated system under s. 1008.39.

~~10. The Credentials Review Committee shall develop a returned-value funding formula as provided under ss. 1011.80(7)(b) and 1011.81(2)(b). When developing the formula, the committee may not penalize Florida College System institutions or school districts if students postpone employment to continue their education.~~

(8) Each October 15 ~~Annually, beginning July 1, 2022,~~ the state board



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LEGISLATIVE ACTION

Senate	.	House
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03/14/2023	.	
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The Committee on Education Pre-K -12 (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 777 - 812

and insert:

Section 16. Paragraph (i) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and



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control of public K-12 education within their school districts. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following areas:

(i) ~~Parental~~ Notification of acceleration, academic, and career planning options.—At the beginning of each school year, notify ~~parents of~~ students in or entering high school and the students' parents, in a language that is understandable to students and parents, of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses; career and professional academies; career-themed courses; the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10); work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs; ~~and~~ Florida Virtual School courses; and options for early graduation under s. 1003.4281; and provide those students and parents with the contact information of a certified school counselor who can advise



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students on these options.

Section 17. Paragraph (e) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student, which must ~~that may~~ be revised at least annually as the student progresses through middle school and high school, ~~+~~ must emphasize the importance of entrepreneurship and employability skills, ~~+~~ and must include information from the Department of Economic Opportunity's economic security report under s. 445.07 and other state career planning resources. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285 and the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10); the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution



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admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; work-based learning opportunities, including internships and preapprenticeship and apprenticeship programs; and career education courses, including career-themed courses, ~~preapprenticeship and apprenticeship programs,~~ and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 78 - 80

and insert:

amending s. 1003.02, F.S.; modifying requirements for parental notification of acceleration options for students; amending s. 1003.4156, F.S.; adding requirements for a student's personalized academic and career plan; amending s. 1003.4203,

By Senator Hutson

7-00836E-23

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1 A bill to be entitled
 2 An act relating to education; amending s. 14.36, F.S.;
 3 requiring the Office of Reimagining Education and
 4 Career Help to work with other specified entities to
 5 provide certain information relating to workforce
 6 development boards; revising the goals of workforce
 7 development boards and duties of the office; amending
 8 s. 216.135, F.S.; requiring state agencies to ensure
 9 certain work product is consistent with information
 10 produced by specified entities; amending s. 216.136,
 11 F.S.; deleting a provision relating to the Labor
 12 Market Estimating Conference; making technical
 13 changes; amending s. 445.003, F.S.; revising
 14 requirements for training providers to be included on
 15 a state or local eligible training provider list;
 16 deleting requirements and eligibility criteria for the
 17 Department of Economic Opportunity and the Department
 18 of Education regarding the establishment of minimum
 19 criteria for an eligible training provider list;
 20 amending s. 445.004, F.S.; revising the list of
 21 credentials that must be included on the Master
 22 Credentials List; requiring the director of the Office
 23 of Reimagining Education and Career Help to serve as
 24 the chair of the Credentials Review Committee;
 25 revising the criteria used to determine the value for
 26 nondegree credentials and degree programs; requiring
 27 that credentials remain on the list for a specified
 28 time; deleting the requirement that the Credentials
 29 Review Committee develop a returned-value funding

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 formula; conforming provisions to changes made by the
 31 act; amending s. 445.006, F.S.; removing a provision
 32 relating to federal waivers; amending s. 445.007,
 33 F.S.; requiring each local workforce development board
 34 to create an education and industry consortium;
 35 requiring the consortia to provide quarterly reports
 36 to their local boards containing specified information
 37 and requiring local boards to consider the information
 38 provided for a specified purpose; providing for the
 39 appointment and terms of consortia members and the
 40 filling of vacancies; prohibiting local workforce
 41 development board members from serving as a consortium
 42 member; amending s. 445.009, F.S.; conforming a
 43 provision to changes made by the act; removing a
 44 requirement for certain training services; amending s.
 45 445.038, F.S.; providing requirements for certain jobs
 46 to be eligible for job training; amending s. 446.071,
 47 F.S.; revising the entities that may be a local
 48 apprenticeship sponsor; amending s. 446.0915, F.S.;
 49 providing that diversified education programs as a
 50 paid work-based learning experience should be
 51 prioritized; requiring that district school boards
 52 ensure access to at least one work-based learning
 53 opportunity to certain students; amending s. 446.54,
 54 F.S.; authorizing specified employers to apply to the
 55 Department of Financial Services for reimbursement of
 56 workers' compensation premiums paid for students
 57 participating in work-based learning opportunities;
 58 providing requirements for the application for

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59 reimbursement and verification of information provided
 60 on such applications; requiring that reimbursements be
 61 made on a first-come, first-served basis; defining the
 62 term "educational institution"; amending s. 464.0195,
 63 F.S.; revising the primary goals of the Florida Center
 64 for Nursing; requiring the center to submit a
 65 specified report to the Governor and the Legislature
 66 by a specified date each year; amending s. 1001.706,
 67 F.S.; revising requirements used by the Board of
 68 Governors to determine criteria for designating
 69 baccalaureate degree and master's degree programs as
 70 high-demand programs of emphasis; amending s. 1002.31,
 71 F.S.; requiring that the process used by each district
 72 school board regarding controlled open enrollment
 73 include enabling a student who completed certain
 74 courses or a certain industry certification in middle
 75 school to continue a sequential program of career and
 76 technical education in the same concentration if such
 77 program is offered by a high school in the district;
 78 amending s. 1003.4156, F.S.; requiring that a
 79 student's personalized academic and career plan be
 80 updated at least annually; amending s. 1003.4203,
 81 F.S.; deleting a requirement that each district school
 82 board provide to schools certain digital tools and
 83 materials; amending s. 1003.4282, F.S.; revising the
 84 credit requirements for a high school diploma;
 85 authorizing credit to be awarded for participation in
 86 certain career and technical student organizations;
 87 requiring the State Board of Education to collaborate

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88 with certain entities to facilitate the award of such
 89 credit; requiring the department to convene a
 90 workgroup to review and identify certain education
 91 programs and pathways; amending s. 1003.4285, F.S.;
 92 renaming the "Merit" designation as the "Industry
 93 Scholar" designation; amending s. 1003.491, F.S.;
 94 revising the data used in creating the strategic 3-
 95 year plan developed by the local school district and
 96 specified entities; amending s. 1004.013, F.S.;
 97 renaming the "workforce opportunity portal" as the
 98 "consumer-first workforce system"; amending s.
 99 1004.015, F.S.; providing additional duties for the
 100 Florida Talent Development Council; requiring the
 101 council to submit recommendations to the Governor and
 102 the Legislature by a specified date; amending s.
 103 1008.41, F.S.; conforming a provision to changes made
 104 by the act; amending s. 1008.44, F.S.; revising which
 105 courses must be included on the CAPE Industry
 106 Certification Funding List; providing the Department
 107 of Education with authority to select certain digital
 108 tool certificates; requiring the department to
 109 annually review certain assessments; requiring that
 110 the CAPE Industry Certification Funding List include
 111 three funding tier designations; removing criteria
 112 used by the Commissioner of Education in limiting
 113 certain certifications and certificates; conforming
 114 cross-references; amending s. 1009.895, F.S.; deleting
 115 definitions; providing that the Open Door Grant
 116 Program shall be administered by specified entities;

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117 providing eligibility requirements; providing what the
 118 grant award may cover; providing requirements for the
 119 distribution of funds; deleting the requirement to
 120 distribute a specified grant in certain ratios;
 121 amending s. 1011.62, F.S.; revising the cost factor
 122 for secondary career education programs; revising the
 123 calculation for full-time equivalent student
 124 membership with respect to dual enrollment students;
 125 revising how funds are allocated for certain
 126 certifications and education programs; reenacting and
 127 amending s. 1011.80, F.S.; removing requirements
 128 relating to the award of college credit under certain
 129 conditions; authorizing certain entities to offer
 130 continuing workforce education courses and programs
 131 without prior approval by the State Board of
 132 Education; requiring certain Florida College System
 133 institutions and school districts to maintain certain
 134 adequate records and produce certain reports; deleting
 135 a requirement that a workforce education program must
 136 be reviewed by the State Board of Education subject to
 137 certain criteria for a Florida College System
 138 Institution or school district to receive certain
 139 funding; providing that new workforce education
 140 programs must be approved by the board of trustees of
 141 the institution or the district school board;
 142 requiring each district school board to be provided
 143 funds for each industry certification earned by a
 144 student in specified areas; requiring the board to
 145 adopt tiers for certain certifications; revising

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146 funding requirements for industry certification earned
 147 by workforce education students; amending s. 1011.801,
 148 F.S.; requiring the Department of Education, rather
 149 than the State Board of Education, to administer the
 150 Workforce Development Capitalization Incentive Grant
 151 Program and conforming provisions to that change;
 152 authorizing the State Board of Education to adopt
 153 rules governing program administration; amending s.
 154 1011.802, F.S.; revising requirements for the Florida
 155 Pathways to Career Opportunities Grant Program;
 156 limiting the potential grant award for each recipient;
 157 providing duties for the Department of Education
 158 regarding the grant program; authorizing the
 159 department to grant a bonus in the award amount to
 160 certain applicants; revising the amount of funding the
 161 department may expend to administer the program;
 162 amending s. 1011.803, F.S.; revising requirements for
 163 the Money-back Guarantee Program; amending s. 1011.81,
 164 F.S.; requiring that each Florida College System
 165 institution receive funds for a specified purpose;
 166 requiring the State Board of Education to adopt tiers
 167 for specified certifications; revising how awards are
 168 funded for certain certifications; amending s.
 169 1012.39, F.S.; revising experience requirements for
 170 nondegreed teachers; amending s. 1012.57, F.S.;
 171 revising requirements for the award of an adjunct
 172 teaching certificate; amending s. 1012.585, F.S.;
 173 revising the process by which teachers may earn
 174 inservice points; amending s. 1014.05, F.S.; requiring

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175 each school district to adopt a policy to inform
 176 parents or guardians about certain apprenticeships,
 177 programs, and certifications; requiring the Office of
 178 Program Policy Analysis and Government Accountability
 179 to conduct a review of career statewide articulation
 180 agreements; providing requirements for the review;
 181 requiring the office to present its report to the
 182 Legislature by a specified date; providing an
 183 appropriation; providing that nondisbursed funds may
 184 be carried forward for up to 2 years; providing an
 185 appropriation; providing an effective date.

186
 187 Be It Enacted by the Legislature of the State of Florida:

188
 189 Section 1. Paragraph (h) of subsection (3) and subsection
 190 (5) of section 14.36, Florida Statutes, are amended to read:

191 14.36 Reimagining Education and Career Help Act.—The
 192 Reimagining Education and Career Help Act is created to address
 193 the evolving needs of Florida's economy by increasing the level
 194 of collaboration and cooperation among state businesses and
 195 education communities while improving training within and equity
 196 and access to a more integrated workforce and education system
 197 for all Floridians.

198 (3) The duties of the office are to:

199 (h) Develop ~~the~~ criteria, in consultation with the
 200 Department of Economic Opportunity and CareerSource Florida,
 201 Inc., to provide information to the public which allows
 202 consumers of the state's workforce system to be notified of
 203 performance and accountability measures and return on investment

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204 ~~for assigning a letter grade~~ for each local workforce
 205 development board under s. 445.004. ~~The criteria shall, in part,~~
 206 ~~be based on local workforce development board performance~~
 207 ~~accountability measures and return on investment.~~ The main goal
 208 is to provide information to the public in a manner that will
 209 display majority of the grade shall be based on the improvement
 210 by each local workforce development board in the long-term self-
 211 sufficiency of participants through outcome measures such as
 212 reduction in long-term public assistance and the percentage of
 213 participants whose wages were higher after program completion
 214 compared to wages before participation in a program. At a
 215 minimum, the information shall include the assignment of a
 216 letter grade for each local workforce development board
 217 representing the improvement and other criteria adopted by the
 218 office. The office may also develop criteria and display public
 219 information that will assist the public in making informed
 220 decisions when deciding to access the local workforce board or
 221 one-stop career center.

222 (5) The office shall provide the public with access to
 223 available federal, state, and local services and provide
 224 stakeholders with a systemwide, global view of workforce related
 225 program data across various programs through actionable
 226 qualitative and quantitative information. The office shall:

227 (a) Minimize duplication and maximize the use of existing
 228 resources by facilitating the adaptation and integration of
 229 state information systems to improve usability and seamlessly
 230 link to the consumer-first workforce system opportunity portal
 231 and other compatible state information systems and applications
 232 to help residents of the state:

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- 233 1. Explore and identify career opportunities.
- 234 2. Identify in-demand jobs and associated earning
- 235 potential.
- 236 3. Identify the skills and credentials needed for specific
- 237 jobs.
- 238 4. Access a broad array of federal, state, and local
- 239 workforce related programs.
- 240 5. Determine the quality of workforce related programs
- 241 offered by public postsecondary educational institutions and
- 242 public and private training providers, based on employment,
- 243 wages, continued education, student loan debt, and receipt of
- 244 public assistance by graduates of workforce, certificate, or
- 245 degree programs. To gather this information, the office shall
- 246 review each workforce related program 1 year after the program's
- 247 first graduating class and every 5 years after the first review.
- 248 6. Identify opportunities and resources to support
- 249 individuals along their career pathway.
- 250 7. Provide information to help individuals understand their
- 251 potential earnings through paid employment and cope with the
- 252 loss of public assistance as they progress through career
- 253 pathways toward self-sufficiency.
- 254 8. Map the timing and magnitude of the loss of public
- 255 assistance for in-demand occupations across the state to help
- 256 individuals visualize how their incomes will increase over time
- 257 as they move toward self-sufficiency.
- 258 (b) Provide access to labor market data consistent with the
- 259 ~~official~~ information developed by the Labor Market Estimating
- 260 Conference and the Labor Market Statistics Center within the
- 261 Department of Economic Opportunity and provide guidance on how

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- 262 to analyze the data, the appropriate use of the data, and any
- 263 limitations of the data, including instances in which such data
- 264 may not be used.
- 265 (c) Maximize the use of the consumer-first workforce system
- 266 ~~opportunity portal~~ at locations within the workforce development
- 267 system.
- 268 (d) Maximize the use of ~~available federal and private~~ funds
- 269 appropriated for the development and initial operation of the
- 270 consumer-first workforce system ~~opportunity portal~~. Any
- 271 incidental costs to state agencies must be derived from existing
- 272 resources.
- 273 (e) Annually, by December 1, 2022, ~~and annually thereafter~~,
- 274 report to the Legislature on the implementation and outcomes of
- 275 the consumer-first workforce system ~~opportunity portal~~,
- 276 including the increase of economic self-sufficiency of
- 277 individuals.
- 278 Section 2. Section 216.135, Florida Statutes, is amended to
- 279 read:
- 280 216.135 Use of official information by state agencies and
- 281 the judicial branch.—Each state agency and the judicial branch
- 282 shall use the official information developed by the consensus
- 283 estimating conferences in carrying out their duties under the
- 284 state planning and budgeting system. State agencies, including
- 285 their divisions, bureaus, and statutorily created entities, must
- 286 ensure that any related work product is consistent with the
- 287 official information developed by the Economic Estimating
- 288 Conference, the Demographic Estimating Conference, and the Labor
- 289 Market Estimating Conference, including, but not limited to,
- 290 work product related to nonfarm employment, civilian labor

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291 force, labor force participation rate, civilian employment rate,
 292 unemployed civilians, civilian unemployment rate, labor demand,
 293 or labor supply.

294 Section 3. Paragraph (a) of subsection (7) of section
 295 216.136, Florida Statutes, is amended to read:

296 216.136 Consensus estimating conferences; duties and
 297 principals.—

298 (7) LABOR MARKET ESTIMATING CONFERENCE.—

299 (a) The Labor Market Estimating Conference shall develop
 300 such official information with respect to ~~real-time~~ supply and
 301 demand in Florida's statewide and, regional, ~~and local~~ labor
 302 markets as the conference determines is needed by the state's
 303 near-term and long-term state planning and budgeting system.
 304 Such information must ~~shall~~ include labor supply by education
 305 level, analyses of labor demand by occupational groups and
 306 occupations compared to labor supply, and a ranking of critical
 307 areas of concern, ~~and identification of in-demand, high-skill,~~
 308 ~~middle-level to high-level wage occupations~~ prioritized by level
 309 of statewide or regional shortages. The Office of Economic and
 310 Demographic Research is designated as the official lead for the
 311 United States Census Bureau's State Data Center Program or its
 312 successor. All state agencies shall ~~must~~ provide the Office of
 313 Economic and Demographic Research with the necessary data to
 314 accomplish the goals of the conference. ~~In accordance with s.~~
 315 ~~216.135, state agencies must ensure that any related work~~
 316 ~~product regarding labor demand and supply is consistent with the~~
 317 ~~official information developed by the Labor Market Estimating~~
 318 ~~Conference created in s. 216.136.~~

319 Section 4. Paragraph (b) of subsection (7) of section

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320 445.003, Florida Statutes, is amended to read:

321 445.003 Implementation of the federal Workforce Innovation
 322 and Opportunity Act.—

323 (7) DUTIES OF THE DEPARTMENT.—The department shall adopt
 324 rules to implement the requirements of this chapter, including:

325 (b) Initial and subsequent eligibility criteria, based on
 326 input from the state board, local workforce development boards,
 327 the Department of Education, and other stakeholders, for the
 328 Workforce Innovation and Opportunity Act eligible training
 329 provider list. This list directs training resources to programs
 330 leading to employment in high-demand and high-priority
 331 occupations that provide economic security, particularly those
 332 occupations facing a shortage of skilled workers. A training
 333 provider ~~who offers training to obtain a credential on the~~
 334 ~~Master Credentials List under s. 445.004(4)(h)~~ may not be
 335 included on a state or local eligible training provider list if
 336 the provider fails to submit the required information or fails
 337 to meet initial or subsequent eligibility criteria. ~~Subsequent~~
 338 ~~eligibility criteria must use the performance and outcome~~
 339 ~~measures defined and reported under s. 1008.40, to determine~~
 340 ~~whether each program offered by a training provider is qualified~~
 341 ~~to remain on the list.~~

342 ~~1. For the 2021-2022 program year, The Department of~~
 343 ~~Economic Opportunity and the Department of Education shall~~
 344 ~~establish the minimum criteria a training provider must achieve~~
 345 ~~for completion, earnings, and employment rates of eligible~~
 346 ~~participants. The minimum program criteria may not exceed the~~
 347 ~~threshold at which more than 20 percent of all eligible training~~
 348 ~~providers in the state would fall below.~~

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2. ~~Beginning with the 2022-2023 program year, each program offered by a training provider must, at a minimum, meet all of the following:~~

a. ~~Income earnings for all individuals who complete the program that are equivalent to or above the state's minimum wage in a calendar quarter.~~

b. ~~An employment rate of at least 75 percent for all individuals. For programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.~~

c. ~~A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.~~

Section 5. Paragraph (h) of subsection (4) and subsection (8) of section 445.004, Florida Statutes, are amended to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(4)

(h)1. The state board shall appoint a Credentials Review Committee to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion in the Master Credentials List. Such credentials must include registered apprenticeship programs, industry certifications, including industry certifications for agricultural occupations submitted pursuant to s. 570.07(43), licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, and associate degrees, but may not include baccalaureate degrees, and graduate degrees. The Credentials Review Committee must include:

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a. The Chancellor of the Division of Public Schools.

b. The Chancellor of the Division of Career and Adult Education.

c. The Chancellor of the Florida College System.

d. The Chancellor of the State University System.

e. The director of the Office of Reimagining Education and Career Help, who must serve as chair of the committee.

f. Four members from local workforce development boards, with equal representation from urban and rural regions.

g. Two members from nonpublic postsecondary institutions.

h. Two members from industry associations.

i. Two members from Florida-based businesses.

j. Two members from the Department of Economic Opportunity.

k. One member from the Department of Agriculture and Consumer Services.

2. All information pertaining to the Credentials Review Committee, the process for the approval of credentials of value, and the Master Credentials List must be made available and be easily accessible to the public on all relevant state agency websites.

3. The Credentials Review Committee shall establish a definition for credentials of value and create a framework of quality. The framework must align with federally funded workforce accountability requirements and undergo biennial review.

4. The criteria to determine value for nondegree credentials should, at a minimum, require:

a. Evidence that the credential meets labor market demand ~~as identified by the Labor Market Estimating Conference created~~

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in s. 216.136 or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence to be considered by the Credentials Review Committee must include, but is not limited to, information provided by the Labor Market Statistics Center within the Department of Economic Opportunity and employer information on present credential use or emerging opportunities.

b. Evidence that the competencies mastered upon completion of the credential are aligned with labor market demand.

c. Evidence of the employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must be part of a sequence of credentials that are required for the next level occupation that does meet the earnings outcomes criteria in order to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

5. The Credentials Review Committee shall establish the criteria to determine value for degree programs. This criteria ~~must shall~~ include evidence that the program meets statewide, regional, or local the labor market demand ~~as identified by the Labor Market Estimating Conference created in s. 216.136 or meets local demand~~ as determined by the committee. The committee shall consider both the information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and the long-term data of the Labor Market Estimating Conference as factors in the criteria Such

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~~criteria must be used to designate programs of emphasis under s. 1001.706 and to guide the development of program standards and benchmarks under s. 1004.92.~~

6. The Credentials Review Committee shall establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.

7. The Credentials Review Committee shall establish a process for:

a. At a minimum, quarterly review and approval of credential applications. Approved credentials of value shall be used by the committee to develop the Master Credentials List.

b. Annual review of the Master Credentials List.

c. Phasing out credentials on the Master Credentials List that no longer meet the framework of quality. Credentials must remain on the list for at least 1 year after identification for removal.

d. Designating performance funding eligibility under ss. 1011.80 and 1011.81, based upon the highest available certification for postsecondary students.

e. ~~Beginning with the 2022-2023 school year,~~ Upon approval, the state board shall submit the Master Credentials List to the State Board of Education. The list must, at a minimum, identify nondegree credentials and degree programs determined to be of value for purposes of the CAPE Industry Certification Funding List adopted under of ss. 1008.44 and 1011.62(1); if the credential or degree program meets statewide, regional, or local level demand; the type of certificate, credential, or degree; and the primary standard occupation classification code. ~~For the 2021-2022 school year, the Master Credentials List shall be~~

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~~comprised of the CAPE Industry Certification Funding List and the CAPE Postsecondary Industry Certification Funding List under ss. 1008.44 and 1011.62(1) and adopted by the State Board of Education before October 1, 2021.~~

8. The Credentials Review Committee shall establish a process for linking Classifications of Instructional Programs (CIP) to Standard Occupational Classifications (SOC) for all new credentials of value identified on the Master Credentials List. The CIP code aligns instructional programs to occupations. A CIP to SOC link indicates that programs classified in the CIP code category prepare individuals for jobs classified in the SOC code category. The state board shall submit approved CIP to SOC linkages to the State Board of Education with each credential that is added to the Master Credentials List.

9. The Credentials Review Committee shall identify all data elements necessary to collect information on credentials by the Florida Education and Training Placement Program automated system under s. 1008.39.

~~10. The Credentials Review Committee shall develop a returned-value funding formula as provided under ss. 1011.80(7)(b) and 1011.81(2)(b). When developing the formula, the committee may not penalize Florida College System institutions or school districts if students postpone employment to continue their education.~~

(8) Each ~~Annually~~, beginning July 1, 2022, the state board shall ~~assign and make~~ the public information available and easily accessible on its website ~~a letter grade~~ for each local workforce development board using the criteria established by the Office of Reimagining Education and Career Help under s.

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14.36, including the most recently assigned letter grade.

Section 6. Subsection (4) of section 445.006, Florida Statutes, is amended to read:

445.006 State plan for workforce development.—

~~(4) WAIVERS. The department shall prepare a federal waiver to be submitted by the Governor to the United States Department of Labor that:~~

~~(a) Allows the state board to fulfill the roles and responsibilities of local workforce development boards or that reduces the number of local workforce development boards based on population size and commuting patterns in order to;~~

~~1. Eliminate multiple layers of administrative entities to improve coordination of the workforce development system.~~

~~2. Establish consistent eligibility standards across the state to improve the accountability of workforce related programs.~~

~~3. Provide greater flexibility in the allocation of resources to maximize the funds directed to training and business services.~~

~~(b) Allows the Governor to reallocate funds among local areas that have a demonstrated need for additional funding and programmatic outcomes that will maximize the use of the additional funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants.~~

Section 7. Subsection (15) is added to section 445.007, Florida Statutes, to read:

445.007 Local workforce development boards.—

(15) Each local workforce development board shall create an

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education and industry consortium composed of representatives of educational entities and businesses in the designated service delivery area. Each consortium shall provide quarterly reports to the applicable local board which provide community-based information related to educational programs and industry needs to assist the local board in making decisions on programs, services, and partnerships in the service delivery area. The local board shall consider the information obtained from the consortium to determine the most effective ways to grow, retain, and attract talent to the service delivery area. The chair of the local workforce development board shall appoint the consortium members. A member of a local workforce development board may not serve as a member of the consortium. Consortium members shall be appointed for 2-year terms beginning on January 1 of the year of appointment, and any vacancy on the consortium must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Section 8. Paragraphs (a) and (e) of subsection (8) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(8)

(a) Individual Training Accounts must be expended on programs that prepare people to enter occupations identified by the Labor Market Statistics Center within the Department of Economic Opportunity ~~Estimating Conference created by s. 216.136,~~ and on other programs recommended and approved by the state board following a review by the department to determine the program's compliance with federal law.

(e) Training services provided through Individual Training

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Accounts must be performance-based, ~~with successful job placement triggering final payment of at least 10 percent.~~

Section 9. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—CareerSource Florida, Inc., through the Department of Economic Opportunity, may use funds dedicated for incumbent worker training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the occupations list developed by the Labor Market Statistics Center within the Department of Economic Opportunity and on other programs recommended and approved by the state board following a review by the department to determine the program's compliance with federal law ~~Estimating Conference~~. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources must ~~should~~ be given priority status for funding.

Section 10. Subsection (2) of section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—

(2) A local apprenticeship sponsor may be a committee, a group of employers, an employer, ~~or~~ a group of employees, an educational institution, a local workforce board, a community or faith-based organization, an association, or any combination thereof.

Section 11. Present subsection (3) of section 446.0915, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

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581 446.0915 Work-based learning opportunities.-
 582 (2) A work-based learning opportunity must meet all of the
 583 following criteria:
 584 (a) Be developmentally appropriate.
 585 (b) Identify learning objectives for the term of
 586 experience.
 587 (c) Explore multiple aspects of an industry.
 588 (d) Develop workplace skills and competencies.
 589 (e) Assess performance.
 590 (f) Provide opportunities for work-based reflection.
 591 (g) Link to next steps in career planning and preparation
 592 in a student's chosen career pathway.
 593 (h) Be provided in an equal and fair manner.
 594 (i) Be documented and reported in compliance with state and
 595 federal labor laws.
 596
 597 A work-based learning opportunity should prioritize paid
 598 experiences, such as apprenticeship, ~~and~~ preapprenticeship, and
 599 diversified education programs.
 600 (3) Each district school board shall ensure that each
 601 student enrolled in grades 9 through 12 has access to at least
 602 one work-based learning opportunity.
 603 Section 12. Section 446.54, Florida Statutes, is amended
 604 to read:
 605 446.54 Reimbursement for workers' compensation insurance
 606 premiums.-
 607 (1) A student 18 years of age or younger who is in a paid
 608 work-based learning opportunity must ~~shall~~ be covered by the
 609 workers' compensation insurance of his or her employer in

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610 accordance with chapter 440. For purposes of chapter 440, a
 611 school district or Florida College System institution is
 612 considered the employer of a student 18 years of age or younger
 613 who is providing unpaid services under a work-based learning
 614 opportunity provided by the school district or Florida College
 615 System institution.
 616 (2) Subject to appropriation, ~~the Department of Education~~
 617 ~~may reimburse~~ employers, including school districts and Florida
 618 College System institutions, ~~may apply to the Department of~~
 619 Financial Services for reimbursement of the proportionate cost
 620 of workers' compensation premiums paid during the fiscal year
 621 for students participating in work-based learning opportunities
 622 in the previous state fiscal year in accordance with department
 623 rules.
 624 (a) An application for reimbursement must include the
 625 following information:
 626 1. The number of students participating in work-based
 627 learning opportunities with the employer, including the number
 628 of those who are participating in paid and unpaid work-based
 629 learning opportunities with the employer;
 630 2. An attestation that:
 631 a. The students were 18 years of age or younger during the
 632 time when participating in the work-based learning opportunity;
 633 and
 634 b. For an employer who paid the students, the employer is
 635 seeking reimbursement for the proportionate cost of workers'
 636 compensation premiums related to those students only; or
 637 c. For a school district or Florida College System
 638 institution that is considered the employer, the employer is

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seeking reimbursement for the proportionate cost of workers' compensation premiums related to those students only;

3. A description of the method used by the employer to determine the proportionate share of the cost of workers' compensation premiums attributable to students;

4. The total amount of reimbursement requested;

5. The employer's name, point of contact, and contact information;

6. A statement by the employer agreeing to maintain documentation supporting the information in the application for 5 years; and

7. Any other information requested by the department.

(b) Within 45 days after receipt of a complete application, the Department of Financial Services must process the application and provide the applicant with notification of approval or denial of the application. The Department of Financial Services shall coordinate with the educational institution to verify the information on the application related to the employer and the students participating in the work-based learning opportunity. Reimbursements must be made on a first-come, first-served basis.

(c) For purposes of this section, the term "educational institution" means a school as defined in s. 1003.01(2) operated by a district school board, a charter school formed under s. 1002.33, a career center operated by a district school board under s. 1001.44, a charter technical career center operated by a district school board under s. 1002.34, or a Florida College System institution identified in s. 1000.21.

Section 13. Paragraph (a) of subsection (2) of section

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464.0195, Florida Statutes, is amended, paragraph (c) is added to that subsection, and subsection (5) is added to that section, to read:

464.0195 Florida Center for Nursing; goals.—

(2) The primary goals for the center shall be to:

(a) Develop a strategic statewide plan for nursing manpower in this state by:

1. Conducting a statistically valid biennial data-driven gap analysis of the supply and demand of the health care workforce. Demand must align with information developed by the Labor Market Statistics Center within the Department of Economic Opportunity and the long-term estimates of the Labor Market Estimating Conference created in s. 216.136. The center shall:

a. Establish and maintain a database on nursing supply and demand in the state, to include current supply and demand.

b. Analyze the current and future supply and demand in the state and the impact of this state's participation in the Nurse Licensure Compact under s. 464.0095.

2. Developing recommendations to increase nurse faculty and clinical preceptors, support nurse faculty development, and promote advanced nurse education.

3. Developing best practices in the academic preparation and continuing education needs of qualified nurse educators, nurse faculty, and clinical preceptors.

4. Collecting data on nurse faculty, employment, distribution, and retention.

5. Piloting innovative projects to support the recruitment, development, and retention of qualified nurse faculty and clinical preceptors.

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6. Encouraging and coordinating the development of academic-practice partnerships to support nurse faculty employment and advancement.

7. Developing distance learning infrastructure for nursing education and advancing faculty competencies in the pedagogy of teaching and the evidence-based use of technology, simulation, and distance learning techniques.

(c) Convene various groups representative of nurses, other health care providers, business and industry, consumers, lawmakers, and educators to:

1. Review and comment on data analysis prepared for the center;

2. Recommend systemic changes, including strategies for implementation of recommended changes; and

3. Evaluate and report the results of these efforts to the Legislature and others.

(5) No later than each January 10, the center shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing details of its activities during the preceding calendar year in pursuit of its goals and in the execution of its duties under subsection (2), including a nursing education program report.

Section 14. Paragraph (b) of subsection (5) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's

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contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Florida Talent Development Council under s. 1004.015 and the Articulation Coordinating Committee under s. 1007.01, and the information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and the long-term data of the Labor Market Estimating Conference.

3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. ~~The programs of emphasis list adopted by the Board of Governors before July 1, 2021, shall be~~

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~~used for the 2021-2022 academic year. Beginning in the 2022-2023 academic year, the Board of Governors shall adopt the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee under s. 445.004 for designating high demand programs of emphasis. The Board of Governors must review designated programs of emphasis, at a minimum, every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the Credentials Review Committee.~~

Section 15. Paragraph (1) is added to subsection (3) of section 1002.31, Florida Statutes, to read:

1002.31 Controlled open enrollment; public school parental choice.—

(3) Each district school board shall adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must:

(1) Enable a student who, in middle school, completed a career and technical education course or an industry certification included in the CAPE Industry Certification Funding List to continue a sequential program of career and technical education in the same concentration, if a high school in the district offers the program.

Section 16. Paragraph (e) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

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(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student which must ~~that may~~ be revised at least annually as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07 and other state career planning resources. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

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813 Section 17. Present subsections (2) and (5) of section
 814 1003.4203, Florida Statutes, are amended to read:
 815 1003.4203 Digital materials, CAPE Digital Tool
 816 certificates, and technical assistance.—
 817 ~~(2) CAPE ESE DIGITAL TOOLS. Each district school board, in~~
 818 ~~consultation with the district school superintendent, shall make~~
 819 ~~available digital and instructional materials, including~~
 820 ~~software applications, to students with disabilities who are in~~
 821 ~~prekindergarten through grade 12. Beginning with the 2015-2016~~
 822 ~~school year:~~
 823 ~~(a) Digital materials may include CAPE Digital Tool~~
 824 ~~certificates, workplace industry certifications, and OSHA~~
 825 ~~industry certifications identified pursuant to s. 1008.44 for~~
 826 ~~students with disabilities; and~~
 827 ~~(b) Each student's individual educational plan for students~~
 828 ~~with disabilities developed pursuant to this chapter must~~
 829 ~~identify the CAPE Digital Tool certificates and CAPE industry~~
 830 ~~certifications the student seeks to attain before high school~~
 831 ~~graduation.~~
 832 (4)(5) CAPE INNOVATION AND CAPE ACCELERATION.—
 833 ~~(a) CAPE Innovation. Courses, identified in the CAPE~~
 834 ~~Industry Certification Funding List, that combine academic and~~
 835 ~~career content, and performance outcome expectations that, if~~
 836 ~~achieved by a student, shall articulate for college credit and~~
 837 ~~be eligible for additional full-time equivalent membership under~~
 838 ~~s. 1011.62(1)(c)1.e. Such approved courses must incorporate at~~
 839 ~~least two third party assessments that, if successfully~~
 840 ~~completed by a student, shall articulate for college credit. At~~
 841 ~~least one of the two third-party assessments must be associated~~

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842 ~~with an industry certification that is identified on the CAPE~~
 843 ~~Industry Certification Funding List. Each course that is~~
 844 ~~approved by the commissioner must be specifically identified in~~
 845 ~~the Course Code Directory as a CAPE Innovation Course.~~
 846 ~~(b) CAPE Acceleration.~~ Industry certifications that
 847 articulate for 15 or more college credit hours and, if
 848 successfully completed, are eligible for additional full-time
 849 equivalent membership under s. 1011.62(1)(c)1.d. Each approved
 850 industry certification must be specifically identified in the
 851 CAPE Industry Certification Funding List as a CAPE Acceleration
 852 Industry Certification.
 853 Section 18. Present subsection (11) of section 1003.4282,
 854 Florida Statutes, is redesignated as subsection (12), a new
 855 subsection (11) is added to that section, and paragraph (e) of
 856 subsection (3) and paragraph (a) of subsection (8) of that
 857 section are amended, to read:
 858 1003.4282 Requirements for a standard high school diploma.—
 859 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 860 REQUIREMENTS.—
 861 (e) One credit in fine or performing arts, speech and
 862 debate, or career and technical education, or practical arts.—
 863 ~~The practical arts course must incorporate artistic content and~~
 864 ~~techniques of creativity, interpretation, and imagination.~~
 865 ~~Eligible practical arts courses are identified in the Course~~
 866 ~~Code Directory.—A student must earn one credit in fine or~~
 867 performing arts, speech and debate, or career and technical
 868 education.
 869 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 870 CREDIT REQUIREMENTS.—

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871 (a) Participation in career education courses engages
 872 students in their high school education, increases academic
 873 achievement, enhances employability, and increases postsecondary
 874 success. The department shall develop, for approval by the State
 875 Board of Education, multiple, additional career education
 876 courses or a series of courses that meet the requirements set
 877 forth in s. 1003.493(2), (4), and (5) and this subsection and
 878 allow students to earn credit in both the career education
 879 course and courses required for high school graduation under
 880 this section and s. 1003.4281.

881 1. The state board must determine at least biennially if
 882 sufficient academic standards are covered to warrant the award
 883 of academic credit, including satisfaction of graduation,
 884 assessment, and state university admissions requirements under
 885 this section.

886 2. Career education courses must:

887 a. Include workforce and digital literacy skills.

888 b. Integrate required course content with practical
 889 applications and designated rigorous coursework that results in
 890 one or more industry certifications or clearly articulated
 891 credit or advanced standing in a 2-year or 4-year certificate or
 892 degree program, which may include high school junior and senior
 893 year work-related internships or apprenticeships. The department
 894 shall negotiate state licenses for material and testing for
 895 industry certifications.

896

897 The instructional methodology used in these courses must
 898 comprise authentic projects, problems, and activities for
 899 contextual academic learning and emphasize workplace skills

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900 identified under s. 445.06.

901 3. A student who earns credit upon completion of an
 902 apprenticeship or preapprenticeship program registered with the
 903 Department of Education under chapter 446 may use such credit to
 904 satisfy the high school graduation credit requirements in
 905 paragraph (3)(e) or paragraph (3)(g). The state board shall
 906 approve and identify in the Course Code Directory the
 907 apprenticeship and preapprenticeship programs from which earned
 908 credit may be used pursuant to this subparagraph.

909 4. Student completion of a supervised agricultural
 910 experience by a student member in the Florida Future Farmers of
 911 America is eligible under this paragraph for an award of an
 912 elective or a work-based learning credit as provided in this
 913 section.

914 5. The State Board of Education shall, by rule, establish a
 915 process that enables a student to receive academic credit for
 916 completing a threshold level of demonstrable participation in
 917 extracurricular activities associated with career and technical
 918 student organizations.

919 (11) CAREER AND TECHNICAL EDUCATION CREDIT.—The Department
 920 of Education shall convene a workgroup to:

921 (a) Identify best practices in career and technical
 922 education pathways from middle school to high school to aid
 923 middle school students in career planning and facilitate their
 924 transition to high school programs. The career pathway must be
 925 linked to postsecondary programs.

926 (b) Establish three mathematics pathways for students
 927 enrolled in secondary grades by aligning mathematics courses to
 928 programs, postsecondary education, and careers. The workgroup

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929 shall collaborate to identify the three mathematics pathways and
 930 the mathematics course sequence within each pathway which align
 931 to the mathematics skills needed for success in the
 932 corresponding academic programs, postsecondary education, and
 933 careers.

934 Section 19. Paragraph (b) of subsection (1) of section
 935 1003.4285, Florida Statutes, is amended to read:

936 1003.4285 Standard high school diploma designations.—

937 (1) Each standard high school diploma shall include, as
 938 applicable, the following designations if the student meets the
 939 criteria set forth for the designation:

940 (b) Industry Scholar ~~Merit~~ designation.—In addition to the
 941 requirements of s. 1003.4282, in order to earn the Industry
 942 Scholar ~~Merit~~ designation, a student must attain one or more
 943 industry certifications from the list established under s.
 944 1003.492.

945 Section 20. Subsection (3) of section 1003.491, Florida
 946 Statutes, is amended to read:

947 1003.491 Florida Career and Professional Education Act.—The
 948 Florida Career and Professional Education Act is created to
 949 provide a statewide planning partnership between the business
 950 and education communities in order to attract, expand, and
 951 retain targeted, high-value industry and to sustain a strong,
 952 knowledge-based economy.

953 (3) The strategic 3-year plan developed jointly by the
 954 local school district, local workforce development boards,
 955 economic development agencies, and state-approved postsecondary
 956 institutions must ~~shall~~ be constructed and based on:

957 (a) Research conducted to objectively determine local and

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958 regional workforce needs for the ensuing 3 years, using labor
 959 projections as identified by the Labor Market Statistics Center
 960 within the Department of Economic Opportunity related to short-
 961 term demand and long-term data of the Labor Market Estimating
 962 Conference as factors in the criteria for the plan ~~created in s.~~
 963 ~~216.136;~~

964 (b) Strategies to develop and implement career academies or
 965 career-themed courses based on occupations identified by the
 966 Labor Market Statistics Center within the Department of Economic
 967 Opportunity and the long-term data of the Labor Market
 968 Estimating Conference created in s. 216.136;

969 (c) Strategies to provide shared, maximum use of private
 970 sector facilities and personnel;

971 (d) Strategies to ~~that~~ ensure instruction by industry-
 972 certified faculty and standards and strategies to maintain
 973 current industry credentials and for recruiting and retaining
 974 faculty to meet those standards;

975 (e) Strategies to provide personalized student advisement,
 976 including a parent-participation component, and coordination
 977 with middle grades to promote and support career-themed courses
 978 and education planning;

979 (f) Alignment of requirements for middle school career
 980 planning, middle and high school career and professional
 981 academies or career-themed courses leading to industry
 982 certification or postsecondary credit, and high school
 983 graduation requirements;

984 (g) Provisions to ensure that career-themed courses and
 985 courses offered through career and professional academies are
 986 academically rigorous, meet or exceed appropriate state-adopted

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987 subject area standards, result in attainment of industry
 988 certification, and, when appropriate, result in postsecondary
 989 credit;
 990 (h) Plans to sustain and improve career-themed courses and
 991 career and professional academies;
 992 (i) Strategies to improve the passage rate for industry
 993 certification examinations if the rate falls below 50 percent;
 994 (j) Strategies to recruit students into career-themed
 995 courses and career and professional academies which include
 996 opportunities for students who have been unsuccessful in
 997 traditional classrooms but who are interested in enrolling in
 998 career-themed courses or a career and professional academy.
 999 School boards shall provide opportunities for students who may
 1000 be deemed as potential dropouts or whose cumulative grade point
 1001 average drops below a 2.0 to enroll in career-themed courses or
 1002 participate in career and professional academies. Such students
 1003 must be provided in-person academic advising that includes
 1004 information on career education programs by a certified school
 1005 counselor or the school principal or his or her designee during
 1006 any semester the students are at risk of dropping out or have a
 1007 cumulative grade point average below a 2.0;
 1008 (k) Strategies to provide sufficient space within academies
 1009 to meet workforce needs and to provide access to all interested
 1010 and qualified students;
 1011 (l) Strategies to implement career-themed courses or career
 1012 and professional academy training that lead to industry
 1013 certification in juvenile justice education programs;
 1014 (m) Opportunities for high school students to earn weighted
 1015 or dual enrollment credit for higher-level career and technical

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1016 courses;
 1017 (n) Promotion of the benefits of the Gold Seal Bright
 1018 Futures Scholarship;
 1019 (o) Strategies to ensure the review of district pupil-
 1020 progression plans and to amend such plans to include career-
 1021 themed courses and career and professional academy courses and
 1022 to include courses that may qualify as substitute courses for
 1023 core graduation requirements and those that may be counted as
 1024 elective courses;
 1025 (p) Strategies to provide professional development for
 1026 secondary certified school counselors on the benefits of career
 1027 and professional academies and career-themed courses that lead
 1028 to industry certification; and
 1029 (q) Strategies to redirect appropriated career funding in
 1030 secondary and postsecondary institutions to support career
 1031 academies and career-themed courses that lead to industry
 1032 certification.
 1033 Section 21. Paragraph (a) of subsection (3) of section
 1034 1004.013, Florida Statutes, is amended to read:
 1035 1004.013 SAIL to 60 Initiative.—
 1036 (3) There is created within the SAIL to 60 Initiative the
 1037 Strategic Efforts to Achieve Self-Sufficiency (SEAS) which
 1038 consists of:
 1039 (a) The consumer-first workforce system opportunity portal
 1040 under s. 14.36, which provides the public with more effective
 1041 access to available federal, state, and local services and a
 1042 systemwide, global view of workforce related program data across
 1043 various programs through actionable qualitative and quantitative
 1044 information.

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Section 22. Subsection (7) is added to section 1004.015, Florida Statutes, to read:

1004.015 Florida Talent Development Council.—

(7) The council shall identify barriers and best practices in the facilitation of work-based learning opportunities for students in middle and high school. By December 1, 2023, the council shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives recommendations on best practices for collaboration between district school boards, local workforce development boards, and local businesses and business groups. The recommendations must include any necessary legislative action to facilitate work-based learning opportunities for students in middle and high school, including the identification of potential targeted financial incentives that may help to facilitate work-based learning opportunities for students.

Section 23. Present paragraph (f) of subsection (3) of section 1008.41, Florida Statutes, is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(f) The Labor Market Statistics Center within the Department of Economic Opportunity.

Section 24. Subsections (1), (2), and (4) of section

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1008.44, Florida Statutes, are amended to read:

1008.44 CAPE Industry Certification Funding List.—

(1) The State Board of Education shall adopt, at least annually, based upon recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List under s. 445.004(4) that meets a statewide, regional, or local demand, ~~and courses that lead to such certifications, in accordance with s. 1011.62(1)(e).~~ Additional full-time equivalent membership funding for regional and local demand certifications ~~and courses that lead to such certifications~~ may only be earned in those areas with regional or local demand as identified by the Credentials Review Committee. The CAPE Industry Certification Funding List may include the following certificates ~~and~~ certifications, ~~and courses~~:

(a) CAPE industry certifications identified as credentials of value that meet the framework of quality under s. 445.004(4), that must be applied in the distribution of funding to school districts under s. 1011.62(1)(o). The CAPE Industry Certification Funding List shall incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Scholars award.

(b) CAPE Digital Tool certificates selected by the department under s. 1003.4203(2) ~~s. 1003.4203(3)~~ that do not articulate for college credit. The certificates must ~~shall~~ be made available to students in elementary school and middle school grades and, if earned by a student, must ~~shall~~ be eligible for additional full-time equivalent membership under s.

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1103 1011.62(1)(o)1. The Department shall annually review available
 1104 assessments that meet the requirements for inclusion on the
 1105 list.

1106 ~~(c) CAPE ESE Digital Tool certificates, workplace industry~~
 1107 ~~certifications, and OSHA industry certifications for students~~
 1108 ~~with disabilities under s. 1003.4203(2). Such certificates and~~
 1109 ~~certifications shall, if earned by a student, be eligible for~~
 1110 ~~additional full-time equivalent membership under s.~~
 1111 ~~1011.62(1)(o)1.~~

1112 ~~(d) CAPE Innovation Courses that combine academic and~~
 1113 ~~career performance outcomes with embedded industry~~
 1114 ~~certifications under s. 1003.4203(5)(a). Such courses shall, if~~
 1115 ~~completed by a student, be eligible for additional full-time~~
 1116 ~~equivalent membership under s. 1011.62(1)(o)1.~~

1117 ~~(e) CAPE Acceleration Industry Certifications that~~
 1118 ~~articulate for 15 or more college credit hours under s.~~
 1119 ~~1003.4203(4) s. 1003.4203(5)(b). Such certifications must shall,~~
 1120 ~~if successfully completed, be eligible for additional full-time~~
 1121 ~~equivalent membership under s. 1011.62(1)(o)1.~~

1122 (d)(f) The Commissioner of Education shall conduct a review
 1123 of the methodology used to determine additional full-time
 1124 equivalent membership weights assigned in s. 1011.62(1)(o) and,
 1125 if necessary, recommend revised weights. The weights must factor
 1126 in the prioritization of critical shortages of labor market
 1127 demand and middle-level to high-level wage earning outcomes as
 1128 identified by the Credentials Review Committee under s. 445.004.
 1129 The results of the review and the commissioner's recommendations
 1130 must be submitted to the Governor, the President of the Senate,
 1131 and the Speaker of the House of Representatives no later than

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1132 December 1, 2023 ~~2021~~.

1133 (2) The CAPE Industry Certification Funding List adopted
 1134 under subsection (1) must include three funding tier
 1135 designations for eligible postsecondary certifications and must
 1136 ~~shall~~ be used to determine annual performance funding
 1137 distributions to school districts or Florida College System
 1138 institutions as specified in ss. 1011.80 and 1011.81,
 1139 respectively.

1140 (4) (a) CAPE industry certifications and CAPE Digital Tool
 1141 certificates placed on the CAPE Industry Certification Funding
 1142 List must include the version of the certifications and
 1143 certificates available at the time of the adoption and, without
 1144 further review and approval, include the subsequent updates to
 1145 the certifications and certificates on the approved list, unless
 1146 the certifications and certificates are specifically removed
 1147 from the CAPE Industry Certification Funding List by the
 1148 Commissioner of Education.

1149 (b) The Commissioner of Education may limit CAPE industry
 1150 certifications and CAPE Digital Tool certificates to students in
 1151 certain grades ~~based on formal recommendations by providers of~~
 1152 ~~CAPE industry certifications and CAPE Digital Tool certificates.~~

1153 (c) The Articulation Coordinating Committee shall review
 1154 statewide articulation agreement proposals for industry
 1155 certifications and make recommendations to the State Board of
 1156 Education for approval. After an industry certification is
 1157 approved by CareerSource Florida, Inc., under s. 445.004(4), the
 1158 Chancellor of Career and Adult Education, within 90 days, must
 1159 provide to the Articulation Coordinating Committee
 1160 recommendations for articulation of postsecondary credit for

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related degrees for the approved certifications.

Section 25. Section 1009.895, Florida Statutes, is amended to read:

1009.895 Open Door Grant Program.—

(1) ~~As used in this section, the term:~~

(a) ~~“Cost of the program” means the cost of tuition, fees, examination, books, and materials to a student enrolled in an eligible program.~~

(b) ~~“Department” means the Department of Education.~~

(c) ~~“Institution” means school district postsecondary technical career centers under s. 1001.44, Florida College System institutions under s. 1000.21(3), charter technical career centers under s. 1002.34, and school districts with eligible integrated education and training programs.~~

(d) ~~“Program” means a noncredit industry certification preparation, clock hour career certificate programs, or for-credit short-term career and technical education programs that result in the award of credentials identified under s. 445.004(4).~~

(e) ~~“Student” means a person who is a resident of this state as determined under s. 1009.21 and is unemployed, underemployed, or furloughed.~~

(2) ESTABLISHMENT; PURPOSE.—The Open Door Grant Program is established and shall be administered by participating institutions in accordance with rules of the State Board of Education. ~~for the purpose of:~~

(a) ~~Creating and sustaining a demand-driven supply of credentialed workers for high-demand occupations by addressing and closing the gap between the skills needed by workers in the~~

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~~state and the skills of the available workforce in the state.~~

~~(b) Expanding the affordability of workforce training and credentialing.~~

~~(c) The program is created to incentivize increasing the interest of current and future workers to enroll in short-term, high-demand career and technical education that leads to a credential, credentialing and certificate, or degree programs.~~

(2) ELIGIBILITY.—In order to be eligible for the program, a student must:

(a) Meet the requirements under s. 1009.40(1)(a)2. and 3.;

(b) Be enrolled in a workforce education program as defined under s. 1011.80(1)(a)-(f); and

(c) Be enrolled at a school district postsecondary technical career center under s. 1001.44, a Florida College System institution under s. 1000.21(3), or a charter technical career center under s. 1002.34.

An institution may not impose additional criteria to determine a student's eligibility to receive a grant under this section.

(3) GRANT AWARD.—A student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible program after all other federal and state financial aid is applied. These costs may include, but are not limited to, tuition and fees, exam or assessment costs, books, materials, or other college-related expenses such as personal computers, housing, or transportation. The institution shall make awards subject to availability of funding. Returning students must be given priority over new students.

(4) DISTRIBUTION OF FUNDS.—

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1219 (a) For the 2023-2024 fiscal year, funding for eligible
 1220 institutions must consist of a base amount provided for in the
 1221 General Appropriations Act plus each institution's proportionate
 1222 share of full-time equivalent students enrolled in career and
 1223 technical education programs. Beginning in fiscal year 2024-
 1224 2025, the funds appropriated for the Open Door Grant Program
 1225 must be distributed to eligible institutions in accordance with
 1226 a formula approved by the State Board of Education. The formula
 1227 must consider at least the prior year's distribution of funds
 1228 and the number of eligible applicants who did not receive
 1229 awards.

1230 (b) Subject to the appropriation of funds by the
 1231 Legislature, the Department of Education shall transmit payment
 1232 of grants to the institution in advance of the registration
 1233 period. Institutions shall notify students of the amount of
 1234 their awards.

1235 (c) The eligibility status of each student to receive a
 1236 disbursement must be determined by each institution as of the
 1237 end of its regular registration period, inclusive of a drop-add
 1238 period. Institutions may not be required to reevaluate a
 1239 student's eligibility status after this date for purposes of
 1240 changing eligibility determinations previously made.

1241 (d) Each term, institutions shall certify to the department
 1242 within 30 days after the end of the regular registration period
 1243 the amount of funds disbursed to each student. Institutions
 1244 shall remit to the department any undisbursed advances for the
 1245 fall, spring, and summer terms within 30 days after the end of
 1246 the summer term.

1247 (5) INSTITUTIONAL REPORTING.-Each institution shall report

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1248 to the department by the established date:

1249 (a) The number of students eligible for the program for
 1250 each academic term. Each institution shall also report to the
 1251 department any necessary demographic and eligibility data for
 1252 students; and

1253 ~~(3) The department shall provide grants to institutions on~~
 1254 ~~a first-come, first-serve basis for students who enroll in an~~
 1255 ~~eligible program. The department shall prioritize funding for~~
 1256 ~~integrated education and training programs in which institutions~~
 1257 ~~establish partnerships with local workforce development boards~~
 1258 ~~to provide basic skills instruction, contextually and~~
 1259 ~~concurrently, with workforce training that results in the award~~
 1260 ~~of credentials under s. 445.004(4). One-quarter of the~~
 1261 ~~appropriated funds must be prioritized to serve students~~
 1262 ~~attending rural institutions. No more than one-quarter of the~~
 1263 ~~appropriated funds may be disbursed annually to any eligible~~
 1264 ~~institution.~~

1265 ~~(4) Subject to the availability of funds:~~

1266 ~~(a) A student who enrolls in an eligible program offered by~~
 1267 ~~an institution and who does not receive state or federal~~
 1268 ~~financial aid may apply for and be awarded a grant to cover two-~~
 1269 ~~thirds of the cost of the program, if at the time of enrollment~~
 1270 ~~the student pays one-third of the cost of the program and signs~~
 1271 ~~an agreement to either complete the program or pay an additional~~
 1272 ~~one-third of the cost of the program in the event of~~
 1273 ~~noncompletion. The department shall reimburse the institution in~~
 1274 ~~an amount equal to one third of the cost of the program upon a~~
 1275 ~~student's completion of the program. An additional one third~~
 1276 ~~shall be provided upon attainment of a workforce credential or~~

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~~certificate by the student. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet the requirements established by the department. An institution may cover the student's one-third of the cost of the program based on student need, as determined by the institution.~~

~~(b) A student receiving state or federal financial aid who enrolls in an eligible program offered by an institution may apply for and be awarded a grant to cover the unmet need of the cost of the program after the application of all eligible financial aid. Financial aid and grants received by the student shall be credited first to the student's costs before the award of an open door grant. After a student is enrolled in an eligible program, the department shall award the grant to the institution for the amount of unmet need for the eligible student.~~

~~(5) The department may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.~~

~~(6) The department shall administer the grant and shall carry out the goals and purposes of the grant set forth in subsection (2). In administering the grant, the department shall:~~

~~(a) Require eligible institutions to provide student-specific data.~~

~~(b) Undertake periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments.~~

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~~(c) Establish the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs.~~

~~(d) Require each eligible institution to~~ Submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program that, at a minimum, includes:

1. A list of the programs offered.
2. The number of students who enrolled in the programs.
3. The number of students who completed the programs.
4. The number of students who attained workforce

credentials, categorized by credential name and relevant occupation, after completing training programs.

~~5. The average cost per workforce credential attained, categorized by credential name and relevant occupation.~~

(6)(7) REPORTING.—The department shall compile the data provided under paragraph (5) (b) ~~(6)(d)~~ and annually report such aggregate data, in the aggregate and categorize such information by eligible institution, to the State Board of Education. The report shall also include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

(7)(8) RULES.—The State Board of Education shall adopt rules to implement this section.

Section 26. Paragraphs (c), (i), and (o) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each

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district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) *Determination of programs.*—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The cost factor for secondary career education programs must be greater than the cost factor for ~~and~~ basic programs grade 9 through 12 ~~shall be equal~~. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.

4. English for Speakers of Other Languages.

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(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—

1. Full-time equivalent students.—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, which is not for profit, is accredited by a regional or national accrediting

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agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

2. Additional full-time equivalent student membership.—For students enrolled in an early college program pursuant to s. 1007.273, a value of 0.16 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A" or better. For students who are not enrolled in an early college program, a value of 0.08 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A." A value of 0.08 full-time equivalent student membership must be calculated for each student who completes a career course through the dual enrollment program with a grade of "A" in a pathway that leads to an industry certification that is included on the CAPE Industry Certification Funding List. In addition, a value of 0.3 full-time equivalent student membership shall be calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better. This value shall be added to the total full-time equivalent

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student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. This section shall be effective for credit earned by dually enrolled students for courses taken in the 2020-2021 school year and each school year thereafter. If the associate degree described in this paragraph is earned in 2020-2021 following completion of courses taken in the 2020-2021 school year, then courses taken toward the degree as part of the dual enrollment program before 2020-2021 may not preclude eligibility for the 0.3 additional full-time equivalent student membership bonus. Each school district shall allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding, in accordance with this paragraph, to the schools that generated the funds to support student academic guidance and postsecondary readiness.

3. Qualifying courses.—For the purposes of this paragraph, general education core courses are those that are identified in rule by the State Board of Education and in regulation by the Board of Governors pursuant to s. 1007.25(3).

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.—*

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool

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certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not rely solely on ~~use~~ the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. ~~Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year.~~ The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a

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certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of at least three courses and an industry certification in a single career and technical education program or program of study ~~the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.~~

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(4) and 1008.44 ~~ss. 1003.4203(5)(b) and 1008.44.~~

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance

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with this paragraph, to the program that generated the funds, and any remaining funds provided for CAPE industry certification for school district career and technical education programs. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of \$50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of \$75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of \$100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to

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teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher pursuant to this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

Section 27. Subsection (2) and paragraph (b) of subsection (7) of section 1011.80, Florida Statutes, are amended, and notwithstanding the expiration date in section 32 of chapter 2022-157, Laws of Florida, paragraph (b) of subsection (8) of that section is reenacted, to read:

1011.80 Funds for operation of workforce education programs.—

(2) ~~Upon approval by the State Board of Education,~~ Any workforce education program may be conducted by a Florida College System institution or a school district as described in this subsection, ~~except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida College System institution. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that~~

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~~confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district career center.~~ Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education under s. 1007.25.

(a) To be responsive to industry needs for a skilled workforce, Florida College System institutions and school districts may offer continuing workforce education courses or programs without prior State Board of Education approval. Each Florida College System institution and school district offering continuing workforce education courses or programs must maintain adequate and accurate records of instructional activity. For purposes of measuring program performance and responsiveness to industry needs, institutions must report continuing workforce education instructional activity in a format prescribed by the Department of Education. Continuing workforce education courses and programs are exempt from the requirements in paragraphs (b) and (c) and are ineligible for performance funding.

(b) The State Board of Education shall establish criteria, based on the framework of quality established by the Credentials Review Committee under s. 445.004(4), for review and approval of new workforce education programs by a Florida College System institution or a school district that are not included in the statewide curriculum framework.

~~(c) (b)~~ A Florida College System institution or school district offering a new workforce education program that is in the statewide curriculum framework must be ~~may not receive performance funding and additional full-time equivalent membership funding until the workforce education program is~~

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~~reviewed, through an expedited review process,~~ and approved by the board of trustees of the Florida College System institution or the district school board ~~State Board of Education~~ based on criteria that must include, but are ~~is~~ not limited to, the following:

1. A description of the new workforce education program that includes all of the following:

a. An analysis of workforce demand and unmet need consistent with the information provided by the Labor Market Statistics Center within the Department of Economic Opportunity for graduates of the program on a district, regional, or statewide basis, as appropriate, including evidence from entities independent of the technical center or institution.

b. The geographic region to be served.

2. Documentation of collaboration among technical centers and institutions serving the same students in a geographical or service area that enhances program offerings and prevents program duplication that exceeds workforce need. Unnecessary duplication of programs offered by public and private institutions must be avoided.

3. Alignment ~~Beginning with the 2022-2023 academic year,~~ ~~alignment~~ of program offerings with credentials or degree programs identified on the Master Credentials List under s. 445.004(4).

4. Articulation agreements between technical centers and Florida College System institutions for the enrollment of graduates in related workforce education programs.

5. Documentation of alignment between the exit requirements of a technical center and the admissions requirements of a

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Florida College System institution into which students typically transfer.

6. Performance and compliance indicators that will be used in determining the program's success.

(7)

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and must ~~shall~~ be determined as follows:

1. Postsecondary industry certifications identified on the CAPE Industry Certification Funding List approved by the State Board of Education under s. 1008.44 are eligible for performance funding.

2. Unless otherwise specified in the General Appropriations Act, each district school board shall be provided funds for each industry certification earned by a student in a career certificate, applied technology diploma, or apprenticeship program. The State Board of Education shall adopt the tiers for each certification based upon the anticipated average wages of the highest earning occupation to which the certification is linked on the Master Credentials List established under s. 445.004(4)(h)8. The amount awarded for each tier must be specified in the General Appropriations Act. Each school district shall be provided \$1,000 for each industry certification earned by a workforce education student. If funds are insufficient to fully fund the calculated total award, such funds must shall be prorated. Beginning with the 2022-2023 fiscal year, the Credentials Review Committee established in s. 445.004 shall develop a returned-value funding formula to allocate school

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~~district performance funds that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations. One-third of the performance funds shall be allocated based on student job placements. The remaining two-thirds shall be allocated using a tiered weighted system based on aggregate student wages that exceed minimum wage, with the highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution's training. At a minimum, the formula must take into account variables such as differences in population and wages across school districts.~~

(8)

(b) Notwithstanding s. 1011.81(4), state funds provided for the operation of postsecondary workforce programs may be expended for the education of state inmates with 24 months or less of time remaining to serve on their sentences.

Section 28. Subsections (2) and (3) of section 1011.801, Florida Statutes, are amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and Florida College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and Florida College System institutions ~~on a competitive basis~~ to fund some or all of the costs associated with the creation or

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expansion of workforce development programs that serve secondary students in career and technical education programs, including dual enrollment programs and other programs that lead to industry certifications included on the CAPE Industry Certification Funding List ~~specific employment workforce needs.~~

(2) The Department of Education shall administer the State Board of Education shall accept applications from school districts or Florida College System institutions for workforce development capitalization incentive grants. Applications from school districts or Florida College System institutions shall contain projected enrollments and projected costs for the new or expanded workforce development program. The State Board of Education may adopt rules for program administration, in consultation with CareerSource Florida, Inc., shall review and rank each application for a grant according to subsection (3) and shall submit to the Legislature a list in priority order of applications recommended for a grant award.

(3) The State Board of Education shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Labor Market Estimating Conference and other programs approved by the state board as defined in s. 445.002, programs that train people to enter occupations under the welfare transition program, or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use

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~~of their workforce development funding by offering high-performing, high-demand programs.~~

Section 29. Section 1011.802, Florida Statutes, is amended to read:

1011.802 Florida Pathways to Career Opportunities Grant Program.—

(1) Subject to appropriations provided in the General Appropriations Act, the Florida Pathways to Career Opportunities Grant Program is created to provide grants to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program, as defined in s. 446.021, on a competitive basis to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. An individual applicant may not receive more than 10 percent of the total amount appropriated ~~The Department of Education shall administer the grant program.~~

(2) The department shall administer the grant, identify projects, solicit proposals, and make funding recommendations to the Commissioner of Education, who is authorized to approve grant awards ~~Applications must contain projected enrollment and projected costs for the new or expanded apprenticeship program.~~

~~(3)(a) The department shall award grants for preapprenticeship or apprenticeship programs with demonstrated statewide or regional demand that:~~

(a)1- Address a critical statewide or regional shortage, with consideration given to the information provided as identified by the Labor Market Statistics Center within the

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Department of Economic Opportunity related to short-term demand,
and the long-term data of the Labor Market Estimating Conference
and the Credentials Review Committee, created in s. 216.136 and
 are in industry sectors not adequately represented throughout
 the state, such as health care;

(b) 2- Address a critical statewide or regional shortage,
with consideration given to the information provided as
identified by the Labor Market Statistics Center within the
Department of Economic Opportunity related to short-term demand,
the long-term data of the Labor Market Estimating Conference,
and the Credentials Review Committee created in s. 216.136; or

(c) 3- Expand existing programs that exceed the median
 completion rate and employment rate 1 year after completion of
 similar programs in the region, or the state if there are no
 similar programs in the region; or

(d) Address K-12 teacher shortages through advancement of
the registered apprenticeship model as an alternative pathway to
certify and train the future educator workforce in order to
accelerate student achievement and outcomes.

(3) (b) Grant funds may be used for instructional equipment,
 supplies, instructional personnel, student services, and other
 expenses associated with the creation or expansion of an
 apprenticeship program. Grant funds may not be used for indirect
 costs. Grant recipients must submit quarterly reports in a
 format prescribed by the department.

(4) The department may grant a bonus in the award amount to
applicants that submit a joint application for shared resources.

(5) The department shall annually report on its website:

(a) The number of programs funded and represented

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throughout the state under this section.

(b) Retention, completion, and employment rates,
 categorized by program and provider.

(c) Starting and ending salaries, as categorized by program
 and provider, for participants who complete the program.

~~(6) (5)~~ The department may use up to \$400,000 ~~\$200,000~~ of
 the total amount allocated to administer the grant program.

~~(7) (6)~~ The State Board of Education shall adopt rules to
 administer this section.

Section 30. Subsection (2) of section 1011.803, Florida
 Statutes, is amended to read:

1011.803 Money-back Guarantee Program.—

~~(2) Each Beginning in the 2022-2023 academic year, each~~
 school district and Florida College System institution shall
 establish a money-back guarantee program to:

(a) Offer a money-back guarantee on at least three programs
~~that prepare individuals to enter in-demand, middle-level to~~
~~high-level wage occupations identified by the Labor Market~~
~~Estimating Conference created in s. 216.136.~~ School districts or
 Florida College System institutions must offer a money-back
 guarantee on at least 50 percent of workforce education programs
 if they offer six or fewer programs.

~~(b) Offer a money-back guarantee for all workforce~~
~~education programs that are established to meet a critical local~~
~~economic industry need, but are not linked to the statewide~~
~~needs list as identified by the Labor Market Estimating~~
~~Conference created in s. 216.136.~~

~~(c)~~ Establish student eligibility criteria for the money-
 back guarantee program that includes:

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1799 1. Student attendance.
 1800 2. Student program performance.
 1801 3. Career Service or Career Day attendance.
 1802 4. Participation in internship or work-study programs.
 1803 5. Job search documentation.
 1804 6. Development of a student career plan with the
 1805 institution's career services department.
 1806 Section 31. Paragraph (b) of subsection (2) of section
 1807 1011.81, Florida Statutes, is amended to read:
 1808 1011.81 Florida College System Program Fund.—
 1809 (2) Performance funding for industry certifications for
 1810 Florida College System institutions is contingent upon specific
 1811 appropriation in the General Appropriations Act and shall be
 1812 determined as follows:
 1813 (b) Unless otherwise specified in the General
 1814 Appropriations Act, each Florida College System institution
 1815 shall be provided funds for each industry certification earned
 1816 by a student. The State Board of Education shall adopt the tiers
 1817 for each certification based upon the anticipated average wages
 1818 of the highest earning occupation to which the certification is
 1819 linked on the Master Credentials List established in s.
 1820 445.004(4)(h)8. The amounts earned for each tier must be
 1821 specified in the General Appropriations Act. Each Florida College
 1822 System institution shall be provided \$1,000 for each industry
 1823 certification earned by a student under paragraph (a). If funds
 1824 are insufficient to fully fund the calculated total award, such
 1825 funds must ~~shall~~ be prorated. ~~Beginning with the 2022-2023~~
 1826 ~~fiscal year, the Credentials Review Committee established in s.~~
 1827 ~~445.004 shall develop a returned-value funding formula to~~

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1828 ~~allocate institution performance funds that rewards student job~~
 1829 ~~placements and wages for students earning industry~~
 1830 ~~certifications, with a focus on increasing the economic mobility~~
 1831 ~~of underserved populations. One-third of the performance funds~~
 1832 ~~shall be allocated based on student job placements. The~~
 1833 ~~remaining two-thirds shall be allocated using a tiered, weighted~~
 1834 ~~system based on aggregate student wages that exceed minimum~~
 1835 ~~wage, with the highest weight applied to the highest wage tier,~~
 1836 ~~with additional weight for underserved populations. Student~~
 1837 ~~wages above minimum wage are considered to be the value added by~~
 1838 ~~the institution's training. At a minimum, the formula must take~~
 1839 ~~into account variables such as differences in population and~~
 1840 ~~wages across the state.~~
 1841 Section 32. Paragraph (c) of subsection (1) of section
 1842 1012.39, Florida Statutes, is amended to read:
 1843 1012.39 Employment of substitute teachers, teachers of
 1844 adult education, nondegreed teachers of career education, and
 1845 career specialists; students performing clinical field
 1846 experience.—
 1847 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
 1848 1012.57, or any other provision of law or rule to the contrary,
 1849 each district school board shall establish the minimal
 1850 qualifications for:
 1851 (c) Part-time and full-time nondegreed teachers of career
 1852 programs. Qualifications must ~~shall~~ be established for
 1853 nondegreed teachers of career and technical education courses
 1854 for program clusters that are recognized in the state and are
 1855 based primarily on successful occupational experience rather
 1856 than academic training. The qualifications for such teachers

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1857 ~~must shall~~ require:

1858 1. The filing of a complete set of fingerprints in the same
1859 manner as required by s. 1012.32. Faculty employed solely to
1860 conduct postsecondary instruction may be exempted from this
1861 requirement.

1862 2. Documentation of education and successful occupational
1863 experience including documentation of:

1864 a. A high school diploma or the equivalent.

1865 b. Completion of a minimum level, established by the
1866 district school board, of 6 years of full-time successful
1867 occupational experience or the equivalent of part-time
1868 experience in the teaching specialization area. The district
1869 school board may establish alternative qualifications for
1870 teachers with an industry certification in the career area in
1871 which they teach.

1872 c. ~~Completion of career education training conducted~~
1873 ~~through the local school district inservice master plan or~~
1874 ~~through an educator preparation institute approved by the~~
1875 ~~Department of Education pursuant to s. 1004.85.~~

1876 d. ~~For full-time teachers, completion of professional~~
1877 ~~education training in teaching methods, course construction,~~
1878 ~~lesson planning and evaluation, and teaching special needs~~
1879 ~~students. This training may be completed through coursework from~~
1880 ~~an accredited or approved institution or an approved district~~
1881 ~~teacher education program.~~

1882 e. ~~Demonstration of successful teaching performance.~~

1883 f. Documentation of industry certification when state or
1884 national industry certifications are available and applicable.

1885 Section 33. Subsection (1) of section 1012.57, Florida

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1886 Statutes, is amended to read:

1887 1012.57 Certification of adjunct educators.—

1888 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,
1889 and 1012.56, or any other provision of law or rule to the
1890 contrary, district school boards shall adopt rules to allow for
1891 the issuance of an adjunct teaching certificate to any applicant
1892 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)
1893 and who has expertise in the subject area to be taught. An
1894 applicant is shall be considered to have expertise in the
1895 subject area to be taught if the applicant demonstrates
1896 sufficient subject area mastery through passage of a subject
1897 area test or has achieved an industry certification in the
1898 subject area to be taught.

1899 Section 34. Paragraph (a) of subsection (3) of section
1900 1012.585, Florida Statutes, is amended to read:

1901 1012.585 Process for renewal of professional certificates.—

1902 (3) For the renewal of a professional certificate, the
1903 following requirements must be met:

1904 (a) The applicant must earn a minimum of 6 college credits
1905 or 120 inservice points or a combination thereof. For each area
1906 of specialization to be retained on a certificate, the applicant
1907 must earn at least 3 of the required credit hours or equivalent
1908 inservice points in the specialization area. Education in
1909 "clinical educator" training pursuant to s. 1004.04(5)(b);
1910 participation in mentorship and induction activities, including
1911 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points
1912 that provide training in the area of scientifically researched,
1913 knowledge-based reading literacy, including explicit,
1914 systematic, and sequential approaches to reading instruction,

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1915 developing phonemic awareness, and implementing multisensory
 1916 intervention strategies, and computational skills acquisition,
 1917 exceptional student education, normal child development, and the
 1918 disorders of development may be applied toward any
 1919 specialization area. Credits or points that provide training in
 1920 the areas of drug abuse, child abuse and neglect, strategies in
 1921 teaching students having limited proficiency in English, or
 1922 dropout prevention, or training in areas identified in the
 1923 educational goals and performance standards adopted pursuant to
 1924 ss. 1000.03(5) and 1008.345 may be applied toward any
 1925 specialization area, except specialization areas identified by
 1926 State Board of Education rule that include reading instruction
 1927 or intervention for any students in kindergarten through grade
 1928 6. Each district school board shall include in its inservice
 1929 master plan the ability for teachers to receive inservice points
 1930 for supporting students in extracurricular career and technical
 1931 education activities, such as career and technical student
 1932 organization activities outside of regular school hours and
 1933 training related to supervising students participating in a
 1934 career and technical student organization. Credits or points
 1935 earned through approved summer institutes may be applied toward
 1936 the fulfillment of these requirements. Inservice points may also
 1937 be earned by participation in professional growth components
 1938 approved by the State Board of Education and specified pursuant
 1939 to s. 1012.98 in the district's approved master plan for
 1940 inservice educational training; however, such points may not be
 1941 used to satisfy the specialization requirements of this
 1942 paragraph.

1943 Section 35. Present paragraph (f) of subsection (1) of

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1944 section 1014.05, Florida Statutes, is redesignated as paragraph
 1945 (g), and a new paragraph (f) is added to that subsection, to
 1946 read:

1947 1014.05 School district notifications on parental rights.—
 1948 (1) Each district school board shall, in consultation with
 1949 parents, teachers, and administrators, develop and adopt a
 1950 policy to promote parental involvement in the public school
 1951 system. Such policy must include:

1952 (f) Procedures for a parent or guardian to learn about
 1953 workforce education options for students, such as
 1954 apprenticeships and preapprenticeships, diversified education,
 1955 career and technical education courses and programs, career and
 1956 technical student organizations, and industry certifications,
 1957 and the costs and benefits of career and technical education in
 1958 comparison to other postsecondary pathways.

1959 Section 36. The Office of Program Policy Analysis and
 1960 Government Accountability shall conduct a review of approved
 1961 career statewide articulation agreements. Such career
 1962 articulation agreements include industry certification, career
 1963 certificate, and applied technology diploma programs that
 1964 articulate to associate in science or associate in applied
 1965 science degrees; early childhood education programs; and
 1966 associate in science to baccalaureate degree programs.

1967 (1) The review must include, but is not limited to:

1968 (a) The number of CAPE industry certifications on the
 1969 Master Credentials List established pursuant to s. 445.004 which
 1970 are included in a statewide articulation agreement.

1971 (b) The number of career programs or degrees offered by
 1972 career centers and Florida College System institutions compared

Page 68 of 70

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00836E-23 2023240__

1973 to the number of such certifications or programs included in a
 1974 statewide articulation agreement.

1975 (c) The extent to which articulated programs included in a
 1976 statewide articulation agreement are offered in a region or
 1977 service area.

1978 (d) The number and percentage of students in an articulated
 1979 career program who transfer to and then complete the linked
 1980 program specified in the statewide articulation agreement.

1981 (e) Recommendations to strengthen the process of developing
 1982 statewide articulation agreements, and on the role of such
 1983 agreements in a Florida stackable credential framework.

1984 (2) The office shall report its findings to the President
 1985 of the Senate and the Speaker of the House of Representatives by
 1986 December 31, 2023.

1987 Section 37. For the 2023-2024 fiscal year, the sum of
 1988 \$100,000,000 in nonrecurring funds from the General Revenue Fund
 1989 is provided to the Department of Education to implement the
 1990 Workforce Development Capitalization Incentive Grant Program
 1991 pursuant to s. 1011.801, Florida Statutes. Notwithstanding s.
 1992 216.301, Florida Statutes, and pursuant to s. 216.351, Florida
 1993 Statutes, funds allocated for the purpose of this section which
 1994 are not disbursed by June 30 of the fiscal year in which the
 1995 funds are allocated may be carried forward for up to 2 years
 1996 after the effective date of this appropriation.

1997 Section 38. For the 2023-2024 fiscal year, the nonrecurring
 1998 sum of \$2 million from the General Revenue Fund is appropriated
 1999 to the Department of Financial Services to make reimbursements
 2000 as required under s. 446.54, Florida Statutes, as amended by
 2001 this act.

7-00836E-23 2023240__

2002 Section 39. This act shall take effect July 1, 2023.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/14
Meeting Date

Education pre K-12
Committee

SB 240
Bill Number or Topic

Amendment Barcode (if applicable)

Name Timothy Adams

Phone 407 760 9526

Address 30526 Saint Andrews Blvd.
Street

Email timfrom631@gmail.com

Sorrento FL 32776
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

14 March 2023

240

Meeting Date

Bill Number or Topic

Education

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Chris Stranburg

Phone

813-767-9667

Address

107 E College Ave

Email

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:Americans for
Prosperity☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

3/14/23

Meeting Date

Senate Ed.

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 240

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Shan Goff

Phone

800-544-6138

Address

215 S. Monroe St.

Street

Email

sha@excelined.org

City

Tall

State

Fla.

Zip

32301

Speaking:

☒ For☐ Against☐ Information**OR**

Waive Speaking:

☐ In Support☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Foundation for Florida's Future

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3/14/23

Meeting Date

240

Bill Number or Topic

Education Pre K-12

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Lindsey Pierce

Phone 334-268-8282

Address 113 G College Ave

Street

Email lpierce@spaceflorida.gov

TLH

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.☒ I am a registered lobbyist,
representing:

Space Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/14/2023

The Florida Senate
APPEARANCE RECORD

SB 240

Meeting Date
Education PreK-12

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee
Megan Fay

Amendment Barcode (if applicable)
850-222-9075

Name

Phone

Address **124 West Jefferson Street**

Email **megan@cccfla.com**

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Palm Beach County School District

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3-14-23

Meeting Date

SB 240

Bill Number or Topic

Education

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name

Matt Herndon

Phone

941-704-2793

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3812 Coconut Palm Dr

Email

matt@teamrsa.com

Street

Tampa

City

FL

State

33619

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:American Fire Sprinkler Assn.
FL Refrigeration Air Conditioners Contractors Assn.☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/14/2023

Meeting Date

Education PreK-12

Committee

Name Sarah Massey

Address 136 S. Bronough St.

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

240

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850 545 0543

Email smassey@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Florida Chamber of Commerce

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill #240**, relating to Education, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, reading "Travis J. Hutson".

Senator Travis Hutson
Florida Senate, District 7

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: CS/SB 290

INTRODUCER: Education Pre-K - 12 Committee and Senators Jones and Berman

SUBJECT: Public School Student Progression for Students With Disabilities

DATE: March 15, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Fav/CS
2.			AED	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 290 authorizes a parent to retain his or her child in prekindergarten, in consultation with the individual education plan team, if that child has a disability, an individual education plan (IEP), is enrolled in a public school prekindergarten program at the age of four, and is fully funded through the Florida Education Finance Program (FEFP).

The bill requires that a four-year old student with an IEP, who has been retained in a public school prekindergarten program that was fully funded through the FEFP and has demonstrated a substantial deficiency in early literacy skills, instruction in such skills.

The bill also revises the “good cause exemptions” from mandatory retention, which allows a student in grade 3, who has a learning disability and who is severely below grade-level, be promoted to grade 4, if the student was retained in a prekindergarten program.

The bill does not have a fiscal impact.

This bill takes effect on July 1, 2023.

II. Present Situation:

Students with Disabilities

All students who are between the ages of three and 21, and have a disability¹ have the right to a free, appropriate public education (FAPE).² It is the responsibility of each state and school district to develop procedures to provide all students with disabilities access to a FAPE in the least restrictive environment.³

Individuals with Disabilities Education Act

The federal Individuals with Disabilities Education Act (IDEA)⁴ governs how state and public agencies provide early intervention, education, and related services to eligible children with disabilities.⁵ The IDEA was enacted in 1975 and was most recently reauthorized in 2004.⁶ The purpose of the IDEA is to:⁷

- Ensure that all children with disabilities are provided with a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- Ensure that the rights of children with disabilities and their parents are protected;
- Assist states, localities, educational service agencies,⁸ and federal agencies to provide for the education of all children with disabilities;
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention;
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities; and
- Assess and ensure the effectiveness of efforts to educate children with disabilities.

States receiving IDEA funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing

¹ Disabilities that qualify a student as an exceptional student include an intellectual disability; an autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; deafness, hard of hearing, or dual sensory impairment; or developmental delays from birth through five years old or if the student is hospitalized or homebound. Section 1003.01(3)(a), F.S.

² 20 U.S.C. s. 1412(a)(1); s. 1003.5716, F.S.

³ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

⁴ 20 U.S.C. s. 1400 et seq.; 34 C.F.R. s. 300.17.

⁵ See 20 U.S.C. s. 1412(a)(1); See also U.S. Department of Education, *National Assessment of IDEA Overview* (July 2011), available at <https://ies.ed.gov/ncee/pubs/20114026/pdf/20114026.pdf>, at 1-2.

⁶ U.S. Department of Education, *OSEP Fast Facts: IDEA 45th Anniversary*, November 2020, <https://sites.ed.gov/idea/osep-fast-facts-idea-45th-anniversary/> (last visited Mar. 9, 2023).

⁷ 20 U.S.C. s. 1400(d), U.S. Department of Education, *National Assessment of IDEA Overview*, at 2, available at <https://ies.ed.gov/ncee/pubs/20114026/pdf/20114026.pdf>.

⁸ “Educational service agency” means a regional public multiservice agency authorized by state law to develop, manage, and provide services or programs to local education agencies or school boards and recognized as an administrative agency for purposes of providing special education and related services within elementary and secondary schools in the state. 34 C.F.R. s. 300.12.

an individualized education program (IEP)⁹ for each student.¹⁰ In developing an IEP, the IEP team¹¹ is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.¹² Federal law requires the IEP team to review the student's IEP at least annually to determine whether the student's goals are being achieved and to revise the IEP as necessary.¹³

Florida Law Governing Exceptional Student Education

As the state educational agency, the Florida Department of Education (DOE) exercises general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies.¹⁴ The DOE's Bureau of Exceptional Education and Student Services (bureau) is responsible for ensuring that the requirements of federal law and the educational requirements of the state are implemented.¹⁵ The bureau is required to examine and evaluate exceptional student education (ESE) procedures, records, and programs; provide information and assistance to school districts; and assist the districts in operating effectively and efficiently.¹⁶

Individual Education Plan in Florida

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an IEP or individual family support plan must be developed, reviewed, and revised, as needed.¹⁷ The IEP is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a Florida student with a disability.¹⁸

Students with disabilities must be reevaluated at least once every three years to determine their continuing eligibility for special education and related services.¹⁹ However, a student's parent or teacher may request an IEP team meeting or a reevaluation at any time.²⁰

⁹ In Florida statute, IEP refers to an "individual education plan." Section 1003.5716, F.S.

¹⁰ 20 U.S.C. s. 1415.

¹¹ The IEP team is comprised of the student's parent(s), at least one regular education teacher of the student (if the student is or may be participating in the regular education environment), at least one special education teacher of the student, a representative of the local education agency, an individual who can interpret instructional implications of evaluation results (may be the teacher or agency representative), other individuals who have knowledge or special expertise of the student at the discretion of the parent or agency, and the student when appropriate. 20 U.S.C. s. 1414(d)(1)(B).

¹² 20 U.S.C. s. 1414(d)(3)(A) and (B).

¹³ 20 U.S.C. s. 1414(d)(4)(a).

¹⁴ 20 U.S.C. s. 1412(a)(11); 34 C.F.R. s. 300.149.

¹⁵ 34 C.F.R. s. 300.149(a)(1) and (2).

¹⁶ Florida Department of Education, Bureau of Exceptional Student Education and Student Services, *Exceptional Student Education Compliance Protocols 2020-2021*, available at <http://www.fldoe.org/core/fileparse.php/7673/urlt/MonitoringIntroduction.pdf> at 1.

¹⁷ Rule 6A-6.03028(3), F.A.C.

¹⁸ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf> at 9.

¹⁹ Rule 6A-6.0331(7), F.A.C.

²⁰ See Rule 6A-6.03028, F.A.C.

Voluntary Prekindergarten Program

In 2004, the Legislature established the Voluntary Prekindergarten program (VPK), a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.²¹ A child must be a Florida resident and attain four years of age on or before September 1 of the program year to be eligible for the VPK program.²² The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.²³ Parents may choose either a school-year program or summer program offered by either a public school or private prekindergarten provider.²⁴

Voluntary Prekindergarten Education Programs			
Program Characteristics	School Year-Programs		Summer Program²⁵
	Public School²⁶	Private Prekindergarten²⁷	
Provider Type	Public school	Private prekindergarten provider	Public school or private prekindergarten provider
Minimum Program Length	540 instructional hours	540 instructional hours	300 instructional hours

An additional option for parents of VPK-eligible children with a current IEP is the VPK specialized instructional services (SIS) program.²⁸ VPK SIS is available outside the traditional VPK classroom setting, and allows a parent to choose specialized services instead of a traditional VPK school year or summer program. The parent can choose services consistent with their child's IEP from an approved VPK SIS provider.²⁹ Services may include, but are not limited to, applied behavior analysis, speech-language pathology, occupational therapy, physical therapy, and listening and spoken language specialists.³⁰ Parents and providers work together to complete required forms and the local early learning coalition pays VPK SIS providers directly for services delivered to children in the program based on the schedule of services form.³¹

²¹ Section 1, ch. 2004-484, Laws of Fla.; part V, ch. 1002, F.S.; *see also* FLA. CONST. art. IX, s. 1(b)-(c), The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year.

²² Section 1002.53(2), F.S. Funds appropriated for the VPK program may not be used to enroll eligible students participating in the Gardiner Scholarship Program. *See* s. 1002.385(4)(a), F.S.

²³ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

²⁴ Section 1002.53(3), F.S.

²⁵ Section 1002.61, F.S.

²⁶ Section 1002.63, F.S.

²⁷ Section 1002.55, F.S.

²⁸ Section 1002.53(3)(d), F.S.

²⁹ Section 1002.66, F.S.; *see also* rule 6A-6.03033, F.A.C; Florida's Office of Early Learning, *Specialized Instructional Service Providers*, <http://www.floridaearlylearning.com/vpk/vpk-providers/specialized-instructional-services-providers> (last visited Jan. 31, 2023).

³⁰ Section 1002.66(2), F.S.

³¹ Section 1002.66, F.S.; *see also* rule 6M-8.500, F.A.C.

Funding for each student is the same as for traditional VPK, but based on the rates these specialists charge for their services. Therefore, students in VPK SIS may receive fewer hours of service than students in traditional VPK.³²

Funding for Prekindergarten Students with Disabilities

Students with disabilities and an IEP may participate in a prekindergarten program offered by a public school district and these students are fully funded in the Florida Education Finance Program (FEFP).

Florida Education Finance Program

In 1973, the Florida Legislature enacted the Florida Education Finance Program (FEFP) “to guarantee to each student in the Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.”³³ The FEFP allocates funds to each school district based on student enrollment.³⁴ Students with disabilities and an IEP, attending a public school district prekindergarten exceptional student education (ESE) program, are funded with state and local funds through the FEFP.³⁵

Kindergarten Readiness

In 2022-2023 school year, all public and private VPK providers will use a coordinated screening and progress monitoring program (CSPMP) measures learning gains and outcomes based on performance standards in early literacy and mathematics, as well as performance in oral language development, phonological awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension.³⁶

For students in the VPK program through grade 2, the CSPMP is administered three times a year by each school district and VPK provider, within the first 30 days of the program year, midyear, and within the last 30 days before the end of the program year.³⁷ Results of the CSPMP provide data for VPK program accountability, baseline data to the DOE regarding each student’s kindergarten readiness, and assess how well educational goals and curricular standards are being met.³⁸ Results must also identify students with a substantial deficiency in reading, including students with dyslexia and other learning disorders.³⁹

³² Section 1002.66, F.S.; *see also* rule 6M-8.500, F.A.C.

³³ Chapter 73-345, Laws of Fla.

³⁴ *See* s. 1011.62(1)(d)1., F.S.

³⁵ Florida Department of Education, Bureau of School Business Services, Office of Funding and Financial Reporting, *Funding for Florida School Districts 2022-23* (2022), available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

³⁶ Section 1008.25(8)(a), F.S.; *See also* Section 1002.68, F.S.

³⁷ Section 1008.25(8)(b)1., F.S.; Rule 6M-8.620, F.A.C. The DOE contracts with Renaissance Learning, Inc. to implement the CSPMP as Florida’s Assessment of Student Thinking (FAST) using Star Early Literacy. *See* Florida Department of Education, Division of Early Learning, *Florida’s Assessment of Student Thinking (FAST) using Star Early Literacy* (May 20, 2022), available at <https://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/DEL%20Memo-%20FAST%20-Star%20Early%20Literacy.pdf>.

³⁸ Section 1008.25(8)(a), F.S.

³⁹ *Id.*

A VPK program student who exhibits a substantial deficiency in early literacy skills must be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten.⁴⁰

Florida Third Grade Student Retention

Florida law provides that to be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts⁴¹ assessment for grade 3.⁴² However, some grade 3 students who score below a Level 2 may be exempted from the retention requirement and be promoted to grade 4 through a good cause exemption.⁴³ Florida law provides for several good cause exemptions including specific exceptions for students with disabilities. A student with disabilities may be promoted if the:⁴⁴

- Student's IEP indicates that participation in the statewide assessment program is not appropriate; or
- Student takes the statewide, standardized English Language Arts (ELA) assessment and who have an IEP or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten or grades 1, 2, or 3.

III. Effect of Proposed Changes:

CS/SB 290 modifies s. 1008.25, F.S., to allow the parent of a student with disabilities who is enrolled in a public school prekindergarten program at the age of four and who is fully funded through the Florida Education Finance Program (FEFP), the authority, in consultation with the individual education plan team, to retain their child. If such student is retained, and the student demonstrates a substantial deficiency in early literacy skills, the bill requires the student to receive instruction in such skills.

The bill also revises the “good cause exemptions” from mandatory retention by allowing a student in grade 3, with a learning disability and who is severely below grade-level, be promoted to grade 4, if the student was retained in a prekindergarten program.

The bill provides that a student who has been retained in a voluntary prekindergarten education program and who exhibits a substantial deficiency in early literacy skills based on the results of the administration of the final coordinated screening and progress monitoring must be referred to the local school district and may be eligible to receive instruction in such skills before participating in kindergarten.

This bill takes effect on July 1, 2023.

⁴⁰ Section 1008.25(5)(b), F.S.

⁴¹ Section 1008.22, F.S.

⁴² Section 1008.25(5), F.S.

⁴³ *Id.*

⁴⁴ Section 1008.25(6), F.S. *See* Section 1008.212(2), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.25 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 on March 14, 2023:

The committee substitute removes the term “intensive reading interventions” and replaces it with “instruction in early literacy skills.”

The committee substitute also removes an unnecessary cross-reference.

- B. **Amendments:**

None.



626400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
	.	
	.	
	.	

The Committee on Education Pre-K -12 (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 83
and insert:
eligible to receive instruction in early literacy skills
~~intensive reading interventions~~ before participating in
kindergarten. A student with an individual education plan who
has been retained pursuant to paragraph (2)(g) and has
demonstrated a substantial deficiency in early literacy skills
must receive instruction in early literacy skills. Such



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instruction in early literacy skills ~~intensive reading~~
~~interventions~~ shall be paid for using funds from the district's
evidence-based reading instruction allocation in accordance with
s. 1011.62(8).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from
mandatory retention, as provided in paragraph (5)(c), for good
cause. A student who is promoted to grade 4 with a good cause
exemption shall be provided intensive reading instruction and
intervention that include specialized diagnostic information and
specific reading strategies to meet the needs of each student so
promoted. The school district shall assist schools and teachers
with the implementation of explicit, systematic, and
multisensory reading instruction and intervention strategies for
students promoted with a good cause exemption which research has
shown to be successful in improving reading among students who
have reading difficulties. Good cause exemptions are limited to
the following:

1. Limited English proficient students who have had less
than 2 years of instruction in an English for Speakers of Other
Languages program based on the initial date of entry into a
school in the United States.

2. Students with disabilities whose individual education
plan indicates that participation in the statewide assessment
program is not appropriate, consistent with the requirements of
s. 1008.212.

3. Students who demonstrate an acceptable level of
performance on an alternative standardized reading or English
Language Arts assessment approved by the State Board of



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Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten, kindergarten,

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 7 - 8

and insert:

discretion of a student's parent; authorizing certain prekindergarten students to receive instruction in early literacy skills, rather than intensive reading interventions; requiring certain prekindergarten students to receive such instruction;

By Senator Jones

34-00724-23

2023290__

A bill to be entitled

An act relating to public school student progression for students with disabilities; amending s. 1008.25, F.S.; requiring comprehensive plans for student progression to provide for specified students with disabilities to be retained in prekindergarten at the discretion of a student's parent; requiring such students to receive intensive reading interventions; revising the requirements for certain students with disabilities to receive a good cause exemption from mandatory retention in grade 3; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (5) and paragraph (b) of subsection (6) of section 1008.25, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(2) STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must provide for a student's progression from one grade to another based on the student's mastery of the standards in s. 1003.41, specifically English Language Arts, mathematics, science, and social studies standards. The plan must:

(g) Allow the parent of a student with disabilities who is

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

34-00724-23

2023290__

enrolled in prekindergarten at the age of 4 and is fully funded through the Florida Education Finance Program to retain his or her child in consultation with the individual education plan team.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. A student with an individual education plan who has been retained pursuant to paragraph (2)(g) shall receive intensive reading interventions. Such intensive reading interventions shall be paid for using funds from the district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

34-00724-23 2023290__

shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten pursuant to paragraph (2)(g), kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

34-00724-23 2023290__

kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

Section 2. This act shall take effect July 1, 2023.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

APPEARANCE RECORD

3-

290

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Margaret Hooper

Phone

Address

Email

MargaretD@FDDC.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

FLDD council

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3/14/23

Meeting Date

Education

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting~~HB 2220~~/SB290

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Shannon Hube

Phone

904-446-0146

Address

3654 Thousand Oaks Dr

Street

Email

Shannonhube@gmail.com

Orange Park

City

State

FL 32065

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/14/23

Meeting Date

Education PreK-12

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 290

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lissa O'Rourke

Phone

904-451-2706

Address

2900 Castnet Ct

Email

lissa810@gmail.com

Street

St Augustine, FL 32092

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

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compensation or sponsorship.

☐

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representing:

☐

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/14/2023

Meeting Date

Education PK-12

Committee

SB 2-90

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Denise Torres

Phone

904-710-0636

Address

3132 Kernan Lake Circle Apt 103

Street

Email

dtorres@arcjacksonville.org

Jacksonville, FL 32246

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FDDE-PIP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/14/2023
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB290
Bill Number or Topic

Education PK-12
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Yaritza Maldonado Phone 321-297-6389

Address 3801 Postside Pl.
Street

Kissimmee FL 34744
City State Zip

Email Yaritza@luxechictravel.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FDDC

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 290

Bill Number or Topic

3/14/23

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Ed K-12

Committee

Amendment Barcode (if applicable)

Name

Christina Cordova

Phone

(561) 236-9875

Address

11320 Pickford St.

Street

Email

Tina A Cordova@gmail.com

Spring Hill

City

FL

State

34609

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

3/14/23

Meeting Date

SB 0290

Bill Number or Topic

education Prek-12

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Barbara Beasley

Phone

407 227-8446

Address

201 E. Sweetwater Creek Dr

Email

bsilva13@hotmail.com

Street

Longwood

FL

32779

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

3/14/2023

Meeting Date

SB290

Bill Number or Topic

Education PK-12

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Haylene Jimenez

Phone 407-781-7914

Address 438 Fieldstream N. Blvd

Street

Email Haylene vergara@gmail

Orlando

City

FL

State

32825

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☒I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FDDC

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S-001 (08/10/2021)

APPEARANCE RECORD3/14/2023

Meeting Date

SB 0290

Bill Number or Topic

Education PK-12

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Amy Renda

Phone

904-868-6343

Address

2562 Whispering Pines Dr.

Email

amykperry@yahoo.com

Street

Fleming Island FL

City

State

32003

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☒I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:FDDC

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S-001 (08/10/2021)

APPEARANCE RECORD

3/14/23

Meeting Date

290

Bill Number or Topic

Education

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Zasha Mickey

Phone

404-432-9404

Address

8033 Belshire Dr

Email

zashamickey@gmail.com

Street

Orlando

FL

32835

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3/14/23

Meeting Date

Education PreK-12

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 290

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Stephanie Kunkel**

Phone **850-320-4208**

Address **213 S. Adams Street**

Street

Tallahassee

City

FL

State

32312

Zip

Email **Stephanie.Kunkel@floridaea.org**

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Education Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

Senator Shevrin D. "Shev" Jones
218 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

To: Chair Corey Simon
Committee on Education Pre-K - 12

Subject: Committee Agenda Request

Date: February 21, 2023

I respectfully request that **SB 290: Public School Student Progression for Students With Disabilities**, be placed on the:

- ☒ Committee agenda at your earliest possible convenience.
- ☐ Next committee agenda.

A handwritten signature in blue ink, appearing to be "Shev", is written above a horizontal line.

Senator Shevrin Jones
Florida Senate, District 34

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 514

INTRODUCER: Senator Hooper

SUBJECT: Private Instructional Personnel

DATE: March 13, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sagues	Bouck	ED	Favorable
2. _____	_____	HP	_____
3. _____	_____	RC	_____

I. Summary:

SB 514 modifies the requirements of a Registered Behavior Technician (RBT). Under the bill, the RBT is no longer be required to be employed by an enrolled Medicaid provider to provide Applied Behavior Analyst services in a K-12 public school, and instead, must be employed by a certified behavior analyst or a professional licensed under chapter 490, the “Psychological Services Act” or chapter 491, Clinical, Counseling, and Psychotherapy Services, of the Florida Statutes.

The bill has no fiscal impact.

The bill takes effect on July 1, 2023.

II. Present Situation:

Applied Behavior Analysis Services

Behavior Analysis measures outcomes through data collection and the direct observation of behavior.¹ Applied Behavior Analysis (ABA) is the use of principles and methods of behavior analysis to bring about meaningful changes in socially important behaviors.² ABA is best known for its success in treating individuals with autism spectrum disorder (ASD)³ and other

¹ Florida Association for Behavior Analysis, *What is Behavior Analysis?*, <https://www.fabaworld.org/what-is-behavior-analysis> (last visited March 03, 2023).

² Association of Professional Behavior Analysts, *Identifying Applied Behavior Analysis Interventions white paper*, (2017), available at <https://cdn.ymaws.com/www.apbahome.net/resource/collection/1FDDDBDD2-5CAF-4B2A-AB3F-DAE5E72111BF/APBAwhitepaperABAinterventions.pdf>, at 16 (last visited March 3, 2023).

³ ASD means any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: Autistic disorder, Asperger’s syndrome, and Pervasive developmental disorder not otherwise specified. Section 627.6686(2), F.S.

developmental disabilities.⁴ Florida law defines ABA as “the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including but not limited to, the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.”⁵

Autism Spectrum Disorder Prevalence

In 2019 and 2020, 410 out of the 12,554 children aged 3 to 17 years included in the National Health Interview Survey⁶ were diagnosed with ASD. The prevalence of ASD increased from 2.79 percent in 2019 to 3.49 percent in 2020.⁷

By 2030, the need for substance abuse, behavioral disorder, and mental health counselors is expected to grow by 19 percent in Florida.⁸ Currently, Florida employs 17,710 individuals in such position and has 17,598 job openings.⁹ Specifically, for certified ABA providers, Florida supplies approximately 4 ABA providers per 100 children with ASD, when approximately 6-8 are needed depending on the level of treatment required.¹⁰

ABA Service Providers and Certification

Florida’s Agency for Persons with Disabilities (APD) is required to recognize a non-profit corporation for the certification of behavior analysts. The non-profit corporation is required to:¹¹

- Adhere to the national standards of boards that determine professional credentials; and
- Have a mission to meet professional credentialing needs identified by behavior analysts, state governments, and consumers of behavior analysis services.

Further, the certification procedure recognized by the APD must undergo regular psychometric review and validation, pursuant to a job analysis survey of the profession and standards established by content experts in the field.¹² The APD recognizes the certification awarded by the Behavior Analyst Certification Board, Inc.,¹³ which certifies the three provider types: Board

⁴ Behavior Analyst Certification Board, *Autism & Intellectual/Development Disabilities*, https://www.bacb.com/wp-content/uploads/2020/05/Behavioral-Treatment-of-Autism-and-Other-Developmental-Disabilities-Fact-Sheet_210108.pdf (last visited March 3, 2023).

⁵ Sections 627.6686(2)(a), F.S. and 641.31098(2)(a), F.S.

⁶ Centers for Disease Control and Prevention, National Health Interview Survey, <https://www.cdc.gov/nchs/nhis/data-questionnaires-documentation.htm> (last visited Mar. 3, 2023).

⁷ Neurology Advisor, Prevalence of Autism Spectrum Disorder Up Among Youths, <https://www.neurologyadvisor.com/topics/autism-spectrum-disorder/prevalence-autism-spectrum-disorder-youths-us/#:~:text=The%20estimated%20prevalence%20of%20autism%20spectrum%20disorder%20%28ASD%29,Pediatrics.%20The%20prevalence%20of%20ASD%20is%20globally%20increasing.> (last visited Mar., 3, 2023).

⁸ Department of Economic Opportunity, *Florida Insight Occupational Data Search*, <https://floridajobs.org/economic-data/employment-projections/occupational-data-search> (last visited Mar. 3, 2023).

⁹ *Id.*

¹⁰ Yidan Xue Zhang and Janet R. Cummings, *Supply of Certified Applied Behavior Analysts in the United States: Implications for Service Delivery for Children with Autism*, *Psychiatric Services*, Volume 71, Issue 4 April 01, 2020, available at <https://ps.psychiatryonline.org/doi/epdf/10.1176/appi.ps.201900058> at 387.

¹¹ Section 393.17(2), F.S.

¹² *Id.*

¹³ Rule 65G-4.0011, F.A.C.

Certified Behavior Analysts, Board Certified Assistant Behavior Analysts, and Registered Behavior Technicians.

The Behavior Analyst Certification Board's requirements for certification are outlined below:

- Board Certified Behavior Analyst (BCBAs):¹⁴
 - At least a master's degree in applied behavior analysis or a closely-related field;
 - Completion of 270 hours of graduate-level instruction in specified behavior analysis topics;
 - Completion of specified hours of supervised experiential training in ABA; and,
 - Passage of the BCBA examination.
- Board Certified Assistant Behavior Analyst (BCaBAs):¹⁵
 - At least a bachelor's degree;
 - Completion of 180 classroom hours of instruction in specified behavior analysis topics;
 - Completion of specified hours of supervised experiential training in ABA; and,
 - Passage of the BCaBA examination.
- Registered Behavior Technician (RBTs):¹⁶
 - At least a high school diploma;
 - Be at least 18 years old;
 - Completion of 40 hours of training in specified behavior analysis topics;
 - Completion of the RBT competency assessment; and
 - Passage of the RBT examination.

The RBT is a paraprofessional certified in behavior analysis. RBTs may assist in delivering ABA services under the direction and supervision of a BCBA or a BCaBA.¹⁷

Medicaid Coverage of ABA Services

Florida Medicaid has covered ABA services since 2012.¹⁸ In 2017, the Agency for Health Care Administration (AHCA) adopted a provider reimbursement rule, setting a formal classification for ABA providers that closely follows the certification hierarchy of the BCBA. The rule established “lead analysts” as those professionals either holding a BCBA certification or professionals licensed by the state under chapters 490 or 491, F.S. The rule also recognizes other personnel who are permitted to provide ABA services, such as those holding BCaBA credentials and RBT credentials.¹⁹

To enroll as a behavior analysis provider in Florida's Medicaid Program, a provider must submit an enrollment application along with documentation of proof of certification, which is then

¹⁴ Behavior Analyst Certification Board, *Board Certified Behavior Analyst Handbook* (2022), available at https://www.bacb.com/wp-content/uploads/2021/09/BCBAHandbook_210915-2.pdf.

¹⁵ Behavior Analyst Certification Board, *Board Certified Assistant Behavior Analyst Handbook* (2022), available at https://www.bacb.com/wp-content/uploads/2021/09/BCaBAHandbook_210915-2.pdf.

¹⁶ Behavior Analyst Certification Board, *Registered Behavior Technician Handbook* (2022), available at https://www.bacb.com/wp-content/uploads/2021/09/RBTHandbook_210915-3.pdf.

¹⁷ *Id.*

¹⁸ See The Florida Bar Foundation, *Federal judge orders state of Florida to cover applied behavioral analysis therapy for autism*, (July 1, 2012), <https://thefloridabarfoundation.org/federal-judge-orders-state-of-florida-to-cover-applied-behavioral-analysis-therapy-for-autism/> (last visited Mar. 3, 2023).

¹⁹ Rule 59G-4.125, F.A.C.

evaluated and verified by AHCA.²⁰ Depending on the type of BCBA certification, a provider may apply as a sole proprietor or a sole proprietor enrolling as a member of a group.²¹ An RBT may only apply as a sole proprietor enrolling as a member of a Medicaid-enrolled behavior analysis group and AHCA requires a behavior analysis group to have at least one lead analyst as a group member.²²

ABA Services in Florida's Public Schools

In an educational setting, behavior analysis provides a scientific approach to designing, implementing, and evaluating instruction based on analyzing interactions between what the teacher does and student learning.²³

Section 1003.572, F.S., was created in 2013,²⁴ to encourage cooperation and coordination of services for students with disabilities through public and private instructional collaboration. Private instructional personnel who are hired by or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, act as a team with instructional personnel in the educational setting, and provide services in the educational setting.²⁵ Private instructional personnel must undergo a background screening, and the student's public instructional personnel and principal must consent to the time and place.²⁶ Section 1003.572, F.S., defines term "private instructional personnel" to include:²⁷

- Individuals certified under s. 393.17, F.S., (a Board Certified Behavior Analyst) or individuals licensed under ch. 490, F.S.,²⁸ or ch. 491, F.S.,²⁹ for applied behavior analysis services.
- Speech-language pathologists licensed under s. 468.1185, F.S.
- Occupational therapists licensed under part III of ch. 468, F.S.
- Physical therapists licensed under ch. 486, F.S.
- Psychologists licensed under ch. 490, F.S.
- Clinical social workers licensed under ch. 491, F.S.

²⁰ Agency for Health Care Administration, *Enrolling as a Florida Medicaid Behavior Analysis Provider* (April 25, 2019), at 9, available at https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/behavioral_health_coverage/bhfu/pdf/Enrolling_as_a_Florida_Medicaid_Behavior_Analysis_Provider.pdf; A Medicaid Provider Enrollment Level 2 background screening is also required.

²¹ *Id.* at 13.

²² *Id.* at 12-21.

²³ Behavior Analyst Certification Board, *Behavior Analysis in Education*, https://www.bacb.com/wp-content/uploads/2020/05/Behavior-Analysis-in-Education-Fact-Sheet_210108.pdf (last visited Mar. 3, 2023).

²⁴ Section 5, ch. 2013-236, Laws of Fla.

²⁵ Section 1003.572(3), F.S.

²⁶ *Id.*

²⁷ Section 1003.572(1), F.S.

²⁸ Chapter 490, "Psychological Services Act" regulates psychological services in the state of Florida, including but not limited to, the process and requirements to become a Florida Department of Health licensed psychologist, defining the scope of practice of psychology, and the continuing education requirements of a licensed psychologist.

²⁹ Chapter 491, regulates mental health counseling, clinical social work, and marriage and family therapy, including but not limited to the process and requirements to become a Florida Department of Health licensed marriage and family therapist, clinical social worker, and mental health counselor.

III. Effect of Proposed Changes:

SB 514 modifies the requirements of a Registered Behavior Technician (RBT). Under the bill, the RBT would no longer be required to be employed by an enrolled Medicaid provider to provide Applied Behavior Analyst (ABA) services in a K-12 public school, and instead, must be employed by a certified behavior analyst or professional licensed under chapter 490 or chapter 491, F.S.

Given the increasing prevalence of Autism Spectrum Disorder (ASD) among school age children, the bill may help to increase the supply of ABA providers to meet the needs of this population.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.572 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Hooper

21-00635A-23

2023514__

A bill to be entitled

An act relating to private instructional personnel;
amending s. 1003.572, F.S.; revising the definition of
the term "private instructional personnel" to include
registered behavioral technicians employed by certain
providers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) of section
1003.572, Florida Statutes, is amended to read:

1003.572 Collaboration of public and private instructional
personnel.—

(1) As used in this section, the term "private
instructional personnel" means:

(b) Registered behavior technicians who have a nationally
recognized paraprofessional certification in behavior analysis
and who practice under the supervision of individuals described
in paragraph (a) by assisting and supporting such individuals in
the provision of applied behavior analysis services. To provide
services under this section, a registered behavior technician
must be employed by a provider described in paragraph (a) ~~an~~
~~enrolled Medicaid provider.~~

Section 2. This act shall take effect July 1, 2023.

APPEARANCE RECORD

3/17/23

Meeting Date

514

Bill Number or Topic

Senate Educ

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

MARY RIORDAN

Phone

850 933 6654

Address

1010 RED BUD AVE

Email

mmriordan

Street

Tallahassee FL 32303

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: March 7, 2023

I respectfully request that **Senate Bill # 514**, relating to Private Instructional Personnel, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: CS/SB 936

INTRODUCER: Education Pre-K -12 Committee and Senator DiCeglie

SUBJECT: Economic and Vocational Development

DATE: March 15, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.			AED	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 936 extends the repeal date to July 1, 2027, for future review and repeal of the Florida Development Finance Corporation.

The bill also extends the repeal date to October 1, 2027, for future review and repeal of the Florida Endowment for Vocational Rehabilitation (The Able Trust), which is a direct-support organization for the Division of Vocational Rehabilitation in the Department of Education.

The bill has no fiscal impact on state revenues or expenditures.

This bill is effective July 1, 2023.

II. Present Situation:

Florida Development and Finance Corporation

The Florida Development Finance Corporation (FDFC) was formed by the Florida Development Finance Corporation Act of 1993 and is designated as a state-wide, special development financing authority for economic development purposes.¹ Its purpose is to assist new and existing businesses and organizations (for-profit and not-for-profit) with access to capital through financing that promotes business activity, job creation, and an improved standard of

¹ Section 288.9604, F.S.

living for the citizens of Florida.² The primary mechanism for accessing the capital markets is through tax-exempt and taxable bonds.³

The FDFC was conceived through the efforts of the Enterprise Florida Capital Partnership, whereby the newly created Enterprise Florida would be a public-private partnership to address the needs outlined in a report by the Florida Department of Commerce and the Florida Chamber of Commerce titled Cornerstone. The four main areas of focus would include:⁴

- The commercialization of university research and development.
- Job training.
- Access to capital (Capital Partnership).
- Distribution systems.

The FDFC is governed by a Board of Directors (Board). The FDFC Board consists of seven directors with the Secretary of Economic Opportunity serving as the chair of the Board and the director of the Division of Bond Finance of the State Board Administration serving as the director of the Board. The remaining five directors are appointed by the Governor, subject to the confirmation of the Senate. The appointed directors serve a four-year term of office and can be reappointed. At three of the appointed directors must have experience in finance, and one of the directors must have experience in economic development.⁵

The FDFC has been helping Florida business for 30 years, created over 8,900 jobs, and has over 180 closings.⁶

The authorizing statute for the FDFC is scheduled for repeal on July 1, 2023, unless reviewed and reenacted by the Legislature.⁷

Citizen Support Organizations and Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or

² Florida Development Finance Corporation, FDFC History, <https://www.fdfcbonds.com/history> (last visited March 13, 2023).

³ Florida Development Finance Corporation, About Us, <https://www.fdfcbonds.com/about> (last visited March 13, 2023).

⁴ Florida Development Finance Corporation, FDFC History, <https://www.fdfcbonds.com/history> (last visited March 13, 2023).

⁵ Section 288.9604(2), F.S.

⁶ Florida Development Finance Corporation, *Home, FDFC Economic Development*, <https://www.fdfcbonds.com/> (last visited March 13, 2023).

⁷ Section 288.9604(5), F.S.

executive order and created, approved, or administered by a state agency.⁸ Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:⁹

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax form (Form 990).¹⁰

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.¹¹ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.¹² If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.¹³ The contract must also include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.¹⁴

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.¹⁵

Finally, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹⁶

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts

⁸ Ch. 2014-96, s. 3, Laws of Fla.

⁹ Section 20.058(1), F.S.

¹⁰ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

¹¹ Section 20.058(2), F.S.

¹² Section 20.058(4), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 20.058(3), F.S.

¹⁶ Section 20.058(5), F.S.

and records.¹⁷ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.¹⁸ The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.¹⁹

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S. A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.²⁰

Division of Vocational Rehabilitation

Vocational Rehabilitation (VR) is a federal-state program that helps people who have physical or mental disabilities get or keep a job. VR is committed to helping people with disabilities find meaningful careers.²¹

The Division of Vocational Rehabilitation (DVR) is one of several divisions within the Department of Education (DOE).²² The DVR is the administrative unit designated at the state level to ensure compliance with the Vocational Rehabilitation Act of 1973, as amended.²³ The DVR's mission is "to help people with disabilities find and maintain employment and enhance their independence."²⁴

Florida Endowment Foundation for Vocational Rehabilitation

In 1990, the Legislature created the Florida Endowment Foundation for Vocational Rehabilitation (Foundation or The Able Trust²⁵) as a direct-support organization of the DVR within the DOE for the purpose of encouraging public and private support to enhance vocational

¹⁷ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

¹⁸ Section 11.45(3)(d), F.S.

¹⁹ *Id.*

²⁰ Section 112.3251, F.S.

²¹ Florida Division of Vocational Rehabilitation, New Providers, *New Provider FAQs*, <https://www.rehabworks.org/providers/providers-new-faqs.html> (last visited March 6, 2023).

²² Section 20.15(3)(e), F.S.

²³ Section 413.202, F.S.

²⁴ Florida Division of Vocational Rehabilitation, About, *About Us*, <https://www.rehabworks.org/about/about-us.html> (last visited March 6, 2023).

²⁵ The Foundation conducts business as The Able Trust. The Able Trust, <http://www.abletrust.org/> (last visited March 6, 2023).

rehabilitation and employment of citizens who are disabled.²⁶ The Able Trust endowment fund was created as a long-term, stable, and growing source of revenue to be administered by the Foundation as a direct-support organization of the DVR.²⁷

The Foundation operates under contract with the DVR to exclusively raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; and to receive, hold, and administer property.

The authorizing statute for the Foundation is scheduled for repeal on October 1, 2023, unless reviewed and reenacted by the Legislature.²⁸

Legislative Findings and Recommendations

Senate professional staff reviewed documents related to the Foundation for compliance with accountability and authorizing statutes. The Foundation appears to be substantially in compliance with such statutes. Findings and recommendations are summarized below.

Foundation Compliance with Accountability Requirements

- The Foundation must submit specified information to the Department of Education (DOE) by August 1.²⁹
Finding: The Foundation submitted the information by the specified deadline.³⁰
- The DOE must make the information received from the Foundation available to the public through the agency's website. If the Foundation maintains a website, the DOE's website must provide a link to the Foundation's website.³¹
Finding: The DOE includes a link to The Able Trust on the Division of Vocational Rehabilitation (DVR) webpage, but the required report is only available through the Florida Fiscal Portal.³²
Recommendation: Provide a link to the required report³³ directly on the DOE website.
- The DOE must report, by August 15 of each year, to the Governor, Legislature, and OPPAGA the information provided by the Foundation. The report must also include a recommendation by the DOE, with supporting rationale, to continue, terminate, or modify the DOE's association with the Foundation.³⁴

²⁶ Ch. 90-330, s. 9, Laws of Fla., codified as s. 413.615(5), F.S.

²⁷ Section 413.615(4), F.S.

²⁸ Section 413.615(14), F.S.

²⁹ Section 20.058(1), F.S.

³⁰ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 5, 2022) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=24364&DocType=PDF>.

³¹ Section 20.058(2), F.S.

³² The Florida Fiscal Portal is maintained by the Executive Office of the Governor to house a collection of documents that detail the fiscal status of the State of Florida. Florida Fiscal Portal, <http://floridafiscalportal.state.fl.us/> (last visited March 6, 2023).

³³ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 5, 2022) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=24364&DocType=PDF>.

³⁴ Section 20.058(3), F.S.

- Finding: The DOE has complied with the requirement to report this information and include specified information.³⁵
- The contract between the Foundation and the DVR must include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved.³⁶
Finding: The current contract includes a provision regarding the orderly cessation of operations and includes a provision regarding the reversion of state funds within 45 days.³⁷
Recommendation: The contract should include a provision specifying 30 days, rather than 45 days, for the reversion of state funds.
 - The Foundation's Code of Ethics must be conspicuously posted on the Foundation's website,³⁸ and must address specified standards of conduct.³⁹
Finding: The Able Trust Code of Ethics is posted and includes required provisions.⁴⁰
 - The Foundation must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the DOE. The audit report must be submitted within 9 months after the end of the fiscal year to the Auditor General and to the DOE.⁴¹
Finding: The Able Trust has provided for an audit for the 2021-2022 fiscal year within the specified timeframe.⁴²

Foundation Compliance with Authorizing Requirements

- The Foundation must separately account for funds received from state sources⁴³ from bequests, gifts, grants, and donations. Earnings on funds received from state sources and funds received from public or private sources must also be accounted for separately.⁴⁴
Finding: The Able Trust has separately accounted for revenues⁴⁵ and earnings on funds⁴⁶ between state and private sources.

³⁵ Florida Fiscal Portal, Education, *Required Report Pursuant to Chapter 2014-096 Citizen Support and Direct Support Organizations* (Aug. 5, 2022) available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=24364&DocType=PDF>, at 44.

³⁶ Section 20.058(4), F.S.

³⁷ The Able Trust, *Memorandum of Understanding for The Able Trust, SA-519*, available at <https://www.abletrust.org/wp-content/uploads/2022/07/SA-519-Executed-Contract-1.pdf>, at 3.

³⁸ Section 112.3251, F.S.

³⁹ Section 112.313, F.S.

⁴⁰ The Able Trust, *Ethics Policy* (Dec. 12, 2014), available at <https://www.abletrust.org/wp-content/uploads/2022/04/Ethics-Policy-12-2014.pdf>; also The Able Trust, *Conflict of Interest Policy* (June 15, 2012), available at <https://www.abletrust.org/wp-content/uploads/2022/04/Conflict-of-Interest-as-revised-6-15-2012.pdf>.

⁴¹ Section 215.981(1), F.S.

⁴² Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022* (Nov. 8, 2022), available at <https://www.abletrust.org/wp-content/uploads/2023/01/0622-Issued-Financial-Statements-The-Able-Trust-FINAL.pdf>.

⁴³ The ABLE Trust receives state funds only from general revenue for the DOE/DVR High School/High Tech Program. Specific Appropriation 28, ch. 2022-23, Laws of Fla., appropriates \$549,823 in recurring funds for 2022-2023.

⁴⁴ Section 413.615(4)(d), F.S.

⁴⁵ The Able Trust, *2022 Annual Report*, available at <https://www.abletrust.org/wp-content/uploads/2023/01/FY2022-DSO-Annual-Report-Cover-Letter-Report-FINAL-FOR-WEBSITE.pdf>.

⁴⁶ *Email*, The Able Trust (March 9, 2023). Earnings from the state investments for the year were \$753,895, and earnings for the private investments were \$102,268. Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for*

- The Foundation must have a contract with the DVR, and must:⁴⁷
 - Be a Florida corporation not for profit.
 - Be organized and operated exclusively to raise funds; to submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; to receive, hold, and administer property; and to make expenditures to or for the benefit of the VR programs approved by the Foundation board of directors.

Finding: The Able Trust contract with the DVR meets this requirement.⁴⁸
- The Able Trust contract with the DVR must provide information relating to the articles of incorporation, governance, conditions for expenditures of state revenues, and a reversion of state funds following a cessation of operations.⁴⁹ In addition, as a part of the contract, the Foundation must submit an annual budget for approval to the DVR, which may not approve such annual budget that does not comply with requirements relating to administrative costs.⁵⁰

Finding: The Able Trust contact with the DVR complies with this requirement.⁵¹ Additionally, the annual budget for Fiscal Year 2022 was approved by the DVR and complies with the requirement that administrative costs be limited to 15 percent of total expenditures.⁵²
- The Foundation must comply with requirements relating to confidential and exempt donor records and client information and exemptions from public meetings at which donor or client information is discussed.⁵³

Finding: The Able Trust has not had any donations since 2019 which were confidential and/or exempt. However, the Able Trust has ensured that donor confidentiality is respected by asking donors to indicate their preference to remain anonymous on their donor form.⁵⁴ On May 8, 2023, the Able Trust Bylaws, Ethics, and Policy Committee will meet to begin a comprehensive review of statutory requirements and determine gaps in existing Able Trust policy.⁵⁵
- The Foundation is administered by a 9-member board of directors (board) qualified for membership on the board and appointed by the Governor to two 3-year terms.⁵⁶

Finding: The composition of the Able Trust board meets this requirements.⁵⁷

Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022 (Nov. 8, 2022), available at <https://www.abletrust.org/wp-content/uploads/2023/01/0622-Issued-Financial-Statements-The-Able-Trust-FINAL.pdf>.

⁴⁷ Section 413.615(5), F.S.

⁴⁸ The Able Trust, *Memorandum of Understanding for The Able Trust, SA-519*, available at <https://www.abletrust.org/wp-content/uploads/2022/07/SA-519-Executed-Contract-1.pdf>, at 1.

⁴⁹ Section 413.615(6), F.S.

⁵⁰ Section 413.615(9)(j), F.S.

⁵¹ The Able Trust, *Memorandum of Understanding for The Able Trust, SA-519*, available at <https://www.abletrust.org/wp-content/uploads/2022/07/SA-519-Executed-Contract-1.pdf>.

⁵² *Id.* at 5. Administrative costs were \$248,570, which was 8.5% of total expenses.

⁵³ Section 413.615(7), F.S.

⁵⁴ The Able Trust, *Donation Page*, available at <https://abletrust.ejoinme.org/MyPages/DonationPage/tabid/5364/Default.aspx>.

⁵⁵ *Email*, The Able Trust (March 9, 2023).

⁵⁶ Section 413.615(8), F.S.

⁵⁷ The Able Trust, *By-Laws* (Adopted Feb. 21, 1991, last amended Sept. 21, 2017), available at https://www.abletrust.org/wp-content/uploads/2022/05/BY-LAWS-REVISED-10_6_2017.pdf. See also, The Able Trust, *Board of Directors, Officers, & Ambassadors*, <https://www.abletrust.org/board-of-directors/> (last visited March 7, 2023).

- The Foundation board must monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.⁵⁸
Finding: The Able Trust board has enacted mechanisms to evaluate funded programs, which include outcome measurement requirements in each grant award contract.⁵⁹
- The board is required to limit administrative costs to the minimum amount necessary for the efficient and effective administration of the foundation; such costs are limited to 15 percent of total estimated expenditures in any calendar year. For the 2021-2022 fiscal year, administrative costs may be paid from interest and earnings on the endowment principal.⁶⁰
Finding: Administrative costs in 2021-2022 were \$248,570, or 8.5 percent of expenses.⁶¹ Additionally, for 2021-2022, The Able Trust used interest and dividends to cover operating expenses.⁶²
- The Foundation is required to publish on its website:⁶³
 - The required annual audit and annual report.
 - For each position filled by an officer or employee, the position's compensation level.
 - A copy of each contract into which the foundation enters.
 - Information on each program, gift, or grant funded by the foundation, including specified information.
 - The foundation's contract with the DVR.Finding: The Foundation has posted its annual audit,⁶⁴ the annual report,⁶⁵ compensation policy⁶⁶ and officer compensation,⁶⁷ contracts,⁶⁸ grant information,⁶⁹ and the Foundation's contract.⁷⁰

⁵⁸ Section 413.615(9)(g), F.S.

⁵⁹ The Able Trust, *Grant Policies* (May 2021), available at <http://www.abletrust.org/sites/default/files/media/images/documents/Able%20Trust-Able%20Charitable%20Grant%20Policy%20-%20final%2011-30-2018.pdf>. The Able Trust, *Grant Award Contract – Attachment Two Grant Performance Measures* (May 2021), available at <https://www.abletrust.org/wp-content/uploads/2022/04/Grants-Performance-Measures-May-2021.pdf>.

⁶⁰ Section 413.615(9)(j), F.S.

⁶¹ The Able Trust, *2022 Annual Report*, available at <https://www.abletrust.org/wp-content/uploads/2023/01/FY2022-DSO-Annual-Report-Cover-Letter-Report-FINAL-FOR-WEBSITE.pdf>, at 5. Total expenses were \$2,920,938.

⁶² Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022* (Nov. 8, 2022), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>, at 6.

⁶³ Section 413.615(9)(k), F.S.

⁶⁴ Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022* (Nov. 8, 2022), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>.

⁶⁵ The Able Trust, *2022 Annual Report*, available at <https://www.abletrust.org/wp-content/uploads/2023/01/FY2022-DSO-Annual-Report-Cover-Letter-Report-FINAL-FOR-WEBSITE.pdf>.

⁶⁶ The Able Trust, *Compensation Policy: Officers and Directors* (June 15, 2012), available at <https://www.abletrust.org/wp-content/uploads/2022/04/Compensation-Policy-Revisions-6-15-2012-Current-7-29-14.pdf>.

⁶⁷ The Able Trust, *Salary Posting*, <https://www.abletrust.org/salary-listing/> (last visited March 7, 2023).

⁶⁸ The Able Trust, *Active Contracts*, <https://www.abletrust.org/active-contracts/> (last visited March 7, 2023).

⁶⁹ The Able Trust, *Grant Award Contracts*, <https://www.abletrust.org/grant-award-contracts/> (last visited March 7, 2023).

⁷⁰ The Able Trust, *Memorandum of Understanding for The Able Trust, SA-519*, available at <https://www.abletrust.org/wp-content/uploads/2022/07/SA-519-Executed-Contract-1.pdf>.

- The Foundation board must establish an operating account,⁷¹ which must provide for purposes specified in law.⁷²
Finding: The Foundation board has established an operating account. For 2021-2022, The Able Trust used interest and dividends to cover operating expenses.⁷³
- Any allocation of funds for research, advertising, or consulting is subject to a competitive solicitation process.⁷⁴
Finding: The Able Trust policy regarding competitive bidding is to require that purchases \$20,000 and higher must be subject to competitive bidding. As well as, any allocation of funds for research, advertising, or consulting is subject to a competitive solicitation process per statutory law.⁷⁵
- State funds may not be used to fund events for private sector donors or potential donors or to honor supporters.⁷⁶
Finding: The Able Trust has not held any private sector donor/prospective donor/support events since 2019. On May 8, 2023, the Able Trust Bylaws, Ethics, and Policy Committee will meet to begin a comprehensive review of statutory requirements and determine gaps in existing Able Trust policy.⁷⁷
- The Foundation board must provide for an annual financial audit of the foundation in accordance with Florida law.⁷⁸ The auditor's report must maintain the anonymity of donors and prospective donors who desire to remain anonymous.⁷⁹
Finding: The Foundation board provided for an audit for the 2021-2022 fiscal year, which does not contain specific donor information.⁸⁰
- The Foundation board must issue a report by December 30 each year summarizing the performance of the endowment fund for the previous fiscal year. The report must summarize the Foundation's fundraising activities, and detail those activities and programs supported by the endowment principal or earnings on the endowment principal and those activities and programs supported by private sources, bequests, gifts, grants, donations, and other valued goods and services received. The report must also include:⁸¹
 - Financial data, by service type, including expenditures for administration and the provision of services.
 - The amount of funds spent on administrative expenses and fundraising and the amount of funds raised from private sources.

⁷¹ The Able Trust board of directors is required to establish an operating account to deposit non-principal funds from investment and reinvestment transmitted from the State Board of Administration. Section 413.615(4)(c), F.S.

⁷² Section 413.615(10), F.S.

⁷³ Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022* (Nov. 8, 2022), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>, at 6.

⁷⁴ Section 413.615(10), F.S.

⁷⁵ Email, The Able Trust (March 9 2023).

⁷⁶ Section 413.615(10), F.S.

⁷⁷ Email, The Able Trust (March 9 2023).

⁷⁸ Section 215.981, F.S.

⁷⁹ Section 413.615(11), F.S.

⁸⁰ Thompson, Howell, Ferguson, P.A., *The Florida Endowment Foundation for Vocational Rehabilitation, Inc. d/b/a The Able Trust, Financial Statements and Additional Information, Years ended June 30, 2022* (Nov. 8, 2022), available at <http://www.abletrust.org/sites/default/files/media/docs/FINAL%20-%202018%20Audited%20Financial%20Statements.pdf>.

⁸¹ Section 413.615(12), F.S.

- Outcome data, including the number of individuals served and employment outcomes. Finding: The Foundation issued its annual report in the required timeframe. The annual report includes financial data related to administration and expenditures, fundraising, program outcomes, and programs supported by endowment principal or earnings and those supported by private sources.⁸²

III. Effect of Proposed Changes:

The Florida Development Finance Corporation

CS/SB 936 extends the repeal date to July 1, 2027, for future review and repeal of the Florida Development Finance Corporation (FDFC). The extenuation of the repeal date will provide for the continuation of FDFC's support of Florida's economic development.

The Florida Endowment for Vocational Rehabilitation

The bill extends the repeal date to October 1, 2027, for future review and repeal of the Florida Endowment for Vocational Rehabilitation (The Able Trust). This extenuation of the repeal date will provide for the continuation of programs administered by The Able Trust, which include, but are not limited to, the following programs.

High School High Tech Program

The Able Trust High School High Tech (HSHT) program is designed to provide high school students with all types of disabilities the opportunity to explore jobs or postsecondary education leading to technology-related careers. HSHT programming is based on the nationally recognized and evidenced-based Guideposts for Success. Students are provided a wide variety of opportunities to explore in-demand industries and careers through education tours, work-based experiences, workshops, and career mentoring.⁸³

During the 2021-2022 school year, HSHT served 1,076 students with disabilities in 39 Florida counties. 756 students participated in career-based work experiences. The HSHT program achieved a graduation rate of 99 percent of all participating seniors with 80 percent of graduates attaining post-secondary education or employment.⁸⁴

Project Venture

Project Venture is a competition for high school students with disabilities who participate in The Able Trust High School High Tech program. Project Venture teams prepare and present a comprehensive business plan to promote and sell a new product or service.⁸⁵

⁸² The Able Trust, 2022 Annual Report, available at <https://www.abletrust.org/wp-content/uploads/2023/01/FY2022-DSO-Annual-Report-Cover-Letter-Report-FINAL-FOR-WEBSITE.pdf>.

⁸³ The Able Trust, 2022 Annual Report, available at <https://www.abletrust.org/wp-content/uploads/2023/01/FY2022-DSO-Annual-Report-Cover-Letter-Report-FINAL-FOR-WEBSITE.pdf>, at 6.

⁸⁴ *Id.*

⁸⁵ The Able Trust, 2023 Project Venture, <https://www.abletrust.org/2023projectventure/> (last visited March 9, 2023).

Students who participate in this competition gain important skills they will need as they transition out of high school into post-secondary education or training, or go directly into the workforce:⁸⁶

- Introduce students to entrepreneurship and the entrepreneurial spirit.
- Facilitate students working in teams on real-world applications.
- Allow students to develop workplace communication skills and other soft skills.
- Enable students to learn by doing.

Work Experiences and Relationships with the Business Community

Disability Employment Awareness Month (DEAM) is part of a national initiative highlighting career paths and industries for students and job seekers with disabilities. The Able Trust promotes DEAM with Florida businesses as an opportunity to:⁸⁷

- Participate in career exploration workshops and conduct job site tours to provide persons with disabilities the opportunity to explore the daily life of their career interest.
- Introduce other businesses and organizations to the capabilities and profitability of this talented labor market.

This bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁸⁶ *Id.*

⁸⁷ The Able Trust, *Inclusive Florida Strategic Plan FY 2023-2025*, available at <https://www.abletrust.org/wp-content/uploads/2022/07/Inclusive-Florida-Strategic-Plan-2023-2025-FINAL.pdf>, at 9.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

By extending the repeal dates of the Florida Development Finance Corporation and the Florida Endowment for Vocational Rehabilitation direct-support organization, this bill will sustain a source of business access to capital for project financing, as well as financial and other direct assistance for individuals who are disabled.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 288.9604 and 413.615 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K -12 on March 14, 2023:

The committee substitute retains the provisions in the bill saving from repeal the ABLE Trust, and saves the Florida Development Finance Corporation from repeal by extending the repeal date to July 1, 2027.

The committee substitute also updates the title of the bill to an act relating to economic and vocational development.

B. Amendments:

None.



645638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
	.	
	.	
	.	

The Committee on Education Pre-K -12 (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Before line 10

insert:

Section 1. Subsection (5) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the corporation.—

(5) This section is repealed July 1, 2027 ~~2023~~, and July 1 of every fourth year thereafter, unless reviewed and saved from repeal by the Legislature.



645638

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 5

and insert:

An act relating to economic and vocational
development; amending ss. 288.9604 and 413.615, F.S.;
extending the scheduled dates of repeal of the Florida
Development Finance Corporation and the Florida
Endowment for Vocational Rehabilitation, respectively;

By Senator DiCeglie

18-01661-23

2023936__

A bill to be entitled

An act relating to the Florida Endowment for
Vocational Rehabilitation; amending s. 413.615, F.S.;
extending the date for future review and repeal of the
Florida Endowment for Vocational Rehabilitation Act;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (14) of section 413.615, Florida
Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(14) REPEAL.—This section is repealed October 1, 2027 ~~2023~~,
unless reviewed and saved from repeal by the Legislature.

Section 2. This act shall take effect July 1, 2023.

3/14/23

APPEARANCE RECORD

SB 936

Meeting Date

Edu PK-12

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

645638

Committee

Amendment Barcode (if applicable)

Name

Bethany McAlister

Phone

850 621 2556

Address

2606 Thomasville

Email

Bethany@CorcoranPartners.com

Street

TLH

FL

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:FL Development
Finance Corporation☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: March 8, 2023

I respectfully request that **Senate Bill #936**, relating to Florida Endowment for Vocational Rehabilitation be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Nick DiCeglie".

Senator Nick DiCeglie
Florida Senate, District 18

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 986

INTRODUCER: Senator Burgess

SUBJECT: Education

DATE: March 13, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sagues	Bouck	ED	Pre-meeting
2. _____	_____	AED	_____
3. _____	_____	FP	_____

I. Summary:

SB 986 modifies provisions related to charter school sponsors, educator certification, and the Florida Teachers Classroom Supply Assistance Program. The bill adds accountability measures for charter school sponsors by requiring the:

- Florida Department of Education (FDOE) to develop a standardized annual periodic review and evaluation form to meet the criteria of the charter contract.
- Sponsor to provide training to charter schools, to the same extent it provides training to its employees, and to notify charter schools of open vacancies for training in the district and allow them to participate, subject to financial penalties.
- Sponsor to annually provide a report to its charter schools and the FDOE on what services are being rendered from the sponsor's portion of the administrative fee. The FDOE may impose financial penalties if services are not being rendered.

The bill extends validity period of a professional certificate from 5 years to 10 years, and removes general knowledge and subject area knowledge requirements for educators to meet specified training and evaluation criteria.

In addition, the bill modifies the Florida Teachers Classroom Supply Assistance Program (Program) to support more classroom teachers by:

- Expanding the definition of a classroom teacher for purposes of the Program.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.
- Authorizing an administrator or a substitute teacher acting dually as a classroom teacher to petition the FDOE for a portion of the Program allocation.

The bill takes effect on July 1, 2023.

II. Present Situation:

Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.¹ Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.² Nationally, between the 2009-2010 and 2018-2019 school years, the percentage of all public schools that were charter schools increased from 5 to 8 percent, and the total number of charter schools increased from 5,000 to 7,400. The percentage of public school students nationwide attending charter schools increased from 3 to 7 percent between fall 2009 and fall 2018.³

All charter schools in Florida are public schools and are part of the state’s public education system.⁴ During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 districts.⁵ Seventy percent of the students attending charter schools in the 2021-2022 school year were minorities. Hispanic students comprised 45 percent of Florida’s charter school enrollment, and 19 percent were African-American students.⁶

Charter School Sponsors

A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁷ A state university may sponsor a charter school (charter lab school)⁸ and upon the approval by the State Board of Education (SBE), may sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.⁹ Additionally, Florida College System (FCS) institutions, upon the approval of the SBE, may sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certification to eligible charter school students.¹⁰

A charter school sponsor has several responsibilities, including:¹¹

- Approving or denying charter school applications.
- Overseeing each sponsored school’s progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Education Commission of the States, *50-State Comparison: Charter School Policies* <https://www.ecs.org/charter-school-policies/> (last visited Mar. 5, 2022).

³ National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last visited Mar. 5, 2022).

⁴ Section 1002.33(1), F.S.

⁵ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁶ *Id.*

⁷ Section 1002.33(5)(a)1., F.S.

⁸ Section 1002.33(5)(a)2., F.S.

⁹ Section 1002.33(5)(a)3., F.S.

¹⁰ A charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. Section 1002.33(5)(a)3.b., F.S. and Section 1002.34(3)(b), F.S.

¹¹ Section 1002.33(5)(b), F.S.

- Ensuring that the school participates in the state's education accountability system.
- Ensuring that the charter is innovative and consistent with state education goals.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

Administrative and Educational Services

A sponsor must provide administrative and educational services including contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services.¹²

A sponsor may withhold an administrative fee of up to five percent of each charter school's total operating funds for enrollment of up to and including:¹³

- 250 students in a charter school or virtual charter school.
- 500 students within a charter school system which meets specified conditions.¹⁴

A sponsor may withhold an administrative fee of up to 2 percent of each charter school's total operating funds for enrollment of up to and including 250 students in a high performing charter school¹⁵ or 250 students in an exceptional student education center than meets specified requirements.¹⁶

Educator Certification

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.¹⁷ In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the FDOE.¹⁸

The SBE designates the certification subject areas, establishes competencies, and adopts rules in accordance with which education certificates are issued by the FDOE to qualified applicants.¹⁹

¹² Section 1002.33(20)(a)1., F.S.

¹³ Section 1002.33(20)(a)2., F.S.

¹⁴ *Id.* The charter school system must include conversion charter schools and nonconversion charter schools, have all of its schools located in the same county, have a total enrollment exceeding the total enrollment of at least one school district in Florida, have the same governing board for all of its schools, and does not contract with a for-profit service provider for management of school operations.

¹⁵ Section 1002.331, F.S.

¹⁶ *Id.* and Section 1008.3415, F.S.

¹⁷ Section 1012.54, F.S.

¹⁸ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁹ Section 1012.55(1)(a), F.S.

General Eligibility

Each person seeking certification must submit a completed application. The FDOE must issue within 90 calendar days after receipt of the application a:²⁰

- Professional certificate to a qualifying applicant.
- Temporary certificate to a qualifying applicant.
- Statement of status of eligibility if an applicant does not meet the requirements for a professional or temporary certificate.

In order to seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.²¹

Professional Educator Certificate

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:²²

- General knowledge, only if serving as a classroom teacher.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include passing one of several different examinations identified by the SBE, having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards (NBPTS), teaching a minimum of two semesters in either full-time or part-time status at a state college or university or at the private college level, or having a master's or higher degree from an accredited postsecondary education institution.²³

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.²⁴

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.²⁵ Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional development education competency program.²⁶

²⁰ Section 1012.56(1), F.S.

²¹ Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.

²² Section 1012.56(2)(g)-(i), F.S.

²³ Section 1012.56(3), F.S.; and Rule 6A-4.004, F.A.C.

²⁴ Section 1012.56(5), F.S., and Rule 6A-4.002(4), F.A.C.

²⁵ FDOE, *Competencies and Skills Required for Teacher Certification in Florida* (Oct. 1, 2020), incorporated by reference in rule 6A-4.0021, F.A.C., available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10344>.

²⁶ Section 1012.56(6), F.S.

Temporary Educator Certificate

A temporary teaching certificate is valid for three school years and is nonrenewable.²⁷ The FDOE is required by law to issue a temporary certificate to any applicant who:²⁸

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the FDOE at the level required for the subject area specialization in SBE rule.

A person who is issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment.²⁹

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.³⁰

Statement of Status of Eligibility

Pursuant to law³¹, the FDOE must issue within 90 calendar days after receipt of a completed application, if the applicant does not meet the requirements for either a professional or temporary certificate, an official statement of status of eligibility (statement of status).³² The statement of status must be provided electronically and must advise the applicant of any qualification that must be completed to qualify for certification and each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status. Each statement of status is valid for three years after the date of issuance subject to specified requirements.³³

The Florida Teachers Classroom Supply Assistance Program

The Florida Teachers Classroom Supply Assistance Program (Program) provides funds for classroom teachers to purchase supplemental materials and supplies for public school students assigned to them.³⁴ Program funds are appropriated by the Legislature in the General Appropriations Act (GAA) and distributed by July 15 to each school district by the Commissioner of Education based on each district's unweighted full-time equivalent student enrollment.³⁵

²⁷ Section 1012.56(7), F.S.

²⁸ Section 1012.56(7)(b), F.S. As specified in law, an alternative pathway for a temporary certificate is available for a military service member, for a subject area specialization for which the SBE otherwise requires a bachelor's degree.

²⁹ Section 1012.56(7)(d), F.S.

³⁰ FDOE, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Feb. 27, 2023).

³¹ Section 120.60, F.S.

³² Section 1012.56(1)(c), F.S.

³³ *Id.* and Section 1012.56(2)(d), F.S.

³⁴ Section 1012.71, F.S.

³⁵ Section 1012.71(2), F.S. Funds from the Program may not be used to purchase equipment. *Id.*

School districts are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who will be employed by the district or a charter school in the district on September 1. A job-share classroom teacher³⁶ may receive a prorated share of the amount provided to a full-time classroom teacher. As of July 1, if a teacher is expected to be employed by a school district or a charter school in the district on September 1, the district school board and each charter school board may provide the teacher with the teacher's proportionate share of funds by August 1. If a teacher's expected employment is determined after July 1, the district school board and each charter school board must provide the teacher with the teacher's proportionate share of funds by September 30.³⁷

A teacher must acknowledge receipt of the funds and keep receipts for at least four years to show that funds were spent in accordance with Program requirements.³⁸ Any unused funds must be returned to the district school board at the end of the school year.³⁹

The 2022-2023 GAA appropriated \$54,143,275 to the Program.⁴⁰

III. Effect of Proposed Changes:

SB 986 modifies provisions related to charter school sponsors, educator certification, and the Florida Teachers Classroom Supply Assistance Program (Program).

Charter School Sponsors

SB 986 modifies s. 1002.33, F.S., to add accountability measures for charter school sponsors by requiring the:

- Florida Department of Education (FDOE) to develop a standardized annual periodic review and evaluation form (standard review form) to be completed by sponsors which meets the criteria of the standard charter or virtual charter contract. The bill specifies that any term or condition on a sponsor-proposed review and evaluation form that differs from the SBE-adopted standard review form would be presumed a limitation on charter school flexibility. This is consistent with a current requirement that the FDOE develop a sponsor evaluation framework to provide uniformity in charter school authorization.
- Sponsor to provide training to charter schools, to the same extent that the sponsor provides training to its employees, on:
 - Statutory requirements.
 - Systems the sponsor will require the charter schools to use.
 - Rule changes from the FDOE.

³⁶ Section 1012.71(3), F.S. A job-share classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

³⁷ *Id.*

³⁸ Section 1012.71(4), F.S.

³⁹ *Id.* Funds that are returned to the district board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored, as applicable.

⁴⁰ Specific Appropriation 5 and 86, s. 2, ch. 2022-156, Laws of Fla.

- Sponsor to notify charter schools of open vacancies for training in the district and allow charter school personnel to participate. If a sponsor does not allow a charter school to participate in such training, the FDOE may ask the SBE to withhold funding.
- Sponsor to annually provide a report to its charter schools on the services provided from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the FDOE annually by September 15th. Upon FDOE review, the FDOE may withdraw the district's portion of the administrative fee if the FDOE determines that services are not being provided. Any withdrawn funds must be refunded to the appropriate charter schools within 30 days of such a determination.

Educator Certification

The bill modifies s. 1012.56, F.S., to support public and charter school teachers by extending the validity period of a professional certificate from 5 years to 10 years. However, the bill does not modify requirements for renewal of a professional certificate; under the bill teachers would have 10 years to complete the requirement of 6 college credits or 120 inservice hours for renewal of a professional certificate.

The bill also modifies the requirements for an applicant to earn a professional certificate by removing the requirement that an applicant demonstrate mastery of general knowledge and subject area knowledge if that applicant completes an approved professional preparation and education competence program or an approved educator preparation institute and his rated highly effective on an performance evaluation.

The bill also extends from 3 years to 5 years the validity period for the statement of status of eligibility. .

The Florida Teachers Classroom Supply Assistance Program

The bill modifies s. 1012.71, F.S., to expand the reach of the Florida Teachers Classroom Supply Assistance Program (Program) by:

- Expanding the definition of a classroom teacher for purposes of the Program to include an administrator or a substitute teacher who is filling a vacancy in an identified teaching position on or before September 1 of each year and who holds a valid teaching certificate.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.
- Authorizing an administrator or a substitute teacher filling a vacancy in an identified teaching position on or before September 1 of each year to petition the FDOE for a portion of the Program allocation.
- Requiring the FDOE to develop the form an administrator or substitute teacher may use to petition the FDOE for a portion of the Program funds, review such form, and render a decision to the applicant and the school district within 30 days on any such petition.
- Requiring an applicant whose petition is approved to meet all other requirements of the Program.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to s. 1012.71, F.S., which establishes the Florida Teachers Classroom Supply Assistance Program (Program), the Commissioner of Education calculates, from the total amount appropriated to the Program, the proportionate share for each district based on enrollment, and distributes those funds to school districts by July 15.

The bill requires an administrator or substitute teacher to petition the Florida Department of Education (FDOE) for a portion of the Program funds, and the FDOE to render a decision within

30 days. Because the funds have already been distributed to school districts, any partial distribution of funds should be at the discretion of the school district.

The Senator may consider removing this requirement.

VIII. Statutes Affected:

This bill substantially amends sections 1002.33, 1012.56, and 1012.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education Pre-K -12 (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (20) and subsection
(28) of section 1002.33, Florida Statutes, are amended to read:
1002.33 Charter schools.—

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and
educational services to charter schools. These services must



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11 ~~shall~~ include contract management services; full-time equivalent
12 and data reporting services; exceptional student education
13 administration services; services related to eligibility and
14 reporting duties required to ensure that school lunch services
15 under the National School Lunch Program, consistent with the
16 needs of the charter school, are provided by the sponsor at the
17 request of the charter school, that any funds due to the charter
18 school under the National School Lunch Program be paid to the
19 charter school as soon as the charter school begins serving food
20 under the National School Lunch Program, and that the charter
21 school is paid at the same time and in the same manner under the
22 National School Lunch Program as other public schools serviced
23 by the sponsor or the school district; test administration
24 services, including payment of the costs of state-required or
25 district-required student assessments; processing of teacher
26 certificate data services; and information services, including
27 equal access to the sponsor's student information systems that
28 are used by public schools in the district in which the charter
29 school is located or by schools in the sponsor's portfolio of
30 charter schools if the sponsor is not a school district. Student
31 performance data for each student in a charter school,
32 including, but not limited to, FCAT scores, standardized test
33 scores, previous public school student report cards, and student
34 performance measures, shall be provided by the sponsor to a
35 charter school in the same manner provided to other public
36 schools in the district or by schools in the sponsor's portfolio
37 of charter schools if the sponsor is not a school district.

38 2. A sponsor may withhold an administrative fee for the
39 provision of such services which is ~~shall be~~ a percentage of the



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available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage must ~~shall~~ be calculated based on unweighted full-time equivalent students. The administrative fee is ~~shall be~~ calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional



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fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

5. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and must be submitted to the department by September 15 of each year.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules must ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard monitoring tool, standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.



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Section 2. Subsection (1) and paragraph (a) of subsection (7) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement.

(a) Pursuant to s. 120.60, the department shall issue within 90 calendar days after receipt of the completed application a professional certificate to a qualifying applicant covering the classification, level, and area for which the applicant is deemed qualified and a document explaining the requirements for renewal of the professional certificate.

(b) The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer with a professional education competence demonstration program pursuant to paragraphs (6)(f) and (8)(b). The temporary certificate must cover the classification, level, and area for which the applicant is deemed qualified. The department shall electronically notify the applicant's employer that the temporary certificate has been



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issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued.

(c) Pursuant to s. 120.60, the department shall issue within 90 calendar days after receipt of the completed application, if an applicant does not meet the requirements for either certificate, an official statement of status of eligibility.

The statement of status of eligibility must be provided electronically and must advise the applicant of any qualifications that must be completed to qualify for certification. Each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status of eligibility. Each statement of status of eligibility is valid for 5 ~~3~~ years after its date of issuance, except as provided in paragraph (2)(d).

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue an initial ~~a~~ professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the



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advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2) (a)-(f) ~~(2) (a)-(h)~~ and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8) (c) or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate were not



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completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to subsection (8). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 3. Paragraph (a) of subsection (2) and paragraph (g) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.—

(2)(a) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 10 ~~5~~ years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 10-year ~~5-year~~ validity period of a professional certificate.

(3) For the renewal of a professional certificate, the following requirements must be met:

(g) A teacher may earn inservice points only once during each 10-year ~~5-year~~ validity period for any mandatory training topic that is not linked to student learning or professional



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growth.

Section 4. Subsections (1) and (3) of section 1012.71, Florida Statutes, are amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(1) For purposes of the Florida Teachers Classroom Supply Assistance Program, the term “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. A “job-share” classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher. The term “classroom teacher” may also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

(3) From the funds allocated to each school district and any funds received from local contributions for the Florida Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is estimated to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher’s proportionate share of the total amount allocated to the district from state funds and



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funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. The school district shall calculate a prorated share of the funds for a classroom teacher who teaches less than full time. For a classroom teacher determined eligible on July 1, the district school board and each charter school board may provide the teacher with his or her total proportionate share by August 1 based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide the teacher with his or her total proportionate share by September 30. The proportionate share may be provided by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.

Section 5. This act shall take effect July 1, 2023.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:



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272 Delete everything before the enacting clause
273 and insert:

274 A bill to be entitled
275 An act relating to education; amending s. 1002.33,
276 F.S.; specifying reporting requirements for charter
277 school sponsors; requiring the State Board of
278 Education to adopt rules to implement a standard
279 monitoring tool; amending s. 1012.56, F.S.; revising
280 the length of time for which a statement of status of
281 eligibility is valid; revising the requirements needed
282 for a professional certificate; amending s. 1012.585,
283 F.S.; revising the length of time for which a
284 professional certificate is valid; revising the time
285 period for which a teacher may earn inservice points;
286 amending s. 1012.71, F.S.; revising the definition of
287 the term "classroom teacher"; revising how a district
288 school board calculates teachers' shares of funds from
289 the Florida Teachers Classroom Supply Assistance
290 Program; providing an effective date.

By Senator Burgess

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A bill to be entitled

An act relating to education; amending s. 1002.33, F.S.; requiring the Department of Education to develop a review and evaluation form for charter schools which meets specified criteria; providing requirements for training that sponsors must provide to charter schools; authorizing the department to request that the State Board of Education withhold funding from a sponsor under certain conditions; specifying reporting requirements for sponsors; authorizing the department to refund a portion of the administrative fee to charter schools under certain conditions; amending s. 1012.56, F.S.; revising the length of time for which a statement of status of eligibility is valid; revising the length of time for which the department may issue a professional certificate; revising the requirements needed for a professional certificate; amending s. 1012.71, F.S.; revising the definition of the term "classroom teacher"; revising how a district school board calculates teachers' shares of funds from the Florida Teachers Classroom Supply Assistance Program; authorizing a school administrator or substitute teacher to petition the department for Florida Teacher Classroom Supply Assistance Program funds under certain conditions; requiring the department to review the petition and render a decision within a specified timeframe; specifying applicability of other program requirements; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (5) and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties*.—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor may not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school do not constitute the basis for a private cause of action.

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

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(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) (A) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

(B) The department shall develop a standardized annual periodic review and evaluation form to be completed by sponsors which meets the standard charter contract's or virtual charter contract's criteria. Any term or condition of a proposed charter annual periodic review and evaluation form or proposed virtual charter annual periodic review and evaluation form which differs from the standard annual periodic review and evaluation form adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the

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117 institution may operate charter schools that serve students in
 118 kindergarten through grade 12 in any school district within the
 119 service area of the institution. District school boards shall
 120 cooperate with and assist the Florida College System institution
 121 on the charter application. Florida College System institution
 122 applications for charter schools are not subject to the time
 123 deadlines outlined in subsection (6) and may be approved by the
 124 district school board at any time during the year. Florida
 125 College System institutions may not report FTE for any students
 126 participating under this subparagraph who receive FTE funding
 127 through the Florida Education Finance Program.

128 5. For purposes of assisting the development of a charter
 129 school, a school district may enter into nonexclusive interlocal
 130 agreements with federal and state agencies, counties,
 131 municipalities, and other governmental entities that operate
 132 within the geographical borders of the school district to act on
 133 behalf of such governmental entities in the inspection,
 134 issuance, and other necessary activities for all necessary
 135 permits, licenses, and other permissions that a charter school
 136 needs in order for development, construction, or operation. A
 137 charter school may use, but may not be required to use, a school
 138 district for these services. The interlocal agreement must
 139 include, but need not be limited to, the identification of fees
 140 that charter schools will be charged for such services. The fees
 141 must consist of the governmental entity's fees plus a fee for
 142 the school district to recover no more than actual costs for
 143 providing such services. These services and fees are not
 144 included within the services to be provided pursuant to
 145 subsection (20). Notwithstanding any other provision of law, an

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146 interlocal agreement or ordinance that imposes a greater
 147 regulatory burden on charter schools than school districts or
 148 that prohibits or limits the creation of a charter school is
 149 void and unenforceable. An interlocal agreement entered into by
 150 a school district for the development of only its own schools,
 151 including provisions relating to the extension of
 152 infrastructure, may be used by charter schools.

153 6. The board of trustees of a sponsoring state university
 154 or Florida College System institution under paragraph (a) is the
 155 local educational agency for all charter schools it sponsors for
 156 purposes of receiving federal funds and accepts full
 157 responsibility for all local educational agency requirements and
 158 the schools for which it will perform local educational agency
 159 responsibilities. A student enrolled in a charter school that is
 160 sponsored by a state university or Florida College System
 161 institution may not be included in the calculation of the school
 162 district's grade under s. 1008.34(5) for the school district in
 163 which he or she resides.

(20) SERVICES.—

165 (a)1. A sponsor shall provide certain administrative and
 166 educational services to charter schools. These services shall
 167 include contract management services; full-time equivalent and
 168 data reporting services; exceptional student education
 169 administration services; services related to eligibility and
 170 reporting duties required to ensure that school lunch services
 171 under the National School Lunch Program, consistent with the
 172 needs of the charter school, are provided by the sponsor at the
 173 request of the charter school, that any funds due to the charter
 174 school under the National School Lunch Program be paid to the

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175 charter school as soon as the charter school begins serving food
 176 under the National School Lunch Program, and that the charter
 177 school is paid at the same time and in the same manner under the
 178 National School Lunch Program as other public schools serviced
 179 by the sponsor or the school district; test administration
 180 services, including payment of the costs of state-required or
 181 district-required student assessments; processing of teacher
 182 certificate data services; and information services, including
 183 equal access to the sponsor's student information systems that
 184 are used by public schools in the district in which the charter
 185 school is located or by schools in the sponsor's portfolio of
 186 charter schools if the sponsor is not a school district. Student
 187 performance data for each student in a charter school,
 188 including, but not limited to, FCAT scores, standardized test
 189 scores, previous public school student report cards, and student
 190 performance measures, shall be provided by the sponsor to a
 191 charter school in the same manner provided to other public
 192 schools in the district or by schools in the sponsor's portfolio
 193 of charter schools if the sponsor is not a school district.

194 2. A sponsor shall provide training to charter schools on
 195 any statutory requirements, systems the sponsor will require
 196 charter schools to use, and rule changes from the department to
 197 the same extent that the sponsor provides training to employees
 198 of that sponsor. The sponsor shall notify charter schools of
 199 open vacancies for training in the district and must allow them
 200 to participate. If a sponsor does not allow a charter school to
 201 participate in the trainings specified in this subparagraph, the
 202 department may ask the State Board of Education to withhold
 203 funding.

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204 3. A sponsor may withhold an administrative fee for the
 205 provision of such services which shall be a percentage of the
 206 available funds defined in paragraph (17)(b) calculated based on
 207 weighted full-time equivalent students. If the charter school
 208 serves 75 percent or more exceptional education students as
 209 defined in s. 1003.01(3), the percentage shall be calculated
 210 based on unweighted full-time equivalent students. The
 211 administrative fee shall be calculated as follows:

212 a. Up to 5 percent for:

213 (I) Enrollment of up to and including 250 students in a
 214 charter school as defined in this section.

215 (II) Enrollment of up to and including 500 students within
 216 a charter school system which meets all of the following:

217 (A) Includes conversion charter schools and nonconversion
 218 charter schools.

219 (B) Has all of its schools located in the same county.

220 (C) Has a total enrollment exceeding the total enrollment
 221 of at least one school district in this state.

222 (D) Has the same governing board for all of its schools.
 223 (E) Does not contract with a for-profit service provider
 224 for management of school operations.

225 (III) Enrollment of up to and including 250 students in a
 226 virtual charter school.

227 b. Up to 2 percent for enrollment of up to and including
 228 250 students in a high-performing charter school as defined in
 229 s. 1002.331.

230 c. Up to 2 percent for enrollment of up to and including
 231 250 students in an exceptional student education center that
 232 meets the requirements of the rules adopted by the State Board

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of Education pursuant to s. 1008.3415(3).

~~4.3-~~ A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

~~5.4-~~ A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-paragraph (5)(b)1.k.(III).

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year. Upon the department's review of the report, it may withdraw the district's portion of the administrative fee if the department determines that services are not being rendered. Any withdrawn funds shall be refunded to the appropriate charter schools within 30 days of such a determination.

Section 2. Subsection (1) and paragraph (a) of subsection (7) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and

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rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement.

(a) Pursuant to s. 120.60, the department shall issue within 90 calendar days after receipt of the completed application a professional certificate to a qualifying applicant covering the classification, level, and area for which the applicant is deemed qualified and a document explaining the requirements for renewal of the professional certificate.

(b) The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer with a professional education competence demonstration program pursuant to paragraphs (6)(f) and (8)(b). The temporary certificate must cover the classification, level, and area for which the applicant is deemed qualified. The department shall electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued.

(c) Pursuant to s. 120.60, the department shall issue within 90 calendar days after receipt of the completed application, if an applicant does not meet the requirements for either certificate, an official statement of status of eligibility.

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291
 292 The statement of status of eligibility must be provided
 293 electronically and must advise the applicant of any
 294 qualifications that must be completed to qualify for
 295 certification. Each method by which an applicant can complete
 296 the qualifications for a professional certificate must be
 297 included in the statement of status of eligibility. Each
 298 statement of status of eligibility is valid for 5 3 years after
 299 its date of issuance, except as provided in paragraph (2) (d).
 300 (7) TYPES AND TERMS OF CERTIFICATION.—
 301 (a) The Department of Education shall issue a professional
 302 certificate for a period not to exceed 10 5 years to any
 303 applicant who fulfills one of the following:
 304 1. Meets all the applicable requirements outlined in
 305 subsection (2).
 306 2. For a professional certificate covering grades 6 through
 307 12:
 308 a. Meets the applicable requirements of paragraphs (2) (a)-
 309 (h).
 310 b. Holds a master's or higher degree in the area of
 311 science, technology, engineering, or mathematics.
 312 c. Teaches a high school course in the subject of the
 313 advanced degree.
 314 d. Is rated highly effective as determined by the teacher's
 315 performance evaluation under s. 1012.34, based in part on
 316 student performance as measured by a statewide, standardized
 317 assessment or an Advanced Placement, Advanced International
 318 Certificate of Education, or International Baccalaureate
 319 examination.

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320 e. Achieves a passing score on the Florida professional
 321 education competency examination required by state board rule.
 322 3. Meets the applicable requirements of paragraphs (2) (a)-
 323 (f) (2) (a)-(h) and completes a professional preparation and
 324 education competence program approved by the department pursuant
 325 to paragraph (8) (c) or an educator preparation institute
 326 approved by the department pursuant to s. 1004.85. An applicant
 327 who completes one of these programs and is rated highly
 328 effective as determined by his or her performance evaluation
 329 under s. 1012.34 is not required to take or achieve a passing
 330 score on the professional education competency examination in
 331 order to be awarded a professional certificate.
 332
 333 At least 1 year before an individual's temporary
 334 certificate is set to expire, the department shall
 335 electronically notify the individual of the date on which
 336 his or her certificate will expire and provide a list of
 337 each method by which the qualifications for a professional
 338 certificate can be completed. The State Board of Education
 339 shall adopt rules to allow the department to extend the
 340 validity period of a temporary certificate for 2 years when
 341 the requirements for the professional certificate were not
 342 completed due to the serious illness or injury of the
 343 applicant, the military service of an applicant's spouse,
 344 other extraordinary extenuating circumstances, or if the
 345 certificateholder is rated highly effective in the
 346 immediate prior year's performance evaluation pursuant to
 347 s. 1012.34 or has completed a 2-year mentorship program
 348 pursuant to subsection (8). The department shall extend the

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temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 3. Subsections (1) and (3) of section 1012.71, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(1) For purposes of the Florida Teachers Classroom Supply Assistance Program, the term “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. A “job-share” classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher. The term “classroom teacher” may also include an administrator or a substitute teacher who is filling a vacancy in an identified teaching position on or before September 1 of each year who holds a valid teaching certificate.

(3) From the funds allocated to each school district and any funds received from local contributions for the Florida

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Teachers Classroom Supply Assistance Program, the district school board shall calculate an identical amount for each classroom teacher who is estimated to be employed by the school district or a charter school in the district on September 1 of each year, which is that teacher’s proportionate share of the total amount allocated to the district from state funds and funds received from local contributions. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. The school district shall calculate a prorated share of the funds to a classroom teacher who teaches less than full time. For a classroom teacher determined eligible on July 1, the district school board and each charter school board may provide the teacher with his or her total proportionate share by August 1 based on the estimate of the number of teachers who will be employed on September 1. For a classroom teacher determined eligible after July 1, the district school board and each charter school board shall provide the teacher with his or her total proportionate share by September 30. The proportionate share may be provided by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card. If a debit card is used, an identifier must be placed on the front of the debit card which clearly indicates that the card has been issued for the Florida Teachers Classroom Supply Assistance Program. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective

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bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause.

(7) (a) An administrator or a substitute teacher acting dually as a classroom teacher to fill a vacancy in an identified teaching position on or before September 1 of each year who holds a valid teaching certification may petition the department, on a form developed by the department, for that classroom teacher's portion of the Florida Teacher Classroom Supply Assistance Program allocation. The department shall review the petition to determine the validity of the vacancy and that the administrator or substitute teacher meets the requirements specified in this section. The department must render a decision to the applicant and the appropriate district within 30 days on any petition made pursuant to this paragraph.

(b) An applicant whose petition is approved pursuant to paragraph (a) is otherwise subject to all other requirements set forth in this section.

Section 4. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: February 28, 2023

I respectfully request that **Senate Bill #986**, relating to Education, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 990

INTRODUCER: Senator Grall

SUBJECT: Child Care and Early Learning Providers

DATE: March 13, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sabitsch	Bouck	ED	Favorable
2. _____	_____	FT	_____
3. _____	_____	AP	_____

I. Summary:

SB 990 provides programmatic and financial supports for child care facilities and early learning providers. Specifically the bill:

- Modifies requirements for Voluntary Prekindergarten (VPK) classroom instructors, program and child assessments, and implementation of the accountability measures for VPK programs.
- Establishes a program to deliver intensive reading interventions to VPK students with substantial deficiencies in early literacy.
- Modifies requirements for obtaining and maintaining the Gold Seal Quality Care designation.
- Directs early learning coalitions to support the Teacher Education and Compensation Helps (T.E.A.C.H.) Scholarship Program by assisting with co-pays for providers.
- Modifies requirements related to licensing of child care facilities by the Department of Children and Families.
- Provides an exemption from licensing for child care facilities owned by certain corporations.
- Modifies the existing exemptions from special assessments levied by municipalities to include preschools.
- Provides tax credits for:
 - Contributions to child care facilities by corporations.
 - Startup costs and operational costs for child care facilities established by corporations.
 - Contributions to child care facilities on behalf of employees by corporations.
- Clarifies cancelation and coverage from residential property insurance for large family child care homes.

The bill takes effect on July 1, 2023.

II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Voluntary Prekindergarten Program

Present Situation

The Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten Education Program (VPK) prepares early learners for success in kindergarten and beyond. VPK helps build a strong foundation for school using educational material corresponding to various stages in a child's development. To be eligible, children must live in Florida and be 4 years old on or before September 1 of the current school year.¹ Parents whose children are born between February 2 and September 1 can postpone enrolling their 4-year-old until the following year when their child is age 5. Private child care centers and schools, public schools, and specialized instructional services providers offer VPK. Since the program began in 2005-06, more than 2.6 million children have benefited from VPK. Data collected by the Department of Education (DOE) show that children who participate in VPK are more ready for kindergarten than children who do not participate in VPK.²

For the 2021-22 VPK program year, 150,212 children participated in the school year VPK program and 2,882 children participated in the summer VPK program. Program participation was 64.14% of the 4 year old population.³

VPK Administration

The DOE is responsible for ensuring that administrative expenditures are kept to the minimum necessary for efficient and effective administration of the VPK Program. Each early learning coalition (coalition) may retain and expend no more than four percent of the funds paid by the coalition to VPK providers. Funds retained by a coalition may be used only for administering the VPK Program.⁴ Total administrative expenditures for the 2021-22 VPK program for all coalitions was \$12,145,890 with only 12 of 30 coalitions spending the full four percent allowed.⁵

The DOE is required to establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.⁶

¹ Section 1002.53(2), F.S.

² Florida Division of Early Learning, *About Voluntary Prekindergarten*, <https://www.floridaeearlylearning.com/vpk/floridas-vpk-program> (last visited Mar. 11, 2023).

³ Office of Economic & Demographic Research, *Early Learning Programs Estimating Conference Prekindergarten Education Program, February 16, 2023, Conference Package*, available at <http://edr.state.fl.us/Content/conferences/vpk/index.cfm>.

⁴ Section 1002.71(7), F.S.

⁵ Florida Department of Education, Division of Early Learning, *Annual Report 2021-22*, available at <https://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/DEL%20Annual%20Report%202021-2022%20FINAL.pdf>.

⁶ Section 1002.82, F.S.

Each coalition administers the VPK Program at the county or regional level for students enrolled in a school-year VPK program delivered by a private prekindergarten provider.⁷ Each coalition is composed of at least 15 but not more than 30 members. The Governor appoints the chair and two other members of each early learning coalition, who must each meet the qualifications of a private sector business member. The coalition may appoint additional private sector business members.⁸

To be eligible to deliver the VPK program, a private prekindergarten provider must be a licensed or licensed-exempt child care facility.⁹ Exempt providers include certain nonpublic schools that primarily serve children at least 5 years of age or older,¹⁰ accredited faith-based child care providers that are members of a larger organization with published health, safety, and sanitation standards,¹¹ and certain accredited child development programs on military bases.¹²

VPK Personnel

All providers, including licensed-exempt providers, must meet requirements for certification of personnel and background screening.¹³ For the school year VPK program, a VPK instructor must successfully complete three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training course approved by the DOE. The prekindergarten instructor must also complete an emergent literacy training course at least once every five years after initially completing the three emergent literacy training courses.¹⁴

VPK personnel may also earn a literacy micro-credential and receive a \$2,000 stipend.¹⁵ The literacy micro-credential provides instructional personnel with high-quality, evidence-based strategies for developing emergent literacy skills.¹⁶ Enrollment in the program began on December 31, 2022.¹⁷

Instructor requirements are more stringent for the summer VPK program. Each summer VPK program provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer

⁷ Section 1002.55(1), F.S.

⁸ Section 1002.83(6), F.S.

⁹ Section 1002.55(3)(a), F.S.

¹⁰ Section 402.3025(2), F.S.

¹¹ Section 402.316(1), F.S.

¹² Section 1002.55(3)(a), F.S.

¹³ Section 1002.55(3)(b)3., F.S.

¹⁴ Section 1002.59, F.S.

¹⁵ University of Florida Lastinger Center, *Emergent Literacy Micro-Credential*,

<https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/emergent-literacy-microcredential/> (last visited Mar. 10, 2023).

¹⁶ Section 1003.485(2)(h)1., F.S.

¹⁷ University of Florida Lastinger Center, *Emergent Literacy Micro-Credential*,

<https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/emergent-literacy-microcredential/> (last visited Mar. 10, 2023).

science, or hold a certificate to teach any age from birth through grade 6 and holds a bachelor's or higher degree in elementary education and is not otherwise disqualified.¹⁸

VPK Accountability

Each VPK provider may select or design the curriculum that the provider uses to implement the VPK Program. The curriculum must be developmentally appropriate and must:¹⁹

- Be designed to prepare a student for early literacy and provide for instruction in early math skills.
- Enhance the age-appropriate progress of students in attaining the performance standards adopted by DOE.
- Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program.

All VPK providers are required to participate in a program assessment of each VPK classroom beginning with the 2022-23 VPK Program. The program assessment measures the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages 3 to 5 years. Early learning coalitions are responsible for the administration of the program assessments.²⁰

The program assessment score must constitute at least half of the provider performance metric to be developed by the DOE beginning with the 2022-2023 VPK program year. The performance metric must include program assessment scores, learning gains, and learning outcomes from the coordinated screening and progress monitoring system. The methodology is required to include a statistical latent profile analysis developed by the DOE that produces a limited number of performance metric profiles which summarize the profiles of all VPK programs in designations consisting of "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or similar designations.²¹ Beginning with the 2023-2024 program year, each VPK provider will be assigned a designation within 45 days after the conclusion of the VPK Program.²²

The coordinated screening and progress monitoring program is the statewide, standardized assessment program known as Florida's Assessment of Student Thinking (FAST) using Star Early Literacy. This program is used to assess student achievement in early literacy and mathematics.²³ VPK Programs began implementing the FAST using Star Early Literacy in the 2022-2023 VPK Program Year.

A VPK student who exhibits a substantial deficiency in early literacy skills in accordance with the standards and based upon the results of the administration of the final coordinated screening and progress monitoring must be referred to the local school district and may be eligible to

¹⁸ Section 1002.61(4), F.S.

¹⁹ Section 1002.67(2), F.S.

²⁰ Section 1002.68(2), F.S.

²¹ Section 1002.68(4)(a), F.S.

²² Section 1002.68(4)(f), F.S.

²³ Florida Division of Early Learning, *Florida's Assessment of Student Thinking (FAST) using Star Early Literacy*, <https://www.floridaeearlylearning.com/vpk/fast> (last visited Mar. 10, 2023).

receive intensive reading interventions before participating in kindergarten. Such intensive reading interventions must be paid for using funds from the district's evidence-based reading instruction allocation.²⁴

Effect of Proposed Changes

Voluntary Prekindergarten Requirements

The bill modifies s. 1002.55, F.S. to add corporate-provided child care providers to the types of license-exempt private providers that may offer the VPK program.

VPK Personnel

The bill modifies s. 1022.55, F.S., to provide flexibility for a VPK instructor to complete the required three emergent literacy training courses to require completion within 45 days after commencing employment rather than as a pre-condition of employment. This may increase the number of available instructors, but VPK classes may be impacted if an instructor fails to complete all courses within the required timeframe.

The bill modifies s. 1002.61, F.S., to add options for personnel to satisfy the certification requirements for instructors in the summer VPK program. The bill allows a person to serve as an instructor of a summer VPK program if the person possesses either a Child Development Associate (CDA), or a credential approved by the Department of Children and Families as equal or greater than a CDA, as long as the instructor has completed the early literacy micro-credential program or has an instructional support score of 3 or higher on the program assessment.

VPK Administration

The bill modifies s. 1002.82, F.S., to expand the requirements of the statewide data information program to include the Florida Education Identifier for all instructors and enrolled children in the VPK and school readiness programs. The bill also directs the DOE to contract for, rather than establish, a single statewide information system to manage all early learning programs and child care licensing and training. The bill requires the system to allow parents to locate early learning programs online, including the provider performance profile by October 1, 2024. It is unclear if this system is intended to replace the current EFS Modernization Portal.

The bill amends s. 1002.71, F.S., to modify the method used to determine the amount of administrative funds an early learning coalition may retain for the VPK program. The bill requires the administrative fee that may be retained by an early learning coalition to be based on the number of VPK applications processed by the coalition instead of payments made to providers for VPK enrollments.

This may greatly increase the administrative funds available to a coalition. The base student allocation for the 2021-2022 VPK school year program was \$2,486 for each full-time student.²⁵ Four percent, \$12,145,890, in administrative fees was paid to coalitions out of the \$342,758,173

²⁴ Section. 1008.25(5), F.S.

²⁵ Specific Appropriation 86, ch. 2021-36, Laws of Fla.

in actual payments to VPK providers for services.²⁶ The reported number of applications processed by all early learning coalitions was 204,576 in the same year.²⁷ If the base student allocation of \$2,486 was multiplied by the 204,576 applications processed, the result amounts to \$508,575,936. Shifting the basis of the administrative fee to applications processed may have authorized the early learning coalitions to receive four percent of \$508,575.936, which would have amounted to \$20,343,037.

The bill modifies s. 1002.83, F.S., to allow early learning coalitions to appoint additional at-large members to their board as long as the at-large members do not comprise more than one-third of the board's composition. The bill also removes private sector business members from the allowable composition of at-large appointees.

VPK Accountability

The bill modifies s. 1002.67, F.S., to prohibit a public or private VPK provider's curriculum from:

- Utilizing the coordinated screening and progress monitoring program for direct student instruction; and
- The use of electronic devices except to complete the coordinated screening and monitoring program.

The bill modifies s. 1002.68, F.S., to postpone from the 2022-23 program year to the 2023-2024 program year the requirement to participate in a program assessment. The bill specifies that the program assessment may be conducted only when at least 75 percent of enrolled students are in attendance.

The bill also postpones, from the 2022-23 program year to the 2023-2024 program year, the requirement for the DOE to adopt the methodology for calculating each VPK provider's performance metric. The bill removes the responsibility for the DOE to develop the performance metric and instead requires the methodology for the performance metric to include an analysis that has been conducted by an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems. The bill requires the independent expert to be identified through competitive procurement before the 2023-2024 program year and retained through the 2025-2026 program year.

Finally, the bill postpones from the 2023-24 VPK program year to the 2024-25 program year the requirement for the DOE to issue a performance designation based on the provider's performance metric.

The bill modifies s. 1008.25, F.S., to clarify eligibility for children in the VPK program who exhibit a substantial deficiency in early literacy skills. The bill requires that the student receive intensive reading interventions in the summer prior to kindergarten. The bill authorizes public or private VPK providers to provide the interventions if they are qualified to offer the summer VPK

²⁶ Florida Division of Early Learning, *Annual Report 2021-22*, available at <https://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/DEL%20Annual%20Report%202021-2022%20FINAL.pdf>.

²⁷ Email, Florida Department of Education (March 9, 2023).

program. The bill provides that the summer intensive reading interventions program must consist of no more than 4 hours per day and be limited to 140 hours. The bill requires the program to be funded in the General Appropriations Act in accordance with the rate set for the Summer VPK program.

School Readiness Program Administration

Present Situation

The School Readiness (SR) Program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.²⁸ The SR Program offers financial assistance for child care to support working families and help children to develop skills for success in school. The program also provides developmental screening and referrals to health and education specialists where needed.²⁹

The DOE is required to monitor the alignment and consistency of the standards developed and adopted by DOE that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to kindergarten entry in the SR Program must be aligned with the performance standards adopted for children in the VPK Program and must address the following domains:³⁰

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

Early learning coalitions may award grants and provide financial support to SR Program providers and their staff to assist them in meeting applicable state requirements for the program assessment, child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training. Early learning coalitions provide training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.³¹

Effect of Proposed Changes

The bill modifies s. 1002.89, F.S., to specifically authorize early learning coalitions to use School Readiness program funds to improve quality by:

²⁸ Section 1002.87, F.S.

²⁹ Section 1002.86, F.S.

³⁰ Section 1002.82, F.S.

³¹ Section 1002.89, F.S.

- Implementing a developmentally appropriate curriculum that meets the performance standards for the School Readiness program.
- Supporting parent engagement.
- Supporting professional development through the Teacher Education and Compensation Helps (TEACH) Scholarship program.
- Providing training aligned to the early learning professional development standards and career pathways.
- Reimbursing providers for the cost for background screening.

Gold Seal Quality Care Program

Present Situation

The DOE administers the Gold Seal Quality Care program. In 1996,³² the Florida Legislature established the Gold Seal Quality Care Program to recognize child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standards reflect quality in the level of care and supervision provided to children. The Gold Seal Quality Care Program is not an accreditation, but a designation with potential benefits to those that participate including, but not limited to:³³

- A positive marketing tool for prospective parents.
- Tax exemptions. The Department of Revenue issues the exemption certificates for sales tax. This exemption is for certain educational materials.
- Higher reimbursement for School Readiness providers.
- Eligibility to participate in Voluntary Prekindergarten (VPK).

Currently, 2,890 providers are listed as a Gold Seal Quality Care provider.³⁴

In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must have:

- No class I³⁵ violations within preceding 2 years;
- Less than 3 class II³⁶ violations within preceding 2 years;
- Less than 3 class III³⁷ violations within the preceding 2 years that were not corrected within 1 year.³⁸

³² Ch. 96-175, s. 72, Laws of Fla.

³³ Florida Division of Early Learning, *About the Gold Seal Quality Care Program*, available at: <https://www.floridaeearlylearning.com/providers/gold-seal-quality-care-program>.

³⁴ Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at: <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>

³⁵ Class “I” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines present an imminent danger to the clients of the provider or a substantial probability that death or serious physical or emotional harm would result therefrom. Section 408.813, F.S.

³⁶ Class “II” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines directly threaten the physical or emotional health, safety, or security of the clients, other than class I violations. *Id.*

³⁷ Class “III” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of clients, other than class I or class II violations. *Id.*

³⁸ Section 1002.945, F.S.

The DOE has not terminated any providers from the program. The Children's Forum has denied renewal applications for 33 Gold Seal Quality Care Program providers.³⁹

Effect of Proposed Changes

The bill amends s. 1002.945, F.S., to modify requirements for obtaining or maintaining the Gold Seal Quality Care designation. The bill specifies that a provider must not have three or more of the same Class II violations, rather than just three or more class II violations in general.

T.E.A.C.H. Scholarship Program

Present Situation

The DOE administers the Teacher Education and Compensation Helps (T.E.A.C.H.) Scholarship Program in partnership with the Children's Forum, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes. The goal of the program is to increase the education and training for caregivers, increase the compensation for child caregivers who complete the program requirements, and reduce the rate of participant turnover in the field of early childhood education.⁴⁰

The Legislature appropriated \$3 million in recurring funds and \$7 million in nonrecurring funds for the T.E.A.C.H. Program in the 2022-2023 fiscal year.⁴¹ According to the T.E.A.C.H. 2020-2021 annual report, the DOE provided \$9,999,885 in funding to support 4,215 scholarships. In 2020-21, the DOE waived employer and scholar copays.⁴²

Effect of Proposed Changes

The bill modifies 1002.95, F.S., to clarify that T.E.A.C.H. scholarship program recipients are "instructors" and not "caregivers," the bill directs early learning coalitions to support the T.E.A.C.H. scholarship program by reimbursing child care providers for the co-pay portion of the program for each instructor who completes a child development associate credential in his or her service area.

Child Care Licensing Program

Present Situation

The child-care licensing program is a component of the services provided by Department of Children and Families (DCF). The program is accountable for the statewide licensure of Florida's child-care facilities, specialized child-care facilities for the care of mildly ill children, large family child-care homes, and licensure or registration of family day care homes. The purpose of the program is to ensure a healthy and safe environment for the children in child-care settings and to improve the quality of their care through regulation and consultation. DCF ensures that

³⁹ Email, Florida Department of Education (Mar. 9, 2023).

⁴⁰ Section 1002.945, F.S.

⁴¹ Chapter 2022-156, s. 2, Specific Appropriation 78, Laws of Fla.

⁴² T.E.A.C.H. Early Childhood Scholarship Program, *Annual Report 2021*, available at: <https://teach-fl.org/download/t-e-a-c-h-annual-report-for-2021/>.

licensing requirements are met through on-going inspections of child-care facilities and homes, thus preventing the continued operation of substandard child-care programs.⁴³ There are over 8,000 licensed child care programs in Florida.⁴⁴

Florida's child-care law⁴⁵ provides for any county whose licensing standards meet or exceed the state minimum standards to designate by ordinance a local licensing agency in their county. Counties not choosing to administer their own child care licensing programs are licensed by (DCF).

Effect of Proposed Changes

The bill modifies s. 402.302, F.S. to define “preschool” to mean any childcare care facility that is licensed pursuant to the standards of DCF and serves children under 5 years of age.

Child Care Facility Standards

Present Situation

DCF establishes licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility. The standards are required to address the following areas:⁴⁶

- The health, sanitation, safety, and adequate physical surroundings for all children in child care.
- The health and nutrition of all children in child care.
- The child development needs of all children in child care.

All standards established by DCF must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the DCF is required to use the public school fire code, as provided in the rules of the State Board of Education, as the minimum standard for firesafety.⁴⁷

DCF child-care licensing staff are responsible for the inspection and licensure of child-care facilities and homes in 63 out of 67 counties, as well as registration of family day care homes in those counties which do not require licensure. Four counties have elected to regulate licensing of child care facilities and homes,⁴⁸ which are Broward, Palm Beach, Pinellas, and Sarasota.⁴⁹

The DCF and local governmental agencies that license child care facilities must develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. In addition, DCF and the local governmental agencies are required to develop and implement an

⁴³ Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/child-care-providers-and-staff/about-child-care-licensure>

⁴⁴ Florida Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>

⁴⁵ Sections 402.301-319 F.S.

⁴⁶ Section 402.305, F.S.

⁴⁷ Section 402.305(1)(b), F.S.

⁴⁸ Section 402.306, F.S.

⁴⁹ Florida Department of Children and Families, *Child Care Licensure*, <https://www.myflfamilies.com/services/licensing/child-care-licensure> (last visited Mar. 10, 2023).

abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies for at least 2 consecutive years. The abbreviated inspection must include those elements identified by DCF and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming.⁵⁰

Effect of Proposed Changes

The bill amends s. 402.305, F.S., to modify the scope of required licensing standards for child care facilities. Specifically the bill:

- Removes from the scope of DCF licensing standards health and nutrition and child development needs.
- Clarifies that fire safety regulations for child care facilities are directed by the State Fire Marshal.
- Removes periodic health examinations from licensing requirements.
- Removes the requirement for child care facilities to provide parents of children enrolled in the facility detailed information regarding:
 - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
 - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.
- Removes the requirements that the written plan for the daily provision of age-appropriate activities include a program to assist the children in preventing and avoiding physical and mental abuse.
- Removes minimum standards for specialized child care facilities of the care of mildly ill children.

The bill modifies s. 402.3115, F.S., to add family day care homes and large family child care homes to the list of facilities that the DCF must include in its plan to eliminate duplicative and unnecessary inspections.

The bill expands the requirement for DCF and local government agencies to develop an abbreviated inspection plan for certain child care facilities. The bill requires the DCF and local government agencies to develop and implement an abbreviated inspection plan for child care facilities that:

- Have been licensed for a period of not less than 2 consecutive years, and do not have a Class 1 and no more than two of the same Class 2 deficiencies, for at least 2 consecutive years.
- Have received at least two full onsite renewals in the most recent 2 years.
- Do not have any current uncorrected violations.
- Do not have any open regulatory complaints or active child protective services investigations.

The bill requires the DCF to annually calculate efficiencies and moneys saved due to the implementation of abbreviated inspections and use the savings to focus resources and technical assistance to support child care facilities, family day care homes, and large family child care

⁵⁰ Section 402.305, F.S.

homes that are having difficulty maintaining compliance with licensing requirements based on a history of violations, regulatory complaints, or active child protective violations.

The bill modifies s. 402.316, F.S., to add an exemption from licensing for a child care provider that receives a child care tax credit and is attended only by children or grandchildren of employees of the corporation claiming the credit.

Child Care Personnel

Present Situation

The DCF establishes minimum standards for child care personnel that include minimum requirements for good moral character based upon background screening.⁵¹ This screening must be conducted using the level 2 standards for screening which include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and the child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding 5 years.⁵²

The DCF also establishes minimum training requirements for child care personnel. DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.⁵³ The minimum standards for training must ensure that all child care personnel take an approved 40-clock-hour introductory course in child care covering the following topic areas:⁵⁴

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the DCF, for owner-operators and child care personnel of a child care facility.
- Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.⁵⁵

The DCF is required to evaluate or contract for an evaluation to determine the status of and means to improve staff training requirements and testing procedures. The evaluation must be conducted every 2 years. The evaluation must include, but is not be limited to, determining:⁵⁶

⁵¹ Section. 405.305(15), F.S.

⁵² Section. 435.04, F.S.

⁵³ Florida Department of Children and Families, *Child Care Facility Handbook*, October 2021, available at: https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf.

⁵⁴ Florida Department of Children and Families, *Child Care Facility Handbook*, October 2021, available at: https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf.

⁵⁵ Section. 402.305, F.S.

⁵⁶ Section. 402.305(2), F.S.

- The availability, quality, scope, and sources of current staff training.
- The need for specialty training.
- Ways to increase in-service training.
- Ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training.

The DCF also establishes minimum standards for:

- Sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards must require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.⁵⁷
- Admissions and recordkeeping. During the months of August and September of each year, each child care facility must provide parents of children enrolled in the facility detailed information regarding
 - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
 - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.⁵⁸
 - A plan of activities which must ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.⁵⁹
 - Specialized child care facilities for the care of mildly ill children.⁶⁰

Effect of Proposed Changes

The bill amends s. 402.305 to modify minimum standards for child care personnel. Specifically, the bill:

- Requires the 40-clock-hour introductory course in child care to be taken by child care personnel to include online training coursework, provided at no cost by the DCF, to meet minimum training standards for child care personnel.
- Clarifies that the child care personnel competency examination will be either in-person or online.
- Requires a child care operator have two persons, instead of one, trained in cardiopulmonary resuscitation present at all times that children are present.

The bill specifies a timeline for DCF to provide background screening results of personnel to providers. The bill requires the DCF to complete the background screening and provide results to the child care facility within 5 business days. Upon failure to do so, the bill requires the DCF to issue a current or prospective child care personnel a 45-day provisional hire status while all required information is being requested and the DCF is awaiting results. During the 45-day period, the current or prospective child care personnel must be under the direct supervision of a screened and trained staff member when in contact with children.

⁵⁷ Section. 402.305(7), F.S.

⁵⁸ Section. 402.305(9), F.S.

⁵⁹ Section. 402.305(13), F.S.

⁶⁰ Section. 402.305(17), F.S.

The bill modifies the required evaluation by DCF, or a contracted entity, to determine the status of and means to improve staff training requirements and testing procedures. The bill removes existing requirements for the evaluation and requires, by December 31, 2023, the DCF to evaluate or contract for an evaluation of:

- The current training requirements and coursework offered to child care personnel and make recommendations to increase the quality and relevancy of training.
- The licensing and regulation of child care facilities to:
 - Identify rules that exceed specific delegated legislative authority.
 - Identify rules that are arbitrary, vague, or redundant.
 - Streamline the standards used to classify violations and eliminate redundancy or subjectivity in application by licensing counselors.

The bill provides that once the evaluation is completed, the DCF must begin revising the regulation of child care facilities to simplify ongoing licensure inspections, increase objectivity, and provide a greater emphasis on technical assistance. The evaluation must be conducted every 5 years.

Special Assessments

Present Situation

There are 67 county governments and over 400 municipal governments. Municipalities levy and collect special assessments to fund capital improvements and municipal services including but not limited to; fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement and parking facilities. Small municipalities with a population fewer than 100 persons may use special assessments to fund special security and crime prevention services and facilities.⁶¹

Property owned or occupied by a religious institution, a public or private elementary, middle, or high school, or by a governmentally financed, insured or subsidized housing facility that is used primarily for persons who are elderly or disabled is exempt from any special assessments levied by a municipality.⁶² No specific exemption exists for preschools. There are over 8,000 licensed preschools in Florida.⁶³

Special assessments represent a significant amount of tax revenue for local municipalities, which include cities and county governments. For 2019-20, special assessment levied by local governments were \$123.63 per capita, this compares with \$77.33 per capita for school impact fees, \$63.17 for local public service tax revenue, \$26.12 for communication services tax revenue as examples.⁶⁴

⁶¹ Section 170.201, F.S.

⁶² Section 170.201(2), F.S.

⁶³ Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at

<https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>.

⁶⁴ Florida TaxWatch, *2022 How Florida Counties Compare*, available at <https://floridataxwatch.org/Research/Full-Library/ArtMID/34407/ArticleID/19164/2022-How-Florida-Counties-Compare>.

Effect of Proposed Changes

The bill modifies s. 170.201, F.S., to add any public or private preschool to those properties that are exempt from special assessments levied by local governments and municipalities. This provision would exempt some 8,000 private preschools in Florida from special assessments levied by local governments and municipalities.

Tax Collections and Credits

Present Situation

Early Learning Tax Incentive

Child care tax credits expired in 2008.⁶⁵ There is no tax credit program against tax due for any taxpayers for contributions made to a child care facility on behalf of employees for oil and gas producers, direct pay permit-holders, corporate income/franchise filers, entities owing excise taxes on malt beverages, wines and beverages or on liquors/beverages, and insurance companies.

Corporate Income Tax

Florida imposes a 5.5 percent tax on the taxable income of certain corporations and financial institutions doing business in Florida.⁶⁶ Corporate income tax is remitted to the Department of Revenue (DOR) and distributed to General Revenue. Net collections of corporate income tax in FY 2021-2022 were \$2.9 billion.⁶⁷

Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums.⁶⁸ Insurance premium taxes are paid by insurance companies under ch. 624, F.S., and are remitted to the DOR. These revenues are distributed to General Revenue with additional distributions to the Insurance Regulatory Trust Fund, the Police & Firefighters Premium Tax Trust Fund, and the Emergency Management Preparedness & Assistance Trust Fund. Net collections of insurance premium taxes in FY 2021-2022 were \$1.16 billion with distributions to General Revenue of \$750 million.⁶⁹

Severance Taxes on Oil and Gas Production

Oil and gas production severance taxes are imposed on persons who sever oil or gas in Florida for sale, transport, storage, profit, or commercial use.⁷⁰ These taxes are remitted to the DOR and distributed to General Revenue with additional distributions to the Minerals Trust Fund and to the counties where production occurred. Receipts from the severance taxes on oil and gas are

⁶⁵ Section. 220.19, F.S. (2008).

⁶⁶ Sections 220.11(2) and 220.63(2), F.S.

⁶⁷ Office of Economic and Demographic Research, Memo, August 17, 2022, *available at* http://edr.state.fl.us/Content/conferences/generalrevenue/CITNetCollections_FY2021-22.pdf

⁶⁸ Section 624.509, F.S. (Different tax rates apply to wet marine and transportation insurance, self-insurance, and annuity premiums.)

⁶⁹ Florida Revenue Estimating Conference, *2022 Florida Tax Handbook* (Nov. 4, 2022), *available at* <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2022.pdf>

⁷⁰ Sections 211.02(1) and 211.025, F.S.

estimated to be \$2.7 million in FY 2021-2022 with distributions to General Revenue of \$1.7 million.⁷¹

Sales Taxes Paid by Direct Pay Permit Holders

Section 212.183, F.S., authorizes the DOR to establish a process for the self-accrual of sales taxes due under ch. 212, F.S. The process involves the DOR granting a direct pay permit to a taxpayer, who then pays the taxes directly to the DOR.⁷²

Alcoholic Beverage Taxes

Florida imposes excise taxes on malt beverages, wines, and other beverages.⁷³ The taxes are due from manufacturers, distributors and vendors of malt beverages, and from manufacturers and distributors of wine, liquor, and other specified alcoholic beverages. Taxes are remitted to the Division of Alcoholic Beverages and Tobacco (Division) in the Department of Business and Professional Regulation (DBPR).

The Division is responsible for supervising the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of all alcoholic beverages in Florida.⁷⁴

Distributions of the excise taxes on alcoholic beverages are made to the General Revenue Fund, the Alcoholic Beverage and Tobacco Trust Fund, and Viticulture Trust Fund. Collections of alcoholic beverage taxes were \$359 million in FY 2021-2022 with distributions to General Revenue of \$352 million.⁷⁵

Florida Tax Credit Scholarship Program

The Florida Tax Credit (FTC) Scholarship Program was established to encourage private, voluntary contributions from corporate donors to non-profit scholarship funding organizations (SFOs) that award scholarships to children from low-income families. Scholarship Funding Organizations (SFOs) are responsible for the receipt and distribution of contributed funds to eligible students attending participating Florida private schools. Scholarships are awarded to low-income students to attend a private school or assist with transportation costs to attend a public school in an adjacent district.⁷⁶

Taxpayers can receive a tax credit for use against their liability for corporate income tax, insurance premium tax, severance taxes on oil and gas production, self-accrued sales tax

⁷¹ Florida Revenue Estimating Conference, *2022 Florida Tax Handbook* (Nov. 4, 2022), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2022.pdf>

⁷² Section 212.183, F.S., and rule 12A-1.0911, F.A.C. Direct pay permit holders include: dealers who annually make purchases in excess of \$10 million per year in any county; dealers who annually purchase at least \$100,000 of tangible personal property, including maintenance and repairs for their own use; dealers who purchase promotional materials whose ultimate use is unknown at purchase; eligible air carriers, vessels, railroads, and motor vehicles engaged in interstate and foreign commerce; and dealers who lease realty from a number of independent property owners.

⁷³ Sections 563.05, 564.06, and 565.12, F.S.

⁷⁴ Section 561.02, F.S.

⁷⁵ Florida Revenue Estimating Conference, *2022 Florida Tax Handbook* (Nov. 4, 2022), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2022.pdf>

⁷⁶ Florida Department of Education, *Fact Sheet Florida Tax Credit Scholarship Program*, available at: <https://www.fldoe.org/core/fileparse.php/5606/urlt/FTC-Oct-2022-line.pdf>.

liabilities of direct pay permit holders or alcoholic beverage taxes on beer, wine, and spirits.⁷⁷ The tax credit is equal to 100 percent of the eligible contributions made.⁷⁸ To receive a tax credit the taxpayer must submit an application to the DOR and specify each tax for which the taxpayer requests a credit and the applicable taxable or state fiscal year for the credit.⁷⁹ Taxpayers can rescind tax credits, which will become available to another eligible taxpayer in that fiscal year.⁸⁰

Effect of Proposed Changes

The bill modifies s. 200.19, F.S., to establish the Early Learning Tax Incentive. This tax incentive works in conjunction with the Florida Tax Credit Scholarship Program by allowing a for a tax credit of 100 percent of a donation made to a child care facility on behalf of an employee by a corporation against the following tax liabilities:

- Corporate income tax;
- Insurance premium tax;
- Severance taxes on oil and gas production;
- Alcoholic beverage tax on beer, wine, and spirits; or
- Self-accrued sales tax liability of direct pay permit holders.

New sections are created in each of the applicable tax chapters to create the credit authorized in s. 220.19, F.S., for the Early Learning Tax Incentive for:

- A tax credit of up to 50 percent of the startup costs of a child care facility for children under the age of 5 by a corporation for its employee for any tax due in a taxable year.
- An additional tax credit for the operational costs of a child care facility for children under the age of 5 by a corporation for its employees. The tax credit is an amount of \$300 per month for each child or grandchild of an employee.
- A tax credit for any tax due for a tax year for a corporation that makes payments to an eligible facility if the payments are made in the name of a child or grandchild of an employee for a maximum credit of \$3,600 per child. Payments may be made directly to the facility or the corporation may contract with the early learning coalition to process payments. However, the maximum credit needs clarification if the \$3,600 per child credit is for one occasion or can be claimed annually.

The bill caps the maximum amount of tax credits based on the number of employees employed by the corporation during the year ranging from:

- \$50,000 for a corporation with 1 to 25 employees.
- \$100,000 for a corporation with 26 to 50 employees.
- \$150,000 for a corporation with 51 to 75 employees.
- \$200,000 for a corporation with 76 to 100 employees.
- \$300,000 for a corporation with 101 to 200 employees.
- \$500,000 for a corporation with 201 to 500 employees.

The bill establishes eligibility requirements for claiming the credit. The bill specifies that:

⁷⁷ Section 1002.395(1) and (5), F.S.

⁷⁸ Sections 220.1875 and 1002.395(5), F.S.

⁷⁹ Section 1002.395(5)(b), F.S.

⁸⁰ Section 1002.395(5)(e), F.S.

- A corporation may only claim a credit for an eligible child care facility.
- The services of a child care facility for which a corporation claims a credit for operating a child care facility must be available to all employees of the corporation, or must be allocated on a first-come, first-served basis, and must be used by employees employed by the corporation.
- Child care payments for which a corporation claims a credit for making payments to a child care facility in the name of and for the benefit of an employee of the corporation whose child or grandchild attends the child care facility may not exceed the amount charged by the child care facility for other children of like age and ability of persons not employed by the corporation.

The bill authorizes two or more corporations to jointly establish and operate a child care facility. If two or more corporations choose to jointly establish and operate a child care facility, or cause a not-for-profit corporation to establish and operate a child care facility, the corporations must file a joint application, or the not-for-profit corporation may file an application setting forth the corporations' proposal. The bill authorizes the participating corporations to proportion the credits in any manner they choose; however, participating corporations may not receive more than \$150,000 in credits for all approved child care costs incurred by the participating corporations in any one taxable year.

The bill delineates the application process for the credit. The bill requires an application for a credit to be approved by the DOR prior to claiming a credit on a return. The bill authorizes, beginning January 1, 2024, a corporation to submit an application to the DOR for the purposes of determining qualification for an Early Learning Tax Incentive credit to be applied to a taxable year beginning on or after January 1, 2024. The application must include:

- For a credit for operating a child care facility, a proposal for establishing a child care facility for use by a corporation's employees, the total number of employees' children and grandchildren expected to be enrolled, and the expected date operations will begin. A credit may not be claimed on a return until operations have begun.
- For a credit for donating to a child care facility, the total number of employees' children and grandchildren for which child care payments will be paid and the estimated total annual amount of such payments.
- The taxable year in which the credit is expected to be earned. A corporation may apply for a credit to be used for a prior taxable year at any time before the date on which the corporation is required to file a return for that year.
- Written verification by the DCF or local licensing agency that the facility is a child care facility and is an eligible facility. Such verification must be attached to the application.

The bill requires the DOR to approve tax credits on a first-come, first-served basis.

The bill authorizes the DOR to adopt all rules pursuant to the Administrative Procedure Act to administer the tax incentive, including rules for the approval or disapproval of proposals submitted by corporations and rules to provide for cooperative arrangements between for-profit and not-for-profit corporations.

The bill specifies that the DOR's decision to approve or disapprove a proposal must be in writing, and, if the proposal is approved, the decision must state the maximum credit authorized for the corporation.

Insurance

Present Situation

Homeowners' insurance is a specific type of property insurance. Homeowners' insurance covers damage or loss by theft and against perils which can include fire, and storm damage. It also may insure the owner for accidental injury or death for which the owner may be legally responsible. Mortgage lenders usually require homeowners' insurance as part of the mortgage terms.⁸¹

While homeowners' insurance can specifically refer to the insurance of a house, it also encompasses the insurance of other types of structures associated with personal residences, including tenants (renters) and condominium unit owners.⁸²

Florida recognizes that family day care homes fulfill a vital role in providing child care and that residential property insurance coverage should not be canceled, denied, or nonrenewed solely on the basis of the family day care services at the residence. The potential liability of residential property insurers is substantially increased by the operation of child care services on the premises. Contractual liabilities that arise in connection with the operation of the family day care home are excluded from residential property insurance policies unless they are specifically included in such coverage.⁸³

In addition to family day care services, there are also over 400 large family day care services in Florida.⁸⁴ A large family day care home is an occupied residence in which child care is regularly provided for children from at least two unrelated families where there is payment for the care provided and which has at least two full-time child care personnel on the premise during hours of operation.⁸⁵ The insurance protections for family day care homes do not extend to large family day care homes.⁸⁶

Effect of Proposed Changes

The bill modifies s. 627.70161, F.S., to add specific language to include large family child care homes to existing law to prevent cancelation of the residential property insurance solely on the basis of offering those services at a residence, and to include "large family child care homes" in language stating the liabilities arising out of such services are excluded from property insurance policies specifically included in that coverage.

⁸¹ Florida Office of Insurance Regulation, *Homeowners' Insurance*, <https://floir.com/Sections/PandC/Homeowners/default.aspx> (last visited Mar. 11, 2023).

⁸² Florida Office of Insurance Regulation, *Homeowners' Insurance*, <https://floir.com/Sections/PandC/Homeowners/default.aspx> (last visited Mar. 11, 2023).

⁸³ Section 627.70161, F.S.

⁸⁴ Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>.

⁸⁵ Section 402.302(11), F.S.

⁸⁶ Section 627.70161, F.S.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill limits the ability to collect special assessments to fund capital improvements and municipal services under s. 170.201, F.S., by providing exemptions for preschools.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill provides an exemption from special assessments levied by municipalities, which may reduce tax revenue. An impact estimating conference is required to estimate the impact on tax revenue for local governments as a result of introducing the exemption for preschool from special assessments levied by municipal governments.

The bill provides corporate tax credits for contributions to child care facilities, which may reduce the collection of taxes.

B. Private Sector Impact:

The bill may reduce costs to School Readiness and Voluntary Prekindergarten providers by providing reimbursements for:

- Background screening of personnel; and
- Co-pays for providers related to the TEACH scholarship program.

C. Government Sector Impact:

This bill may have a significant but indeterminate negative fiscal impact on state general revenue and federal Child Care Development Funds. For example, the bill:

- Requires a statistical analysis be conducted by an independent expert; identified through competitive procurement before 2023-2024 program year.
- Requires a statewide information system to be used to manage all early learning programs.
- Provides a reimbursement for child care providers for the copayment portion of the program for each instructor who completes a child development associate credential in his or her service.
- Allows for intensive reading interventions by a qualified private or public prekindergarten provider consisting of 4 hours of instruction per day, totaling 140 hours; subject to an appropriation in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill establishes in ss. 220.1878 and 624.51058, F.S., credits for corporate and insurance premium taxes. However, unlike other tax credits that are enacted on January 1, 2024, these taxes are enacted on January 1, 2023. The bill may be amended to reconcile the dates for enactment of the tax credits, or provide the Department of Revenue with emergency rulemaking authority for these sections.⁸⁷

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.101, 170.201, 220.19, 402.302, 402.305, 402.3115, 402.316, 627.70161, 1002.55, 1002.61, 1002.67, 1002.68, 1002.71, 1002.82, 1002.83, 1002.89, 1002.945, 1002.95, 1008.25, 1002.57, and 1002.59.

This bill creates the following sections of the Florida Statutes: 211.0254, 212.1835, 220.1878, 561.1214, and 624.51058.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁸⁷ Florida Department of Revenue, *2023 Agency Analysis of SB 990* (Mar. 7, 2023).

By Senator Grall

29-01194B-23

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1 A bill to be entitled
 2 An act relating to child care and early learning
 3 providers; amending s. 170.201, F.S.; providing an
 4 exemption for public and private preschools from
 5 specified special assessments levied by a
 6 municipality; creating s. 211.0254, F.S.; providing
 7 for a tax credit for certain contributions made to a
 8 child care facility; providing restrictions on the tax
 9 credit; creating s. 212.1835, F.S.; providing for a
 10 tax credit for certain contributions made to a child
 11 care facility; providing restrictions on the tax
 12 credit; creating s. 220.1878, F.S.; providing for a
 13 tax credit for certain contributions made to a child
 14 care facility; providing restrictions on the tax
 15 credit; amending s. 220.19, F.S.; defining terms;
 16 authorizing specified tax credits for corporations
 17 establishing and operating, or making payments to,
 18 child care facilities for their employees under
 19 certain conditions; specifying requirements for such
 20 credits; providing the maximum amount for all credits;
 21 requiring the Department of Revenue to approve
 22 applications for such credits before they may be
 23 claimed by a corporation; authorizing certain
 24 corporations to claim such credits on a consolidated
 25 return basis; requiring child care facilities to meet
 26 certain requirements for corporations using such
 27 facilities to claim such credits; authorizing two or
 28 more corporations to jointly establish and operate a
 29 child care facility; providing requirements for such

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30 joint establishment and its operation; requiring
 31 payments to certain child care facilities to meet
 32 specified conditions; authorizing corporations to
 33 submit applications to qualify for credits beginning
 34 on a specified date; providing application
 35 requirements; authorizing the department to adopt
 36 rules; requiring certain decisions to be in writing
 37 and include specified information; requiring prior
 38 written verification by a specified entity relating to
 39 licensing; amending s. 402.302, F.S.; defining the
 40 term "preschool"; amending s. 402.305, F.S.; revising
 41 licensing standards for all licensed child care
 42 facilities; revising minimum standards and training
 43 requirements for child care personnel; requiring the
 44 Department of Children and Families to conduct
 45 specified screening of child care personnel within a
 46 specified timeframe and issue provisional approval of
 47 such personnel; requiring the department to evaluate
 48 certain training and coursework requirements for child
 49 care personnel and the licensing and regulation of
 50 child care facilities by a specified date; deleting
 51 provisions relating to educating parents about the
 52 importance of specified immunizations, a program to
 53 assist children in preventing and avoiding physical
 54 and mental abuse, and specialized child care
 55 facilities for the care of mildly ill children;
 56 amending s. 402.3115, F.S.; requiring the department
 57 and certain local governmental agencies to develop and
 58 implement a plan to eliminate duplicative and

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59 unnecessary inspections of home child care providers;
 60 revising abbreviated inspection requirements for
 61 certain child care facilities; amending s. 402.316,
 62 F.S.; authorizing certain child care facilities to
 63 operate without a license; creating s. 561.1214, F.S.;
 64 providing for a tax credit for certain contributions
 65 made to a child care facility; providing restrictions
 66 on the tax credit; creating s. 624.51058, F.S.;
 67 providing for a tax credit for certain contributions
 68 made to a child care facility; providing restrictions
 69 on the tax credit; amending s. 627.70161, F.S.;
 70 revising legislative purpose and intent; revising
 71 definitions; providing that residential property
 72 insurance does not cover liability or claims arising
 73 out of the operation of a large family child care
 74 home; providing that an insurer may not deny, cancel,
 75 or refuse to renew a policy on the basis that the
 76 policyholder operates a large family child care home;
 77 providing conditions under which the insurer may
 78 cancel the policy; amending s. 1002.55, F.S.; revising
 79 requirements for private prekindergarten providers;
 80 amending s. 1002.61, F.S.; revising requirements for
 81 public school and private summer prekindergarten
 82 program providers; amending s. 1002.67, F.S.;
 83 prohibiting certain education providers' curriculums
 84 from using coordinated screening; prohibiting progress
 85 monitoring systems from including the student use of
 86 electronic devices; providing an exception; amending
 87 s. 1002.68, F.S.; requiring program assessments of

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88 private prekindergarten providers and public schools
 89 in the Voluntary Prekindergarten Education Program to
 90 be conducted when a specified number of students are
 91 in attendance beginning in a specified program year;
 92 requiring the specified methodology for calculating
 93 the performance of each private prekindergarten
 94 provider and public school provider to include an
 95 analysis conducted by an independent expert with
 96 specified experience beginning in a specified program
 97 year; amending s. 1002.71, F.S.; providing
 98 requirements for early learning coalitions retention
 99 and expenditure of specified funds; amending s.
 100 1002.82, F.S.; revising the powers and duties of the
 101 Department of Education relating to the administration
 102 of the Child Care and Development Block Grant Trust
 103 Fund; amending s. 1002.83, F.S.; revising a provision
 104 relating to the appointment of members of an early
 105 learning coalition; amending s. 1002.89, F.S.;
 106 providing for specified financial support to child
 107 care providers and staff to be included in school
 108 readiness program costs; amending s. 1002.945, F.S.;
 109 revising requirements for a child care provider to
 110 obtain and maintain a designation as a Gold Seal
 111 Quality Care provider; amending s. 1002.95, F.S.;
 112 requiring early learning coalitions to provide
 113 specified support to a specified scholarship program;
 114 amending s. 1008.25, F.S.; revising reading
 115 intervention requirements for Voluntary
 116 Prekindergarten Education Program students; amending

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117 ss. 39.101, 1002.57, and 1002.59, F.S.; conforming
 118 cross-references; providing an effective date.

120 Be It Enacted by the Legislature of the State of Florida:

122 Section 1. Subsection (2) of section 170.201, Florida
 123 Statutes, is amended to read:

124 170.201 Special assessments.—

125 (2) Property owned or occupied by a religious institution
 126 and used as a place of worship or education; by a public or
 127 private preschool, elementary school, middle school, or high
 128 school; or by a governmentally financed, insured, or subsidized
 129 housing facility that is used primarily for persons who are
 130 elderly or disabled shall be exempt from any special assessment
 131 levied by a municipality to fund any service if the municipality
 132 so desires. As used in this subsection, the term “religious
 133 institution” means any church, synagogue, or other established
 134 physical place for worship at which nonprofit religious services
 135 and activities are regularly conducted and carried on and the
 136 term “governmentally financed, insured, or subsidized housing
 137 facility” means a facility that is financed by a mortgage loan
 138 made or insured by the United States Department of Housing and
 139 Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s.
 140 232, or s. 236 of the National Housing Act and is owned or
 141 operated by an entity that qualifies as an exempt charitable
 142 organization under s. 501(c)(3) of the Internal Revenue Code.

143 Section 2. Section 211.0254, Florida Statutes, is created
 144 to read:

145 211.0254 Credit for contributions to the Early Learning Tax

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146 Incentive.—Beginning January 1, 2024, there is allowed a credit
 147 of 100 percent of an eligible contribution made to a child care
 148 facility on behalf of an employee under s. 220.19 against any
 149 tax due under s. 211.02 or s. 211.025. However, the combined
 150 credit allowed under this section and s. 211.0251 may not exceed
 151 50 percent of the tax due on the return on which the credit is
 152 taken. If the combined credit allowed under this section and s.
 153 211.0251 exceeds 50 percent of the tax due on the return, the
 154 credit must first be taken under s. 211.0251. Any remaining
 155 liability must be taken under this section but may not exceed 50
 156 percent of the tax due. For purposes of the distributions of tax
 157 revenue under s. 211.06, the department shall disregard any tax
 158 credits allowed under this section to ensure that any reduction
 159 in tax revenue received which is attributable to the tax credits
 160 results only in a reduction in distributions to the General
 161 Revenue Fund. Section 220.19 applies to the credit authorized by
 162 this section.

163 Section 3. Section 212.1835, Florida Statutes, is created
 164 to read:

165 212.1835 Credit for contributions to the Early Learning Tax
 166 Incentive.—Beginning January 1, 2024, there is allowed a credit
 167 of 100 percent of an eligible contribution made to a child care
 168 facility on behalf of an employee under s. 220.19 against any
 169 tax imposed by the state and due under this chapter from a
 170 direct pay permitholder as a result of the direct pay permit
 171 held pursuant to s. 212.183. For purposes of the dealer’s credit
 172 granted for keeping prescribed records, filing timely tax
 173 returns, and properly accounting and remitting taxes under s.
 174 212.12, the amount of tax due used to calculate the credit shall

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175 include any eligible contribution made to a child care facility
 176 on behalf of an employee from a direct pay permitholder. For
 177 purposes of the distributions of tax revenue under s. 212.20,
 178 the department shall disregard any tax credits allowed under
 179 this section to ensure that any reduction in tax revenue
 180 received which is attributable to the tax credits results only
 181 in a reduction in distributions to the General Revenue Fund.
 182 Section 220.19 applies to the credit authorized by this section.
 183 A dealer who claims a tax credit under this section must file
 184 his or her tax returns and pay his or her taxes by electronic
 185 means under s. 213.755.

186 Section 4. Section 220.1878, Florida Statutes, is created
 187 to read:

188 220.1878 Credit for contributions to the Early Learning Tax
 189 Incentive.—

190 (1) For taxable years beginning on or after January 1,
 191 2023, there is allowed a credit of 100 percent of an eligible
 192 contribution made to a child care facility on behalf of an
 193 employee under s. 220.19 against any tax due for a taxable year
 194 under this chapter after the application of any other allowable
 195 credits by the taxpayer. An eligible contribution must be made
 196 to a child care facility on behalf of an employee on or before
 197 the date the taxpayer is required to file a return pursuant to
 198 s. 220.222. The credit granted by this section shall be reduced
 199 by the difference between the amount of federal corporate income
 200 tax, taking into account the credit granted by this section, and
 201 the amount of federal corporate income tax without application
 202 of the credit granted by this section.

203 (2) A taxpayer who files a Florida consolidated return as a

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204 member of an affiliated group pursuant to s. 220.131(1) may be
 205 allowed the credit on a consolidated return basis; however, the
 206 total credit taken by the affiliated group is subject to the
 207 limitation established under subsection (1).

208 (3) Section 220.19 applies to the credit authorized by this
 209 section.

210 (4) If a taxpayer applies and is approved for a credit
 211 under s. 220.19 after timely requesting an extension to file
 212 under s. 220.222(2):

213 (a) The credit does not reduce the amount of tax due for
 214 purposes of the department's determination as to whether the
 215 taxpayer was in compliance with the requirement to pay tentative
 216 taxes under ss. 220.222 and 220.32.

217 (b) The taxpayer's noncompliance with the requirement to
 218 pay tentative taxes shall result in the revocation and
 219 rescindment of any such credit.

220 (c) The taxpayer shall be assessed for any taxes,
 221 penalties, or interest due from the taxpayer's noncompliance
 222 with the requirement to pay tentative taxes.

223 Section 5. Section 220.19, Florida Statutes, is amended to
 224 read:

225 220.19 Child care tax credits.—

226 (1) DEFINITIONS.—For purposes of this section, the term:

227 (a) "Eligible facility" means a facility that:

228 1. Is licensed under s. 402.305;

229 2. Is exempt from licensure under s. 402.316; or

230 3. Has received a Gold Seal Quality Care designation under
 231 s. 1002.945.

232 (b) "Tax due" includes any tax required under this chapter

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or chapter 211, chapter 212, chapter 561, or chapter 624.

(2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(a) 1. A credit of 50 percent of the startup costs of a child care facility for children under the age of 5 operated by a corporation for its employees is allowed against any tax due for a taxable year. An additional credit against such tax is allowed for the operational costs of a child care facility for children under the age of 5 by a corporation for its employees, which credit is in the amount of \$300 per month for each child or grandchild of such employee enrolled in the facility.

2. A credit is allowed against any tax due for a taxable year for a corporation making payments to a child care facility as defined in s. 402.302 which is an eligible facility if the payments are made in the name of and for the benefit of an employee of the corporation whose child or grandchild attends the child care facility. The credit shall be in an amount equal to 100 percent of the amount of such child care payments up to a maximum credit of \$3,600 per child under the age of 5. The corporation may make payments directly to the facility or contract with an early learning coalition to process payments.

(b) The maximum credit amount for all approved child care costs incurred by a corporation in a taxable year is based on the average number of employees employed by the corporation during such year. For an employer that employed:

1. One to 25 employees, the maximum credit is \$50,000.

2. Twenty-six to 50 employees, the maximum credit is \$100,000.

3. Fifty-one to 75 employees, the maximum credit is \$150,000.

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4. Seventy-six to 100 employees, the maximum credit is \$200,000.

5. One hundred one to 200 employees, the maximum credit is \$300,000.

6. Two hundred one to 500 employees, the maximum credit is \$500,000.

(c) The total credit amount that may be granted for all applications approved under this section shall be allocated annually as provided in the General Appropriations Act.

(d) An application for a credit under this section must be approved by the department before the corporation claims the credit on a return.

(e) ~~(1)~~ If a ~~the~~ credit granted under this section is not fully used in any one taxable year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the corporation is eligible in that year under this section after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(f) ~~(2)~~ If a corporation receives a credit for child care facility startup costs, and the facility fails to operate for at least 5 years, a pro rata share of the credit must be repaid, in accordance with the formula: $A = C \times (1 - (N/60))$, where:

1. ~~(a)~~ "A" is the amount in dollars of the required repayment.

2. ~~(b)~~ "C" is the total credits taken by the corporation for child care facility startup costs.

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291 3.(e) "N" is the number of months the facility was in
 292 operation.

293
 294 This repayment requirement is inapplicable if the corporation
 295 goes out of business or can demonstrate to the department that
 296 its employees no longer want to have a child care facility.

297 (g) A corporation that files a consolidated return as a
 298 member of an affiliated group under s. 220.131(1) may claim the
 299 credit on a consolidated return basis.

300 (3) ELIGIBILITY REQUIREMENTS.-

301 (a) A corporation may only claim a credit for a child care
 302 facility as defined in s. 402.302 which is an eligible facility.

303 (b) The services of a child care facility for which a
 304 corporation claims a credit under subparagraph (2)(a)1. must be
 305 available to all employees of the corporation, or must be
 306 allocated on a first-come, first-served basis, and must be used
 307 by employees employed by the corporation.

308 (c) Two or more corporations may jointly establish and
 309 operate a child care facility according to this section. If two
 310 or more corporations choose to jointly establish and operate a
 311 child care facility, or cause a not-for-profit corporation to
 312 establish and operate a child care facility, the corporations
 313 must file a joint application, or the not-for-profit corporation
 314 may file an application pursuant to subsection (4) setting forth
 315 the corporations' proposal. The participating corporations may
 316 proportion the credits in any manner they choose; however,
 317 participating corporations may not receive more than \$150,000 in
 318 credits for all approved child care costs incurred by the
 319 participating corporations in any one taxable year.

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320 (d) Child care payments for which a corporation claims a
 321 credit under subparagraph (2)(a)2. may not exceed the amount
 322 charged by the child care facility for other children of like
 323 age and ability of persons not employed by the corporation.

324 (4) APPLICATION REQUIREMENTS.-Beginning January 1, 2024, a
 325 corporation may submit an application to the department for the
 326 purposes of determining qualification for a credit under this
 327 section to be applied to a taxable year beginning on or after
 328 January 1, 2024. The department must approve the application for
 329 the credit before the corporation is authorized to claim the
 330 credit on a return.

331 (a) The application must include:

332 1.a. For a credit under subparagraph (2)(a)1., a proposal
 333 for establishing a child care facility for use by a
 334 corporation's employees, the total number of employees' children
 335 and grandchildren expected to be enrolled, and the expected date
 336 operations will begin. A credit may not be claimed on a return
 337 until operations have begun.

338 b. For a credit under subparagraph (2)(a)2., the total
 339 number of employees' children and grandchildren for which child
 340 care payments will be paid and the estimated total annual amount
 341 of such payments.

342 2. The taxable year in which the credit is expected to be
 343 earned. A corporation may apply for a credit to be used for a
 344 prior taxable year at any time before the date on which the
 345 corporation is required to file a return for that year pursuant
 346 to s. 220.222.

347 3. Written verification by the Department of Children and
 348 Families or local licensing agency that the facility is a child

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care facility as defined in s. 402.302 and is an eligible facility. Such verification must be attached to the application.

(b) The department shall approve tax credits on a first-come, first-served basis.

(5) ADMINISTRATION.—

(a) The department may adopt all rules pursuant to the Administrative Procedure Act to administer this section, including rules for the approval or disapproval of proposals submitted by corporations and rules to provide for cooperative arrangements between for-profit and not-for-profit corporations.

(b) The department's decision to approve or disapprove a proposal must be in writing, and, if the proposal is approved, the decision must state the maximum credit authorized for the corporation.

(c) All applications approved under this section require prior written verification by the Department of Children and Families or a local licensing agency that the facility is a child care facility as defined in s. 402.302 and is an eligible facility.

Section 6. Present subsections (15) through (18) of section 402.302, Florida Statutes, are redesignated as subsections (16) through (19), respectively, and a new subsection (15) is added to that section, to read:

402.302 Definitions.—As used in this chapter, the term:

(15) "Preschool" means any child care facility licensed under s. 402.305 that serves children under 5 years of age.

Section 7. Present paragraph (g) of subsection (2) of section 402.305, Florida Statutes, is redesignated as paragraph (f), present subsection (18) is redesignated as subsection (17),

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and paragraphs (a) and (b) of subsection (1), paragraphs (a) and (e) and present paragraph (f) of subsection (2), paragraph (a) of subsection (7), paragraphs (b) and (c) of subsection (9), subsection (13), and present subsection (17) of that section are amended, to read:

402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(a) The standards shall be designed to address the following areas:

1. ~~the health, sanitation,~~ safety, and sanitary adequate physical conditions ~~surroundings~~ for all children served by in child care facilities.

2. ~~The health and nutrition of all children in child care.~~

3. ~~The child development needs of all children in child care.~~

(b) Fire safety regulations for child care facilities will be directed ~~All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities.~~ However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the State Board of Education, as the minimum standard for firesafety.

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening as defined in

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s. 402.302 ~~s. 402.302(15)~~. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening ~~provided set forth~~ in that chapter, and include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding 5 years. The department shall complete the screening and provide the results to the child care facility within 5 business days. If the department is unable to complete the screening within 5 business days, the department shall issue the current or prospective child care personnel a 45-day provisional hire status while all required information is being requested and the department is awaiting results. During the 45-day period, the current or prospective child care personnel must be under the direct supervision of a screened and trained staff member when in contact with children.

(e) Minimum training requirements for child care personnel.

1. Such minimum standards for training shall ensure that all child care personnel take an approved 40-clock-hour introductory course in child care, which course covers ~~at least~~ the following topic areas:

a. State and local rules and regulations which govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

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e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.

f. Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators and child care personnel of a child care facility.

g. Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

h. Online training coursework, provided at no cost by the department, to meet minimum training standards for child care personnel.

Within 90 days after employment, child care personnel shall begin training to meet the training requirements. Child care personnel shall successfully complete such training within 1 year after the date on which the training began, as evidenced by passage of an in-person or online a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations. Child care personnel possessing a 2-year degree or higher that includes 6

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college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in sub-subparagraphs b., d., and e.

~~2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.~~

~~2.3-~~ The introductory course shall cover recognition and prevention of shaken baby syndrome; prevention of sudden infant death syndrome; recognition and care of infants and toddlers with developmental disabilities, including autism spectrum disorder and Down syndrome; and early childhood brain development within the topic areas identified in this paragraph.

~~3.4-~~ On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional 1 continuing education unit of approved inservice training, or 10 clock hours of equivalent training, as determined by the department.

~~4.5-~~ Child care personnel shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subparagraph 3.

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~~5.6-~~ Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and career programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

~~6.7-~~ Training requirements do ~~shall~~ not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

~~7.8-~~ By December 31, 2023, the department shall evaluate or contract for an evaluation of:

a. The current training requirements and coursework offered to child care personnel and make recommendations to increase the quality and relevancy of training.

b. The licensing and regulation of child care facilities to:

(I) Identify rules that exceed specific delegated legislative authority.

(II) Identify rules that are arbitrary, vague, or redundant.

(III) Streamline the standards used to classify violations and eliminate redundancy or subjectivity in application by

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licensing counselors.

8. Once the evaluation in subparagraph 7. is completed, the
 department shall begin revising the regulation of child care
facilities to simplify ongoing licensure inspections, increase
objectivity, and provide a greater emphasis on technical
assistance. The evaluation shall be conducted every 5 years. for
the general purpose of determining the status of and means to
improve staff training requirements and testing procedures. The
evaluation shall be conducted every 2 years. The evaluation
shall include, but not be limited to, determining the
availability, quality, scope, and sources of current staff
training; determining the need for specialty training; and
determining ways to increase inservice training and ways to
increase the accessibility, quality, and cost-effectiveness of
current and proposed staff training. The evaluation methodology
shall include a reliable and valid survey of child care
personnel.

9. The child care operator shall be required to take basic
 training in serving children with disabilities within 5 years
 after employment, either as a part of the introductory training
 or the annual 8 hours of inservice training.

~~(f) Periodic health examinations.~~

(7) SANITATION AND SAFETY.—

(a) Minimum standards shall include requirements for
 sanitary and safety conditions, first aid treatment, emergency
 procedures, and pediatric cardiopulmonary resuscitation. The
 minimum standards shall require that two at least one staff
persons person trained in cardiopulmonary resuscitation, as
 evidenced by current documentation of course completion, must be

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present at all times that children are present.

(9) ADMISSIONS AND RECORDKEEPING.—

~~(b) During the months of August and September of each year,~~
~~each child care facility shall provide parents of children~~
~~enrolled in the facility detailed information regarding the~~
~~causes, symptoms, and transmission of the influenza virus in an~~
~~effort to educate those parents regarding the importance of~~
~~immunizing their children against influenza as recommended by~~
~~the Advisory Committee on Immunization Practices of the Centers~~
~~for Disease Control and Prevention.~~

~~(c) During the months of April and September of each year,~~
~~at a minimum, each facility shall provide parents of children~~
~~enrolled in the facility information regarding the potential for~~
~~a distracted adult to fail to drop off a child at the facility~~
~~and instead leave the child in the adult's vehicle upon arrival~~
~~at the adult's destination. The child care facility shall also~~
~~give parents information about resources with suggestions to~~
~~avoid this occurrence. The department shall develop a flyer or~~
~~brochure with this information that shall be posted to the~~
~~department's website, which child care facilities may choose to~~
~~reproduce and provide to parents to satisfy the requirements of~~
~~this paragraph.~~

(13) PLAN OF ACTIVITIES.—Minimum standards shall ensure
 that each child care facility has and implements a written plan
 for the daily provision of varied activities and active and
 quiet play opportunities appropriate to the age of the child.
~~The written plan must include a program, to be implemented~~
~~periodically for children of an appropriate age, which will~~
~~assist the children in preventing and avoiding physical and~~

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581 ~~mental abuse.~~

582 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~
 583 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~
 584 ~~department, in conjunction with the Department of Health, for~~
 585 ~~specialized child care facilities for the care of mildly ill~~
 586 ~~children. The minimum standards shall address the following~~
 587 ~~areas: personnel requirements; staff-to-child ratios; staff~~
 588 ~~training and credentials; health and safety; physical facility~~
 589 ~~requirements, including square footage; client eligibility,~~
 590 ~~including a definition of "mildly ill children"; sanitation and~~
 591 ~~safety; admission and recordkeeping; dispensing of medication;~~
 592 ~~and a schedule of activities.~~

593 Section 8. Section 402.3115, Florida Statutes, is amended
 594 to read:

595 402.3115 Elimination of duplicative and unnecessary
 596 inspections; abbreviated inspections.—The Department of Children
 597 and Families and local governmental agencies that license child
 598 care facilities shall develop and implement a plan to eliminate
 599 duplicative and unnecessary inspections of child care
 600 facilities, family day care homes, and large family child care
 601 homes. In addition, the department and the local governmental
 602 agencies shall develop and implement an abbreviated inspection
 603 plan for child care facilities that have been licensed for a
 604 period of not less than 2 consecutive years, and do not have a
 605 ~~had no~~ Class 1 and no more than two of the same or Class 2
 606 deficiencies, as defined by rule, for at least 2 consecutive
 607 years, have received at least two full onsite renewals in the
 608 most recent 2 years, do not have any current uncorrected
 609 violations, and do not have any open regulatory complaints or

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610 active child protective services investigations. The department
 611 shall annually calculate efficiencies and moneys saved due to
 612 the implementation of abbreviated inspections. Such savings
 613 shall be used to focus resources and technical assistance to
 614 support child care facilities, family day care homes, and large
 615 family child care homes that are having difficulty maintaining
 616 compliance with the licensing requirements of s. 402.305, s.
 617 402.313, or s. 402.3131. The abbreviated inspection must include
 618 those elements identified by the department and the local
 619 governmental agencies as being key indicators of whether the
 620 child care facility continues to provide quality care and
 621 programming and shall be updated every 5 years.

622 Section 9. Subsection (1) of section 402.316, Florida
 623 Statutes, is amended to read:

624 402.316 Exemptions.—

625 (1) (a) The provisions of ss. 402.301-402.319, except for
 626 the requirements regarding screening of child care personnel,
 627 shall not apply to a child care facility:

628 1. Which is an integral part of church or parochial schools
 629 conducting regularly scheduled classes, courses of study, or
 630 educational programs accredited by, or by a member of, an
 631 organization which publishes and requires compliance with its
 632 standards for health, safety, and sanitation; or

633 2. Which receives a child care tax credit under s. 220.19
 634 and is attended only by children or grandchildren of employees
 635 of the corporation claiming the credit.

636 (b) ~~However,~~ Such facilities shall still meet minimum
 637 requirements of the applicable local governing body as to
 638 health, sanitation, and safety and shall meet the screening

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requirements pursuant to ss. 402.305 and 402.3055.

(c) Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

Section 10. Section 561.1214, Florida Statutes, is created to read:

561.1214 Credit for contributions to the Early Learning Tax Incentive.—Beginning January 1, 2024, there is allowed a credit of 100 percent of an eligible contribution made to a child care facility on behalf of an employee under s. 220.19 against any tax due under s. 563.05, s. 564.06, or s. 565.12, except excise taxes imposed on wine produced by manufacturers in this state from products grown in this state. However, a credit allowed under this section may not exceed 90 percent of the tax due on the return on which the credit is taken. For purposes of the distributions of tax revenue under ss. 561.121 and 564.06(10), the division shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received which is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 220.19 apply to the credit authorized by this section.

Section 11. Section 624.51058, Florida Statutes, is created to read:

624.51058 Credit for contributions to the Early Learning Tax Incentive.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to a child care facility on behalf of an

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employee under s. 220.19 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax any deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to a child care facility on behalf of an employee under, on, or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(2) Section 220.19 applies to the credit authorized by this section.

Section 12. Section 627.70161, Florida Statutes, is amended to read:

627.70161 Family day care and large family child care home insurance.—

(1) PURPOSE AND INTENT.—The Legislature recognizes that family day care homes and large family child care homes fulfill a vital role in providing child care in Florida. It is the intent of the Legislature that residential property insurance coverage should not be canceled, denied, or nonrenewed solely on the basis of the family day care or large family child care home services at the residence. The Legislature also recognizes that the potential liability of residential property insurers is substantially increased by the rendition of child care services

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on the premises. The Legislature therefore finds that there is a public need to specify that contractual liabilities that arise in connection with the operation of the family day care home or large family child care home are excluded from residential property insurance policies unless they are specifically included in such coverage.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Child care" has the same meaning as in s. 402.302 means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

(b) "Family day care home" has the same meaning as in s. 402.302 means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for a profit.

(3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE; COVERAGE.—A residential property insurance policy shall not provide coverage for liability for claims arising out of, or in connection with, the operation of a family day care home or large family child care home, and the insurer shall be under no obligation to defend against lawsuits covering such claims, unless:

(a) Specifically covered in a policy; or

(b) Covered by a rider or endorsement for business coverage attached to a policy.

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(4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An insurer may not deny, cancel, or refuse to renew a policy for residential property insurance solely on the basis that the policyholder or applicant operates a family day care home or large family child care home. In addition to other lawful reasons for refusing to insure, an insurer may deny, cancel, or refuse to renew a policy of a family day care home or large family child care home provider if one or more of the following conditions occur:

(a) The policyholder or applicant provides care for more children than authorized for family day care homes or large family child care homes under by s. 402.302.

(b) The policyholder or applicant fails to maintain a separate commercial liability policy or an endorsement providing liability coverage for the family day care home or large family child care home operations.

(c) The policyholder or applicant fails to comply with the family day care home or large family child care home licensure and registration requirements specified in s. 402.313 or s. 402.3131. ~~or s.~~

(d) Discovery of willful or grossly negligent acts or omissions or any violations of state laws or regulations establishing safety standards for family day care homes or large family child care homes by the named insured or his or her representative which materially increase any of the risks insured.

Section 13. Paragraphs (a) and (c) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by

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private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), faith-based or corporation-provided child care provider exempt from licensure under s. 402.316, child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, or private prekindergarten provider that has been issued a provisional license under s. 402.309. A private prekindergarten provider may not deliver the program while holding a probation-status license under s. 402.310.

(c) The private prekindergarten provider must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described in sub-subparagraph a.

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The Department of Children and Families may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. Within 45 days after commencing employment, the prekindergarten instructor must successfully complete three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. The prekindergarten instructor must complete an emergent literacy training course at least once every 5 years after initially completing the three emergent literacy training courses. The courses in this subparagraph must be recognized as part of the informal early learning and career pathway identified by the department under s. 1002.995(1)(b). The requirement for completion of the standards training course shall take effect July 1, 2022. The courses must be made available online or in person.

Section 14. Subsection (4) of section 1002.61, Florida Statutes, is amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4), each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds one of the educational credentials specified in s. 1002.55(4)(a) or (b), or an educational credential specified in s.

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813 1002.55(3)(c)1.a. or b. as long as the instructor has completed
 814 the early literacy micro-credential program under s.
 815 1003.485(4)(h) or has an instructional support score of 3 or
 816 higher on a program assessment conducted under s. 1002.68(2) or
 817 s. 1002.82(2)(n). As used in this subsection, the term
 818 "certified teacher" means a teacher holding a valid Florida
 819 educator certificate under s. 1012.56 who has the qualifications
 820 required by the district school board to instruct students in
 821 the summer prekindergarten program. In selecting instructional
 822 staff for the summer prekindergarten program, each school
 823 district shall give priority to teachers who have experience or
 824 coursework in early childhood education and have completed
 825 emergent literacy and performance standards courses, as provided
 826 for in s. 1002.55(3)(c)2.

827 Section 15. Paragraph (b) of subsection (2) of section
 828 1002.67, Florida Statutes, is amended to read:

829 1002.67 Performance standards and curricula.—

830 (2)

831 (b) Each private prekindergarten provider's and public
 832 school's curriculum must be developmentally appropriate and
 833 must:

834 1. Be designed to prepare a student for early literacy and
 835 provide for instruction in early math skills;

836 2. Enhance the age-appropriate progress of students in
 837 attaining the performance standards adopted by the department
 838 under subsection (1); ~~and~~

839 3. Support student learning gains through differentiated
 840 instruction that shall be measured by the coordinated screening
 841 and progress monitoring program under s. 1008.25(8). A private

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842 prekindergarten provider's or public school's curriculum may not
 843 consist of using the coordinated screening and progress
 844 monitoring program for direct student instruction; and

845 4. Exclude the student use of electronic devices, except to
 846 complete the coordinated screening and progress monitoring
 847 program under s. 1008.25(8).

848 Section 16. Subsection (2) and paragraphs (a), (d), and (f)
 849 of subsection (4) of section 1002.68, Florida Statutes, are
 850 amended to read:

851 1002.68 Voluntary Prekindergarten Education Program
 852 accountability.—

853 (2) Beginning with the 2023-2024 ~~2022-2023~~ program year,
 854 each private prekindergarten provider and public school in the
 855 Voluntary Prekindergarten Education Program must participate in
 856 a program assessment of each voluntary prekindergarten education
 857 classroom. The program assessment shall measure the quality of
 858 teacher-child interactions, including emotional support,
 859 classroom organization, and instructional support for children
 860 ages 3 to 5 years. The program assessment may be conducted only
 861 when at least 75 percent of enrolled students are in attendance.

862 Each private prekindergarten provider and public school in the
 863 Voluntary Prekindergarten Education Program shall receive from
 864 the department the results of the program assessment for each
 865 classroom within 14 days after the observation. Each early
 866 learning coalition shall be responsible for the administration
 867 of the program assessments which must be conducted by
 868 individuals qualified to conduct program assessments under s.
 869 1002.82(2)(n).

870 (4)(a) Beginning with the 2023-2024 ~~2022-2023~~ program year,

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the department shall adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:

1. Program assessment composite scores under subsection (2), which must be weighted at no less than 50 percent.

2. Learning gains operationalized as change-in-ability scores from the initial and final progress monitoring results described in subsection (1).

3. Norm-referenced developmental learning outcomes described in subsection (1).

(d) The methodology shall include a statistical latent profile analysis that has been conducted by an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems. The independent expert shall be identified through competitive procurement before the 2023-2024 program year and retained through the 2025-2026 program year and ~~developed by the department that~~ shall produce a limited number of performance metric profiles which summarize the profiles of all sites that must be used to inform the following designations:

"unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology determined by the office which may not include letter grades.

(f) The department shall adopt procedures to annually calculate each private prekindergarten provider's and public school's performance metric, based on the methodology adopted in paragraphs (a) and (b), and assign a designation under paragraph (d). Beginning with the 2024-2025 ~~2023-2024~~ program year, each

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private prekindergarten provider or public school shall be assigned a designation within 45 days after the conclusion of the school-year Voluntary Prekindergarten Education Program delivered by all participating private prekindergarten providers or public schools and within 45 days after the conclusion of the summer Voluntary Prekindergarten Education Program delivered by all participating private prekindergarten providers or public schools.

Section 17. Subsection (7) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(7) The department shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Each early learning coalition may retain and expend no more than 4.0 percent of the funds allocated under paragraph (3)(c), which shall be calculated based on the number of applications processed pursuant to s. 1002.53(4)(a) ~~paid by the coalition to private~~

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929 ~~prekindergarten providers and public schools under paragraph~~
 930 ~~(5) (b).~~ Funds retained by an early learning coalition under this
 931 subsection may be used only for administering the Voluntary
 932 Prekindergarten Education Program and may not be used for the
 933 school readiness program or other programs.

934 Section 18. Paragraphs (f), (j), and (q) of subsection (2)
 935 of section 1002.82, Florida Statutes, are amended to read:

936 1002.82 Department of Education; powers and duties.—

937 (2) The department shall:

938 (f) Establish a unified approach to the state's efforts to
 939 coordinate a comprehensive early learning program. In support of
 940 this effort, the department:

941 1. Shall adopt specific program support services that
 942 address the state's school readiness program, including:

943 a. Statewide data information program requirements that
 944 include:

945 (I) Eligibility requirements.

946 (II) Financial reports.

947 (III) Program accountability measures.

948 (IV) Child progress reports.

949 (V) The assignment of a Florida Education Identifier, as
 950 used by the department, for children in the school readiness
 951 program under this part and the Voluntary Prekindergarten
 952 Education Program under part V of this chapter.

953 (VI) The assignment of a Florida Education Identifier, as
 954 used by the department, for instructors in the school readiness
 955 program under this part and the Voluntary Prekindergarten
 956 Education Program under part V of this chapter.

957 b. Child care resource and referral services.

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958 c. A single point of entry and uniform waiting list.

959 2. May provide technical assistance and guidance on
 960 additional support services to complement the school readiness
 961 program, including:

962 a. Warm-Line services.

963 b. Anti-fraud plans.

964 c. Training and support for parental involvement in
 965 children's early education.

966 d. Family literacy activities and services.

967 (j) Monitor the alignment and consistency of the standards
 968 and benchmarks developed and adopted by the department that
 969 address the age-appropriate progress of children in the
 970 development of school readiness skills. The standards for
 971 children from birth to kindergarten entry in the school
 972 readiness program must be aligned with the performance standards
 973 adopted for children in the Voluntary Prekindergarten Education
 974 Program and must address the following domains:

975 1. Approaches to learning.

976 2. Cognitive development and general knowledge.

977 3. Numeracy, language, and communication.

978 4. Physical development.

979 5. Executive functioning Self-regulation.

980 (q) Contract for Establish a single statewide information
 981 system that shall be used to manage all early learning programs,
 982 including the child care licensing and child care training
 983 within the Child Care Services Program Office of the Department
 984 of Children and Families, and that each coalition must use for
 985 the purposes of managing the single point of entry, tracking
 986 children's progress, coordinating services among stakeholders,

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determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. By October 1, 2024 ~~July 1, 2019~~, the system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to find early learning programs online, including the performance profile under s. 1002.92(3)(a).

~~2.1-~~ Allow a parent to monitor the development of his or her child as the child moves among programs within the state.

~~3.2-~~ Enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.

Section 19. Subsection (6) of section 1002.83, Florida Statutes, is amended to read:

1002.83 Early learning coalitions.—

(6) The early learning coalition may appoint additional at-large members as long as the number of at-large members appointed does not make up more than one-third of the board's composition. The at-large members may be ~~who must be private sector business members~~, either for-profit or nonprofit and ~~may, who do not have, or have any and none of whose~~ relatives as defined in s. 112.3143 ~~who have~~ has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of this chapter or the school readiness program. The department shall establish criteria for appointing at-large ~~private sector business~~ members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the school readiness

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program.

Section 20. Paragraph (b) of subsection (4) of section 1002.89, Florida Statutes, is amended to read:

1002.89 School readiness program; funding.—

(4) COST REQUIREMENTS.—Costs shall be kept to the minimum necessary for the efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds allocated in paragraph (1)(a) may be used for administrative costs and no more than 22 percent of the funds allocated in paragraph (1)(a) may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services as follows:

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.53, which shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33.

2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment required under s. 1002.82(2)(n), child care performance standards, implementing the developmentally appropriate curriculum commissioned under s. 1002.82(2)(l) ~~curricula~~ and related classroom resources that support parent

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1045 ~~engagement curricula~~, providing literacy supports, and providing
 1046 continued professional development through the Teacher Education
 1047 and Compensation Helps (TEACH) Scholarship Program under s.
 1048 1002.95 and training aligned to the early learning professional
 1049 development standards and career pathways under s. 1002.995 and
 1050 training. Any grants awarded pursuant to this subparagraph shall
 1051 comply with ss. 215.971 and 287.058.

1052 3. Providing training aligned with the early learning
 1053 professional development standards and career pathways under s.
 1054 1002.995, technical assistance, and financial support to school
 1055 readiness program providers, staff, and parents on standards,
 1056 child screenings, child assessments, the child development
 1057 ~~research and best practices~~, developmentally appropriate
 1058 curriculum commissioned under s. 1002.82(2)(l), executive
 1059 functioning curricula, character development, teacher-child
 1060 interactions, age-appropriate discipline practices, health and
 1061 safety, including reimbursement for background screenings,
 1062 nutrition, first aid, cardiopulmonary resuscitation, the
 1063 recognition of communicable diseases, and child abuse detection,
 1064 prevention, and reporting.

1065 4. Providing, from among the funds provided for the
 1066 activities described in subparagraphs 1.-3., adequate funding
 1067 for infants and toddlers as necessary to meet federal
 1068 requirements related to expenditures for quality activities for
 1069 infant and toddler care.

1070 5. Improving the monitoring of compliance with, and
 1071 enforcement of, applicable state and local requirements as
 1072 described in and limited by 45 C.F.R. s. 98.40.

1073 6. Responding to Warm-Line requests by providers and

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1074 parents, including providing developmental and health screenings
 1075 to school readiness program children.

1076 Section 21. Paragraph (b) of subsection (4) of section
 1077 1002.945, Florida Statutes, is amended to read:

1078 1002.945 Gold Seal Quality Care Program.—

1079 (4) In order to obtain and maintain a designation as a Gold
 1080 Seal Quality Care provider, a child care facility, large family
 1081 child care home, or family day care home must meet the following
 1082 additional criteria:

1083 (b) The child care provider must not have had three or more
 1084 of the same class II violations, as defined by rule of the
 1085 Department of Children and Families, within the 2 years
 1086 preceding its application for designation as a Gold Seal Quality
 1087 Care provider. Commission of three or more of the same class II
 1088 violations within a 2-year period shall be grounds for
 1089 termination of the designation as a Gold Seal Quality Care
 1090 provider until the provider has no class II violations that are
 1091 the same for a period of 1 year.

1092 Section 22. Section 1002.95, Florida Statutes, is amended
 1093 to read:

1094 1002.95 Teacher Education and Compensation Helps (TEACH)
 1095 Scholarship Program.—

1096 (1) The department may contract for the administration of
 1097 the Teacher Education and Compensation Helps (TEACH) Scholarship
 1098 Program, which provides educational scholarships to instructors
 1099 ~~caregivers~~ and administrators of early childhood programs,
 1100 family day care homes, and large family child care homes. The
 1101 goal of the program is to increase the education and training
 1102 for instructors ~~caregivers~~, increase the compensation for child

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instructors ~~caregivers~~ who complete the program requirements, and reduce the rate of participant turnover in the field of early childhood education.

(2) An early learning coalition shall support the Teacher Education and Compensation Helps (TEACH) Scholarship Program for instructors by reimbursing child care providers for the copayment portion of the program for each instructor who completes a child development associate credential in his or her service area which shall be funded in accordance with s. 1002.89(4)(b).

(3)(2) The State Board of Education shall adopt rules as necessary to administer this section.

Section 23. Paragraph (b) of subsection (5) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be ~~referred to the local school district and may be~~ eligible to receive intensive reading interventions the summer before participating in kindergarten. The intensive reading intervention may be delivered by a private prekindergarten provider or public school prekindergarten provider that is qualified to offer the summer Voluntary Prekindergarten

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Education Program in accordance with s. 1002.61. The program shall consist of no more than 4 hours of instruction per day for a total of 140 hours. Such intensive reading interventions shall be paid for using funds from the General Appropriations Act in accordance with the rate set for a student in a summer prekindergarten program ~~district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).~~

Section 24. Paragraph (a) of subsection (4) of section 39.101, Florida Statutes, is amended to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE HOTLINE.—

(a) Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

Section 25. Subsections (3) and (4) of section 1002.57, Florida Statutes, are amended to read:

1002.57 Prekindergarten director credential.—

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Families for the child care facility director credential under s. 402.305(2)(f) ~~s. 402.305(2)(g)~~, and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s.

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1161 402.305(2)(f) ~~s. 402.305(2)(g)~~ for those requirements of the
 1162 prekindergarten director credential which are duplicative of
 1163 requirements for the child care facility director credential.

1164 Section 26. Subsection (1) of section 1002.59, Florida
 1165 Statutes, is amended to read:

1166 1002.59 Emergent literacy and performance standards
 1167 training courses.—

1168 (1) The department, in collaboration with the Just Read,
 1169 Florida! Office, shall adopt minimum standards for courses in
 1170 emergent literacy for prekindergarten instructors. Each course
 1171 must comprise 5 clock hours and provide instruction in
 1172 strategies and techniques to address the age-appropriate
 1173 progress of prekindergarten students in developing emergent
 1174 literacy skills, including oral communication, knowledge of
 1175 print and letters, phonological and phonemic awareness, and
 1176 vocabulary and comprehension development, consistent with the
 1177 evidence-based content and strategies identified pursuant to s.
 1178 1001.215(8). The course standards must be reviewed as part of
 1179 any review of subject coverage or endorsement requirements in
 1180 the elementary, reading, and exceptional student educational
 1181 areas conducted pursuant to s. 1012.586. Each course must also
 1182 provide resources containing strategies that allow students with
 1183 disabilities and other special needs to derive maximum benefit
 1184 from the Voluntary Prekindergarten Education Program. Successful
 1185 completion of an emergent literacy training course approved
 1186 under this section satisfies requirements for approved training
 1187 in early literacy and language development under ss.
 1188 402.305(2)(e)4., 402.313(6), and 402.3131(5) ~~ss.~~
 1189 402.305(2)(e)5., 402.313(6), and 402.3131(5).

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1190 Section 27. This act shall take effect July 1, 2023.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

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3-14-23

Meeting Date

SB 990

Bill Number or Topic

Education

Committee

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Helios Education Foundation

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3/14/2023

Meeting Date

APPEARANCE RECORD

990

Bill Number or Topic

Education PreK-12

Committee

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Amendment Barcode (if applicable)

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For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Florida Chamber of Commerce

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S-001 (08/10/2021)

The Florida Senate

3/14/23

APPEARANCE RECORD

990- Child Care & Early Learning Providers

Meeting Date

Education PreK-12

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

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City

State

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Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Alliance of Children's
Councils & Trusts**

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 990

Bill Number or Topic

3/14/2023

Meeting Date

Senate Education

Committee

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Amendment Barcode (if applicable)

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jshields@faceem.org

Melbourne FL

City

State

32904

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: March 2, 2023

I respectfully request that **Senate Bill #990**, relating to Child Care and Early Learning Providers, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 1040

INTRODUCER: Senator Burgess

SUBJECT: District School Board Direct-support Organizations

DATE: March 13, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jahnke	Bouck	ED	Favorable
2. _____	_____	GO	_____
3. _____	_____	RC	_____

I. Summary:

SB 1040 authorizes district school boards to contract with a direct-support organization (DSO) for personal services or operations. The bill revises the threshold of expenditures and expenses that requires a DSO to provide for a financial audit. Additionally, the bill authorizes district school boards to contract with a vendor for an annual financial audit of a DSO.

The bill has no impact on state revenues or expenditures.

The bill is effective July 1, 2023

II. Present Situation:

Citizen Support Organizations and Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.¹ Specifically, the law

¹ Section 3, ch. 2014-96, Laws of Fla.

requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:²

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax form (Form 990).³

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.⁴ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.⁵ If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.⁶ The contract must also include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.⁷

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.⁸

Finally, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.⁹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹⁰ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created,

² Section 20.058(1), F.S.

³ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

⁴ Section 20.058(2), F.S.

⁵ Section 20.058(4), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 20.058(3), F.S.

⁹ Section 20.058(5), F.S.

¹⁰ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

approved, or administers the CSO or DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.¹¹ The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.¹²

District School Board Direct-Support Organization

A district school board DSO is an organization that:¹³

- Is approved by the district school board.
- Is a Florida not-for-profit corporation.
- Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through grade 12 education and adult career and community education programs in this state.

The board of directors of the DSO must be approved by the district school board.¹⁴

Use of Property by the District School Board DSO

Section 1001.453, F.S., sets forth limitations on the use of district property by the DSO. DSOs are authorized to use the property, facilities, and personal services¹⁵ of the district. The district school board must adopt rules in coordination with the Florida Department of Education (DOE) that govern the DSO's use of the district property, facilities, or personal services, and provide for budget and audit review and oversight by the district school board and the DOE.

However, the DSO is not permitted to use the property, facilities, or personal services if the DSO does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

District School Board DSO Audit Requirements

Each district school board DSO with more than \$100,000 in expenditures or expenses is required to provide for an annual financial audit of its accounts and records.¹⁶ The audit must be conducted by an independent certified public accountant in accordance with the rules adopted by the Auditor General¹⁷ and the Commissioner of Education.¹⁸ The annual audit report must be submitted within nine months after the fiscal year's end to the district school board and the Auditor General. The Commissioner of Education, the Auditor General, and the Office of

¹¹ Section 11.45(3)(d), F.S.

¹² *Id.*

¹³ Section 1001.453, F.S.

¹⁴ Section 1001.453(3), F.S.

¹⁵ Section 1001.453(1)(b), F.S. Personal services includes full-time or part-time personnel, as well as payroll processing.

¹⁶ Section 1001.453(4), F.S.

¹⁷ Section 11.45(8), F.S.

¹⁸ Section 1001.453(4), F.S.

Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor any records relative to the operation of the organization.¹⁹

III. Effect of Proposed Changes:

SB 1040 amends s. 1001.453, F.S., to authorize district school boards to contract with a direct-support organization for personal services or operations. The bill increases from \$100,000 to \$250,000 the threshold of expenditures and expenses to require a direct-support organization (DSO) provide for a financial audit. Additionally, the bill authorizes district school boards to contract with a vendor for an annual financial audit of a direct-support organization.

Audit fees can be significant for large nonprofits located in major urban areas and are often daunting even for small nonprofits.²⁰ Audits can be time-consuming and expensive, typically ranging from \$10,000 to \$20,000 depending on a nonprofit's size, according to the National Council of Nonprofits.²¹ Increasing the threshold for requiring a DSO to provide an annual financial audit and allowing district school boards to contract with a vendor could reduce the burden of this annual cost for smaller DSOs.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁹ Section 1001.453(4), F.S.

²⁰ National Council of Nonprofits, *What is an independent audit?* <https://www.councilofnonprofits.org/running-nonprofit/nonprofit-audit-guide/what-independent-audit> (last visited March 9, 2023).

²¹ 501(c) Services, *Does your nonprofit really need an annual audit? Here are the alternatives*, <https://www.501c.com/does-your-nonprofit-really-need-an-annual-audit-here-are-the-alternatives/#:~:text=Audits%20are%20time%20consuming%20and,the%20National%20Council%20of%20Nonprofits> (last visited March 9, 2023).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1001.453 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Burgess

23-00559A-23

20231040__

A bill to be entitled

An act relating to district school board direct-support organizations; amending s. 1001.453, F.S.; authorizing district school boards to contract with direct-support organizations for personal services or operations; revising the amount of expenditures and expenses a direct-support organization must have to be required to provide for an annual financial audit; authorizing district school boards to contract with a vendor for such audits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) and (c) of subsection (2) and subsection (4) of section 1001.453, Florida Statutes, are amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.—

(2) USE OF PROPERTY.—A district school board:

(a) Is authorized to:

1. Permit the use of property, facilities, and personal services of the district by a direct-support organization, subject to the provisions of this section; or

2. Contract with a direct-support organization for personal services or operations.

(c) May ~~shall~~ not permit the use of property, facilities, or personal services ~~by~~ of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00559A-23

20231040__

national origin.

(4) ANNUAL FINANCIAL AUDIT.—Each direct-support organization with more than \$250,000 ~~\$100,000~~ in expenditures or expenses shall provide for an annual financial audit of its accounts and records, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. A district school board may contract with a vendor for an annual financial audit of a direct-support organization. The annual financial audit report shall be submitted within 9 months after the fiscal year's end to the district school board and the Auditor General. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from ~~the provisions of~~ s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-14-23

APPEARANCE RECORD

SB 1040

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Education

Committee

Amendment Barcode (if applicable)

Name

Mary Chance

Phone

352-316-6574

Address

Consortium of Florida Education Foundation

Email

marychance@

Street

3720 NW 43rd Street Suite 101
Gainesville FL 32606

cfeef.net

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

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I am a registered lobbyist,
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I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: February 28, 2023

I respectfully request that **Senate Bill #1040**, relating to Direct School Board Direct-support Organizations, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 1004

INTRODUCER: Senator Torres

SUBJECT: High School Equivalency Diplomas

DATE: March 13, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sagues	Bouck	ED	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 1004 prohibits a district school board from requiring a student at least 16 years of age to take any course before taking the General Educational Development (GED) exam for a high school equivalency diploma, unless the student fails to achieve a passing score on the GED practice test as established by State Board of Education rule.

The bill has no fiscal impact.

The bill takes effect on July 1, 2023.

II. Present Situation:

Adult Education in Florida

Florida's adult education system includes a range of instructional programs that help adults get the basic skills they need to be productive workers, family members, and citizens.¹

The major program areas are Adult Basic Education Adult High School and General Educational Development (GED) Preparation, and English for Speakers of Other Languages (ESOL). These programs emphasize basic skills such as reading, writing, math, and English language competency. Adult education programs also help adult learners gain the knowledge and skills they need to enter and succeed in postsecondary education.²

¹ Florida Department of Education, *Career and Adult Education*, <https://www.fldoe.org/academics/career-adult-edu/adult-edu/> (last visited Mar.10, 2023). See Section 1004.93, F.S.

² *Id.* See Section 1004.02, F.S.

Adult learners enrolled in Adult High School can earn a high school diploma or its equivalent by successfully passing the GED exam.³

Adult education programs are available to individuals that are 16 years or older; are not enrolled or required to be enrolled in secondary school; do not have a high school diploma or its equivalent; or want to learn to speak, read, and write the English language.⁴

Adult education programs must provide academic services to students in the following priority:⁵

- Students who demonstrate skills at less than a 5th grade level, as measured by tests approved by the State Board of Education (SBE).
- Students who demonstrate skills at the 5th grade level or higher, but below the 9th grade level, as measured by tests approved by the SBE.
- Students who are earning credit required for a high school diploma or who are preparing for the high school equivalent (HSE) exam.
- Students who have earned high school diplomas and require specific improvement in order to obtain or maintain employment or benefit from certificate career education programs; pursue a postsecondary degree; or develop competence in the English language to qualify for employment.

Funding for adult general education programs must be based on cost categories calculated to identify high-cost, medium-cost, and low-cost programs; performance output measures that evaluate improvement in student skills, including improvement in literacy skills, grade level improvement, or attainment of a State of Florida diploma or an adult high school diploma; and performance outcome measures associated with placement and retention of students after reaching specified program completion criteria.⁶

High School Equivalency Assessments

Until January 2014, the GED was the only option for youth and adults lacking a high school diploma, but needing a high school credential to pursue employment opportunities or postsecondary education. However, in January 2014, some states began administering one or both alternatives to the GED; the Educational Testing Service (ETS) HiSET and the Data Recognition Corporation CTB TASC Test Assessing Secondary Completion.⁷

All three exams assess knowledge in Language Arts, Mathematics, Science, and Social Studies.⁸

³ Section 1003.435, F.S.

⁴ Florida Department of Education, *Career and Adult Education*, <https://www.fldoe.org/academics/career-adult-edu/adult-edu/> (last visited Mar. 10, 2023).

⁵ Section 1004.93(2), F.S.

⁶ Section 1011.80(5), F.S.

⁷ Education Commission of the States, *GED, HiSET and TASC: A comparison of high school equivalency assessments* (2015), available at <https://www.ecs.org/clearinghouse/01/20/38/12038.pdf>.

⁸ *Id.*

Florida's High School Equivalency Diploma Program

Florida offers the 2014 GED for students seeking a HSE diploma⁹ and also accepts a HSE diploma issued by a state other than Florida for the purposes of admission to an associate degree program at a Florida College System institution.¹⁰

Both the English and Spanish version of the GED exam is approved for a Florida resident to take in order to earn the state's HSE diploma.¹¹

Performance standards for a HSE diploma are established by the SBE¹² and the Commissioner of Education is required to award a State of Florida High School Diploma to a student who meets the following:¹³

- Takes the GED exam at a testing center in Florida approved by the Department of Education; and,
- Attains a minimum score of 145 on each of the 4 sub-tests of the exam: Reasoning through Language Arts, Mathematical Reasoning, Science and Social Studies.

Florida law requires a candidate for a HSE diploma to be at least 18 years of age on the date of the exam. A student may take the exam after reaching the age of 16 under extraordinary circumstances based on rules set by the school district in which an individual lives or goes to school.¹⁴

Each school district has different requirements individuals must meet to qualify for an age waiver.¹⁵ In the examples below, all require the student to be withdrawn from high school without having earned a high school diploma and pass the GED practice test. In addition 3 of the 4 examples require the student to enroll in GED preparatory instruction:

- The School District of Lee County requires that the student complete a minimum of 12 instructional hours and complete a GED counseling session.¹⁶
- Santa Rosa County District Schools requires students to present specified scores on the TABE and GED practice test, and letters of approval from the parent and an instructor.¹⁷
- Alachua County Public Schools requires 20 hours of in-person GED classes and completion of a GED Ready practice test.¹⁸

⁹ Rule 6A-6.0201, F.A.C.

¹⁰ Section 1007.263(2), F.S.

¹¹ GED Testing Service, *Getting your GED in Florida*, <https://ged.com/policies/florida/> at "other" (last visited Mar. 10, 2023).

¹² Rule 6A-6.0201, F.A.C.

¹³ *Id.*

¹⁴ Section 1003.435(4), F.S., Florida Department of Education, *Diplomas, Transcripts & Verifications – Underage Testing Information*, <https://www.fldoe.org/academics/career-adult-edu/hse/underage-testing-info.shtml> (last visited Mar. 10, 2023).

¹⁵ *Id.*

¹⁶ School District of Lee County Adult and Career Education, *Policy for Students Under 18*, <https://www.leeschools.net/common/pages/DisplayFile.aspx?itemId=33032633> (last visited Mar. 10, 2023).

¹⁷ Santa Rosa County District Schools, *Underage Testing Policy*, <https://sites.santarosa.k12.fl.us/sras/underage.html> (last visited Mar. 10, 2023).

¹⁸ School District of Alachua County, *Alachua County Underage GED Testing Policy* <https://www.sbac.edu/site/handlers/filedownload.ashx?moduleinstanceid=22939&dataid=70564&FileName=Alachua%20County%20Underage%20GED%20Testing%20Policy.pdf> (last visited Mar. 10, 2023).

- Duval County Public Schools requires the student to verify proof of enrollment in an adult education GED program; and complete an exit interview with school or district staff.¹⁹
- Lake County Technical College (LakeTech),²⁰ requires the student attend GED preparatory classes.²¹
- Thomas P. Haney Technical College requires a student to present a specified score on the GED Ready test, have a minimum reading level as documented on the TABE reading component, and successfully participate in a Performance-based Exit Option Model for at least one full semester.²²
- Wilton Simpson Technical College in Hernando County requires only that the student attend a meeting with the student's parents and the Director of Postsecondary and Adult Education.²³

Once an individual meets the school district requirements, the school district is responsible for sending the age waiver to the Florida GED testing office for processing.²⁴

During the 2021-2022 school year, 24,976 Florida students took the GED exam, 16,822 completed the exam, and 12,893 passed, resulting in a 76.6 percent pass rate for students completing the exam.²⁵

Also during the 2021-2022 school year, 3,106 underage waivers were granted and of those, 2,188 HSE diplomas were earned.²⁶

III. Effect of Proposed Changes:

SB 1004 modifies s. 1003.435, F.S., to prohibit a district school board in its underage waiver policy from requiring a student at least 16 years of age to take any course before taking the General Educational Development (GED) exam for a high school equivalency diploma, unless the student fails to achieve a passing score on the GED practice test as established by State Board of Education rule.

The bill takes effect on July 1, 2023.

¹⁹ Duval County Public Schools, *GED Age Waiver Guidelines*, <https://dcps.duvalschools.org/Page/18609> (last visited Mar. 10, 2023).

²⁰ LakeTech is a public charter school sponsored by the Lake County School Board LakeTech, *Mission, Governance, Philosophy, Vision*, <https://www.laketech.org/about/mission-2> (last visited Mar. 10, 2023).

²¹ LakeTech, *GED Testing for Minors*, <https://www.laketech.org/adult-education/ged-testing-minors> (last visited Mar. 10, 2023).

²² Thomas P. Haney Technical College, *Adult General Education*, <https://haney.edu/adult-education> (last visited Mar. 10, 2023).

²³ Wilton Simpson Technical College, *GED-General Education Preparation Classes*, <https://www.hernandoschools.org/schools/stc/adult-education/ged> (last visited Mar. 10, 2023).

²⁴ Florida Department of Education, *Diplomas, Transcripts & Verifications – Underage Testing Information*, <https://www.fldoe.org/academics/career-adult-edu/hse/underage-testing-info.html> (last visited Mar. 10, 2023).

²⁵ Florida Department of Education, Presentation to the House of Representatives, Education Quality Subcommittee, *High School Graduation and Completion Options*, (Feb. 8, 2023), available at <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3245&Session=2023&DocumentType=Meeting+Packets&FileName=eqs+2-8-23.pdf> at 43-46.

²⁶ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.435 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Torres

25-01215-23

20231004__

A bill to be entitled

An act relating to high school equivalency diplomas; amending s. 1003.435, F.S.; prohibiting a district school board from requiring certain students to take a course before taking the high school equivalency examination unless the student failed to earn a passing score on a specified practice test; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 1003.435, Florida Statutes, is amended to read:

1003.435 High school equivalency diploma program.—

(4) (a) A candidate for a high school equivalency diploma shall be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.

(b) A district school board may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test as established by State Board of Education rule.

Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: March 13, 2023

I respectfully request that **Senate Bill #1004**, relating to High School Equivalency Diplomas, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr.", is written over a horizontal line.

Senator Victor M. Torres, Jr.
Florida Senate, District 25

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SPB 7020

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Public Records/Mobile Suspicious Activity Reporting Tool

DATE: March 15, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brick	Bouck		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7020 saves from repeal the current exemption from public records disclosure requirements relating to the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the Florida Department of Law Enforcement, law enforcement agencies, or school officials.

The bill expands the exemption to make confidential and exempt from public records disclosure requirements the identity of the reporting party received through the mobile suspicious activity reporting tool and held by the Florida Department of Education (DOE), and to make exempt from public records disclosure requirements any other information received through the mobile suspicious activity reporting tool and held by the Florida DOE.

The exemptions from open meetings and public records requirements stands repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

The bill takes effect upon becoming law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Mobile Suspicious Activity Reporting Tool (FortifyFL)

FortifyFL, the mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.²⁷ FortifyFL is a computer and mobile phone application free to all public and private schools in Florida. District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.²⁸

The reporting party may provide his or her report anonymously. If the reporting party chooses to disclose his or her identity, it remains confidential and exempt from public records disclosure

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 943.082(1), F.S.

²⁸ Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fl DOE.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2.

requirements. Information received through the mobile suspicious activity reporting tool is also exempt.²⁹

If, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the Internet protocol (IP) address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to criminal penalties. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report will remain anonymous.³⁰

The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the Florida Department of Law Enforcement (FDLE), law enforcement agencies, or school officials is confidential and exempt from public records disclosure requirements. Any other information received through the mobile suspicious activity reporting tool and held by the FDLE, law enforcement agencies, or school officials is also exempt from public records disclosure requirements. The exemptions from public records requirements are subject to the requirements of the Act and will be repealed on October 2, 2023, unless reviewed and reenacted by the Legislature.³¹

The bill includes a public necessity statement that provides a rationale for the exemption. This rationale recognizes that the public records exemption for the identity of those individuals reporting potentially harmful or threatening activities encourages individuals to act and not be fearful that their identity will be revealed. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear. Ensuring their identity is protected will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs.

The public necessity statement also provides that the public records exemption for any other information received through the mobile suspicious activity reporting tool protects information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety. The public records exemption will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs. The public records exemption is also needed to protect the privacy of other individuals who are included in the report.

Open Government Sunset Review Findings and Recommendations

In September 2022, the Senate Committee on Education Pre-K – 12 and the House of Representatives Government Operations Subcommittee jointly sent an Open Government Sunset Review Questionnaire to the 67 county sheriffs and district school superintendents. The survey sought information regarding the need to maintain the exemption related to identities and other

²⁹ Section 943.082, F.S.

³⁰ Section 943.082(1)(c), F.S.

³¹ Section 943.687(8), F.S.

information received through the mobile suspicious activity reporting tool and held by the FDLE, law enforcement agencies, or school officials.

Responses to the questionnaire were submitted by 42 of the district school superintendents and 16 of the county sheriffs. No respondent recommended allowing the exemption to sunset.

Of the respondents, two superintendents recommended expanding the exemption to include all reporting tools utilized by the school district, and another recommended expanding the exemption to include all agencies involved in the prosecution of a false tip. The remaining 33 respondents to whom the exemption was applicable recommended reenacting the exemption as is. Several respondents identified some overlap with other exemptions provided in law, particularly more general exemptions from inspection or copying of public records³² and exemptions from public access or disclosure of security and firesafety systems;³³ however, none of the institutions that identified overlap recommended merging the exemptions, given the specific and heightened protection for information that would identify a person who reports through FortifyFL potentially harmful or threatening activities.

Staff of the Senate Committee on Education Pre-K – 12 and the House of Representatives Government Operations Subcommittee jointly met with staff from the Florida Department of Education (DOE), Office of Safe Schools, and the FDLE in August 2022 to discuss the exemption from public records disclosure requirements relating to identities and other information received through the mobile suspicious activity reporting tool and held by the FDLE, law enforcement agencies, or school officials. The FDLE recommended reenacting the exemption as is.³⁴

The staff of the Florida DOE, Office of Safe Schools recommended reenacting the exemption but also indicated that the Florida DOE receives and holds information through the mobile suspicious activity reporting tool. Therefore, it is recommended to expand the exemption to make confidential and exempt from public records disclosure requirements the identity of the reporting party received through the mobile suspicious activity reporting tool and held by the Florida DOE, and to make exempt from public records disclosure requirements any other information received through the mobile suspicious activity reporting tool and held by the Florida DOE.

³² Section 119.071, F.S., provides for general exemptions from inspection or copying of public records regarding agency administration, criminal intelligence and criminal investigation, and specified personal information. Additionally, the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g (FERPA), protects the personal identifying information in educational records of students.

³³ Sections 119.071(3)(a), F.S., provides that security or firesafety system plans held by an agency are confidential and exempt. Section 281.301, F.S., provides that information relating to the security or firesafety systems for specified property is confidential and exempt. Section 286.0113, F.S., provides that a specified portion of a meeting that would reveal a security or firesafety system plan is exempt. Section 1004.055, F.S., provides that specified security data or information from technology systems owned, under contract, or maintained by a state university or a FCS institution is confidential and exempt.

³⁴ Email, Florida Department of Law Enforcement (Feb. 3, 2023).

III. Effect of Proposed Changes:

SPB 7020 saves from repeal the current exemption relating to the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the Florida Department of Law Enforcement, law enforcement agencies, or school officials.

The bill expands the exemption to make confidential and exempt from public records disclosure requirements the identity of the reporting party received through the mobile suspicious activity reporting tool and held by the Florida Department of Education (DOE), and to make exempt from public records disclosure requirements any other information received through the mobile suspicious activity reporting tool and held by the Florida DOE.

The bill provides that the public records exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2028, unless the Legislature reviews and reenacts the exemptions by that date.

The bill takes upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the Florida Department of Education. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the identity of those individuals reporting potentially

harmful or threatening activities to encourage those individuals to act and not be fearful that their identity will be revealed.

Additionally, the law is intended to protect information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety.

This bill exempts only the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the Florida Department of Education, the Florida Department of Law Enforcement, law enforcement agencies, or school officials from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.082 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Education Pre-K -12

581-01101A-23

20237020pb

A bill to be entitled

An act relating to public records; amending s. 943.082, F.S.; expanding exemptions from public records requirements for the identity of a reporting party and any information received through the mobile suspicious activity reporting tool to include such information held by the Department of Education; providing for future legislative review and repeal; providing statements of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 943.082, Florida Statutes, is amended to read:

943.082 School Safety Awareness Program.—

(6) The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the department, the Department of Education, law enforcement agencies, or school officials is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any other information received through the mobile suspicious activity reporting tool and held by the department, the Department of Education, law enforcement agencies, or school officials is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028 ~~2023~~, unless reviewed and saved from repeal through reenactment by the Legislature.

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Section 2. (1) The Legislature finds that it is a public necessity that the identity of a person reporting unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, through the mobile suspicious activity reporting tool and received by the Department of Education, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, if the reporting person provides his or her identity. The public records exemption for the identity of those individuals reporting potentially harmful or threatening activities as part of the School Safety Awareness Program encourages individuals to act and not be fearful that their identity will be revealed. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear. Ensuring their identity is protected will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs.

(2) The Legislature finds that it is a public necessity that any other information received through the mobile suspicious activity reporting tool through the School Safety Awareness Program and held by the Department of Education be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The public records exemption for any other information received through the mobile suspicious activity reporting tool protects information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals

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59 reporting such activities might be less willing to report their
60 knowledge of these possible activities to the appropriate
61 authorities out of fear and concern for their safety. The public
62 records exemption will encourage reporting, which could lead to
63 law enforcement or other appropriate agencies intervening before
64 an incident of mass violence occurs. The public records
65 exemption is also needed to protect the privacy of other
66 individuals who are included in the report. After a report is
67 made, law enforcement may find the report to be unfounded. For
68 these reasons, the Legislature finds that it is a public
69 necessity to protect any other information reported through the
70 mobile suspicious activity reporting tool.

71 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SPB 7022

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: OGSR/Marjory Stoneman Douglas High School Public Safety Commission/Safe-school Officers

DATE: March 14, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>		ED Submitted as Comm. Bill/Fav

I. Summary:

SPB 7022 saves from repeal two exemptions from public records and public meetings requirements. The bill saves from repeal the exemption from public meeting requirements relating to any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed.

The bill also saves from repeal the exemption from public records disclosure requirements relating to any information held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer.

The exemptions from public records and public meetings requirements stand repealed on October 2, 2023, unless reviewed and reenacted by the Legislature.

The bill takes effect October 1, 2023.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c)

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School Public Safety Commission (commission) was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.²⁶ The commission is housed within the Florida Department of Law Enforcement.²⁷ The commission submitted its initial report to the Governor and the Legislature on January 2, 2019,²⁸ and its second report on November 1, 2019.²⁹ The commission is scheduled to sunset on July 1, 2026.³⁰

Any portion of a meeting of the commission at which exempt or confidential and exempt information is discussed is exempt from public meeting requirements. The exemption from public meeting requirements is subject to the requirements of the Act and is repealed on October 2, 2023, unless reviewed and reenacted by the Legislature.³¹

Chapter 2018-1, Laws of Florida, which established the exemption from public meeting requirements for any portion of a meeting of the commission at which exempt or confidential and exempt information is discussed, included a public necessity statement that provided a rationale for the exemption. This rationale recognized that the commission must be able to discuss exempt or confidential and exempt information that it receives as part of its investigation. The public meetings exemption is intended to allow the commission to review and discuss exempt or confidential and exempt information that will be useful in forming meaningful recommendations for system improvements for prevention and response to mass violence incidents. As such, it is a necessity that those portions of meetings wherein exempt or confidential and exempt information is discussed be made exempt from public meetings

-
- What is the identifiable public purpose or goal of the exemption?
 - Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Section 943.687(3), F.S.

²⁷ Section 943.687(1), F.S.

²⁸ Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited Feb. 3, 2023).

²⁹ Commission, *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President*, (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>.

³⁰ Section 943.687, F.S.

³¹ Section 943.687(8), F.S.

requirements. If such portions of a meeting are not closed, then the public records exemptions would be negated.³²

Safe-School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board.
- Participating in the Coach Aaron Feis Guardian Program to employ school personnel who are trained in responding to threats from active assailants but have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.
- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training as a school guardian.

Any information that would identify whether a particular individual has been appointed as a safe-school officer held by a law enforcement agency, school district, or charter school is exempt from public records disclosure requirements. The exemption from public records requirements is subject to the requirements of the Act and is repealed on October 2, 2023, unless reviewed and reenacted by the Legislature.³³

Chapter 2018-1, Laws of Florida, which established the exemption from public records disclosure requirements for information that would identify whether a particular individual has been appointed as a safe-school officer held by a law enforcement agency, school district, or charter school, included a public necessity statement that provided a rationale for the exemption. This rationale recognized that, in light of the tragic events at Marjory Stoneman Douglas High School, in which 14 students and 3 adults were shot and killed on February 14, 2018, district school boards must be allowed to provide a supplemental security presence. To maximize the effectiveness of safe-school officers as a deterrent and responsive factor to situations threatening the lives of students and school staff, safe-school officers may perform their school-related duties while carrying a concealed weapon. Disclosure of the identity of a safe-school officer can affect his or her ability to adequately respond to an active assailant situation. Accordingly, it is necessary to protect the identity of safe-school officers from public records requirements in order to effectively and efficiently implement the purpose and intent of the program.³⁴

³² Ch. 2018-1, Laws of Fla.

³³ *Id.*

³⁴ Ch. 2018-1, Laws of Fla.

Open Government Sunset Review Findings and Recommendations

Marjory Stoneman Douglas High School Public Safety Commission

Staff of the Senate Committee on Education and the House of Representatives Government Operations Subcommittee jointly met with staff from the Florida Department of Law Enforcement in August 2022 to discuss the exemption from public meeting requirements relating to any portion of a meeting of the commission at which exempt or confidential and exempt information is discussed. The Florida Department of Law Enforcement recommended reenacting the exemption as is.³⁵

Safe-School Officers

In September 2022, the Senate Committee on Education and the House of Representatives Government Operations Subcommittee jointly sent an Open Government Sunset Review Questionnaire to the 67 county sheriffs and district school superintendents. The survey sought information regarding the need to maintain the exemption related to information that would identify whether a particular individual has been appointed as a safe-school officer held by a law enforcement agency, school district, or charter school.

Responses to the questionnaire were submitted by 42 of the district school superintendents and 16 of the county sheriffs. No respondent recommended allowing the exemption to sunset. One superintendent recommended excluding sworn law enforcement officers from the exemption, and another recommended excluding sworn law enforcement officers and school security guards from the exemption. One county sheriff recommended expanding the exemption to protect information that would reveal the type or number of safe-school officers assigned to a school facility or within a school district. The remaining 43 respondents to whom the exemption was applicable recommended reenacting the exemption as is. Several respondents identified some overlap with other exemptions provided in law, particularly more general exemptions from inspection or copying of public records³⁶ and exemptions from public access or disclosure of security and firesafety systems;³⁷ however, none of the institutions that identified overlap recommended merging the exemptions, given the specific and heightened protection for information that would identify whether a particular individual has been appointed as a safe-school officer as provided in s. 1006.12, F.S.

III. Effect of Proposed Changes:

SPB 7022 saves from repeal the current public meeting exemption relating to any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed.

³⁵ Email, Florida Department of Law Enforcement (Feb. 3, 2023).

³⁶ Section 119.071, F.S., provides for general exemptions from inspection or copying of public records regarding agency administration, criminal intelligence and criminal investigation, and specified personal information.

³⁷ Sections 119.071(3)(a), F.S., provides that security or firesafety system plans held by an agency are confidential and exempt. Section 281.301, F.S., provides that information relating to the security or firesafety systems for specified property is confidential and exempt. Section 286.0113, F.S., provides that a specified portion of a meeting that would reveal a security or firesafety system plan is exempt. Section 1004.055, F.S., provides that specified security data or information from technology systems owned, under contract, or maintained by a state university or a FCS institution is confidential and exempt.

The bill also saves from repeal the public records exemption relating to any information that would identify whether a particular individual has been appointed as a safe-school officer held by a law enforcement agency, school district, or charter school.

The exemptions from open meetings and public records requirements stand repealed on October 2, 2023, unless reviewed and reenacted by the Legislature.

The bill takes effect October 1, 2023

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues current open meeting exemption and a public records exemption beyond the current dates of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current open meeting exemption and a public records exemption without expansion. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purposes of the law are to allow the commission to review and discuss exempt or confidential and exempt information that will be useful in forming meaningful recommendations for system improvements for prevention and response to mass violence incidents and to protect the ability of a safe-school officer to adequately respond to an active assailant situation. The exemptions do not appear to be broader than necessary to accomplish the purposes of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.687 and 1006.12.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Education Pre-K -12

581-02237A-23

20237022pb

A bill to be entitled

An act relating to the Open Government Sunset Review Act; amending s. 943.687, F.S., which provides an exemption from public meetings requirements for any portion of a meeting of the Marjory Stoneman Douglas High School Safety Commission at which exempt or confidential and exempt information is discussed; removing the scheduled repeal of the exemption; amending s. 1006.12, F.S., relating to an exemption from public records requirements for information held by specified entities which could identify a safe-school officer; removing the scheduled repeal of the exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) of section 943.687, Florida Statutes, is amended to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(8) Any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. ~~This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. Subsection (8) of section 1006.12, Florida

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-02237A-23

20237022pb

Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(8) EXEMPTION.—Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.~~

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 officer or school safety officer may not exceed the safe school
60 allocation funds provided to the charter school pursuant to s.
61 1011.62(12) and shall be retained by the school district.
62 Section 3. This act shall take effect October 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Education, *Vice Chair*
Commerce and Tourism
Education Postsecondary
Education Pre-K -12
Finance and Tax
Fiscal Policy
Regulated Industries
Rules

SENATOR SHEVRIN D. "SHEV" JONES

District 34

March 14, 2023

Hon. Corey Simon
Chair, Florida Senate Committee on Education Pre-K - 12
302 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Simon,

I respectfully request an excused absence from the sitting of the Committee on Education Pre-K - 12 scheduled for today, Tuesday, March 14, 2023.

Thank you in advance for your consideration of this request. If I may be of assistance to answer any questions, comments, or concerns, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in blue ink, appearing to be "Shev" followed by a stylized "Jones".

Shevrin D. "Shev" Jones
Florida State Senator – Senate District 34

REPLY TO:

☐ Capitol Office, 218 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 · (850) 487-5034
☐ District Office, 606 NW 183rd Street, Miami Gardens, FL 33169 · (305) 493-6002

Website: www.flsenate.gov/Senators/S34

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: KB 412 **Case No.:** -
Caption: Senate Education Pre-K-12 Committee

Type:
Judge:

Started: 3/14/2023 8:33:46 AM
Ends: 3/14/2023 9:12:47 AM **Length:** 00:39:02

8:33:46 AM Meeting called to order, roll call
8:34:09 AM Quorum is present
8:34:20 AM Chair Simon makes opening remarks
8:34:42 AM Tab 1- SB 240, Education by Senator Hutson
8:34:51 AM Chair Simon recognizes Senator Hutson
8:34:53 AM Senator Hutson explains the bill
8:36:30 AM Amendment 608196
8:36:40 AM Senator Hutson explains the amendment
8:37:28 AM Senator Hutson waives close
8:37:32 AM Chair Simon reports the amendment
8:37:39 AM Amendment 862750
8:37:47 AM Senator Hutson explains the amendment
8:38:29 AM Chair Simon reads appearance cards waiving
8:38:37 AM Chair Simon reports the amendment
8:38:56 AM Chair Simon recognizes appearance cards
8:39:07 AM Shan Goff, Foundation for Florida's Future
8:40:31 AM Chair Simon reads appearance cards waiving
8:41:21 AM Senator Hutson waives close
8:41:27 AM Roll call on SB 240
8:41:50 AM Chair Simon reports the bill
8:42:01 AM Tab 2- SB 290, Public School Student Progression for Students With Disabilities by Senator Jones
8:42:10 AM Chair Simon recognizes Senator Berman
8:42:14 AM Senator Berman explains the bill
8:43:27 AM Amendment 626400
8:43:32 AM Senator Berman explains the amendment
8:45:08 AM Senator Berman waives close
8:45:18 AM Chair Simon reports the amendment
8:45:29 AM Chair Simon recognizes appearance cards
8:46:13 AM Shannon Hube
8:47:19 AM Lisa O'Rourke
8:47:57 AM Chair Simon reads appearance cards waiving
8:49:12 AM Senator Berman closes on the bill
8:49:57 AM Roll call on SB 290
8:50:22 AM Chair Simon reports the bill
8:50:29 AM Tab 6- SB 990, Child Care and Early Learning Providers by Senator Grall
8:50:50 AM Chair Simon recognizes Senator Grall
8:50:55 AM Senator Grall explains the bill
8:52:54 AM Vice Chair Burgess reads appearance cards waiving
8:53:38 AM Senator Grall waives close
8:53:47 AM Roll call on SB 990
8:54:06 AM Vice Chair Burgess reports the bill
8:54:15 AM Tab 3- SB 514, Private Instructional Personnel by Senator Hooper
8:54:28 AM Vice Chair Burgess recognizes Senator Perry
8:54:34 AM Senator Perry explains the bill
8:55:27 AM Vice Chair Burgess reads appearance cards waiving
8:55:40 AM Senator Perry waives close
8:55:43 AM Roll call on SB 514
8:56:09 AM Vice Chair Burgess reports the bill
8:56:18 AM Tab 4- SB 936, Florida Endowment for Vocational Rehabilitation by Senator DiCeglie
8:56:20 AM Vice Chair Burgess recognizes Senator Collins
8:56:25 AM Senator Collins explains the bill
8:57:04 AM Amendment 645638

8:57:09 AM Senator Collins explains the amendment
8:57:46 AM Senator Collins waives close
8:57:50 AM Vice Chair Burgess reports the amendment
8:58:06 AM Senator Collins waives close
8:58:09 AM Roll call on SB 936
8:58:37 AM Vice Chair Burgess reports the bill
8:58:52 AM Vice Chair Burgess passes the chair to Senator Grall
8:59:03 AM Tab 6- SB 1040, District School Board Direct-support Organizations by Senator Burgess
8:59:10 AM Chair Grall recognizes Senator Burgess
8:59:14 AM Senator Burgess explains the bill
9:00:30 AM Chair Grall recognizes appearance cards
9:00:37 AM Mary Chance, Co of Florida Education Foundation
9:03:14 AM Senator Burgess waives close
9:03:19 AM Roll call on SB 1040
9:03:40 AM Chair Grall reports the bill
9:03:45 AM Chair Grall gives the chair to Senator Burgess
9:03:55 AM Tab 4- SB 1004, High School Equivalency Diplomas by Senator Torres
9:03:59 AM Vice Chair Burgess recognizes Senator Torres
9:04:05 AM Senator Torres explains the bill
9:05:04 AM Senator Torres waives close
9:05:10 AM Roll call on SB 1004
9:05:32 AM Vice Chair Burgess reports the bill
9:05:40 AM Tab 9- SPB 7020, Public Records/Mobile Suspicious Activity Reporting Tool by Education
9:05:49 AM Vice Chair Burgess recognizes Alex Brick
9:05:56 AM Alex Brick
9:07:13 AM Questions:
9:07:16 AM Senator Berman
9:07:37 AM Alex Brick
9:07:54 AM Senator Berman
9:08:10 AM Alex Brick
9:08:24 AM Roll call on SPB 7020
9:08:47 AM Vice Chair Burgess reports the bill
9:08:58 AM Tab 10- SPB 7022, OGSR/Marjory Stoneman Douglas High School Public Safety
 Commission/Safe-school Officers by Education
9:09:08 AM Vice Chair recognizes Alex Brick
9:09:15 AM Alex Brick explains the bill
9:10:00 AM Questions:
9:10:03 AM Senator Berman
9:10:13 AM Alex Brick
9:10:29 AM Senator Berman
9:10:32 AM Alex Brick
9:10:42 AM Debate:
9:10:44 AM Senator Berman
9:11:28 AM Roll call on SPB 7022
9:11:43 AM Vice Chair Burgess reports the bill
9:12:05 AM Senator Yarborough moves to record a missed vote
9:12:25 AM Chair Burgess moves to record a missed vote
9:12:34 AM Meeting adjourned

From: [Taylor, Devonique](#)
To: [Williams, Secret](#)
Cc: [Lissarrague, Peter](#)
Subject: Senator Simon's Education Vote
Date: Wednesday, March 15, 2023 11:57:34 AM

Good Morning,

See below Senator Simon's votes for Education PreK-12:

SB 990: yay
SB 514: yay
SB 936: yay
SB 1040: yay
SB 1004: yay

Best,

Devonique Taylor
District Legislative Aide
State Senator Corey Simon, District 03
302 Senate Office Building, The Capitol
O: 850-487-5003