

Tab 1	SB 98 by Albritton; (Compare to CS/CS/H 01507) Workforce Related Programs and Services					
Tab 2	SB 1672 by Diaz; (Compare to CS/H 00845) State University Free Seat Program					
440644	D	S	RCS	ED, Diaz	Delete everything after	03/23 03:10 PM
Tab 3	SB 1728 by Baxley (CO-INTRODUCERS) Garcia; (Similar to CS/H 01273) Out-of-state Fee Waiver for Nonresident Students					
640458	A	S	RS	ED, Gruters	Delete everything after	03/23 03:10 PM
173942	SA	S	RCS	ED, Gruters	btw L.58 - 59:	03/23 03:10 PM
Tab 4	SB 2010 by Diaz; (Similar to H 07017) Foreign Influence					
Tab 5	SB 2012 by Stargel; (Compare to CS/H 01475) Promoting Equality of Athletic Opportunity					
Tab 6	SB 1094 by Bean; (Similar to CS/H 00519) Required Health Education Instruction					
363262	A	S	RCS	ED, Bean	Delete L.24 - 47:	03/23 03:10 PM
Tab 7	SB 192 by Book (CO-INTRODUCERS) Rodrigues; (Similar to CS/H 00149) Students With Disabilities in Public Schools					
799354	A	S	RCS	ED, Book	Delete L.102 - 307:	03/23 03:10 PM
Tab 8	CS/SB 582 by JU, Rodrigues (CO-INTRODUCERS) Baxley; (Similar to H 00241) Parental Rights					
530544	A	S	RCS	ED, Rodrigues	btw L.284 - 285:	03/23 03:10 PM
Tab 9	SB 880 by Rodriguez (CO-INTRODUCERS) Baxley; (Similar to CS/H 01027) Florida High School Athletic Association					
Tab 10	SB 1028 by Hutson; (Compare to CS/H 00051) Charter Schools					
543250	D	S	RCS	ED, Hutson	Delete everything after	03/23 03:10 PM
Tab 11	SB 1656 by Gruters; (Identical to H 00765) Lawton Chiles Endowment Fund					
Tab 12	SB 1282 by Harrell; (Similar to H 00419) Early Learning and Early Grade Success					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Gruters, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, March 23, 2021

TIME: 12:30—3:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gruters, Chair; Senator Jones, Vice Chair; Senators Berman, Bradley, Broxson, Diaz, Hutson, Passidomo, Polsky, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALAHASSEE, FL 32301		Presented
1	SB 98 Albritton (Compare CS/CS/H 1507, CS/S 366, S 1042)	Workforce Related Programs and Services; Renaming the Workforce Estimating Conference as the Labor Market Estimating Conference; removing authority for a local board to review a decision by the department to deny a contract; requiring certain standards and policies established by the Department of Education to include a specified requirement for training providers; requiring that middle grades career and professional academies and career-themed courses lead to careers in occupations aligned with the CAPE Industry Certification Funding List, etc. CM 03/09/2021 Favorable ED 03/23/2021 Favorable AP	Favorable Yeas 10 Nays 0
2	SB 1672 Diaz (Compare CS/H 845)	State University Free Seat Program; Creating the State University Free Seat Program; providing an exemption from tuition and fees, including lab fees, for one online course at a state university for certain resident students; prohibiting a state university from charging such students more than a specified percentage of the tuition rate and the tuition differential under certain circumstances; providing a limitation on the application of such tuition discount, etc. ED 03/23/2021 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 23, 2021, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1728 Baxley (Similar CS/H 1273)	Out-of-state Fee Waiver for Nonresident Students; Requiring a state university to waive the out-of-state fee for a nonresident student who meets certain requirements; requiring each state university to report specified information regarding such out-of-state fee waivers to the Board of Governors annually; requiring that a student who is granted such out-of-state fee waiver be excluded from the limitation on the systemwide total enrollment of nonresident students; requiring the Board of Governors to adopt regulations, etc. ED 03/23/2021 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
4	SB 2010 Diaz (Similar H 7017)	Foreign Influence; Requiring any state agency or political subdivision to disclose certain gifts or grants received from any foreign source to the Department of Financial Services within a specified timeframe; requiring any entity that applies for a certain grant or proposes a certain contract to disclose to a state agency or political subdivision any current or prior interest of, contract with, or grant or gift received from a foreign country of concern under certain circumstances; requiring the Department of Management Services to screen certain vendors periodically; requiring the Department of Financial Services to establish and maintain an Internet website to publish the disclosures, etc. ED 03/23/2021 Temporarily Postponed AED AP	Temporarily Postponed
5	SB 2012 Stargel (Compare CS/H 1475)	Promoting Equality of Athletic Opportunity; Creating the "Promoting Equality of Athletic Opportunity Act"; requiring that certain athletic teams or sports sponsored by certain educational institutions be designated on the basis of students' biological sex; prohibiting athletic teams or sports designated for female students from being open to male students; specifying conditions under which persons who transition from male to female are eligible to compete in the female category; requiring a student that fails to comply with certain conditions to be suspended from female competition for 12 months; requiring the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules regarding the resolution of disputes, etc. ED 03/23/2021 Favorable HP RC	Favorable Yeas 6 Nays 4

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 23, 2021, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1094 Bean (Similar CS/H 519, Compare H 1303, S 554)	Required Health Education Instruction; Providing additional requirements for health education; revising the grade levels when students receive certain health education instruction; requiring health education instruction to include prevention of specified harms, etc. ED 03/23/2021 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
7	SB 192 Book (Similar CS/H 149)	Students With Disabilities in Public Schools; Requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; requiring school districts to adopt positive behavior interventions and supports and certain policies and procedures; creating the Video Cameras in Public School Classrooms Pilot Program; requiring continuing education and inservice training for instructional personnel teaching students with emotional or behavioral disabilities, etc. ED 03/23/2021 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
8	CS/SB 582 Judiciary / Rodrigues (Similar H 241)	Parental Rights; Creating the "Parents' Bill of Rights"; prohibiting the state, its political subdivisions, other governmental entities, or other institutions from infringing on parental rights unless specified conditions are met; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; prohibiting health care practitioners and their employees from providing health care services or prescribing medicinal drugs to a minor child without a parent's written consent, etc. JU 03/02/2021 Fav/CS ED 03/23/2021 Fav/CS RC	Fav/CS Yeas 5 Nays 4
9	SB 880 Rodriguez (Similar CS/H 1027)	Florida High School Athletic Association; Requiring the Florida High School Athletic Association to adopt specified bylaws or policies, etc. ED 03/23/2021 Temporarily Postponed GO RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 23, 2021, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1028 Hutson (Compare CS/H 51, H 1031, S 1468)	Charter Schools; Authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; authorizing a career and professional academy to be offered by a charter school, etc. ED 03/23/2021 Fav/CS AED AP	Fav/CS Yeas 6 Nays 4
11	SB 1656 Gruters (Identical H 765)	Lawton Chiles Endowment Fund; Requiring the Chief Financial Officer to annually certify the amount of unencumbered and undispersed endowment funds which reverts to the endowment's principal by a specified date; allocating a portion of the reverted funds to the board of trustees of the University of South Florida; requiring that such funds be used to support the university's Health Heart Institute, etc. ED 03/23/2021 Favorable AED AP	Favorable Yeas 9 Nays 0
12	SB 1282 Harrell (Similar H 419, Compare H 575, H 7011, S 1336, S 1898)	Early Learning and Early Grade Success; Deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; establishing the Division of Early Learning within the department; revising approved child care or early education settings for the placement of certain children; requiring each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program to allow his or her child to participate in a specified screening and progress monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds, etc. ED 03/23/2021 Favorable AED AP	Favorable 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

BILL: SB 98

INTRODUCER: Senator Albritton

SUBJECT: Workforce Related Programs and Services

DATE: March 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.	Brick	Bouck	ED	Favorable
3.			AP	

I. Summary:

SB 98 modifies provisions related to Florida workforce development and education including:

- Reestablishing the Office of Economic and Demographic Research's Workforce Estimating Conference as the Labor Market Estimating Conference, tasked with determining real-time supply and demand in Florida's labor market;
- Adding "gross mismanagement" to the types of behavior for which the Governor may remove a member of the state workforce board or a local workforce development board;
- Requiring the state board to provide detailed information on the effectiveness of its activities, and requiring the state board to assign a letter grade to each local workforce development board;
- Requiring contracts for training services provided through Individual Training Accounts to condition final payment to a training provider, of at least 10 percent, upon a participant's successful job placement;
- Requiring local workforce development boards to post information about the board's finances and their board members' financial and ethics disclosures;
- Imposing 6-year term limits on board members, and increasing oversight of contracts;
- Modifying the duties of the Department of Education to strengthen the accountability of apprenticeship and preapprenticeship programs, and target grants under the Florida Pathways to Career Opportunities Grant Program to programs that satisfy a regional or state demand and have successful completion and employment rates;
- Aligning educational offerings under the Career and Professional Education Act with the CAPE Industry Certification Funding List, and aligning the list with skills needed for future employment and projections from a new Labor Market Estimating Conference; and
- Requiring the Commissioner of Education to review the funding weights assigned to career courses and certifications included in the CAPE Industry Certification Funding List.

The bill takes effect July 1, 2021.

II. Present Situation:

The Workforce Estimating Conference

Current law directs the Workforce Estimating Conference to develop forecasts of employment demand for jobs by occupation and industry.¹ The Conference must also review local and regional occupational data generated through the Internet-based job-matching and labor-market information system and consider such data in developing its forecasts for statewide employment demand.² Additionally, the data is used to make recommendations to CareerSource on any changes to local target occupation lists.³ The Workforce Estimating Conference is expected to meet at least twice a year;⁴ however, the conference has not met since September 6, 2013.⁵

Florida's Workforce Development System

The federal Workforce Investment Act of 1998 (WIA) was passed by Congress in an effort to improve the quality of the nation's workforce through implementation of a comprehensive workforce investment system.⁶ The WIA required each state to establish an investment board at the state level and to also establish workforce investment boards to represent local service areas.⁷ The WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.⁸ Some key principles of the WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.⁹

In response to the WIA, Florida established a workforce development system under the Workforce Investment Act of 2000.¹⁰ The act aimed to better connect the state's economic development strategies with its workforce development system and to implement the principles of the federal WIA.¹¹

Federal 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 1998.¹² The WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.¹³ In general, the WIOA maintains the one-stop framework of the WIA,

¹ See s. 216.136(7), F.S.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Office of Economic & Demographic Research, Workforce Estimating Conference, <http://edr.state.fl.us/content/conferences/workforce/index.cfm> (last visited March 8, 2021).

⁶ Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

⁷ See 29 U.S.C. § 2821 and 29 U.S.C. § 2832 (1998).

⁸ See 29 U.S.C. § 2841 (1998).

⁹ See 29 U.S.C. § 2811 (1998).

¹⁰ Chapter 2000-165, Laws of Fla.

¹¹ See s. 445.003, F.S.

¹² Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

¹³ See 29 U.S.C. § 3112(a).

and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.¹⁴ The WIOA officially became effective on July 1, 2015, the first full program year after enactment.

Core Programs

The WIOA identifies four core programs that must coordinate and complement each other in a manner that ensures job seekers have access to needed resources.¹⁵ The core programs are:

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

Performance Measures

In an effort to promote transparency and accountability, the WIOA created a single set of common measures for the evaluation of core programs.¹⁶ The WIOA requires performance reports to be provided at the state, local, and trainer provider levels. The performance measures that now apply across all core programs are:

- 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.¹⁷

State Workforce Development Plan

Using the common performance measures for core programs, the WIOA requires each state to develop and submit a unified state plan based on a 4-year strategy for workforce development.¹⁸ The state plan must describe an overall strategy for the core programs and how the strategy will meet needs for workers, job seekers, and employers.¹⁹ The WIOA also provides an option for states to submit a combined plan that outlines plans for the core programs along with additional workforce programs.²⁰

The WIOA requires the Governor to establish a State Workforce Development Board²¹ to assist the Governor in carrying out the duties and responsibilities required by the WIOA.²² The membership of the state board must represent diverse geographic regions of the state, and the

¹⁴ See 29 U.S.C. § 3111.

¹⁵ See 29 U.S.C. § 3102(13).

¹⁶ See 29 U.S.C. § 3141.

¹⁷ *Id.*

¹⁸ See 29 U.S.C. § 3112(a).

¹⁹ See 29 U.S.C. § 3112(b).

²⁰ See 29 U.S.C. § 3113.

²¹ See 20 C.F.R. s. 679.110.

²² See 20 C.F.R. s. 679.130.

membership must include the Governor, members of the state legislature, representatives of business, representatives of workforce within the state, and membership from state officials with primary responsibility for the core programs.²³ Among other duties, the state board is required to assist in the development, implementation and modification of a 4-year state plan, review statewide policies, programs, and recommendations on actions to align workforce development programs, and identification and dissemination on best practices.²⁴

Regional Planning and Local Workforce Development Boards

The WIOA requires states to identify regional planning areas for workforce development strategies.²⁵ Within each area, a local workforce development board must be established.²⁶ Each local workforce development board is required to coordinate planning and service delivery strategies within their area.²⁷ Formulated strategies are then used by the local workforce development board to develop and submit a local plan for the delivery of workforce services.²⁸

The WIOA requires each Governor to designate local workforce development areas in consultation with the state workforce development board, chief elected officials²⁹ and local workforce development boards, and after consideration of public comment.³⁰ In making such designations, the WIOA requires each Governor to consider, with limited exception,³¹ the extent to which the areas: (1) are consistent with the labor market areas in the state; (2) are consistent with regional economic development areas in the state; and (3) have the federal and non-federal resources necessary to effectively administer workforce investment activities, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education (CTE) schools.³²

The Governor's Authority

The WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. The Governor is responsible for designating the local

²³ See 20 C.F.R. s. 679.110. See also U.S. Department of Labor, Employment and Training Administration Advisory System, Training and Employment Guidance Letter WIOA No. 27-14 (April 15, 2015), available at https://wdr.doeleta.gov/directives/attach/TEGL/TEGL_27-14.pdf (last visited March 8, 2021).

²⁴ See 20 C.F.R. s. 679.130.

²⁵ See 29 U.S.C. § 3121.

²⁶ *Id.*

²⁷ See 29 U.S.C. § 3122.

²⁸ See 29 U.S.C. § 3123.

²⁹ See Pub. L. 113-128, §. 3(9) (codified at 29 USC § 3102). The term, ‘chief elected official’ means “(a) the chief elected executive officer of a unit of general local government in a local area; and (b) in a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units.”

³⁰ See Pub. L. 113-128, §. 106(a), (b) (codified at 29 U.S.C. § 3121).

³¹ *Id.* WIOA lists two exceptions: (1) during the first two years after WIOA’s enactment, the Governor of each state was required to approve a request to designate a local workforce development area from any areas designated as such under the Workforce Innovation Act of 1998 for the two-year period immediately preceding WIOA’s enactment that performed successfully and sustained fiscal integrity; and (2) after the initial designation of such areas, the Governor of each state was further required to approve a subsequent request to designate such areas if, over the two most recent program years, they performed successfully, sustained fiscal integrity, and in the case of a local area planning region met additional requirements, including, but not limited to, the preparation of a regional plan.

³² *Id.*

workforce areas,³³ certifying the local workforce development boards,³⁴ and negotiating the performance measures required by the WIOA.³⁵ The Governor also has the authority to decertify a local workforce development board, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.³⁶ If a local workforce development board fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify it and implement a reorganization plan.³⁷

One-Stop Delivery System

The WIOA aims to strengthen the one-stop delivery system by requiring each local area to have at least one comprehensive one-stop delivery provider.³⁸ A comprehensive one-stop delivery provider supplies physical access to services provided by core partners, as well as other mandatory partners.³⁹ The WIOA mandates that each partner shares in the funding of services and infrastructure costs of the one-stop delivery system.⁴⁰

Florida's Implementation of The WIOA

In 2016, Florida made changes to the workforce development system to conform to the new federal guidelines established by the WIOA.⁴¹ Under the current workforce development system, the DEO, CareerSource, the state board, and 24 local workforce development boards act as partners in administering Florida's comprehensive system for the delivery of workforce strategies, services, and programs. Florida submitted its first Unified State Plan in 2016, a Two-Year Modification in 2018, and most recently a plan for the period July 1, 2020-June 30, 2024.⁴² Florida's plan includes the following required programs:

- Adult Program;
- Dislocated Worker Program;
- Youth Program;
- Adult Education and Family Literacy Act;
- Wagner-Peyser Act; and
- Vocational Rehabilitation Program, including Blind Services Program.⁴³

³³ See 29 U.S.C. s. 3121(b).

³⁴ See 29 U.S.C. s. 3122(a).

³⁵ See 29 U.S.C. s. 3121(c).

³⁶ See 29 U.S.C. s. 3122(c).

³⁷ See 29 U.S.C. s. 3141(g).

³⁸ See 29 U.S.C. § 3151.

³⁹ Other mandatory partners may include programs under the Older Americans Act, Adult Education and Literacy, Department of Housing and Urban Development, Social Security Act, Perkins Career and Technical Education Act, and the Community Service Block Grant Act. 29 U.S.C. § 3151(b).

⁴⁰ See 29 U.S.C. § 3151(2).

⁴¹ Chapter 2016-216, Laws of Fla.

⁴² Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 1, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021).

⁴³ *Id.* at 2.

The Unified Plan includes the required core partners of: CareerSource, the DEO, and the Department of Education's (DOE) Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services.⁴⁴

The Department of Economic Opportunity

The DEO serves as Florida's lead workforce agency.⁴⁵ The DEO is responsible for the fiscal and administrative affairs of the workforce development system.⁴⁶ The DEO receives and distributes federal funds for employment-related programs to the local workforce development boards.⁴⁷ Additionally, the DEO must 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 law.⁴⁸

CareerSource Florida, Inc. and the State Board

CareerSource Florida, Inc., a not-for-profit corporation, provides administrative support to Florida's *state-level* workforce development board.⁴⁹ CareerSource collaborates with the DEO, the local workforce development boards, and one-stop service providers to ensure workforce services are consistent with state and local plans.⁵⁰ CareerSource also implements policy directives of the state board.⁵¹

The state board is the board of directors of CareerSource.⁵² The board of directors includes the Governor, 16 business representatives, six workforce representatives, and eight government officials.⁵³ The state board conducts its work through its board of directors, two councils, and an Executive Committee.⁵⁴

Additionally, the state board is responsible for the design and implementation of Florida's workforce development system and provides policy direction to ensure that the DEO is properly administering workforce development activities and programs.⁵⁵ The state board is also responsible for developing a 4-year plan that is consistent with the requirements of the WIOA.⁵⁶ In partnership with state and local workforce partners, the state board develops strategic planning elements for the state plan to address strategies to fulfill workforce system goals; aggregate, integrate, and leverage resources; coordinate the activities of federal, state, and local workforce

⁴⁴ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 1, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021).

⁴⁵ Primarily through the Division of Workforce Services. See s. 20.60, F.S.

⁴⁶ Section 445.009(3)(c), F.S.

⁴⁷ See s. 445.003, F.S.

⁴⁸ See s. 445.007(3), F.S.

⁴⁹ Section 445.004(2), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.

⁵⁰ See s. 445.004, F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ See s. 445.004(3)(a)-(d), F.S. See also Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 89, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021). The membership roster is as of July 1, 2020.

⁵⁴ *Id.* at 59

⁵⁵ See s. 445.004, F.S.

⁵⁶ Section 445.003(2), F.S.

system partners; address the needs of small businesses; and foster the participation of rural and distressed communities.⁵⁷ The state board submits an annual report by December 1 of each year to the Governor and the Legislature on the operations and accomplishments of the board, as well as, all audits.⁵⁸

Local Workforce Development Boards

Twenty-four local workforce development boards (local boards) deliver Florida's workforce development services through over 100 one-stop service providers.⁵⁹ The one-stop service providers give Floridians access to available workforce services; including job placement, career counseling, and skills training.⁶⁰ Each local board formulates a local budget and oversees the one-stop delivery system within its local area.⁶¹

Collectively, the local boards operate under a charter approved by CareerSource.⁶² The local boards must submit a request for continued designation every two years, beginning July 1, 2017, to CareerSource and the DEO.⁶³ Continued designation is granted if the local board performed successfully and sustained fiscal integrity.⁶⁴ Each local board must develop their own local plans which are aligned with the vision and goals of the state plan.⁶⁵

Accountability

For the period February 10, 2020 through August 7, 2020, the United States Department of Labor (USDOL) Employment Training Administration (ETA) conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements.⁶⁶ The review identified 50 compliance findings which must be addressed, with several findings having regulatory, statutory, and policy violations.⁶⁷

⁵⁷ See. s. 445.006(2)(a), F.S.

⁵⁸ Section 445.004(7)(a)-(b), F.S.

⁵⁹ Florida Department of Economic Opportunity, *CareerSource Florida Network Directory*, <http://lcd.floridajobs.org/> (last visited March 8, 2021).

⁶⁰ See s. 445.009, F.S.

⁶¹ Section 445.007(12), F.S.

⁶² CareerSource Florida, Strategic Policy 2000.08.15.8D, *Chartering of Local Workforce Development Boards* (Aug. 15, 2020), available at <https://careersourceflorida.com/wp-content/uploads/2017/05/2000.08.15.I.8D-Chartering-of-LWDB.pdf> (last visited March 8, 2021).

⁶³ CareerSource Florida, Administrative Policy Number 94, *Local Workforce Development Area Designation* (March 20, 2017), at 3, available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2017-guidance-papers/localareadesignatn-ap94.pdf?sfvrsn=2e3770b0_4 (last visited March 8, 2021).

⁶⁴ *Id.*

⁶⁵ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 111, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>. (last visited March 8, 2021); See also Florida Department of Economic Opportunity, *Local Workforce Development Area WIOA Plans*, <https://floridajobs.org/local-workforce-development-board-resources/programs-and-resources/local-workforce-development-area-wioa-plans> (last visited March 8, 2021).

⁶⁶ United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf> (last visited March 8, 2021).

⁶⁷ *Id.* at 1-2 (last visited March 8, 2021).

The DEO has since provided corrective action responses to 46 of the 50 findings.⁶⁸ The DEO's response concluded that the state board has not delegated its policy making authority and provided the agreement⁶⁹ between the DEO and CareerSource.⁷⁰ Additionally, the DEO will incorporate an annual review of local board websites to ensure local plans and modifications are made publicly available. To address conducting business in an open manner, the DEO has updated the grantee-sub grantee agreement as well as a policy for local area governance and transparency.⁷¹

Apprenticeships and Preapprenticeships

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.⁷²

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. States have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies.⁷³ In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:⁷⁴

- It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;
- It is commonly recognized throughout the industry;
- It involves manual, mechanical, or technical skills and knowledge requiring a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction; and
- It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.

⁶⁸ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6 (last visited March 8, 2021).

⁶⁹ Agreement Between the Florida Department of Economic Opportunity and CareerSource Florida, Inc., *Agreement No: BCS02* (July 1, 2019-June 20, 2021), available at <https://careersourceflorida.com/wp-content/uploads/2020/01/DEO-CSF-Agreement.pdf> (last visited March 8, 2021).

⁷⁰ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 5, available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6 (last visited March 8, 2021).

⁷¹ *Id.* at 7-9.

⁷² Chapter 446, F.S.

⁷³ 29 C.F.R. ss. 29.1 and 29.13.

⁷⁴ Section 446.092, F.S.

Registered Apprenticeship

Registered apprenticeship is an employer-driven, on-the-job workforce educational training program that connects job seekers looking to learn new skills and career opportunities with employers looking to create a pipeline of highly skilled individuals for their workforce.⁷⁵

The key components of a Florida registered apprenticeship program are business involvement, structured on-the-job training, related technical instruction, rewards for skill gains, and a nationally recognized credential.⁷⁶

Apprenticeship Programs

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.⁷⁷

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.⁷⁸ Sponsors may provide private classroom instruction or coordinate with a local educational agency⁷⁹ to provide related supplemental classroom instruction.⁸⁰ The apprentices are exempt from paying tuition and fees at a school district technical center, Florida College System (FCS) institution, or state university.⁸¹

The sponsor operates and registers an agreed-upon apprenticeship program.⁸² An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.⁸³

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education

⁷⁵ Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report* (2019-2020), available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 2 (last visited March 8, 2021).

⁷⁶ *Id.*

⁷⁷ Section 446.021(2), F.S.

⁷⁸ Florida Department of Education, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited March 8, 2021).

⁷⁹ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a local educational agency as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

⁸⁰ Section 446.051(2), F.S.

⁸¹ Section 1009.25(1)(b), F.S.

⁸² Rule 65A-23.002(21), F.A.C.

⁸³ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

institution.⁸⁴ The career education institution is encouraged to provide facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.⁸⁵

Preapprenticeship Programs

A preapprentice is any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the DOE.⁸⁶ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.⁸⁷ The program must be registered with the DOE and sponsored by a registered apprenticeship program.⁸⁸

The DOE is authorized to administer the law⁸⁹ relating to preapprenticeship programs in cooperation with district school boards and FCS institution boards of trustees (BOT). District school boards, FCS institution BOT, and sponsors must cooperate in developing and establishing preapprenticeship programs that include career instruction and general education courses required to obtain a high school diploma.⁹⁰

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:⁹¹

- Developing and encouraging apprenticeship programs;
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation,⁹² which meets standards established by the DOE;
- Cooperating with and assisting sponsors to develop apprenticeship standards and training requirements;
- Monitoring registered apprenticeship programs;
- Leading and coordinating outreach efforts to educate veterans about apprenticeship and career opportunities;
- Investigating complaints regarding failure to meet the standards established by the DOE; and
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE establishes uniform minimum standards and policies governing registered apprenticeship programs and agreements.⁹³ The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety,

⁸⁴ Section 446.051(1), F.S.

⁸⁵ Section 446.051(2), F.S.

⁸⁶ Section 446.021(1), F.S.

⁸⁷ Rule 6A-23.010(1), F.A.C.

⁸⁸ Section 446.021(5), F.S.

⁸⁹ Sections 446.011 to 446.092, F.S.

⁹⁰ Section 446.052(2), F.S.

⁹¹ Section 446.041, F.S.

⁹² Apprenticeship programs may be in both non-union and union workplaces; sponsors may include employers, labor organizations, and joint labor-management organizations.

⁹³ Section 446.032(1), F.S.

related instruction, and on-the-job training. The DOE is also required to publish an annual report on apprenticeship and preapprenticeship programs, which must include:⁹⁴

- A list of registered apprenticeship and preapprenticeship programs;
- A summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, per trade or occupation;
- The number of apprentices and preapprentices per trade and occupation;
- The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe;
- Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants; and
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship.⁹⁵ The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the council, but may not vote. The state director of the USDOL also serves ex officio as a nonvoting member of the council. The council is comprised of 10 voting members appointed by the Governor.⁹⁶ The council must meet at the call of the chair or at the request of a majority of its membership, but at least twice a year.⁹⁷

Florida Pathways to Career Opportunities Grant Program

In 2019, the Governor issued an executive order directing the DOE to seek funding to seed high quality workforce apprenticeships and other industry specific learning opportunities for students.⁹⁸

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019⁹⁹ in the DOE to provide grants on a competitive basis to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program to establish new apprenticeship or preapprenticeship programs, and expand existing apprenticeship or preapprenticeship programs. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs.¹⁰⁰

⁹⁴ Section 446.032(2), F.S.

⁹⁵ Section 446.045(2)(a), F.S.

⁹⁶ Section 446.045(2)(b), F.S.

⁹⁷ Section 446.045(2)(c), F.S.

⁹⁸ Florida Office of the Governor, Executive Order 19-31, at 3.

⁹⁹ Section 33, ch. 2019-119, Laws of Fla.

¹⁰⁰ Section 1011.802, F.S.

The Florida Career and Professional Education (CAPE) Act

The CAPE Act was created to provide a statewide planning partnership between the business and education communities to attract, expand and retain targeted, high-value industry to sustain a strong, knowledge-based economy. The primary purpose of the CAPE Act is to:

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.¹⁰¹

In order to fulfill the requirements of the CAPE Act the DOE incentivizes school districts and FCS institutions¹⁰² through two statewide lists.¹⁰³

The CAPE Industry Certification Funding List includes CAPE industry certifications, CAPE acceleration industry certifications, and CAPE digital tool certificates. Industry certifications on the final approved CAPE Industry Certification Funding list are eligible for additional weighted funding through the Florida Education Finance Program (FEFP).¹⁰⁴ The value is added to the total FTE in secondary career education programs for grades 9 through 12. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.¹⁰⁵

CAPE Industry Certification Funding List (K-12)

Florida's current process for submitting, reviewing, and approving certifications starts with the submission of a certification application to CareerSource by local boards or public school principals. All submissions are then researched by CareerSource staff, the DOE, and the DEO to determine eligibility and to develop a list of recommended certifications for approval. The CareerSource Board of Directors is responsible for the final approval of certifications which the DOE may consider for funding eligibility and addition to the CAPE Industry Certification Funding List.¹⁰⁶

Approved industry certifications are published by the DOE, CareerSource, and the Department of Agriculture and Consumer Services (DACS).¹⁰⁷ The selection of industry certifications occurs in two phases. First, CareerSource must identify industry certifications and compile them into a Comprehensive Industry Certification List.¹⁰⁸ Second, the DOE must:

¹⁰¹ Section 1003.491, F.S.

¹⁰² Sections 1011.62(1)(o), 1008.44, 1011.80, and 1011.81(2), F.S.

¹⁰³ Sections 1011.62(1)(o), 1011.80(7)(b), and 1011.81(2)(c), F.S.

¹⁰⁴ Section 1011.62(1)(o), F.S.; Rule 6A-6.0573(12), F.A.C.

¹⁰⁵ Section 1011.62(1)(o), F.S.

¹⁰⁶ CareerSource Florida, *2021-2022 Submission Process and Guidelines for Career and Professional Education Act*, available at: https://careersourceflorida.com/wp-content/uploads/2018/08/CAPE_Process_and_Guidelines.pdf (last visited March 8, 2021).

¹⁰⁷ Section 1003.492(3), F.S.

¹⁰⁸ Section 1003.492(4), F.S.; rule 6A-6.0573(2)(d), F.A.C.

- Review CareerSource's Comprehensive Industry Certification List that includes 236 certifications;¹⁰⁹
- Identify industry certifications that qualify for additional weighted funding;¹¹⁰
- Consider district requests that industry certifications be added to the approved list;¹¹¹ and
- Annually publish a final list.¹¹²

In order for an industry certification to be included on the CAPE Industry Certification Funding List, a certification must require a minimum of 150 hours of instruction and be achievable by secondary students.¹¹³

CAPE acceleration industry certifications which are annually approved by the commissioner, must articulate for 15 or more college credit hours and, if successfully completed, must be eligible for additional FTE funding.¹¹⁴ In order for a CAPE acceleration industry certification to be included on the CAPE Industry Certification Funding List, it must meet the same requirements as an industry certification and also have a statewide articulation agreement that enables students to earn 15 hours or more of college credit.¹¹⁵

CAPE digital tool certificates recognize a student's attainment of digital skills. The DOE is required to identify, by June 15 of each year, digital tool certificates that indicate a student's digital skills. The DOE must notify each school district when a digital tool certificate is available. Digital tool certificates must be made available to all public elementary and middle grades students. By July 1, 2018, and on an annual basis thereafter, at least 75 percent of public middle grades students are expected to earn at least one digital tool certificate.¹¹⁶ In order for a CAPE digital tool certificate to be included on the CAPE Industry Certification Funding List a certificate must:

- Be achievable by elementary school and middle grades students;
- Assess at least one of the following digital skills: word processing; development of spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and color presentations; and
- Be part of a career pathway leading to the attainment of a career and professional education industry certification on the career and professional education funding list.¹¹⁷

The commissioner may at any time recommend adding to the CAPE Industry Certification Funding List no more than 30 career and professional education digital tool certificates limited to the areas of word processing; development of spreadsheets; digital arts; cybersecurity; coding;

¹⁰⁹ Rule 6A-6.0573(3), F.A.C. *See also*, Florida Department of Education, Division of Career and Adult Education, 2020-21 Career Source Florida Recommendations, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021-csfl-rec-all.pdf> (last visited March 8, 2021).

¹¹⁰ Rule 6A-6.0573(4), F.A.C.

¹¹¹ Rule 6A-6.0573(9), F.A.C.

¹¹² Section 1003.492(4), F.S.; rule 6A-6.0573(8), F.A.C.

¹¹³ Rule 6A-6.0573(7)(a), F.A.C.

¹¹⁴ Section 1003.4203(5)(b), F.S.

¹¹⁵ Rule 6A-6.0573(7)(c), F.A.C.

¹¹⁶ Section 1003.4203(3), F.S.

¹¹⁷ Rule 6A-6.0573(7)(d), F.A.C.

and development of sound, motion, and color presentations that do not articulate for college credit.¹¹⁸

The Chancellor of Career and Adult Education may identify certificates and certifications for students with disabilities, which must be included on the CAPE Industry Certification Funding List, i.e., digital tool certifications, workplace industry certification, and occupation safety and health administration industry certifications.¹¹⁹

CAPE Postsecondary Industry Certification Funding List

The CAPE Postsecondary Industry Certification Funding List is developed by the Chancellor of the FCS¹²⁰ and the Chancellor of Career and Adult Education¹²¹ and approved by the SBE.¹²² These industry certifications are linked to occupational areas identified in the General Appropriations Act.¹²³

III. Effect of Proposed Changes:

Workforce Development

Section 1 amends s. 216.136, F.S., to change the name of the Workforce Estimating Conference to the Labor Market Estimating Conference.

The bill clarifies that the Labor Market Estimating Conference must meet at least twice a year to develop information regarding real-time supply and demand in Florida's statewide, regional, and local labor markets.

The bill provides that the Labor Market Estimating Conference will provide information on 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, and high-wage occupations.

The bill provides that all state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the Labor Market Estimating Conference.

Section 2 amends s. 445.002, F.S., to include "gross mismanagement" in the definition of "for cause." The "for cause" standard is used in ch. 445, F.S., as a standard by which the Governor may remove a member of the state board or a local board, and a chief elected official may remove a member of a local board.

Section 3 amends s. 445.004, F.S., to revise provisions relating to the purpose, operation, and organizational structure of the state board.

¹¹⁸ Section 1008.44(1)(b), F.S.

¹¹⁹ Section 1008.44(1)(c), F.S.

¹²⁰ Section 1011.81(2)(b), F.S.

¹²¹ Section 1011.80(7)(b)2., F.S.

¹²² Section 1011.81(2)(b), F.S. and s. 1011.80(7)(b)2., F.S.

¹²³ Sections 1011.80(7)(b) and 1011.81(2)(b), F.S.; ss. 124 and 130, ch. 2020-111, Laws of Fla.

- The state board must include one member representing each of the WIOA partners, including the Division of Vocational Rehabilitation and the Department of Children and Families.
- The state board must create a state employment, education, and training policy that ensures workforce-related programs are responsive to present and future business and industry needs.
- The state board must establish policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions by providing certain incentives to improve the outcomes of career education, registered apprenticeship, and work-based learning programs.
- The state board must establish a comprehensive policy related to the education and training of target populations, which should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce-related programs or activities for vulnerable populations when appropriate or authorized.
- The state board must identify barriers to coordination and alignment among workforce-related programs and activities, and develop solutions to remove such barriers.
- The state board, in consultation with the DEO must submit a complete and detailed annual report by December 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.
- The state board's annual report must include all audits and investigations, the state board's operations and accomplishments, the number of mandatory partners located within one-stop centers, and the amount of progress made toward implementing solutions to address barriers to coordination and alignment among programs and activities.
- The state board, beginning July 1, 2022, must annually assign a letter grade for each local board.
- The state board must establish incentives for effective alignment of federal and state programs, outline rewards for achieving long-term self-sufficiency of participants, and institute collaborative approaches among local service providers.
- The state board must establish uniform performance accountability measures, and any local performance accountability measures established must be based on identified local area needs.

Section 4 amends s. 445.007, F.S., to revise provisions relating to transparency and oversight of local boards.

The bill establishes term limits for a local board chair as no more than 2 years and establishes term limits for all members of a local board as no more than 6 consecutive years, unless the member is a representative of a government entity.

The bill requires local boards to make publicly available on the local board's website, or the DEO's website if the local board does not maintain a website, the following:

- Information for the public that a public disclosure of financial interest filed with the Commission on Ethics has been completed for each local board member and executive director and provide information on how each disclosure or statement may be reviewed;¹²⁴

¹²⁴ The notice to the public must remain on the website throughout the term of office or employment of the filer and until 1 year after the term ends.

- The local board's budget within 10 days after approval by the DEO;¹²⁵ and
- Annual publication of its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax.¹²⁶

The bill requires prior approval from the DEO for contracts between the local board and an organization or individual represented on the local board and states that such contracts may not be included on a consent agenda by the board. Additionally, a member whose organization may benefit from the contract must abstain from voting on the contract.

The bill reduces the threshold from \$25,000 to \$10,000 for contracts between local boards, a relative of a local board, or an employee of the board, which do not require prior approval from the DEO but do require a two-thirds board approval.

The bill requires the publication of contracts between a local board and a member of the local board, a relative of a local board member, an organization or individual represented on the local board, or an employee of the local board approved on or after July 1, 2021, to be published on the local board's website, or the DEO's website if the local board does not maintain a website within ten days after approval by the DEO and requires it to remain published for at least 1 year after termination of the contract.

The bill requires the DEO, in their review of required contracts to consider documentation provided by the local board, including the performance rating of the entity under consideration for contract and whether such entity is the only provider of the desired goods and services within the area served.

The bill removes a provision that requires a two-thirds vote of a local board if the local board enters into a contract with an organization or individual represented on the local board.

The bill requires each local board to annually, within 30 days after the end of the fiscal year, disclose to the DEO, the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and the highest compensated employees, as defined for purposes of the Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax.¹²⁷

¹²⁵ The budget must remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

¹²⁶ The form must be posted on the local board's website within 60 calendar days after it is filed with the Internal Revenue Service and remain posted for 3 years after it is filed.

¹²⁷ The bill provides that the reported compensation must include salary, bonuses, present value of vested benefits including but not limited to retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons. The disclosure must be accompanied by a written declaration from the chief financial officer, or his or her designee, that he or she has read the compensation disclosure and affirms it is true and accurate. The compensation disclosure information must also be published on the local board's website, or the DOE's website if the local board does not maintain a website, for a period of 3 years after it is first published.

Section 5 amends s. 445.009, F.S., to provide that Individual Training Accounts¹²⁸ must be expended on programs that prepare people to enter occupations identified by the Labor Market Estimating Conference.

The bill requires training services provided through Individual Training Accounts to be performance-based, with successful job placement triggering final payment of at least 10 percent.

Sections 6 and 18 amend ss. 445.038 and 445.011, F.S., respectively, to make conforming changes to provisions made by the bill.

Apprenticeship and Preapprenticeship

Section 7 amends s. 446.021, F.S., to change the term “Uniform minimum preapprenticeship standards” to “standards,” which means the minimum requirements established uniformly for each occupation under which an apprenticeship or preapprenticeship program is administered.¹²⁹

Section 8 amends s. 446.032, F.S., to clarify the role of the DOE in the administration of apprenticeship training programs.

The bill requires the DOE to establish uniform minimum standards and policies governing apprenticeship programs and agreements which must require training providers to submit data necessary to determine program performance consistent with state and federal law.

The bill requires the DOE to adopt rules necessary to administer the standards and policies governing apprenticeship programs and agreements.

The bill provides that the DOE must include the following in its annual report on apprenticeship and preapprenticeship programs:

- The total amount of funds allocated by training provider, program, and occupation;
- The total amount of funds expended for administrative costs by training provider, program, and occupation;
- The total amount of funds expended for instructional costs by training provider, program, and occupation;
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship or preapprenticeship programs;
- Retention and completion rates of participants aggregated by training provider, program, and occupation; and
- Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages.

¹²⁸ Individual Training Account expenditures include tuition, books, and fees of training providers and other training services authorized by the WIOA. See s. 445.003, F.S.

¹²⁹ The bill clarifies that the term includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the apprenticeship or preapprenticeship program, and the percentage of credit which may be given to an apprentice or a preapprentice.

The bill requires the DOE to provide career planning resources to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards.

Section 9 amends s. 446.045, F.S., to establish that the Governor must fill any vacancy on the State Apprenticeship Advisory Council for the remainder of an unexpired term.

Section 17 amends s. 1011.802, F.S., to require the DOE to give priority to apprenticeship programs, such as health care programs, with demonstrated regional demand identified by the Labor Market Estimating Conference.

The bill authorizes the DOE to award grants, which only expand existing programs that exceed the median completion rate and employment rate one year after completion for similar programs in the region, or in the state if there are no similar programs in the region.

Career and Education Planning

Section 10 amends s. 1003.4156, F.S., to provide that the required course¹³⁰ in career and education planning must include information from the DEO's economic security report and other state career planning resources.

Section 11 amends s. 1003.4203, F.S., to specify that the DOE must identify CAPE Digital Tool certificates under ss. 1003.492 and 1008.44, F.S.

The bill provides that CAPE Innovation courses and CAPE Acceleration Industry Certifications are identified in the CAPE Industry Certification Funding List, rather than approved by the Commissioner of Education.

Section 12 amends s. 1003.491, F.S., to require the CAPE strategic 3-year plan developed jointly by the local school district, local work force development boards, economic development agencies, and state-approved postsecondary institutions to be developed based on local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference and strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference.

Sections 13 and 14 amend ss. 1003.4935 and 1008.41, F.S., respectively, to make conforming changes to provisions made by the bill.

Section 15 amends s. 1008.44, F.S., to require the Commissioner of Education to conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in s. 1011.62(1)(o), F.S., and if necessary, recommend revised weights. The results of the commissioner's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2021.

¹³⁰ The course is required before a student will be promoted to high school.

Sections 16 and 19 amend ss. 1011.801 and 1011.80, F.S., respectively, to make conforming changes to provisions made by the bill.

Effective Date

Section 20 provides that the bill takes effect July 1, 2021.

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 the following sections of the Florida Statutes: 216.136, 445.002, 445.004, 445.007, 445.009, 445.038, 446.021, 446.032, 446.045, 1003.4156, 1003.4203, 1003.491, 1003.4935, 1008.41, 1008.44, 1011.801, 1011.802, 445.011, 1011.80.

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 Albritton

26-01507A-21

202198__

1 A bill to be entitled
 2 An act relating to workforce related programs and
 3 services; amending s. 216.136, F.S.; renaming the
 4 Workforce Estimating Conference as the Labor Market
 5 Estimating Conference; removing requirements for the
 6 Workforce Estimating Conference; providing
 7 requirements for the Labor Market Estimating
 8 Conference; amending s. 445.002, F.S.; redefining the
 9 term "for cause"; amending s. 445.004, F.S.; expanding
 10 the membership of the state workforce development
 11 board; specifying entities that can authorize certain
 12 expenditures; providing and revising requirements for
 13 the state board in order to achieve certain purposes;
 14 requiring the state board, in consultation with the
 15 department, to submit a report to the Governor and
 16 Legislature; providing and revising reporting
 17 requirements; requiring the state board to assign
 18 letter grades to local workforce development boards;
 19 requiring local performance accountability measures to
 20 be based on identified local area needs; amending s.
 21 445.007, F.S.; removing authority for a local board to
 22 review a decision by the department to deny a
 23 contract; requiring a local board to disclose certain
 24 compensation information to the department; providing
 25 term limits for local board members; providing an
 26 exception; requiring actions of the local board to be
 27 consistent with federal and state law; providing
 28 requirements for certain contracts between a local
 29 board and certain entities; providing an exception;

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30 requiring the department to review certain
 31 documentation when considering whether to approve a
 32 contract; removing authority for a local board to
 33 review a decision by the department to deny a
 34 contract; requiring a local board to disclose certain
 35 compensation information to the department; requiring
 36 local boards to publish specified information;
 37 requiring the department to review certain information
 38 provided by a local board in reviewing contracts;
 39 amending s. 445.009, F.S.; requiring a certain final
 40 payment amount to Individual Training Accounts;
 41 conforming provisions to changes made by the act;
 42 amending s. 445.038, F.S.; conforming provisions to
 43 changes made by the act; amending s. 446.021, F.S.;
 44 revising the definition of the term "uniform minimum
 45 preapprenticeship standards"; expanding the definition
 46 to include apprenticeship programs; amending s.
 47 446.032, F.S.; requiring certain standards and
 48 policies established by the Department of Education to
 49 include a specified requirement for training
 50 providers; requiring, rather than authorizing, the
 51 department to adopt rules; providing requirements for
 52 a certain annual report; requiring the department to
 53 provide data from certain resources to specified
 54 persons and entities; amending s. 446.045, F.S.;
 55 specifying that the Governor shall fill vacancies on
 56 the State Apprenticeship Advisory Council for the
 57 remainder of a term; amending s. 1003.4156, F.S.;
 58 requiring a career and education planning course to

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59 include certain resources; amending s. 1003.4203,
 60 F.S.; specifying the sections under which the
 61 Department of Education must identify certain CAPE
 62 Digital Tool certificates; removing the deadline for
 63 such identification; removing specified skills that
 64 must be mastered; authorizing courses identified in
 65 the CAPE Industry Certification Funding List to
 66 articulate for college credit; removing the course
 67 limit; amending s. 1003.491, F.S.; requiring certain
 68 strategic plans to use labor projections identified by
 69 the Labor Market Estimating Conference; amending s.
 70 1003.4935, F.S.; requiring that middle grades career
 71 and professional academies and career-themed courses
 72 lead to careers in occupations aligned with the CAPE
 73 Industry Certification Funding List; amending s.
 74 1008.41, F.S.; adding the Labor Market Estimating
 75 Conference as a source of workforce data; amending s.
 76 1008.44, F.S.; requiring the Commissioner of Education
 77 to conduct a review of the methodology used to
 78 determine certain full-time equivalent membership
 79 weights and, if necessary, recommend revised weights;
 80 requiring that the recommendations be provided to the
 81 Governor and the Legislature by a specified date;
 82 amending s. 1011.801, F.S.; conforming a provision to
 83 changes made by the act; amending s. 1011.802, F.S.;
 84 requiring the department to prioritize programs
 85 identified by the Labor Market Estimating Conference;
 86 providing requirements for awards under the Florida
 87 Pathways to Career Opportunities Grant Program;

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88 amending s. 445.011, F.S.; conforming a cross-
 89 reference; amending s. 1011.80, F.S.; conforming a
 90 provision to changes made by the act; providing an
 91 effective date.

92
 93 Be It Enacted by the Legislature of the State of Florida:

94
 95 Section 1. Subsection (7) of section 216.136, Florida
 96 Statutes, is amended to read:

97 216.136 Consensus estimating conferences; duties and
 98 principals.—

99 (7) LABOR MARKET ~~WORKFORCE~~ ESTIMATING CONFERENCE.—

100 (a) The Labor Market ~~Workforce~~ Estimating Conference shall
 101 develop such official information with respect to real-time
 102 supply and demand in Florida's statewide, regional, and local
 103 labor markets ~~on the workforce development system planning~~
 104 ~~process as it relates to the personnel needs of current, new,~~
 105 ~~and emerging industries~~ as the conference determines is needed
 106 by the state planning and budgeting system. Such information
 107 must include labor supply by education level, analyses of labor
 108 demand by occupational groups and occupations compared to labor
 109 supply, a ranking of critical areas of concern, and
 110 identification of in-demand, high-skill, high-wage occupations.
 111 The Office of Economic and Demographic Research is designated as
 112 the official lead for the United States Census Bureau's State
 113 Data Center Program or its successor. All state agencies must
 114 provide the Office of Economic and Demographic Research with the
 115 necessary data to accomplish the goals of the conference. In
 116 accordance with s. 216.135, state agencies shall ensure that any

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work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

(b) The Workforce Estimating Conference shall review data concerning local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider this data in developing its forecasts for statewide employment demand, including reviewing local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to CareerSource Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by

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~~CareerSource Florida, Inc.~~

~~(e) The Labor Market Workforce Estimating Conference, for the purposes described in paragraph (a), shall meet at least twice a year for the purposes described in paragraph (a) no less than 2 times in a calendar year. The first meeting shall be held in February, and the second meeting shall be held in August. Other meetings may be scheduled as needed.~~

Section 2. Subsection (2) of section 445.002, Florida Statutes, is amended to read:

445.002 Definitions.—As used in this chapter, the term:

(2) "For cause" includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, or lack of performance.

Section 3. Present subsections (8) through (13) of section 445.004, Florida Statutes, are redesignated as subsections (9) through (14), respectively, a new subsection (8) is added to that section, and paragraph (d) of subsection (3), subsections (6) and (7), paragraph (b) of present subsection (9), and present subsection (11) of that section are amended, to read:

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

(3)

(d) The state board must include the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the Workforce Innovation and Opportunity Act partners, including the Division of Career and Adult Education, the Division of Vocational Rehabilitation, the

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Department of Children and Families, and other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

(6) The state board ~~shall may take action that it deems necessary to~~ achieve the purposes of this section by, including, ~~but not limited to:~~

(a) Creating a state employment, education, and training policy that ensures that workforce-related programs ~~to prepare workers~~ are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) Establishing policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions by providing ~~provides~~ incentives to improve the outcomes of career education, registered apprenticeship, and work-based learning programs and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) Establishing a comprehensive policy related to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce-related programs or activities for vulnerable populations when appropriate or authorized.

(d) Identifying barriers to coordination and alignment among workforce-related programs and activities and developing

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~~solutions to remove such barriers Designating Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that career education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.~~

(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Labor Market Workforce Estimating Conference created in s. 216.136 and the career education performance standards identified under s. 1008.43.

(f) Reviewing the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(g) Expanding the occupations identified by the Labor Market Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.

(7) By December 1 of each year, the state board, in consultation with the department, shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed annual report setting forth:

(a) All audits and investigations, including any audit or investigation conducted under subsection (9) ~~(8)~~.

(b) The operations and accomplishments of the state board, including the programs or entities specified in subsection (6).

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233 (c) The number of mandatory partners located within one-
 234 stop centers.

235 (d) The amount of progress made toward implementing
 236 solutions to address barriers to coordination and alignment
 237 among programs and activities identified under paragraph (6) (d).

238 (8) Beginning July 1, 2022, the state board shall annually
 239 assign a letter grade for each local workforce development
 240 board.

241 (10)(9) The state board, in collaboration with the local
 242 workforce development boards and appropriate state agencies and
 243 local public and private service providers, shall establish
 244 uniform performance accountability measures that apply across
 245 the core programs to gauge the performance of the state and
 246 local workforce development boards in achieving the workforce
 247 development strategy.

248 (b) The performance accountability measures for each local
 249 area consist of the primary indicators of performance, any
 250 additional indicators of performance, and a local level of
 251 performance for each indicator pursuant to Pub. L. No. 113-128.
 252 The local level of performance is determined by the local board,
 253 the chief elected official, and the Governor pursuant to Pub. L.
 254 No. 113-128, Title I, s. 116(c). Any local performance
 255 accountability measures that are established must be based on
 256 identified local area needs.

257 (12)(11) The workforce development system must use local
 258 design and control of service delivery and targeted activities.
 259 The state board, in consultation with the department, is
 260 responsible for ensuring that local workforce development boards
 261 have a membership consistent with the requirements of federal

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262 and state law and have developed a plan consistent with the
 263 state's workforce development strategy. The plan must specify
 264 methods for allocating the resources and programs in a manner
 265 that eliminates unwarranted duplication, minimizes
 266 administrative costs, meets the existing job market demands and
 267 the job market demands resulting from successful economic
 268 development activities, ensures access to quality workforce
 269 development services for all Floridians, allows for pro rata or
 270 partial distribution of benefits and services, prohibits the
 271 creation of a waiting list or other indication of an unserved
 272 population, serves as many individuals as possible within
 273 available resources, and maximizes successful outcomes. The
 274 state board shall establish incentives for effective alignment
 275 ~~coordination~~ of federal and state programs, outline rewards for
 276 achieving the long-term self-sufficiency of participants
 277 ~~successful job placements~~, and institute collaborative
 278 approaches among local service providers.

279 Section 4. Subsection (1), paragraph (a) of subsection (2),
 280 and subsections (6), (11), and (12) of section 445.007, Florida
 281 Statutes, are amended, and subsections (13) and (14) are added
 282 to that section, to read:

283 445.007 Local workforce development boards.—

284 (1) One local workforce development board shall be
 285 appointed in each designated service delivery area and shall
 286 serve as the local workforce development board pursuant to Pub.
 287 L. No. 113-128. The membership of the local board must be
 288 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a
 289 public education or training provider is represented on the
 290 local board, a representative of a private education provider

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291 must also be appointed to the local board. The state board may
 292 waive this requirement if requested by a local workforce
 293 development board if it is demonstrated that such
 294 representatives do not exist in the region. The importance of
 295 minority and gender representation shall be considered when
 296 making appointments to the local board. The local board, its
 297 committees, subcommittees, and subdivisions, and other units of
 298 the workforce system, including units that may consist in whole
 299 or in part of local governmental units, may use any method of
 300 telecommunications to conduct meetings, including establishing a
 301 quorum through telecommunications, provided that the public is
 302 given proper notice of the telecommunications meeting and
 303 reasonable access to observe and, when appropriate, participate.
 304 Local workforce development boards are subject to chapters 119
 305 and 286 and s. 24, Art. I of the State Constitution. ~~If the~~
 306 ~~local workforce development board enters into a contract with an~~
 307 ~~organization or individual represented on the local board, the~~
 308 ~~contract must be approved by a two-thirds vote of the local~~
 309 ~~board, a quorum having been established, and the local board~~
 310 ~~member who could benefit financially from the transaction must~~
 311 ~~abstain from voting on the contract. A local board member must~~
 312 ~~disclose any such conflict in a manner that is consistent with~~
 313 ~~the procedures outlined in s. 112.3143.~~ Each member of a local
 314 workforce development board who is not otherwise required to
 315 file a full and public disclosure of financial interests under
 316 s. 8, Art. II of the State Constitution or s. 112.3144 shall
 317 file a statement of financial interests under s. 112.3145. The
 318 executive director or designated person responsible for the
 319 operational and administrative functions of the local workforce

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320 development board who is not otherwise required to file a full
 321 and public disclosure of financial interests under s. 8, Art. II
 322 of the State Constitution or s. 112.3144 shall file a statement
 323 of financial interests under s. 112.3145. The local workforce
 324 development board's website, or the department's website if the
 325 local board does not maintain a website, must inform the public
 326 that each disclosure or statement has been filed with the
 327 Commission on Ethics and provide information as to how each
 328 disclosure or statement may be reviewed. The notice to the
 329 public must remain on the website throughout the term of office
 330 or employment of the filer and until 1 year after his or her
 331 term on the local board or employment, as applicable, ends.

332 (2) (a) The local workforce development board shall elect a
 333 chair from among the representatives described in Pub. L. No.
 334 113-128, Title I, s. 107(b)(2)(A) to serve for a term of no more
 335 than 2 years and may not ~~shall~~ serve ~~no~~ more than two terms as
 336 chair. A member of a local workforce development board may not
 337 serve as a member of the board for more than 6 consecutive
 338 years, unless such member is a representative of a governmental
 339 entity.

340 (6) Consistent with federal and state law, the local
 341 workforce development board shall designate all local service
 342 providers and may not transfer this authority to a third party.
 343 Consistent with the intent of the Workforce Innovation and
 344 Opportunity Act, local workforce development boards should
 345 provide the greatest possible choice of training providers to
 346 those who qualify for training services. A local ~~workforce~~
 347 ~~development~~ board may not restrict the choice of training
 348 providers based upon cost, location, or historical training

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arrangements. However, a local board may restrict the amount of training resources available to any one client. Such restrictions may vary based upon the cost of training in the client's chosen occupational area. The local workforce development board may be designated as a one-stop operator and direct provider of intake, assessment, eligibility determinations, or other direct provider services except training services. Such designation may occur only with the agreement of the chief elected official and the Governor as specified in 29 U.S.C. s. 2832(f)(2). The state board shall establish procedures by which a local workforce development board may request permission to operate under this section and the criteria under which such permission may be granted. The criteria shall include, but need not be limited to, a reduction in the cost of providing the permitted services. Such permission shall be granted for a period not to exceed 3 years for any single request submitted by the local workforce development board.

(11)(a) To increase transparency and accountability, a local workforce development board must comply with the requirements of this section before contracting with a member of the local board; ~~or~~ a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or of an employee of the local board. Such contracts may not be executed before or without the prior approval of the department. Such contracts, as well as documentation demonstrating adherence to this section as specified by the department, must be submitted to the department for review and approval. Such a contract must be approved by a

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two-thirds vote of the local board, a quorum having been established; all conflicts of interest must be disclosed before the vote in a manner that is consistent with the procedures outlined in s. 112.3143(4); and any member who may benefit from the contract, or whose organization or relative may benefit from the contract, must abstain from the vote. A contract subject to the requirements of this subsection may not be included on a consent agenda.

(b) A contract under \$10,000 ~~\$25,000~~ between a local workforce development board and ~~a member of that board or~~ between a relative, as defined in s. 112.3143(1)(c), of a local board member or of an employee of the local board is not required to have the prior approval of the department, but must be approved by a two-thirds vote of the local board, a quorum having been established, and must be reported to the department and the state board within 30 days after approval.

(c) All contracts between a local board and a member of the local board; a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or an employee of the local board, approved on or after July 1, 2021, also must be published on the local board's website, or on the department's website if the local board does not maintain a website, within 10 days after approval by the local board or department, whichever is later. Such contracts must remain published on the website for at least 1 year after termination of the contract.

(d) In considering whether to approve a contract under this subsection, the department shall review and consider all documentation provided to the department by the local board,

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including the performance rating of the entity with which the local board is proposing to contract, if applicable, and the nature, size, and makeup of the business community served by the local board, including whether the entity with which the local board is proposing to contract is the only provider of the desired goods or services within the area served by the local board. ~~If a contract cannot be approved by the department, a review of the decision to disapprove the contract may be requested by the local workforce development board or other parties to the disapproved contract.~~

(12) Each local workforce development board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official. Each local workforce development board shall submit its annual budget for review to the department no later than 2 weeks after the chair approves the budget. The local board shall publish the budget on its website, or the department's website if the local board does not maintain a website, within 10 days after approval by the department. The budget shall remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

(13) Each local workforce development board annually, within 30 days after the end of the fiscal year, shall disclose to the department, in a manner determined by the department, the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and highest compensated employees, as defined for purposes of the Internal Revenue Service Form 990, Return of Organization Exempt from

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Income Tax, including salary, bonuses, present value of vested benefits, including, but not limited to, retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons. The disclosure must be accompanied by a written declaration, as provided for under s. 92.525(2), from the Chief Financial Officer, or his or her designee, stating that he or she has read the foregoing document and the facts stated in it are true. Such information also must be published on the local board's website, or the department's website if the local board does not maintain a website, for a period of 3 years after it is first published.

(14) Each local workforce development board shall annually publish its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax, on its website, or the department's website if the local board does not maintain a website. The form must be posted on the local board's website within 60 calendar days after it is filed with the Internal Revenue Service and remain posted for 3 years after it is filed.

Section 5. 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 ~~high-wage~~ occupations identified by the Labor Market Workforce 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.

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465 (e) Training services provided through Individual Training
 466 Accounts must be performance-based, with successful job
 467 placement triggering final full payment of at least 10 percent.
 468 Section 6. Section 445.038, Florida Statutes, is amended to
 469 read:
 470 445.038 Digital media; job training.—CareerSource Florida,
 471 Inc., through the Department of Economic Opportunity, may use
 472 funds dedicated for incumbent worker training for the digital
 473 media industry. Training may be provided by public or private
 474 training providers for broadband digital media jobs listed on
 475 the ~~targeted~~ occupations list developed by the Labor Market
 476 ~~Workforce Estimating Conference or CareerSource Florida, Inc.~~
 477 Programs that operate outside the normal semester time periods
 478 and coordinate the use of industry and public resources should
 479 be given priority status for funding.
 480 Section 7. Subsection (8) of section 446.021, Florida
 481 Statutes, is amended to read:
 482 446.021 Definitions of terms used in ss. 446.011-446.092.—
 483 As used in ss. 446.011-446.092, the term:
 484 (8) "~~Uniform minimum preapprenticeship~~ Standards" means the
 485 minimum requirements established uniformly for each occupation
 486 ~~craft~~ under which an apprenticeship or a preapprenticeship
 487 program is administered. ~~The term and~~ includes standards of
 488 admission, training goals, training objectives, curriculum
 489 outlines, objective standards to measure successful completion
 490 of the apprenticeship or preapprenticeship program, and the
 491 percentage of credit which may be given to an apprentice or a
 492 preapprentice ~~preapprenticeship graduates upon acceptance into~~
 493 ~~the apprenticeship program.~~

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494 Section 8. Subsections (1), (2), and (3) of section
 495 446.032, Florida Statutes, are amended to read:
 496 446.032 General duties of the department for apprenticeship
 497 training.—The department shall:
 498 (1) Establish uniform minimum standards and policies
 499 governing apprenticeship ~~apprentice~~ programs and agreements
 500 which must require training providers to submit data necessary
 501 to determine program performance consistent with state and
 502 federal law. The standards and policies shall govern the terms
 503 and conditions of the apprentice's employment and training,
 504 including the quality training of the apprentice for, but not
 505 limited to, such matters as ratios of apprentices to
 506 journeymen, safety, related instruction, and on-the-job
 507 training; but these standards and policies may not include
 508 rules, standards, or guidelines that require the use of
 509 apprentices and job trainees on state, county, or municipal
 510 contracts. The department shall ~~may~~ adopt rules necessary to
 511 administer the standards and policies.
 512 (2) By September 1 of each year, publish an annual report
 513 on apprenticeship and preapprenticeship programs. The report
 514 must be published on the department's website and, at a minimum,
 515 include all of the following:
 516 (a) A list of registered apprenticeship and
 517 preapprenticeship programs, sorted by local educational agency,
 518 as defined in s. 1004.02(18), and apprenticeship sponsor, under
 519 s. 446.071.
 520 (b) A detailed summary of each local educational agency's
 521 expenditure of funds for apprenticeship and preapprenticeship
 522 programs, including:

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1. The total amount of funds received for apprenticeship and preapprenticeship programs;

2. The total amount of funds allocated by training provider, program, and to each trade or occupation;

3. The total amount of funds expended for administrative costs by training provider, program, and per trade or occupation; and

4. The total amount of funds expended for instructional costs by training provider, program, per trade and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship and preapprenticeship programs.

(g) Retention and completion rates of participants aggregated by training provider, program, and occupation.

(h) Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages.

(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students,

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parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report ~~under~~ pursuant to s. 445.07 and other state career planning resources.

Section 9. Paragraph (b) of subsection (2) of section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(2)

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Office of Apprenticeship of the United States Department of Labor shall serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations and who are independent of any joint or nonjoint organization. Members shall be appointed for 4-year staggered terms. The Governor A vacancy shall fill any vacancy ~~be filled~~ for the remainder of the unexpired term.

Section 10. 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

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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 that may be revised 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

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course or courses.

Section 11. Subsections (3) and (5) of section 1003.4203, Florida Statutes, are amended to read:

1003.4203 Digital materials, CAPE Digital Tool certificates, and technical assistance.—

(3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall identify, in the CAPE Industry Certification Funding List under ss. 1003.492 and 1008.44 ~~by June 15 of each year~~, CAPE Digital Tool certificates that indicate a student's digital skills. The department shall notify each school district when the certificates are available. The certificates shall be made available to all public elementary and middle grades students.

(a) Targeted skills to be mastered for the certificate include digital skills that are necessary to the student's academic work and skills the student may need in future employment. ~~The skills must include, but are not limited to, word processing, spreadsheets, presentations, including sound, motion, and color presentations, digital arts, cybersecurity, and coding consistent with CAPE industry certifications that are listed on the CAPE Industry Certification Funding List, pursuant to ss. 1003.492 and 1008.44.~~ CAPE Digital Tool certificates earned by students are eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.a.

(b) The school district shall notify each middle school advisory council of the methods of delivery of the open-access content and assessments for the certificates. If there is no middle school advisory council, notification must be provided to the district advisory council.

(c) The Legislature intends that by July 1, 2018, on an

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annual basis, at least 75 percent of public middle grades students earn at least one CAPE Digital Tool certificate.

(5) CAPE INNOVATION AND CAPE ACCELERATION.—

(a) ~~CAPE Innovation.—Up to five Courses, identified in the CAPE Industry Certification Funding List, which annually approved by the commissioner that~~ combine academic and career content, and performance outcome expectations that, if achieved by a student, must shall articulate for college credit and be eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.c. Such approved courses must incorporate at least two third-party assessments that, if successfully completed by a student, must shall 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 Directory as a CAPE Innovation Course.

(b) ~~CAPE Acceleration.—Industry certifications, annually approved by the commissioner, that~~ articulate for 15 or more college credit hours ~~and, if successfully completed, are shall~~ be eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.d. Each approved industry certification must be specifically identified in the CAPE Industry Certification Funding List as a CAPE Acceleration Industry Certification.

Section 12. Subsection (3) and paragraph (b) of subsection (5) of section 1003.491, Florida Statutes, are amended to read:
1003.491 Florida Career and Professional Education Act.—The

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

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

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference created in s. 216.136 of the United States Department of Labor and the Department of Economic Opportunity;

(b) Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference created in s. 216.136 ~~those careers determined to be high-wage, high-skill, and high-demand;~~

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

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

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

(f) Alignment of requirements for middle school career

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697 planning, middle and high school career and professional
698 academies or career-themed courses leading to industry
699 certification or postsecondary credit, and high school
700 graduation requirements;

701 (g) Provisions to ensure that career-themed courses and
702 courses offered through career and professional academies are
703 academically rigorous, meet or exceed appropriate state-adopted
704 subject area standards, result in attainment of industry
705 certification, and, when appropriate, result in postsecondary
706 credit;

707 (h) Plans to sustain and improve career-themed courses and
708 career and professional academies;

709 (i) Strategies to improve the passage rate for industry
710 certification examinations if the rate falls below 50 percent;

711 (j) Strategies to recruit students into career-themed
712 courses and career and professional academies which include
713 opportunities for students who have been unsuccessful in
714 traditional classrooms but who are interested in enrolling in
715 career-themed courses or a career and professional academy.
716 School boards shall provide opportunities for students who may
717 be deemed as potential dropouts or whose cumulative grade point
718 average drops below a 2.0 to enroll in career-themed courses or
719 participate in career and professional academies. Such students
720 must be provided in-person academic advising that includes
721 information on career education programs by a certified school
722 counselor or the school principal or his or her designee during
723 any semester the students are at risk of dropping out or have a
724 cumulative grade point average below a 2.0;

725 (k) Strategies to provide sufficient space within academies

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

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726 to meet workforce needs and to provide access to all interested
727 and qualified students;

728 (l) Strategies to implement career-themed courses or career
729 and professional academy training that lead to industry
730 certification in juvenile justice education programs;

731 (m) Opportunities for high school students to earn weighted
732 or dual enrollment credit for higher-level career and technical
733 courses;

734 (n) Promotion of the benefits of the Gold Seal Bright
735 Futures Scholarship;

736 (o) Strategies to ensure the review of district pupil-
737 progression plans and to amend such plans to include career-
738 themed courses and career and professional academy courses and
739 to include courses that may qualify as substitute courses for
740 core graduation requirements and those that may be counted as
741 elective courses;

742 (p) Strategies to provide professional development for
743 secondary certified school counselors on the benefits of career
744 and professional academies and career-themed courses that lead
745 to industry certification; and

746 (q) Strategies to redirect appropriated career funding in
747 secondary and postsecondary institutions to support career
748 academies and career-themed courses that lead to industry
749 certification.

750 (5) (b) Using the findings from the annual review required
751 in paragraph (a), the commissioner shall phase out career and
752 technical education offerings that are not aligned with the
753 needs of the state ~~employers or do not provide program~~
754 ~~completers with a middle-wage or high-wage occupation and~~

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755 encourage school districts and Florida College System
 756 institutions to offer programs that are not ~~offered~~ currently
 757 offered.

758 Section 13. Subsections (2) and (3) of section 1003.4935,
 759 Florida Statutes, are amended to read:

760 1003.4935 Middle grades career and professional academy
 761 courses and career-themed courses.—

762 (2) Each middle grades career and professional academy or
 763 career-themed course must be aligned with at least one high
 764 school career and professional academy or career-themed course
 765 offered in the district and maintain partnerships with local
 766 business and industry and economic development boards. Middle
 767 grades career and professional academies and career-themed
 768 courses must:

769 (a) Lead to careers in occupations aligned with designated
 770 ~~as high-skill, high-wage, and high-demand in~~ the CAPE Industry
 771 Certification Funding List approved under rules adopted by the
 772 State Board of Education;

773 (b) Integrate content from core subject areas;

774 (c) Integrate career and professional academy or career-
 775 themed course content with intensive reading, English Language
 776 Arts, and mathematics pursuant to s. 1003.4282;

777 (d) Coordinate with high schools to maximize opportunities
 778 for middle grades students to earn high school credit;

779 (e) Provide access to virtual instruction courses provided
 780 by virtual education providers legislatively authorized to
 781 provide part-time instruction to middle grades students. The
 782 virtual instruction courses must be aligned to state curriculum
 783 standards for middle grades career and professional academy

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784 courses or career-themed courses, with priority given to
 785 students who have required course deficits;

786 (f) Provide instruction from highly skilled professionals
 787 who hold industry certificates in the career area in which they
 788 teach;

789 (g) Offer externships; and

790 (h) Provide personalized student advisement that includes a
 791 parent-participation component.

792 (3) Beginning with the 2012-2013 school year, if a school
 793 district implements a middle school career and professional
 794 academy or a career-themed course, the Department of Education
 795 shall collect and report student achievement data pursuant to
 796 performance factors identified under s. 1003.492(3) ~~or~~
 797 ~~1003.492(5)~~ for students enrolled in an academy or a career-
 798 themed course.

799 Section 14. Subsection (3) of section 1008.41, Florida
 800 Statutes, is amended to read:

801 1008.41 Workforce education; management information
 802 system.—

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

807 (a) The Florida Occupational Information System, ~~+~~

808 (b) The Florida Education and Training Placement
 809 Information Program, ~~+~~

810 (c) The Department of Economic Opportunity, ~~+~~

811 (d) The United States Department of Labor, ~~+~~ and

812 (e) The Labor Market Estimating Conference created under s.

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813 216.136.

814 (f) Other sources of data developed using statistically
815 valid procedures.

816 Section 15. Paragraph (f) is added to subsection (1) of
817 section 1008.44, Florida Statutes, to read:

818 1008.44 CAPE Industry Certification Funding List and CAPE
819 Postsecondary Industry Certification Funding List.—

820 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
821 of Education shall, at least annually, identify, under rules
822 adopted by the State Board of Education, and the Commissioner of
823 Education may at any time recommend adding the following
824 certificates, certifications, and courses:

825 (f) The Commissioner of Education shall conduct a review of
826 the methodology used to determine additional full-time
827 equivalent membership weights assigned in s. 1011.62(1)(o) and,
828 if necessary, recommend revised weights. The results of the
829 review and the commissioner's recommendations must be submitted
830 to the Governor, the President of the Senate, and the Speaker of
831 the House of Representatives no later than December 31, 2021.

832 Section 16. Subsection (3) of section 1011.801, Florida
833 Statutes, is amended to read:

834 1011.801 Workforce Development Capitalization Incentive
835 Grant Program.—The Legislature recognizes that the need for
836 school districts and Florida College System institutions to be
837 able to respond to emerging local or statewide economic
838 development needs is critical to the workforce development
839 system. The Workforce Development Capitalization Incentive Grant
840 Program is created to provide grants to school districts and
841 Florida College System institutions on a competitive basis to

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842 fund some or all of the costs associated with the creation or
843 expansion of workforce development programs that serve specific
844 employment workforce needs.

845 (3) The State Board of Education shall give highest
846 priority to programs that train people to enter high-skill,
847 high-wage occupations identified by the Labor Market Workforce
848 Estimating Conference and other programs approved by the state
849 board as defined in s. 445.002, programs that train people to
850 enter occupations under the welfare transition program, or
851 programs that train for the workforce adults who are eligible
852 for public assistance, economically disadvantaged, disabled, not
853 proficient in English, or dislocated workers. The State Board of
854 Education shall consider the statewide geographic dispersion of
855 grant funds in ranking the applications and shall give priority
856 to applications from education agencies that are making maximum
857 use of their workforce development funding by offering high-
858 performing, high-demand programs.

859 Section 17. Subsection (3) of section 1011.802, Florida
860 Statutes, is amended to read:

861 1011.802 Florida Pathways to Career Opportunities Grant
862 Program.—

863 (3) The department shall give priority to apprenticeship
864 programs with demonstrated regional demand identified by the
865 Labor Market Estimating Conference, such as health care
866 programs. Grant funds may be used for instructional equipment,
867 supplies, personnel, student services, and other expenses
868 associated with the creation or expansion of an apprenticeship
869 program. The department may award grants to expand only those
870 existing programs that exceed the median completion rate and

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871 employment rate 1 year after completion for similar programs in
 872 the region, or in the state if there are no similar programs in
 873 the region. Grant funds may not be used for recurring
 874 instructional costs or for indirect costs. Grant recipients must
 875 submit quarterly reports in a format prescribed by the
 876 department.

877 Section 18. Paragraph (a) of subsection (1) of section
 878 445.011, Florida Statutes, is amended to read:

879 445.011 Workforce information systems.—

880 (1) The department, in consultation with the state board,
 881 shall implement, subject to legislative appropriation, automated
 882 information systems that are necessary for the efficient and
 883 effective operation and management of the workforce development
 884 system. These information systems shall include, but need not be
 885 limited to, the following:

886 (a) An integrated management system for the one-stop
 887 service delivery system, which includes, at a minimum, common
 888 registration and intake, screening for needs and benefits, case
 889 planning and tracking, training benefits management, service and
 890 training provider management, performance reporting, executive
 891 information and reporting, and customer-satisfaction tracking
 892 and reporting.

893 1. The system should report current budgeting, expenditure,
 894 and performance information for assessing performance related to
 895 outcomes, service delivery, and financial administration for
 896 workforce programs pursuant to s. 445.004(5) and (10) ~~(9)~~.

897 2. The information system should include auditable systems
 898 and controls to ensure financial integrity and valid and
 899 reliable performance information.

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900 3. The system should support service integration and case
 901 management by providing for case tracking for participants in
 902 welfare transition programs.

903 Section 19. Paragraph (a) of subsection (9) of section
 904 1011.80, Florida Statutes, is amended to read:

905 1011.80 Funds for operation of workforce education
 906 programs.—

907 (9) The State Board of Education and the state board as
 908 defined in s. 445.002 shall provide the Legislature with
 909 recommended formulas, criteria, timeframes, and mechanisms for
 910 distributing performance funds. The commissioner shall
 911 consolidate the recommendations and develop a consensus proposal
 912 for funding. The Legislature shall adopt a formula and
 913 distribute the performance funds to the State Board of Education
 914 for Florida College System institutions and school districts
 915 through the General Appropriations Act. These recommendations
 916 shall be based on formulas that would discourage low-performing
 917 or low-demand programs and encourage through performance-funding
 918 awards:

919 (a) Programs that prepare people to enter high-wage
 920 occupations identified by the Labor Market Workforce Estimating
 921 Conference created by s. 216.136 and other programs as approved
 922 by the state board as defined in s. 445.002. At a minimum,
 923 performance incentives shall be calculated for adults who reach
 924 completion points or complete programs that lead to specified
 925 high-wage employment and to their placement in that employment.

926 Section 20. This act shall take effect July 1, 2021.

THE FLORIDA SENATE

APPEARANCE RECORD

3-23-21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

98

Bill Number (if applicable)

Topic Workforce

Amendment Barcode (if applicable)

Name Marti Coley

Job Title Lobbyist

Address 150 S. Monroe St., Suite 103

Street

Phone 850-209-0069

Tallahassee, FL 32301

City

State

Zip

Email marti@pinpointresults.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Workforce Development Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/22/21

Meeting Date

98

Bill Number (if applicable)

Topic Workforce Development

Amendment Barcode (if applicable)

Name Chris Carmody

Job Title Attorney

Address 301 E. Pine Street, Suite 1400

Phone 407-843-8880

Street

Orlando

FL

32801

Email chris.carmody@gray-robinson.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CareerSource Central Florida, Tampa Bay and Pinellas

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 928

Bill Number (if applicable)

Meeting Date

Topic Parents Bill of Rights

Amendment Barcode (if applicable)

Name Rindala Alajaji

Job Title Graduate student

Address ~~2300 Buff Out Way~~

Phone 917-972-6153

Street

Tallahassee

FL

32311

City

State

Zip

Email RINDALA@NYU.EDU

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

23 Mar 21

Meeting Date

98

Bill Number (if applicable)

Topic Workforce Related Programs

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Street

Phone 850-391-4090

Tallahassee

FL

32301

City

State

Zip

Email James@afloridapromise.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: CS/SB 1672

INTRODUCER: Education Committee and Senator Diaz

SUBJECT: State University Free Seat Program

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1672 creates the State University Free Seat Program to require each state university to waive the tuition and fees for one online course for a Florida resident who is either a veteran, an active duty member of the United States Armed Forces, an active drilling members of the Florida National Guard, or who has not been enrolled in a postsecondary institution for more than five years, and is enrolled in an online baccalaureate degree program. The bill specifies that:

- A state university may not charge a student who meets such criteria more than 75 percent of the tuition rate or tuition differential for all other courses.
- A student who qualifies for the tuition discount is eligible to receive the discount for up to 110 percent of the number of required credit hours of the enrolled degree program.

The bill has an indeterminate fiscal impact.

The bill takes effect July 1, 2021.

II. Present Situation:

Tuition and Fees

Tuition is the basic fee a student is charged for instruction provided by a public postsecondary educational institution in Florida.¹ All students are charged fees except students who are exempt or whose fees are waived.² State university boards of trustees are authorized to establish fees, which include activity and service, health, and athletic fees; a technology fee; a financial aid fee; a tuition differential; and various user fees, including an application fee; an orientation fee; a fee for security, access, or identification cards; registration fees and a late-registration fee; fees for transcripts and diploma replacement; library fees and fines; and traffic and parking fines.³ State universities may also charge a per-credit hour distance learning course fee.⁴

Tuition and Fee Rate

The resident undergraduate tuition is set by law at \$105.07 per credit hour.⁵ The 2020-2021 State University System (SUS) resident undergraduate tuition and fees average is \$199.72 per credit hour.⁶

Tuition Differential

Each university board of trustees may establish, upon approval by the Board of Governors, a tuition differential to promote improvements in the quality of undergraduate education and is required to provide financial aid to undergraduate students who exhibit financial need for undergraduate courses.⁷

Seventy percent of the revenues from the tuition differential must be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours.⁸ Except as otherwise provided, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, must be expended to provide financial aid to undergraduate students who exhibit financial need, to meet the cost of university attendance.⁹

The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at four-year

¹ Section 1009.01(1), F.S.

² Section 1009.24(2), F.S.

³ Sections 1009.24(4), (5), (7), (8), (9), (10), (11), (12), (13), (14), and (16), F.S.

⁴ Sections 1009.24(17), F.S.

⁵ Section 1009.24(4)(a), F.S.

⁶ State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1.

⁷ Section 1009.24(16), F.S.

⁸ Section 1009.24(16)(a), F.S.

⁹ Section 1009.24(16)(a), F.S.

degree-granting public postsecondary educational institutions.¹⁰ Each tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university, may vary by course or courses, by campus or center location, and by institution.¹¹

In 2020-2021, the SUS average resident undergraduate student tuition differential fee is \$42.88 per credit hour.¹²

Residency for Tuition Purposes

A legal resident of Florida for tuition purposes means one who has maintained his or her residence in this state for the preceding year, has purchased and occupies a home as primary residence, or has established a domicile in this state.¹³ Unless costs are exempted or waived, all students are charged fees.¹⁴ An out-of-state fee is charged as an additional fee for a student who does not qualify for the in-state tuition rate.¹⁵

Benefits for Military

Veterans of the United States Armed Forces

The term “veteran” is defined in law to mean a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or during a period of wartime service as specified in law.¹⁶

Veterans currently receive priority course registration¹⁷ and may be eligible to receive credit for relevant military training and education.¹⁸

Florida National Guard

The Florida National Guard consists of enlisted personnel, commissioned officers, and warrant officers who are citizens of the United States, or who have declared their intention to become citizens of the United States, organized, armed, equipped, and federally recognized, in accordance with the laws of the state and the laws and regulations of the Department of the Army and the Department of the Air Force.¹⁹

¹⁰ Section 1009.24(16)(b)4., F.S.

¹¹ Section 1009.24(16)(b), F.S.

¹² State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

¹³ Section. 1009.21(1)(d), F.S. A person or, if that person is a dependent child, his or her parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. Section 1009.21(2)(a)1., F.S.

¹⁴ Section 1009.24(2), F.S.

¹⁵ Section 1009.01(2), F.S. The in-state tuition rate is described in s. 1009.21(1)(g), F.S.

¹⁶ Section 1.01(14), F.S.

¹⁷ Sections 1004.075 and 1005.09, F.S.

¹⁸ Sections 489.1131, 489.5161, and 493.61035, F.S.

¹⁹ Section 250.07(1), F.S.

Active duty members of the Army, Navy, Air Force, Navy, Marines, Coast Guard, any current reservists, and active Florida National Guard are afforded some residency protections under Florida law. The following military personnel are classified as residents for tuition purposes:²⁰

- Active duty members of the Armed Services of the United States residing or stationed in Florida and active drilling members of the Florida National Guard.
- Military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida.

Congressman C.W. Bill Young Tuition Waiver Program

The Congressman C.W. Bill Young Veteran Tuition Waiver Program requires a state university, Florida College System institution, or career center to waive out-of-state fees for an honorably discharged veteran of the U.S. Armed Forces, the U.S. Reserve Forces or the National Guard who physically reside in Florida while enrolled in the institution. The waiver covers the applicable portion of the fees up to 110 percent of the required credit hours for the degree or certificate program of enrollment.²¹

Online Courses at State University System Institutions

Nationally, Florida ranks second in the number and percentage of students enrolled in distance learning courses.²² In the 2018-2019 academic year, 75 percent of undergraduate students at Florida's state universities took at least one distance learning course.²³ At four institutions, the University of Central Florida, University of Florida, University of South Florida, and University of West Florida, at least 80 percent of undergraduate students take one or more distance learning courses.²⁴ Across the SUS, 11 percent (36,648) of undergraduate students took distance learning courses exclusively, and a majority (63 percent) of undergraduate students (202,895) in the SUS took a combination of distance learning, classroom, or hybrid courses.²⁵ Systemwide, 30 percent of total undergraduate credit hours were taken in distance learning courses.²⁶

During the Fall 2019 term, SUS institutions offered 164 online bachelor's degree programs.²⁷ Additionally, SUS institutions converted almost 50,000 courses from primarily classroom, hybrid, and primarily distance learning, to courses that could be completed fully at a distance during the Spring 2020 term.²⁸

²⁰ Florida Department of Education, *Military Service & Residence in the Florida College System*, <http://www.fldoe.org/core/fileparse.php/7480/urlt/0082723-faqsresidencymilitary.pdf> (last visited March 22, 2021), at 1.

²¹ Florida Department of Education, *Veterans*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/veterans.html> (last visited March 22, 2021). See s. 1009.26 (12)(a), F.S.

²² State University System of Florida, *2019 Annual Report for Online Education* (July 21, 2020), available at https://www.flbog.edu/wp-content/uploads/2019-Annual-Report_FINAL.pdf, at 9.

²³ *Id.* at 4 and 10.

²⁴ *Id.* at 10.

²⁵ *Id.* at 10.

²⁶ *Id.* at 13.

²⁷ *Id.* at 24.

²⁸ *Id.* at 4-6.

University of Florida Online

University of Florida Online (UF Online) was created by the 2013 Legislature as an institute for online learning at a preeminent state research university to provide for high quality, fully online baccalaureate degree programs at an affordable cost.²⁹ By 2018-2019, strategic development and expansion efforts allowed the program to offer 21 fully online majors and 7 minors.³⁰ More than 2,000 students have graduated from UF Online.³¹ The resident undergraduate tuition rate for UF Online courses is \$78.80 per credit hour.³²

National Recognition

In 2020, *U.S. News & World Report* ranked UF Online as one of the top five best online bachelor's degree programs in the nation.³³ The University of Central Florida ranked in the top 15, while Florida Atlantic University, Florida International University, and University of West Florida all ranked in the top 100.³⁴

III. Effect of Proposed Changes:

CS/SB 1672 creates s. 1009.266, F.S., to establish the State University Free Seat Program to encourage veterans, active duty members of the United States Armed Forces, active drilling members of the Florida National Guard, and nontraditional students to enroll in an online baccalaureate degree program at a state university.

The bill specifies that:

- A student who is a resident for tuition purposes and enrolled in an online baccalaureate degree program is exempt from the payment of tuition and fees, including lab fees, for one online course at a state university during each academic year, provided the student meets one of the following eligibility requirements:
 - Is a veteran defined by law;
 - Is an active duty member of the United States Armed Forces;
 - Is an active drilling member of the Florida National Guard; or
 - Has not been enrolled in a postsecondary institution for more than five years.
- For all other courses in the program, a state university may not charge a student who meets such criteria more than 75 percent of the tuition rate and 75 percent of the tuition differential, if the student remains enrolled in at least one online course during each academic year.

The bill also specifies that a student who qualifies for the tuition discount as specified is eligible to receive the discount for up to 110 percent of the number of required credit hours of the degree

²⁹ Section 1001.7065(4), F.S., permits the university to establish a tuition structure for its online institute, not to exceed 75 percent of the tuition rate established by the Legislature.

³⁰ State University System of Florida, *2019 Annual Report for Online Education* (July 21, 2020), available at https://www.flbog.edu/wp-content/uploads/2019-Annual-Report_FINAL.pdf, at 24.

³¹ State University System of Florida, *2019 Annual Report for Online Education* (July 21, 2020), available at https://www.flbog.edu/wp-content/uploads/2019-Annual-Report_FINAL.pdf, at 24.

³² State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

³³ *Id.* showing UF Online ranked at number 4 in 2020 and number 5 in 2019. See also U.S. News and World Report, *Best Online Bachelor's Programs*, accessible at <https://www.usnews.com/education/online-education/bachelors/rankings>.

³⁴ *Id.*

program for which the student is enrolled. Most SUS baccalaureate degree programs are set at 120 credit hours, which would authorize the tuition discount for up to 132 credit hours.

The bill requires each state university to report to the Board of Governors (BOG) the number and value of all such fee waivers granted annually, and requires the BOG to adopt regulations to administer the program.

The bill takes effect July 1, 2021.

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:

Providing specified students one free online course in an online baccalaureate degree program at a state university and a 25 percent discount on tuition for all other courses in the program, provided each student remains enrolled in at least one online course during each academic year, may increase access to online classes and enrollment at state universities.

C. Government Sector Impact:

The number of students who will qualify for and make use of the State University Free Seat Program is unknown. For each eligible student, a state university will not receive

tuition and fees for one online course in an academic year. For example, at UF Online this represents a loss of \$117.17³⁵ per credit hour, and at Florida State University, a loss of 180.49³⁶ per credit hour. Additionally, for all other courses, each state university will not receive 25 percent of the resident undergraduate tuition rate of \$105.07 and 25 percent of the resident undergraduate tuition differential, which averages \$42.88 in the State University System, for a total loss of approximately \$36.99 per credit hour. The fiscal impact to each state university would continue for up to 110 percent of the required credit hours of the student's degree program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.266 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 on March 23, 2021:

The committee substitute adds, beyond a student who has not been enrolled in a postsecondary institution for more than five years, criteria for a student who is a resident for tuition purposes and enrolled in an online baccalaureate degree program at a state university to have tuition and fees, including lab fees, waived for one online course. The following may also qualify for the waiver:

- A veteran defined in law;
- An active duty member of the United States Armed Forces;
- An active drilling member of the Florida National Guard; or

In addition, the bill requires each state university to report to the Board of Governors (BOG) the number and value of all such fee waivers granted annually, and requires the BOG to adopt regulations to administer the program.

³⁵ State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

³⁶ Florida State University, *2020-2021 Tuition, Distance Learning*, available at https://studentbusiness.fsu.edu/sites/g/files/upcbnu1241/files/2020-2021%20Tuition_DistanceLearning.pdf.

B. Amendments:

None.

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



440644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (18) is added to section 1009.26,
Florida Statutes, to read:

1009.26 Fee waivers.—

(18) The State University Free Seat Program is created to
encourage veterans, active duty members of the United States
Armed Forces, active drilling members of the Florida National
Guard, and nontraditional students to enroll in an online



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baccalaureate degree program at a state university.

(a) A state university shall waive the tuition and fees, including lab fees, for one online course for a student who is a resident for tuition purposes under s. 1009.21 and enrolled in an online baccalaureate degree program, provided the student meets one of the following eligibility requirements:

1. Is a veteran as defined in s. 1.01(14);

2. Is an active duty member of the United States Armed Forces;

3. Is an active drilling member of the Florida National Guard; or

4. Has not been enrolled in a postsecondary institution for more than five years.

(b) For all other courses in the program, a state university may not charge a student specified in paragraph (a) more than 75 percent of the tuition rate as specified in s. 1009.24(4) and 75 percent of the tuition differential pursuant to s. 1009.24(16), if the student remains enrolled in at least one online course during each academic year.

(c) A student who qualifies for the tuition discount under paragraph (b) is eligible to receive the discount for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.

(d) Each state university shall report to the Board of Governors the number and value of all fee waivers granted annually under this subsection.

(e) The Board of Governors shall adopt regulations to administer this subsection.

Section 2. This act shall take effect July 1, 2021.



440644

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the State University Free Seat
Program; amending s. 1009.26, F.S.; creating the State
University Free Seat Program; providing a purpose;
providing an exemption from tuition and fees,
including lab fees, for one online course at a state
university for certain resident students; prohibiting
a state university from charging such students more
than a specified percentage of the tuition rate and
the tuition differential under certain circumstances;
providing a limitation on the application of such
tuition discount; requiring each state university to
report certain information regarding waivers under the
program to the Board of Governors annually; requiring
the board to adopt regulations; providing an effective
date.

By Senator Diaz

36-01364-21

20211672__

A bill to be entitled

An act relating to the State University Free Seat Program; creating s. 1009.266, F.S.; creating the State University Free Seat Program; providing a purpose for the program; providing an exemption from tuition and fees, including lab fees, for one online course at a state university for certain resident students; prohibiting a state university from charging such students more than a specified percentage of the tuition rate and the tuition differential under certain circumstances; providing a limitation on the application of such tuition discount; providing an effective date.

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

Section 1. Section 1009.266, Florida Statutes, is created to read:

1009.266 State University Free Seat Program.—

(1) The State University Free Seat Program is created to encourage nontraditional students to enroll in and attend a state university.

(2)(a) A student who is a resident for tuition purposes under s. 1009.21 and who has not been enrolled in a postsecondary institution for more than 5 years is exempt from the payment of tuition and fees, including lab fees, for one online course at a state university during each academic year.

(b)1. For all other courses, a state university may not charge a student who meets the criteria in paragraph (a) more

Page 1 of 2

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

36-01364-21

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than 75 percent of the tuition rate as specified in s.

1009.24(4) and 75 percent of the tuition differential pursuant to s. 1009.24(16), if the student remains enrolled in at least one online course during each academic year.

2. A student who qualifies for the tuition discount under subparagraph 1. is eligible to receive the discount for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.

Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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

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

BILL: CS/SB 1728

INTRODUCER: Education Committee and Senators Baxley and Garcia

SUBJECT: Out-of-state Fee Waiver for Nonresident Students

DATE: March 24, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Westmark	Bouck	ED	Fav/CS
2. _____	_____	AED	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1728 establishes an interstate compact and provides an out-of-state fee waiver, applicable for up to 110 percent of the number of required credit hours of the enrolled degree program, for a nonresident student who:

- Is a United States citizen.
- Has a grandparent who is a legal resident.
- Earns the equivalent of a standard Florida high school diploma.
- Achieves an SAT combined score no lower than the 89th national percentile or appropriate concordant score on the ACT or the Classic Learning Test.
- Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

The interstate compact is intended to increase access to postsecondary education to students with families split across states, and increase postsecondary educational choice, by providing a reciprocity agreement between states. The interstate compact fee waiver may be applied when the compact is enacted into law by two states. The bill also provides for state oversight of, withdrawal from, and amendment to the compact.

The bill has an indeterminate fiscal impact.

The bill takes effect July 1, 2021.

II. Present Situation:

Tuition and Out-of-State Fees

Tuition is the basic fee a student is charged for instruction provided by a public postsecondary educational institution in Florida.¹ An out-of-state fee is charged as an additional fee for a student who does not qualify for the in-state tuition rate.²

Residency for Tuition Purposes

A legal resident of Florida for tuition purposes means one who has maintained his or her residence in this state for the preceding year, has purchased and occupies a home as primary residence, or has established a domicile in this state.³ For tuition purposes, a person who does not qualify for the in-state tuition rate is considered a nonresident.⁴ Grandparents are unable to serve as family members who are able to provide residency documentation for residency for tuition purposes unless the grandparents are currently the student's legal guardian or have had daily supervision of the dependent student for the past three years.⁵

Unless costs are exempted or waived, residents for tuition purposes are charged the in-state rate for tuition while nonresident students pay the out-of-state fees in addition to tuition.⁶ The in-state tuition rate for Florida residents for the State University System (SUS) is currently set at \$105.07 per credit hour.⁷ The average cost of resident and nonresident tuition and fees per credit is shown in the table below.⁸

State University Tuition & Fees ⁹				
Undergraduate Baccalaureate	Standard Tuition (Per Credit Hour)	Average Tuition & Fees (Per Credit Hour)	Standard Tuition (Per 30 Credit Hours)	Average Tuition & Fees (Per 30 Credit Hours)
Resident	\$105.07	\$199.72	\$3,152.10	\$5,991.79
Nonresident¹⁰	\$105.07	\$690.63	\$3,152.10	\$20,719.07
Difference	-	\$490.91	-	\$14,727.28

¹ Section 1009.01(1), F.S.

² Section 1009.01(2), F.S. The in-state tuition rate is described in s. 1009.21(1)(g), F.S.

³ Section. 1009.21(1)(d), F.S. To qualify as a resident for tuition purposes, a person or, if that person is a dependent child, his or her parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. Section 1009.21(2)(a)1., F.S.

⁴ Section 1009.21(1)(e), F.S. In general, nonresidents are ineligible for state merit- and need-based financial aid and tuition assistance. Section 1009.40(1)(a)2., F.S. However, specified nonresident students may be eligible for a Benacquisto Scholarship. Section 1009.893(4)(b), F.S.

⁵ Board of Governors, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

⁶ Section 1009.24(2), F.S.

⁷ Section 1009.24(4)(a), F.S.

⁸ State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

⁹ *Id.*

¹⁰ The BOG may establish out-of-state fees. Section 1009.24(4)(b), F.S.

The Board of Governors (BOG) of the SUS currently limits the systemwide enrollment of out-of-state students to ten percent.¹¹

Fee Waivers

Florida law provides for waivers from specified fees to certain students who meet identified criteria.¹² Some waivers are mandatory,¹³ while others are permissive.¹⁴ Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by the university board of trustees pursuant to BOG regulations.¹⁵ Each state university is required to report the purpose, number, authority, and value of all fee waivers and exemptions granted annually in a format prescribed by the BOG.¹⁶

Interstate Compacts

An interstate compact is an agreement between or among two or more states of the United States. To become effective, it must be approved by those states' respective legislatures and, depending on the subject matter of the compact, consented to by Congress.¹⁷

Florida currently partners in a number of interstate compacts, including the Interstate Compact on Mental Health,¹⁸ the Southeastern Interstate Forest Fire Protection Compact,¹⁹ the Interstate Insurance Product Regulation Compact,²⁰ the Interstate Corrections Compact,²¹ The Regional Compact for Southern States,²² and the Interstate Compact on Educational Opportunity for Military Children.²³

In addition Florida also participates in a reciprocity agreement with other states for the delivery of postsecondary distance education. Each member state or institution participating in a

¹¹ BOG Regulation 7.006. The total systemwide nonresident enrollment is currently at nine percent. Board of Governors, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

¹² Section 1009.26, F.S.

¹³ Section 1009.26 (5), (7)-(8), (12)-(14), F.S.

¹⁴ Section 1009.26 (1)-(4), (6), (9)-(11), (15)-(16), F.S.

¹⁵ Section 1009.26(9), F.S.

¹⁶ Board of Governors Regulation 7.008(5).

¹⁷ Library of Congress, *Interstate Compacts: United States* (June 2018), available at <https://www.loc.gov/law/help/interstate-compacts/us-interstate-compacts.pdf>, at 1. Although the U.S. Constitution contains an express requirement for approval by Congress of compacts between states, the U.S. Supreme Court has held that some agreements between states do not require such congressional consent. *Id.* at 2. The Court in 1893 stated in *Virginia v. Tennessee* that congressional consent is required only for a compact if it is “directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States.” *Virginia v. Tennessee*, 148 U.S. 503, 519 (1893).

¹⁸ See s. 394.479, F.S.

¹⁹ See s. 590.31, F.S.

²⁰ See s. 626.9932, F.S.

²¹ See s. 941.56, F.S.

²² Sections 1000.31 and 1000.32, F.S. The Regional Compact created the Southern Regional Education Board.

²³ Section 100.39, F.S. The Interstate Compact on Educational Opportunity for Military Children is scheduled for repeal on July 1, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. Section 1000.40, F.S.

reciprocity agreement must accept each other's authorization of accredited institutions to operate in their state to offer distance educational services beyond state boundaries.²⁴

High School Graduation and College Entrance Requirements

High School Diploma Requirements

Receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.²⁵ In order to graduate from a Florida high school with a standard high school diploma under a 24-credit option, a student must complete:²⁶

- Four credits in English Language Arts;
- Four credits in mathematics, including one credit in Algebra I and one credit in Geometry;
- Three credits in science, of which two credits must have a laboratory component;
- Three credits in social studies, comprised of 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; and
- Eight credits in electives.

Home Education Program

A home education program in Florida means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy attendance requirements specified in law.²⁷ Students completing a home education program satisfy the state university admissions requirement that a student earn a high school diploma or equivalent, but each university may require additional documentation to verify eligibility.²⁸

College Entrance Exams

College entrance exams accepted by institutions of higher education in Florida include the SAT, the ACT, and the Classic Learning Test (CLT).²⁹

The SAT is comprised of sections that assess skills in reading, writing and language, math, and analysis in science.³⁰ Income-eligible SAT takers receive college application fee waivers and all

²⁴ Section 1000.35, F.S.

²⁵ Section 1003.4282(1)(a), F.S.

²⁶ Section 1003.4282(3), F.S. A student who completes the Career and Technical Education Pathway is not required to complete one credit in fine or performing arts, speech and debate, or practical arts; one credit in physical education, and eight credits in electives. Section 1002.4282(11), F.S. A student who completes the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option under s. 1002.3105, F.S., is not required to complete the physical education or elective requirements. A student with a disability may satisfy standard high school diploma options as specified in the students individual education plan. Section 1003.4282(10), F.S.

²⁷ Section 1002.01(1), F.S.

²⁸ Board of Governors Regulation 6.002(1)(d).

²⁹ Board of Governors Regulation 6.002 requires first-time, degree-seeking students to provide an ACT, Inc. or SAT score for admission purposes.

³⁰ CollegeBoard, *SAT Test Description*, <https://collegereadiness.collegeboard.org/sat/inside-the-test/sat-test-description> (last visited March 10, 2021).

students can select to receive free information about admission and financial aid from colleges, universities, and scholarship programs.³¹ Nationally, close to 2.2 million students in the class of 2020 took the SAT.³²

The ACT contains multiple-choice tests in four areas: English, mathematics, reading, and science.³³ Nearly 1.8 million graduates in the United States took the ACT during high school.³⁴

The CLT is an online college entrance exam that assesses English, mathematical, and critical reasoning skills.³⁵ The CLT is taken online and offers scoring within 24 hours.³⁶ As of 2019, about 21,000 students took the CLT.³⁷

III. Effect of Proposed Changes:

CS/SB 1728 modifies s. 1009.26, F.S., to specify that a state university must waive the out-of-state fee for a nonresident student who meets the following criteria:

- Is a United States citizen.
- Has a grandparent who is a legal resident.
- Earns a high school diploma comparable to a standard Florida high school diploma, or its equivalency, or completes a home education program.
- Achieves an SAT combined score no lower than the 89th national percentile on the SAT; achieves an ACT score concordant to the required SAT score as specified, using the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or if a state university accepts the Classic Learning Test (CLT) for admission purposes, achieves a CLT score concordant to the required SAT score as specified, using the latest published scoring comparison developed by Classic Learning Initiatives.³⁸
- Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.³⁹

³¹ CollegeBoard, *Benefits*, <https://collegereadiness.collegeboard.org/about/benefits> (last visited March 10, 2021).

³² CollegeBoard *SAT Suite of Assessments Annual Report* (2020), available at <https://reports.collegeboard.org/pdf/2020-total-group-sat-suite-assessments-annual-report.pdf>, at 3.

³³ ACT, *The ACT Test*, <http://www.act.org/content/act/en/products-and-services/the-act.html> (last visited March 10, 2021).

³⁴ ACT, *About ACT*, <https://www.act.org/content/act/en/about-act.html> (last visited March 10, 2021).

³⁵ CLT, *Products*, <https://www.cltexam.com/products> (last visited March 10, 2021).

³⁶ CLT, *CLT vs. SAT vs. ACT*, <https://www.cltexam.com/comparison> (last visited March 19, 2021).

³⁷ Scott Jaschik, *The Classical Alternative to the SAT*, Inside Higher Ed, Oct. 21, 2019, available at <https://www.insidehighered.com/admissions/article/2019/10/21/classic-learning-test-aims-challenge-sat#:~:text=The%20test%20had%20more%20than,the%20same%20took%20the%20ACT>.

³⁸ The 89th percentile for the SAT is 1330. CollegeBoard, *SAT: Understanding Scores* (2020), available at <https://collegereadiness.collegeboard.org/pdf/understanding-sat-scores.pdf>, at 5. This could be compared with the grade of 85 on the CLT. CLT, *CLT vs. SAT vs. ACT*, <https://www.cltexam.com/comparison> (last visited March 19, 2021). The ACT concordant score to an SAT score of 1330 is 29. CollegeBoard, ACT, *Guide to the 2018 ACT/SAT Concordance*, available at <https://collegereadiness.collegeboard.org/pdf/guide-2018-act-sat-concordance.pdf>.

³⁹ The BOG has noted that the bill does not specify whether students currently enrolled might qualify for the waiver if they meet the specified qualifications. BOG, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

For the fee waiver, the bill specifies that:

- This waiver is applicable for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.⁴⁰ Most SUS baccalaureate degree programs are set at 120 credit hours, which would authorize the tuition discount for up to 132 credit hours.
- Prior to waiving the out-of-state fee, the state university must require the student, or the student's parent if the student is a dependent child, to provide a written declaration pursuant to law⁴¹ verifying the student's familial relationship to a grandparent who is a legal resident.⁴²
- Each state university must report to the Board of Governors (BOG) the number and value of all fee waivers granted annually.
- A nonresident student granted an out-of-state fee waiver under this subsection must be excluded from the limitation on systemwide total enrollment of nonresident students established by regulation of the BOG, currently set at 10 percent.

For the waiver, the bill also requires the BOG to adopt regulations for its implementation.

The bill further creates s. 1009.261, F.S., to establish an interstate compact specifying the purposes of the grandchild out-of-state fees waiver compact to:

- Increase access to postsecondary education to students whose families are split between two or more states by reducing costs associated with out-of-state fees.
- Encourage students to exercise their rights to travel and to choose the postsecondary education that best suits their needs.
- Increase postsecondary educational choices.
- Decrease the economic burden posed by postsecondary out-of-state fees.

The interstate compact applies the criteria from the fee waiver, with a modification to the assessment provision, to authorize postsecondary educational institutions located within each member state to waive out-of-state fees for a nonresident student who:

- Is a United States citizen.
- Has a grandparent who is a legal resident under the applicable laws of the member state.
- Achieves an SAT combined score no lower than the 89th national percentile on the SAT, or a concordant ACT score or concordant CLT score, as designated in the latest published national concordance table developed jointly by the College Board and ACT, Inc. or designated in the latest published scoring comparison developed by Classic Learning Initiatives, but only if the member state postsecondary institution accepts the CLT for admission purposes.

⁴⁰ The BOG has noted that the bill should clarify that the waiver applies only to the initial undergraduate degree in which the student enrolls, and is not applicable to subsequent baccalaureate or graduate or professional degrees. BOG, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

⁴¹ A written declaration is a statement declaring, under penalty of perjury, that one has read and verifies the specified document, followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law. Section 92.525(2), F.S.

⁴² The bill does not stipulate the documentation required to verify residency beyond the student's written declaration, or, if the student is a dependent, that of the parent. BOG, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

- Enrolls as a full-time undergraduate student at a member state postsecondary institution in the fall academic term immediately following high school graduation.

Additionally, in an identical manner to the fee waiver, the interstate compact waiver is applicable for up to 110 percent of the number of required credit hours of the degree program in which the student is enrolled, and prior to waiving any out-of-state fees, a member state postsecondary educational institution must require the student, or the student's parent if the student is a dependent child, to provide a written declaration verifying the student's familial relationship to a grandparent who is a legal resident of the member state.

For the interstate compact, the bill further specifies that:

- The executive, legislative, and judicial branches of state government in each member state are to enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact have standing as statutory law.
- The compact takes effect on the date on which it is enacted into law by two states. Thereafter it is effective as to any state upon its enactment by that state.
- A member state may withdraw from this compact by repealing the statute in which it is enacted. A member state's withdrawal may not take effect until 6 months after enactment of the repeal.
- This compact may not be construed to invalidate or prohibit any law of a member state that does not conflict with the provisions of this compact.
- This compact may be amended by the member states. An amendment to this compact is effective and binding after it is enacted into the laws of all member states.
- The provisions of this compact are severable, and if any phrase, clause, sentence, or provision thereof is declared to be contrary to the constitution of any state or to the Constitution of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance is not affected thereby.

For the interstate compact, the bill includes the following definitions:

- "Grandparent" means a person who has a legal relationship to a student's parent as the natural or adopted parent or legal guardian of the student's parent.
- "Member state" means a state that has enacted this compact.
- "Out-of-state fees" means any additional fee for instruction, which is charged to a student who does not qualify for the in-state tuition rate pursuant to the laws of a member state, imposed by a public postsecondary educational institution located within the member state. A charge for any other purpose may not be included within this fee.
- "Postsecondary educational institution" means a public university or college located within a member state.
- "State" includes the District of Columbia and any state, territory, or possession of the United States which oversees one or more public postsecondary educational institutions.

The bill takes effect July 1, 2021.

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:

Providing in-state tuition for out-of-state high-school graduates who meet specified criteria, including having a grandparent who is a Florida resident, may increase the number of students residing and enrolled in postsecondary institutions in Florida. Ensuring interstate compacts exists between states regarding which students qualify for fee waivers may enable Florida students to enroll in out-of-state postsecondary institutions in member states at reduced cost.

C. Government Sector Impact:

The number of students who will qualify for and make use of the out-of-state fee waiver is unknown. For each student who makes use of the waiver, a state university would collect only the resident undergraduate tuition and fees, which systemwide averages \$199.72 per credit hour, instead of nonresident undergraduate tuition and fees, which systemwide averages \$690.63 per credit hour.⁴³ The Board of Governors (BOG) estimates that there could be a \$1.7 million fiscal impact to the State University System.⁴⁴

⁴³ State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1.

⁴⁴ BOG, *Senate Bill 1728 Agency Bill Analysis* (March 4, 2021).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.26 of the Florida Statutes.

This bill creates section 1009.261 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 on March 23, 2021:

The committee substitute creates a new section of law, in addition to the waiver program created by the original bill, to establish a new interstate compact. Specifically, the committee substitute declares the purposes of the grandchild out-of-state fees waiver compact to:

- Increase access to postsecondary education to students whose families are split between two or more states by reducing costs associated with out-of-state fees.
- Encourage students to exercise their rights to travel and to choose the postsecondary education that best suits their needs.
- Increase postsecondary educational choices.
- Decrease the economic burden posed by postsecondary out-of-state fees.

Additionally, the committee substitute specifies that:

- The executive, legislative, and judicial branches of state government in each member state are to enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent.
- The compact takes effect on the date on which it is enacted into law by two states. Thereafter it is effective as to any state upon its enactment by that state.
- A member state may withdraw from this compact by repealing the statute in which it is enacted. A member state's withdrawal may not take effect until 6 months after enactment of the repeal.
- This compact may not be construed to invalidate or prohibit any law of a member state that does not conflict with the provisions of this compact.
- This compact may be amended by the member states. An amendment to this compact is effective and binding after it is enacted into the laws of all member states.

B. Amendments:

None.

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



640458

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1009.261, Florida Statutes, is created
to read:

1009.261 Grandchild Out-of-State Fees Waiver Compact.—The
Grandchild Out-of-State Fees Waiver Compact is enacted into law
and entered into by this state with all other jurisdictions
legally joining therein in the form substantially as follows:



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GRANDCHILDREN OUT-OF-STATE
FEES WAIVER COMPACT

ARTICLE I
DECLARATION OF PURPOSE

The general purposes of this compact are to:

(1) Increase access to postsecondary education to students whose families are split between two or more states by reducing costs associated with out-of-state fees.

(2) Encourage students to exercise their rights to travel and to choose the postsecondary education that best suits their needs.

(3) Increase postsecondary educational choices.

(4) Decrease the economic burden posed by postsecondary out-of-state fees.

ARTICLE II
DEFINITIONS

As used in this compact, the term:

(1) "Grandparent" means a person who has a legal relationship to a student's parent as the natural or adopted parent or legal guardian of the student's parent.

(2) "Member state" means a state that has enacted this compact.

(3) "Out-of-state fees" means any additional fee for instruction, which is charged to a student who does not qualify for the in-state tuition rate pursuant to the laws of a member



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state, imposed by a public postsecondary educational institution located within the member state. A charge for any other purpose may not be included within this fee.

(4) "Postsecondary educational institution" means a public university or college located within a member state.

(5) "State" includes the District of Columbia and any state, territory, or possession of the United States which oversees one or more public postsecondary educational institutions.

(6) "Student's parent" means a person who has a legal relationship to a student as the natural or adopted parent or legal guardian of the student.

ARTICLE III

OUT-OF-STATE FEES WAIVER

(1) Postsecondary educational institutions located within each member state shall waive out-of-state fees for a nonresident student who:

(a) Is a United States citizen.

(b) Has a grandparent who is a legal resident under the applicable laws of the member state.

(c) 1. Achieves an SAT combined score no lower than the 89th national percentile on the SAT;

2. Achieves an ACT score concordant to the SAT score required in subparagraph 1., as designated in the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or

3. Achieves a Classic Learning Test (CLT) score concordant



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to the required SAT score in subparagraph 1., as designated in the latest published scoring comparison developed by Classic Learning Initiatives, but only if the member state postsecondary institution accepts the CLT for admission purposes.

(d) Enrolls as a full-time undergraduate student at a member state postsecondary institution in the fall academic term immediately following high school graduation.

(2) The waiver under this compact is applicable for up to 110 percent of the number of required credit hours of the degree program in which the student is enrolled.

(3) Prior to waiving any out-of-state fees, a member state postsecondary educational institution shall require the student, or the student's parent if the student is a dependent child, to provide a written declaration verifying the student's familial relationship to a grandparent who is a legal resident of the member state.

ARTICLE IV

OVERSIGHT

The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact have standing as statutory law.

ARTICLE V

DATE OF IMPLEMENTATION, WITHDRAWAL, AND AMENDMENT



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(1) The compact shall take effect on the date on which it is enacted into law by two states. Thereafter it is effective as to any state upon its enactment by that state.

(2) A member state may withdraw from this compact by repealing the statute in which it is enacted. A member state's withdrawal may not take effect until 6 months after enactment of the repeal.

(3) This compact may not be construed to invalidate or prohibit any law of a member state that does not conflict with the provisions of this compact.

(4) This compact may be amended by the member states. An amendment to this compact is effective and binding after it is enacted into the laws of all member states.

ARTICLE VI

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact are severable, and if any phrase, clause, sentence, or provision thereof is declared to be contrary to the constitution of any state or to the Constitution of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance is not affected thereby. If this compact is held to be contrary to the constitution of any state participating therein, it remains in full force and effect as to the state affected as to all severable provisions.



640458

Section 2. This act shall take effect July 1, 2021.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Grandchild Out-of-State Fees
Waiver Compact; creating s. 1009.261, F.S.; enacting
the Grandchild Out-of-State Fees Waiver Compact;
providing the purposes of the compact; defining terms;
requiring postsecondary educational institutions
located within member states to waive out-of-state
fees for students who meet specified criteria;
providing that the waiver is applicable for up to a
specified amount of credits; requiring member-state
postsecondary educational institutions to require a
student, or the student's parent if the student is a
dependent child, to provide a written declaration
verifying eligibility; requiring the executive,
legislative, and judicial branches of member state
governments to enforce the compact; providing that the
provisions of the compact have standing as statutory
law; providing for the implementation, withdrawal, and
amendment of the compact; providing construction;
providing an effective date.



173942

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Gruters) recommended the following:

Senate Substitute for Amendment (640458) (with title amendment)

Between lines 58 and 59
insert:

Section 2. Section 1009.261, Florida Statutes, is created
to read:

1009.261 Grandchild Out-of-State Fees Waiver Compact.—The
Grandchild Out-of-State Fees Waiver Compact is enacted into law
and entered into by this state with all other jurisdictions
legally joining therein in the form substantially as follows:



173942

GRANDCHILDREN OUT-OF-STATE
FEES WAIVER COMPACT

ARTICLE I
DECLARATION OF PURPOSE

The general purposes of this compact are to:

(1) Increase access to postsecondary education to students whose families are split between two or more states by reducing costs associated with out-of-state fees.

(2) Encourage students to exercise their rights to travel and to choose the postsecondary education that best suits their needs.

(3) Increase postsecondary educational choices.

(4) Decrease the economic burden posed by postsecondary out-of-state fees.

ARTICLE II
DEFINITIONS

As used in this compact, the term:

(1) "Grandparent" means a person who has a legal relationship to a student's parent as the natural or adopted parent or legal guardian of the student's parent.

(2) "Member state" means a state that has enacted this compact.

(3) "Out-of-state fees" means any additional fee for instruction, which is charged to a student who does not qualify



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for the in-state tuition rate pursuant to the laws of a member state, imposed by a public postsecondary educational institution located within the member state. A charge for any other purpose may not be included within this fee.

(4) "Postsecondary educational institution" means a public university or college located within a member state.

(5) "State" includes the District of Columbia and any state, territory, or possession of the United States which oversees one or more public postsecondary educational institutions.

(6) "Student's parent" means a person who has a legal relationship to a student as the natural or adopted parent or legal guardian of the student.

ARTICLE III

OUT-OF-STATE FEES WAIVER

(1) Postsecondary educational institutions located within each member state shall waive out-of-state fees for a nonresident student who:

(a) Is a United States citizen.

(b) Has a grandparent who is a legal resident under the applicable laws of the member state.

(c) 1. Achieves an SAT combined score no lower than the 89th national percentile on the SAT;

2. Achieves an ACT score concordant to the SAT score required in subparagraph 1., as designated in the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or



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3. Achieves a Classic Learning Test (CLT) score concordant to the required SAT score in subparagraph 1., as designated in the latest published scoring comparison developed by Classic Learning Initiatives, but only if the member state postsecondary institution accepts the CLT for admission purposes.

(d) Enrolls as a full-time undergraduate student at a member state postsecondary institution in the fall academic term immediately following high school graduation.

(2) The waiver under this compact is applicable for up to 110 percent of the number of required credit hours of the degree program in which the student is enrolled.

(3) Prior to waiving any out-of-state fees, a member state postsecondary educational institution shall require the student, or the student's parent if the student is a dependent child, to provide a written declaration verifying the student's familial relationship to a grandparent who is a legal resident of the member state.

ARTICLE IV

OVERSIGHT

The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact have standing as statutory law.

ARTICLE V

DATE OF IMPLEMENTATION, WITHDRAWAL, AND AMENDMENT



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99
100 (1) The compact shall take effect on the date on which it
101 is enacted into law by two states. Thereafter it is effective as
102 to any state upon its enactment by that state.

103 (2) A member state may withdraw from this compact by
104 repealing the statute in which it is enacted. A member state's
105 withdrawal may not take effect until 6 months after enactment of
106 the repeal.

107 (3) This compact may not be construed to invalidate or
108 prohibit any law of a member state that does not conflict with
109 the provisions of this compact.

110 (4) This compact may be amended by the member states. An
111 amendment to this compact is effective and binding after it is
112 enacted into the laws of all member states.

113
114 ARTICLE VI

115 CONSTRUCTION AND SEVERABILITY

116
117 This compact shall be liberally construed so as to
118 effectuate its purposes. The provisions of this compact are
119 severable, and if any phrase, clause, sentence, or provision
120 thereof is declared to be contrary to the constitution of any
121 state or to the Constitution of the United States, or the
122 application thereof to any government, agency, person, or
123 circumstance is held invalid, the validity of the remainder of
124 this compact and the applicability thereof to any government,
125 agency, person, or circumstance is not affected thereby. If this
126 compact is held to be contrary to the constitution of any state
127 participating therein, it remains in full force and effect as to



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the state affected as to all severable provisions.

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

And the title is amended as follows:

Delete line 13

and insert:

to adopt regulations; creating s. 1009.261, F.S.;
enacting the Grandchild Out-of-State Fees Waiver
Compact; providing the purposes of the compact;
defining terms; requiring postsecondary educational
institutions located within member states to waive
out-of-state fees for students who meet specified
criteria; providing that the waiver is applicable for
up to a specified amount of credits; requiring member-
state postsecondary educational institutions to
require a student, or the student's parent if the
student is a dependent child, to provide a written
declaration verifying eligibility; requiring the
executive, legislative, and judicial branches of
member state governments to enforce the compact;
providing that the provisions of the compact have
standing as statutory law; providing for the
implementation, withdrawal, and amendment of the
compact; providing construction; providing an
effective date.

By Senator Baxley

12-01362A-21

20211728__

A bill to be entitled

An act relating to an out-of-state fee waiver for nonresident students; amending s. 1009.26, F.S.; requiring a state university to waive the out-of-state fee for a nonresident student who meets certain requirements; providing applicability; requiring each state university to report specified information regarding such out-of-state fee waivers to the Board of Governors annually; requiring that a student who is granted such out-of-state fee waiver be excluded from the limitation on the systemwide total enrollment of nonresident students; requiring the Board of Governors to adopt regulations; providing an effective date.

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

Section 1. Subsection (18) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(18) (a) A state university shall waive the out-of-state fee for a nonresident student who:

1. Is a United States citizen.

2. Has a grandparent who is a legal resident as defined in s. 1009.21(1).

3. Earns a high school diploma comparable to a standard Florida high school diploma, or its equivalency, or completes a home education program.

4.a. Achieves an SAT combined score no lower than the 89th national percentile on the SAT;

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

12-01362A-21

20211728__

b. Achieves an ACT score concordant to the required SAT score in sub-subparagraph a., using the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or

c. If a state university accepts the Classic Learning Test (CLT) for admission purposes, achieves a CLT score concordant to the required SAT score in sub-subparagraph a., using the latest published scoring comparison developed by Classic Learning Initiatives.

5. Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

(b) The waiver under this subsection is applicable for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.

(c) Prior to waiving the out-of-state fee, the state university shall require the student, or the student's parent if the student is a dependent child, to provide a written declaration pursuant to s. 92.525(2) verifying the student's familial relationship to a grandparent who is a legal resident.

(d) Each state university shall report to the Board of Governors the number and value of all fee waivers granted annually under this subsection.

(e) A nonresident student granted an out-of-state fee waiver under this subsection shall be excluded from the limitation on systemwide total enrollment of nonresident students established by regulation of the Board of Governors.

(f) The Board of Governors shall adopt regulations to administer this subsection.

Page 2 of 3

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

12-01362A-21

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59

Section 2. This act shall take effect July 1, 2021.

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

BILL: SB 2010

INTRODUCER: Senator Diaz

SUBJECT: Foreign Influence

DATE: March 22, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Westmark	Bouck	ED	Pre-meeting
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 2010 provides safeguards against foreign influence through establishing processes that govern screening and disclosure of foreign gifts, contracts, employment, travel, and research arrangements, as well as cultural agreements, with countries of concern. Specifically, the bill:

- Requires specified entities that apply for or receive any gift or grant with a value of \$50,000 or more from any foreign source to disclose such gift or grant to the appropriate agency.
- Requires the Department of Financial Services (DFS) to manage a website to publish required disclosures and maintain an active and current list of ineligible entities on the website, and requires DFS to investigate an allegation of a disclosure violation.
- Requires the Department of Management Services to, at least once every five years, screen specified vendors participating in the online procurement system.
- Subjects an institution of higher education that knowingly, willfully, or negligently fails to disclose to a civil penalty of 105 percent of the amount of the undisclosed gift.
- Requires each state university or specified entity that receives state appropriations or state tax revenue and has a research budget of \$10 million or more to screen applicants for research or research-related support positions who are citizens of a foreign country and who are not permanent residents of the United States, including graduate and undergraduate students.
- Requires the state university or entity to keep detailed records of expenses and activities related to individual traveler's professional, research, and academic activities.
- Prohibits specified participation in agreements with or acceptance of any grant from a foreign country of concern, or any entity controlled by such a country, for specified activities.

The bill has an indeterminate fiscal impact. See Section V.

The bill takes effect July 1, 2021.

II. Present Situation:

In March 2021, Governor Ron DeSantis and members of the Florida House and Senate highlighted proposed legislation to combat foreign influence, in response to the Communist Party of China's deliberate attempts to economically infiltrate the United States. Among the purposes of the proposed legislation were to place strategic safeguards against foreign influence through strengthening institutional vetting and applying protections for Florida's institutions of higher education, public entities, and recipients of public grants or contracts.¹

Legislative Background – Select Committee on Integrity of Research Institutions

In 2020, the Florida House of Representatives Select Committee on the Integrity of Research Institutions (Select Committee) undertook an extensive review of Florida's university-based research programs. This investigation arose out of revelations that the CEO of H. Lee Moffitt Cancer Center and Research Institute and three other officers or research scientists had failed to disclose support from relationships with Chinese talent and research programs. Following that disclosure, the University of Florida (UF) disclosed to the Select Committee that three of its research staff were under similar investigations. The Select Committee learned of additional investigations, some of which remain confidential due to active law enforcement investigations.

The Select Committee learned that Florida-based research institutions had a combined annual budget of \$2.7 billion with Florida's public universities accounting for \$2.3 billion of that research spending. Eight of Florida's State University System universities had research budgets of \$10 million or more. Four private institutions had budgets exceeding \$10 million. Research grants from public sources fund the vast majority of this research and universities receive generous shares of research grants for administration. Consequently, research activity generates significant profits for many institutions.²

The open and collaborative research environment in the free world depends on the honesty and integrity of individual scientists, technicians, and administrators. The Select Committee in 2020 learned that federal officials were investigating about 200 cases across the U.S. involving federal grant recipients of research funds who had failed to disclose professional, academic, and business relationships in violation of various grant requirements. The Select Committee also ascertained that Florida state research grants often lacked similar requirements deemed reasonably necessary to ensure research integrity.³

In 2020, Florida law⁴ required that any person engaged in the design, conduct, or reporting of research and employed by a state university or specified entity engaging in research, is required by the policies of such university or entity to disclose and receive a determination that the

¹ Florida Governor Ron DeSantis, *Governor Ron DeSantis and House Speaker Chris Sprowls Highlight Proposed Legislation to Combat Foreign Influence and Corporate Espionage* (March 1, 2021), available at <https://www.flgov.com/2021/03/01/governor-ron-desantis-and-house-speaker-chris-sprows-highlight-proposed-legislation-to-combat-foreign-influence-and-corporate-espionage/>.

² Florida House of Representatives, Public Integrity & Elections Committee, *Meeting Packet* (March 4, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%203-4-21.pdf>, at 7.

³ *Id.*

⁴ Section 18, ch. 2020-117, L.O.F.

outside activity⁵ or financial interest⁶ does not affect the integrity of the state university or entity.⁷ An employee who does not disclose any outside activity or financial interest as required must be suspended without pay pending the outcome of an investigation which must not exceed 60 days.⁸ Additionally, upon conclusion of the investigation, the university or entity may terminate the contract of the employee.⁹

The Select Committee also learned that a U.S. visa to study or teach in the U.S. does not adequately screen foreign scientists' and students' security risk or trustworthiness. As with many employment or enrollment decisions, verifying representations made by an applicant regarding experience and credentials is a significant tool to protect an institution's integrity.¹⁰

In addition, the Select Committee learned that many undisclosed activities relate to foreign travel of U.S.-based faculty. International travel by faculty and graduate students creates opportunities for recruitment to engage in unethical conduct and for misappropriation of property and theft of university research. If an institution does not scrutinize and monitor foreign travel, it can expect compromising activities to take place.¹¹

As part of its investigation, the Select Committee reviewed studies indicating that sister cities programs, academic language and culture centers, foreign funding of domestic institutions and foreign-influenced employment of domestic scientists and engineers are all means to influence domestic policy, advance hostile foreign interests, and limit academic freedom. Such activities project foreign interests into domestic affairs.¹²

Federal Law and Recommended Practices

Threats to the U.S. Research Enterprise

Although state law currently imposes few limitations on relationships between foreign governments and state agencies, political subdivisions, or public contractors, federal law imposes many layers of scrutiny on certain dealings with foreigners, mostly related to science and technology having military implications, sales of arms and certain financial transactions related to terrorism, human trafficking, international drug dealing and other important national interests. Various agencies publish many lists related to various sanctions, restrictions and scrutiny imposed by federal law. In addition, many programs scrutinize transactions involving America's biggest global competitors, China and Russia. On January 19, 2021, the U.S. Department of Commerce published an interim final rule entitled: "Securing the Information and

⁵ "Outside activity" is defined to include anything an employee does for an organization or an individual, other than the university or entity, that is related to the employee's expertise. Section 1012.977(2)(b), F.S.

⁶ "Financial interest" is defined to include anything of value other than that provided directly by the university or entity. Section 1012.977(2)(a), F.S.

⁷ Section 1012.977, F.S.

⁸ Section 1012.977(3), F.S.

⁹ *Id.*

¹⁰ Florida House of Representatives, Public Integrity & Elections Committee, *Meeting Packet* (March 4, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%203-4-21.pdf>, at 7.

¹¹ *Id.*

¹² *Id.*

Communications Technology and Services Supply Chain.” That interim rule¹³ defined “foreign adversaries” to include Russia, China, the Nicolás Maduro government of Venezuela, Cuba, Iran, and North Korea. Along with Syria, a state sponsor of terrorism, these reflect the foreign governments most hostile to U.S. interests.¹⁴

As of March 2018, more than 1.4 million international students and professors were participating in America’s open and collaborative academic environment. The inclusion of these international scholars at U.S. colleges and universities entails both substantial benefit—and notable risk. Some foreign actors, particularly foreign state adversaries, seek to illicitly or illegitimately acquire U.S. academic research and information to advance their scientific, economic, and military development goals. Through their exploitative efforts, they reduce U.S. competitiveness and deprive victimized parties of revenue and credit for their work.¹⁵

The Chinese government’s strategic goals include becoming a comprehensive national power, creating innovation-driven economic growth, and modernizing its military.¹⁶ It aspires to equal or surpass the U.S. as a global superpower and influence the world with a value system shaped by undemocratic, totalitarian ideals.¹⁷ The Chinese government has historically sponsored economic espionage, and China is the world’s principal infringer of intellectual property.¹⁸ The annual cost to the U.S. economy of counterfeit goods, pirated software, and theft of trade secrets is between \$225 billion and \$600 billion.¹⁹

A 2019 U.S. Senate report found that China prioritizes a strategy of military-civilian fusion which seeks to pool talent and financial resources to jointly develop technologies, conduct research, and attract talent that mutually reinforces both the military and civilian sectors.²⁰ As of 2017, China has reportedly recruited 7,000 researchers and scientists, with U.S.-based researchers and scientists targeted specifically if they focus on or have access to cutting-edge research and technology.²¹ In response to U.S. government scrutiny, China has attempted to delete online references to its talent recruitment plans and reportedly instructed Chinese institutions on how to avoid additional U.S. scrutiny.²² Employment contracts used by China’s most prominent talent recruitment plan, the Thousand Talents Plan, contain provisions that violate U.S. research values, including non-disclosure provision related to their research and

¹³ 86 Fed. Reg. 4911 (January 19, 2021).

¹⁴ Florida House of Representatives, Public Integrity & Elections Committee, *Meeting Packet* (March 4, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%203-4-21.pdf>, at 8.

¹⁵ Florida House of Representatives, Select Committee on the Integrity of Research Institutions, *Meeting Packet* (Jan. 21, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3075&Session=2020&DocumentType=Meeting%20Packets&FileName=sci%201-21-20.pdf>, at 253.

¹⁶ *Id.* at 255.

¹⁷ *Id.*

¹⁸ *Id.* at 254.

¹⁹ *Id.*

²⁰ U.S. Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Threats to the U.S. Research Enterprise: China’s Talent Recruitment Plans* (Nov. 18, 2019), available at <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China's%20Talent%20Recruitment%20Plans%20Updated2.pdf>, at 7.

²¹ *Id.*

²² *Id.*

employment with Chinese institutions.²³ In some cases, members of China's Thousand Talents Plan received both U.S. grants and Chinese grants for similar research, established "shadow labs" in China to conduct parallel research being conducted in the U.S., and stole intellectual capital and property.²⁴

In response to these findings, recommendations from the U.S. Senate report include:²⁵

- Federal agencies should declassify and disseminate more information on foreign talent recruitment plans.
- U.S. grant-making agencies should harmonize the grant proposal process and standardize reporting requirements for disclosing all foreign conflicts of interest, conflicts of commitment, and all outside and foreign support.
- U.S. research institutions should establish best practices in monitoring scientific and research collaboration with foreign nationals.

Presidential Memorandum on National Security

On January 14, 2021, President Donald Trump signed National Security Presidential Memorandum 33 (the Memorandum) to direct a national response to safeguard the security and integrity of federally funded research and development in the United States. Among other directives, the Memorandum:²⁶

- Prohibited federal personnel from participating in foreign government-sponsored talent recruitment programs.
- Directed specified entities to ensure that vetting processes for foreign students and researchers reflect the changing nature of the risks to the U.S. research enterprise.
- Directed departments and agencies to standardize disclosure processes, definitions, and forms related to research security across funding agencies to the maximum extent practicable.

Strengthening the Security and Integrity of America's Research Enterprise

Also in January 2021, the National Science and Technology Council released recommended practices for strengthening the security of America's research in science and technology. Recommended practices include:²⁷

- Establish and operate a comprehensive research security program.²⁸

²³ U.S. Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans* (Nov. 18, 2019), available at <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China's%20Talent%20Recruitment%20Plans%20Updated2.pdf>, at 8.

²⁴ *Id.*

²⁵ *Id.* at 11-13.

²⁶ Florida House of Representatives, Public Integrity & Elections Committee, *Meeting Packet* (Feb. 15, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%202-15-21.pdf>, at 7-25.

²⁷ *Id.* at 27-48.

²⁸ According to the recommendation, research security programs should include, at a minimum, elements of cyber security, foreign travel security, insider threat awareness and education, and export control training. Depending on the organization's individual risk profile and resources, cyber security elements can include robust access and device registration protocols, hardware encryption, and incorporating use of commercial threat management and commercial compliance solutions into internal due diligence programs. Economies of scale often can be realized by coordinating with other organizations to leverage physical and intellectual assets and avoid unnecessary duplication.

- Require disclosure to the organization of all information necessary to identify and assess potential conflicts of interest and commitment, including filing of relevant disclosures.
- Ensure compliance with requirements for reporting foreign gifts and contracts.
- Establish and operate a risk-based security process for foreign travel review and guidance.

Disclosure and Screening of Foreign Gifts and Contracts

Federal law restricts the receipt and disposition of foreign gifts.²⁹ Any federal employee, member of the Armed Forces and their spouses may not request or accept a gift from any unit or agent of a foreign government. The Attorney General may bring a civil action against any employee who knowingly solicits or accepts an unauthorized gift from a foreign government or who fails to deposit or report such gift. The court may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.³⁰

The most critical list of foreign nations identifies “state sponsors of terrorism” as Cuba, North Korea, Iran, and Syria.³¹ Further, foreign adversaries to the United States have been defined to include Russia, China, the Nicolás Maduro government of Venezuela, Cuba, Iran, and North Korea.³²

Reporting, Inspection, and Penalties for Foreign Gifts

Current Disclosure Requirements – Institutions of Higher Education

Divisions of sponsored research at state universities must disclose the amount and source of research funding, even when the research itself involves records that are confidential and exempt from public inspection. However, university and Florida College System institution direct support organizations (DSOs) enjoy a broad confidentiality exemption for records related to donors who wish to be anonymous and expenditures of donated funds other than travel expenditures.³³

The Higher Education Act of 1965 requires education institutions to report foreign gifts and grants valued at \$250,000 or more. Between 2018 and 2021, the U.S. Department of Education carefully scrutinized the reporting program and discovered billions of dollars of unreported foreign gifts from many of the best-funded institutions. At the same time, it became evident that the federal mandate does not extend to foreign donations to foundations and other non-profit entities controlled by, or formed or operated for the exclusive benefit of, the reporting institutions.³⁴

²⁹ 5 U.S. Code § 7342.

³⁰ *Id.*

³¹ U.S. Department of State, *State Sponsors of Terrorism*, <https://www.state.gov/statesponsors-of-terrorism/> (last visited March 18, 2021).

³² See 86 Fed. Reg. 4911 (January 19, 2021).

³³ Florida House of Representatives, Public Integrity & Elections Committee, *Meeting Packet* (March 4, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%203-4-21.pdf>, at 10.

³⁴ U.S. Department of Education Office of General Counsel, *Institutional Compliance with Section 117 of the Higher Education Act of 1965* (Oct. 2020), available at <https://www2.ed.gov/policy/highered/leg/institutional-compliance-section-117.pdf>.

From 1984 to 1994, Florida law required universities and community colleges to report foreign receipts valued \$100,000 or more to the Commissioner of Education and legislative leaders.³⁵ As with the federal law, the statute did not extend to university foundations and DSOs, and the requirement appears to have generated few such reports.³⁶

Applicant Screening and Research Integrity of Foreign Researchers

At present, state law imposes no responsibility on research institutions to screen foreign applicants.

Approval Processes for International Travel

UF has implemented an active registration and screening program for international travel, including specific prohibitions and limitations on activities with Iran and Cuba.³⁷ The program provides faculty and travelers clear guidance on legal and ethical restrictions.³⁸ It also ensures protection of UF property including intellectual property.³⁹ Other institutions may also have international travel screening and monitoring in place.

State Law and Regulations

Code of Ethics for Public Officers and Employees

The Florida constitution requires a code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.⁴⁰ The Code of Ethics for Public Officers and Employees (the Code) is outlined in Florida law,⁴¹ and includes standards of conduct for public officers, employees of agencies, and local government attorneys;⁴² full and public disclosure of financial interests;⁴³ and investigative procedures in response to prohibited personnel actions.⁴⁴

Ethics laws generally consist of two types of provisions, either prohibiting certain actions or conduct or requiring that certain disclosures be made to the public.⁴⁵ Prohibited actions or conduct include solicitation and acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure or use of specified information, and solicitation or acceptance of

³⁵ Section 240.138, F.S. 1994 (repealed ch. 95-196 and ch.95-392, L.O.F.).

³⁶ Florida House Public Integrity & Elections Committee, *Meeting Packet* (March 4, 2020), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3104&Session=2021&DocumentType=Meeting%20Packets&FileName=pie%203-4-21.pdf>, at 10.

³⁷ See UF Research, *International Travel*, <https://research.ufl.edu/compliance/export-controls/international-travel.html> (last visited March 15, 2021).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ State of Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* (2021), available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>, at 1.

⁴¹ See ss. 112.311 - 112.3261, F.S.

⁴² Section 112.313, F.S.

⁴³ Sections 112.3144 and 112.31445, F.S.

⁴⁴ Section 112.31895, F.S.

⁴⁵ State of Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* (2021), available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>, at 2.

honoraria.⁴⁶ Prohibited employment and business relationships include doing business with one's agency, and conflicting contractual relationship,⁴⁷ among others. Public officers and employees are required to publicly disclose their financial interests to prevent conflicts of interests.⁴⁸

International Cultural Agreements

Florida law provides for coordination of certain international relationships, including those between sister states and sister cities.⁴⁹ Florida's economic development programs emphasize commerce with foreign jurisdictions.⁵⁰ However, such agreements may impose the public policy of foreign competitors upon local U.S. governments; it has been reported that the China requires sister city agreements to enforce its "One China" policy.⁵¹ According to the Tampa Bay Protocol and Trade Council, there are a number of sister city agreements with jurisdictions in nations describe above as "foreign adversaries": eleven with political subdivisions of China, six with Russian jurisdictions and three with Venezuelan cities.⁵²

In the past decade, the University of North Florida, the University of West Florida, the University of South Florida, and Miami-Dade College each were home to a Confucius Institute under a program of the Communist Party of China promoting Chinese language and culture, funded by significant Chinese grants. By 2014, there were at least 90 Confucius Institutes in the U.S. and more than 400 worldwide.⁵³ By September 2019, each of the four above-named Florida institutions had closed its Confucius Institute following significant criticism by U.S. Senator Marco Rubio and others. A U.S. Senate Subcommittee found that the limitations on Confucius Institutes "export China's censorship of political debate to the United States and prevent the academic community from discussing topics" sensitive to the Communist Party of China,⁵⁴ and some Confucius Institute agreements apply law of the Communist Party of China to activities on U.S. campuses.⁵⁵

Linkage Institutes

Beginning in 1987, Florida law established linkage institutions between Florida postsecondary

⁴⁶ State of Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* (2021), available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>, at 3-4.

⁴⁷ *Id.* at 5.

⁴⁸ *Id.* at 11.

⁴⁹ See s. 288.816, F.S.

⁵⁰ See ss. 288.816 and 288.826, F.S.

⁵¹ See Matej Šimalčík and Adam Kalivoda, *Sister-City Relations and Identity Politics: The Case of Prague, Beijing, Taipei, and Shanghai*, *The Diplomat*, Feb. 25, 2020, available at <https://thediplomat.com/2020/02/sister-city-relations-and-identity-politics-the-case-of-prague-beijing-taipei-and-shanghai/>.

⁵² Tampa Bay Protocol & Trade, *Florida Sister Cities Database*, <https://tampabayprotocol.com/sister-cities-database> (last visited March 15, 2021)..

⁵³ UWF Newsroom, *UWF to Host Opening Ceremony of Confucius Institute* (April 28, 2014), available at <https://news.uwf.edu/uwf-host-opening-ceremony-confucius-institute/>.

⁵⁴ U.S. Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans* (Nov. 18, 2019).

⁵⁵ See also U.S. Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *China's Impact on the U.S. Education System* (Feb 29, 2019), available at <https://www.hsgac.senate.gov/imo/media/doc/PSI%20Report%20China's%20Impact%20on%20the%20US%20Education%20System.pdf>.

institutions and foreign countries to assist in the development of stronger economic, cultural, educational, and social ties between this state and strategic foreign countries through the promotion of the following specified activities between the postsecondary institutions in this state and those of selected foreign countries:⁵⁶

- Expanded public and private dialogue on cooperative research and technical assistance activities;
- Increased bilateral commerce;
- Student and faculty exchange;
- Cultural exchange; and
- The enhancement of language training skills.

A Florida-China Institute is currently authorized by law for three postsecondary institutions in Florida,⁵⁷ and ten other institutes are established by law.

As of March 4, 2021, the U.S. Senate passed a bill restricting federal departmental funding from institutions of higher education or other postsecondary educational institutions that maintain any contract or agreement with a Confucius Institute, unless such agreement includes clear provisions that protect academic freedom, prohibit the application of any foreign law on any campus of such institution, and grant full managerial authority, including full control over what is being taught, to such institution.⁵⁸

III. Effect of Proposed Changes:

SB 2010 provides safeguards against foreign influence through establishing processes that govern screening and disclosure of foreign gifts, contracts, employment, travel, and research arrangements, as well as cultural agreements, with countries of concern.

Disclosure and Screening of Foreign Gifts and Contracts

The bill requires any state agency or political subdivision that receives any gift or grant with a value of \$50,000 or more from any foreign source to disclose such gift or grant to the Department of Financial Services (DFS) within 30 days after its receipt.⁵⁹

The bill requires any entity that applies to a state agency or political subdivision for a grant or proposes a contract of \$100,000 or more to disclose to the state agency or political subdivision any current, or for the past five years, any prior interest of, any contract with, or any grant or gift received from a foreign country of concern⁶⁰ of \$50,000 or more. The bill also specifies requirements for updates to the disclosure during the gift, grant, or contract. Within one year

⁵⁶ Section 288.8175(1), F.S.

⁵⁷ Section 288.8175(4)(e), F.S.

⁵⁸ CONFUCIUS Act, S. 590, 117th Cong. (2021).

⁵⁹ Disclosure is not required if such gift or grant is disclosed under s. 1010.25, F.S., established in the bill.

⁶⁰ “Foreign country of concern” is defined in the bill to mean the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

before applying for any grant or proposing any contract, such entity must provide a copy of such disclosure to DFS.

The bill exempts from the disclosure requirements a proposal to sell commodities or services through the online procurement program established by law.⁶¹ In addition, the bill requires, at least once every five years, the Department of Management Services (DMS) to screen each vendor of commodities or services participating in the online procurement system if the vendor has the capacity to fill an order of \$100,000 or more. Screening must be conducted through federal agencies responsible for identifying persons and organizations subject to trade sanctions, embargoes, or other restrictions under federal law.

If a vendor is so identified, the vendor must make the required disclosures until such restriction expires. A notification regarding the applicability of the disclosure requirement to the vendor must be included on the online procurement system when applicable. DMS must ensure that the disclosures made by vendors using the online procurement system are easily accessible by the system's participants.

The bill requires DFS to establish and maintain a website to publish the disclosures. DFS must include and maintain an active and current list of ineligible entities on the website, and must investigate an allegation of a disclosure violation upon receiving a valid referral from an inspector general or other compliance officer of a state agency or political subdivision or any sworn complaint. The bill also:

- Authorizes DFS, an inspector general, or any other agent or compliance officer authorized by a state agency or political subdivision to request records relevant to any reasonable suspicion of a violation. Records must be provided within 30 days or at a later agreed upon time.
- Specifies that failures to disclose or provide records constitutes a civil violation and fine of \$5,000 for a first violation or \$10,000 for any subsequent violation.

The bill specifies, in addition to any fine assessed, a final order determining a third or subsequent violation:

- By a state agency or political subdivision must include a determination of the identity of the officer responsible for acceptance of the undisclosed grant or gift. DFS must send the order to the Governor or other authorized officer able to suspend or remove a public officer. The referral must also be provided to the President of the Senate and the Speaker of the House of Representatives for oversight of such suspension and removal authority.
- By an entity other than a state agency or political subdivision must automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause.

The bill specifies that information and records relating to a gift or grant from a foreign source are not confidential or exempt.⁶²

⁶¹ See s. 287.057(22), F.S.

⁶² As defined in s. 119.07(1), F.S., and Art. 1, s. 24(a), Fla. Const.

The bill authorizes DMS and DFS to adopt rules necessary to carry out their responsibilities as specified. Specifically:

- DMS may identify the federal agencies to be consulted as specified and the procedure for notifying a vendor of the disclosure requirements when applicable.
- DMS may adopt rules to apply requirements as specified to the online procurement system.
- Any rules necessary for implementation must be published by December 1, 2021, subject to certain exceptions.

Reporting, Inspection, and Penalties for Foreign Gifts

The bill requires each institution of higher education (IHE)⁶³ to semiannually report, each January 31 and July 31, any gift received directly or indirectly from a foreign source with a value of \$50,000 or more during the fiscal year. If a foreign source provides more than one gift directly or indirectly to an IHE in a single fiscal year and the total value of those gifts is \$50,000 or more, all gifts received from that foreign source must be reported. A gift received from a foreign source through an intermediary is considered an indirect gift to the IHE.

The bill requires a report required under this subsection to be made to the following entities:

- The Board of Governors (BOG), if the recipient is a state university, a branch campus, center, institute, or special program as specified in law⁶⁴ that has its own governing board or DSO.
- The State Board of Education (SBE), if the recipient is a Florida College System institution, or any Florida independent college or university required to report, or any affiliated DSO.

Specifically, the bill requires, for each gift subject to the reporting requirement, the IHE to provide to the BOG or SBE, as applicable, all of the following information, unless otherwise prohibited or deemed confidential under federal or state law:

- The amount of the gift and the date it was received.
- The contract start and end dates if the gift is a contract.
- The name of the foreign source and, if not a foreign government, the country of citizenship, if known, and the principal residence or domicile of the foreign source.
- A copy of a gift agreement between the foreign source and the IHE, signed by the foreign source and the chief administrative officer of the IHE, which must include the purpose, terms, and conditions of the gift.

Beginning July 1, 2022, the bill requires the Inspector General of the BOG or the Inspector General of the Department of Education (DOE), as applicable, to randomly inspect or audit at least 10 percent of the total number of gifts or gift agreements received from IHEs during the previous year. The inspection or audit must examine the extent to which the IHE exercised due diligence with respect to whether the gift was received from a foreign source, as well as the

⁶³ The bill defines “Institution of higher education” as a state university; an entity listed in law that has its own governing board; a Florida College System institution; an independent nonprofit college or university that is located in and chartered by the state and grants baccalaureate or higher degrees; any other institution that has a physical presence in the state and is required to report foreign gifts or contracts pursuant to 20 U.S.C. s. 1011(f); or an affiliate organization of an institution of higher education.

⁶⁴ See ss. 1004.33-1004.64991, F.S.

IHE's compliance with the reporting requirements. However, upon the request of the Governor, the President of the Senate, or the Speaker of the House of Representatives, the Inspector General of the BOG or the Inspector General of the DOE, as applicable, must inspect or audit a gift or gift agreement.

The bill requires the BOG or SBE, as applicable, to exercise the oversight and enforcement authority provided in law⁶⁵ to sanction an IHE that fails to report a reportable gift within 60 days after the reporting deadlines established as specified.

The bill subjects an IHE that knowingly, willfully, or negligently fails to disclose the information to a civil penalty of 105 percent of the amount of the undisclosed gift, payable only from nonstate funds of the IHE or the affiliate organization that received such gift. The bill authorizes the BOG and SBE, as applicable, to administratively enforce and impose the civil penalty. In the absence of enforcement by the BOG or SBE, as applicable, the bill authorizes the Attorney General or Chief Financial Officer to bring a civil action to enforce as specified.

The bill specifies that information and records relating to a gift from a foreign source are not confidential or exempt.⁶⁶

The bill authorizes the BOG to adopt regulations and the SBE to adopt appropriate rules.

Applicant Screening and Research Integrity of Foreign Researchers

The bill requires, beginning July 1, 2021, each state university or entity listed as specified in law⁶⁷ that receives state appropriations or state tax revenue and has a research budget of \$10 million or more to screen applicants for research or research-related support positions who are citizens of a foreign country and who are not permanent residents of the United States, including graduate and undergraduate students.

The bill requires, in addition to satisfying all federal employment and enrollment qualifications, the BOG or the governing board of the applicable entity to require a foreign applicant to submit a complete copy of his or her most recently submitted Nonimmigrant Visa Application, DS-160; a complete resume and curriculum vitae, including every institution of higher education attended; all previous employment since the applicant's 18th birthday; and a list of all published material for which the applicant received credit as an author, a researcher, or otherwise, or to which the applicant contributed significant research, writing, or editorial support. For applicants who have been continually employed or enrolled in a postsecondary education institution in the United States for 20 years or more, the resume may, but need not, include employment history before the most recent 20 years.

The bill requires the president or chief administrative officer of the state university or applicable entity to designate a research integrity office to verify all attendance, employment, publications, and contributions listed in the application required as specified. The research integrity office must search public databases for any omissions from the application. The research integrity

⁶⁵ Section 1008.322 or 1008.32, F.S., respectively,

⁶⁶ As defined in s. 119.07(1), F.S., and Art. 1, s. 24(a), Fla. Const.

⁶⁷ See ss. 1004.33-1004.64991, F.S.

office must submit the applicant's name and other identifying information to the Federal Bureau of Investigation (FBI) or any federal agency willing to scrutinize such applicant for national security or counterespionage purposes and search any public listings of persons subject to sanctions or restrictions under federal law.

The bill requires the screening be completed before employing an applicant in any research or research-related support position, or granting an applicant any access to sensitive data. An applicant who fails to disclose substantial information may not be employed in any research or research-related support position, unless the department head, or his or designee, certifies in writing the substance of the nondisclosure and the reasons for disregarding such failure to disclose. A copy of such certification must be kept in the investigative file of the research integrity office and must be submitted to the nearest FBI field office.

In addition, the bill requires the research integrity office to report to the nearest FBI office, and to any law enforcement agency designated by the Governor or the BOG and the governing board of the applicable entity described, the identity of any applicant who was rejected for employment based on the scrutiny required or other security-related screening.

The bill requires, by July 1, 2025, the Inspector General of the BOG, the inspector general of an entity described, or the Auditor General to perform an operational audit regarding such implementation of screening requirements.

Approval Processes for International Travel

The bill requires, by January 1, 2022, each state university or associated entity listed in specified law⁶⁸ that receives state appropriations or state tax revenue and has a research budget of \$10 million or more to establish an international travel approval and monitoring program. The program must require preapproval and screening by the research integrity office for any foreign travel and foreign employment-related activities engaged in by all faculty, researchers, and research department staff.

The bill specifies that preapproval by the research integrity office must be based on the applicant's review and acknowledgement of guidance published by the employing state university or entity which relates to countries under sanctions or other restrictions of the state or the U.S. government, and preapproval must be based on the binding commitment of the individual traveler not to violate the state university's or entity's limitations on travel and activities abroad and to obey all applicable federal laws.

The bill requires the state university or entity to keep detailed records of expenses and activities related to the individual traveler's professional, research, and academic activities undertaken during foreign travel. Such records must be retained for at least 10 years or any longer period of time required by any other applicable state or federal law.

The bill requires the state university or entity to provide an annual report of foreign travel and activities listing individual travelers, foreign locations visited, and foreign institutions visited for

⁶⁸ See ss. 1004.33-1004.64991, F.S.

presentations, teaching, or research to the BOG or the governing board of the applicable entity and publish such report on its website.

In addition, the bill requires, unless an operational audit has been previously submitted by the institution's inspector general or internal auditor, by January 1, 2022, the Auditor General to perform an audit of the institution to ensure compliance as specified as part of the institution's next scheduled operational audit.

International Cultural Agreements

The bill specifies that a state agency, political subdivision, public school, state college, or state university authorized to expend state-appropriated funds or levy ad valorem taxes may not participate in any agreement with or accept any grant from a foreign country of concern, or any entity controlled by a foreign country of concern, which establishes a program or other endeavor to promote the language or culture of a foreign country of concern, or accept anything of value conditioned upon participation in a program or other endeavor to promote the language or culture of a foreign country of concern.

The fiscal impact of this bill is indeterminate.

The bill takes effect July 1, 2021.

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:

Compliance with gift reporting, applicant screening, and approval travel as specified may result in indeterminate costs to institutions required to arrange or conduct these activities. Implementing travel review and approval processes and eliminating existing cultural agreements with countries of concern may reduce business and academic exchange between Florida and such countries. Given that the annual cost to the U.S. economy of counterfeit goods, pirated software, and theft of trade secrets is between \$225 billion and \$600 billion, however, enhanced integrity and security of Florida's research environment should offset any reduction in foreign donations or contracts the bill may cause.⁶⁹

C. Government Sector Impact:

In addition, requirements to disclose to the Department of Financial Services any gifts or grants of \$50,000 or more from any foreign source may remove confidentiality of donors, with the potential to discourage some foreign donations or grants if anonymity or secrecy is important to the donor.⁷⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 286.101, 288.860, 1010.25, 1010.35, and 1010.36.

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.

⁶⁹ Florida House of Representatives, *Staff Analysis of HB 7017* (2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h7017a.EEC.DOCX&DocumentType=Analysis&BillNumber=7017&Session=2021>, at 7.

⁷⁰ *Id.*

By Senator Diaz

36-01358-21

20212010__

1 A bill to be entitled
 2 An act relating to foreign influence; creating s.
 3 286.101, F.S.; providing definitions; requiring any
 4 state agency or political subdivision to disclose
 5 certain gifts or grants received from any foreign
 6 source to the Department of Financial Services within
 7 a specified timeframe; providing an exception;
 8 requiring any entity that applies for a certain grant
 9 or proposes a certain contract to disclose to a state
 10 agency or political subdivision any current or prior
 11 interest of, contract with, or grant or gift received
 12 from a foreign country of concern under certain
 13 circumstances; requiring such entity to provide a copy
 14 of such disclosure to the department within a
 15 specified timeframe before applying for any grant or
 16 proposing any contract; requiring such entity to
 17 revise its disclosure within a specified timeframe
 18 under certain circumstances; requiring the Department
 19 of Management Services to screen certain vendors
 20 periodically; requiring certain notification on the
 21 online procurement system; requiring the Department of
 22 Financial Services to establish and maintain an
 23 Internet website to publish the disclosures;
 24 authorizing the department to establish an online
 25 system for making such disclosures; authorizing the
 26 Department of Management Services to coordinate with
 27 the Department of Financial Services to establish such
 28 online system; requiring the Department of Financial
 29 Services to investigate allegations of certain

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30 violations under certain circumstances; authorizing
 31 the department or specified persons to request certain
 32 records; providing for the assessment of fines and
 33 penalties under certain circumstances; requiring the
 34 department to include and maintain a list of
 35 ineligible entities on a certain Internet website;
 36 providing that information and records relating to a
 37 gift or grant from a foreign source are not
 38 confidential or exempt from public records
 39 requirements; authorizing rulemaking; creating s.
 40 288.860, F.S.; providing definitions; prohibiting
 41 certain agencies and entities from participating in
 42 agreements with or accepting grants received from
 43 foreign countries of concern under certain
 44 circumstances; prohibiting such agencies and entities
 45 from accepting anything of value as a condition for
 46 participation in certain programs or endeavors that
 47 promote the language or culture of foreign countries
 48 of concern; creating s. 1010.25, F.S.; providing
 49 definitions; requiring institutions of higher
 50 education to semiannually report to certain entities
 51 regarding certain gifts they received directly or
 52 indirectly from a foreign source; requiring such
 53 institutions to provide certain information regarding
 54 such gifts; requiring random inspections or audits of
 55 gifts or gift agreements by certain inspectors
 56 general; providing requirements for such inspections
 57 or audits; requiring the Board of Governors or State
 58 Board of Education, as applicable, to sanction

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59 institutions that fail to report certain gifts within
 60 a specified timeframe; providing for a civil penalty
 61 for willful violations; requiring that the proceeds
 62 from such penalty be deposited in a specified trust
 63 fund; authorizing the Attorney General or Chief
 64 Financial Officer to bring a civil action under
 65 certain circumstances; providing for attorney fees and
 66 costs; providing that information and records relating
 67 to a gift from a foreign source are not confidential
 68 or exempt from public records requirements;
 69 authorizing the Board of Governors and State Board of
 70 Education to adopt regulations and rules,
 71 respectively; creating s. 1010.35, F.S.; requiring
 72 certain state universities and other entities to
 73 screen certain foreign applicants before employing
 74 such applicants for research or research-related
 75 support positions; requiring such applicants to
 76 provide additional specified information as part of
 77 the application process; requiring the president or
 78 chief administrative officer of the state university
 79 or entity to designate a research integrity office to
 80 verify certain information contained in such
 81 applications, search certain public databases, and
 82 submit certain information to specified federal
 83 agencies; prohibiting the employment of an applicant
 84 who fails to make certain disclosures; providing an
 85 exception; requiring certain records to be maintained
 86 by the research integrity office; requiring such
 87 office to report the identity of any applicant who was

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88 rejected for employment to certain law enforcement
 89 agencies; requiring certain inspectors general or the
 90 Auditor General to perform an operational audit by a
 91 specified date; creating s. 1010.36, F.S.; requiring
 92 certain state universities and other entities to
 93 establish an international travel approval and
 94 monitoring program; providing requirements for such
 95 program; providing requirements for preapproval and
 96 screening for foreign travel and foreign employment-
 97 related activities engaged in by faculty, researchers,
 98 and research department staff; requiring state
 99 universities and entities to maintain certain records
 100 relating to foreign travel and activities for at least
 101 10 years; requiring a state university or entity to
 102 provide a certain annual report to the Board of
 103 Governors or the governing board of the applicable
 104 entity and publish such report on its Internet
 105 website; requiring the Auditor General to perform, by
 106 a specified date, an audit of the institution to
 107 ensure compliance as part of the institution's next
 108 scheduled operational audit; providing an effective
 109 date.

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

112
 113 Section 1. Section 286.101, Florida Statutes, is created to
 114 read:

115 286.101 Foreign gifts and contracts.—

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

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

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(a) "Contract" means any agreement for the direct benefit or use of any party to such agreement, including an agreement for the sale of commodities or services.

(b) "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

(c) "Foreign government" means the government of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States or the government of a state or political subdivision, including any agent of such foreign government.

(d) "Foreign source" means any of the following:

1. A foreign government or an agency of a foreign government.

2. A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states.

3. An individual who is not a citizen or a national of the United States or a territory or protectorate of the United States.

4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.

(e) "Gift" means any gift of money or property.

(f) "Grant" means a transfer of money for a specified purpose, including a conditional gift.

(g) "Interest" in an entity means any direct or indirect

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investment in or loan to the entity valued at 5 percent or more of the entity's net worth or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.

(h) "State agency" means any agency or unit of state government created or established by law.

(2) Any state agency or political subdivision that receives any gift or grant with a value of \$50,000 or more from any foreign source shall disclose such gift or grant to the Department of Financial Services within 30 days after receiving such gift or grant. Disclosure is not required if such gift or grant is disclosed under s. 1010.25.

(3) (a) Any entity, other than a state agency or political subdivision, that applies to a state agency or political subdivision for a grant or proposes a contract having a value of \$100,000 or more, except for a proposal to sell commodities or services through the online procurement program established pursuant to s. 287.057(22), shall disclose to the state agency or political subdivision any current or prior interest of, any contract with, or any grant or gift received from a foreign country of concern if such interest, contract, or grant or gift has a value of \$50,000 or more and such interest existed at any time or such contract or grant or gift was received or in force at any time during the previous 5 years. Within 1 year before applying for any grant or proposing any contract, such entity must provide a copy of such disclosure to the Department of Financial Services.

(b) From the time a disclosure is made under paragraph (a) through the term of any awarded state grant or contract, the

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entity must revise its disclosure within 30 days after entering into a contract with or receiving a grant or gift from a foreign country of concern or within 30 days after the acquisition of any interest in the entity by a foreign country of concern.

(4) At least once every 5 years, the Department of Management Services shall screen each vendor of commodities or services participating in the online procurement system if such vendor has the capacity to fill an order of \$100,000 or more. Screening must be conducted through federal agencies responsible for identifying persons and organizations subject to trade sanctions, embargoes, or other restrictions under federal law. If a vendor is identified as being subject to any such sanctions, embargoes, or other restrictions, the vendor must make the disclosures required under subsection (3) until such restriction expires. A notification regarding the applicability of the disclosure requirement in subsection (3) to the vendor must be included on the online procurement system when applicable. The Department of Management Services must ensure that the disclosures made by vendors using the online procurement system are easily accessible by the system's participants.

(5) The Department of Financial Services must establish and maintain an Internet website to publish the disclosures required under this section. The Department of Financial Services may establish an online system for making such disclosures. The Department of Management Services may coordinate with the Department of Financial Services to establish the online system.

(6) (a) Upon receiving a referral from an inspector general or other compliance officer of a state agency or political

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subdivision or any sworn complaint based upon substantive information and reasonable belief, the Department of Financial Services must investigate an allegation of a violation of this section.

(b) The Department of Financial Services, an inspector general, or any other agent or compliance officer authorized by a state agency or political subdivision may request records relevant to any reasonable suspicion of a violation of this section. Such entity must provide the required records within 30 days after such request or at a later time agreed to by the investigating state agency or political subdivision.

(7) (a) Failure to make a disclosure required under this section or failure to provide records requested under paragraph (6) (b) constitutes a civil violation punishable upon a final order of the Department of Financial Services by an administrative fine of \$5,000 for a first violation or \$10,000 for any subsequent violation.

(b) In addition to any fine assessed under paragraph (a), a final order determining a third or subsequent violation by a state agency or political subdivision must include a determination of the identity of the officer responsible for acceptance of the undisclosed grant or gift. Such order must also include a referral by the Department of Financial Services to the Governor or other officer authorized to suspend or remove the officer responsible for acceptance of the undisclosed grant or gift from public office. A copy of such referral must be provided to the President of the Senate and the Speaker of the House of Representatives for oversight of such suspension and removal authority.

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233 (c) In addition to any fine assessed under paragraph (a), a
 234 final order determining a third or subsequent violation by an
 235 entity other than a state agency or political subdivision shall
 236 automatically disqualify the entity from eligibility for any
 237 grant or contract funded by a state agency or any political
 238 subdivision until such ineligibility is lifted by the
 239 Administration Commission for good cause. The Department of
 240 Financial Services shall include and maintain an active and
 241 current list of such ineligible entities on the Internet website
 242 maintained under subsection (5).

243 (8) Notwithstanding any other law to the contrary,
 244 information and records relating to a gift or grant from a
 245 foreign source are not confidential or exempt from s. 119.07(1)
 246 and s. 24(a), Art. I of the State Constitution.

247 (9) (a) The Department of Management Services may adopt
 248 rules necessary to carry out its responsibilities under this
 249 section. The rules may identify the federal agencies to be
 250 consulted under subsection (4) and the procedure for notifying a
 251 vendor of the disclosure requirements under this section when
 252 applicable. The Department of Management Services may also adopt
 253 rules providing for the application of this section to the
 254 online procurement system.

255 (b) The Department of Financial Services may adopt rules
 256 necessary to carry out its responsibilities under this section.

257 (c) Any rules necessary to implement this section must be
 258 published by December 1, 2021, unless the applicable department
 259 head certifies in writing that a delay is necessary and the date
 260 by which the proposed rules will be published. Such
 261 certification must be published in the Florida Administrative

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262 Register and a copy provided to the Joint Administrative
 263 Procedures Committee.

264 Section 2. Section 288.860, Florida Statutes, is created to
 265 read:

266 288.860 International cultural agreements.—

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

268 (a) "Foreign country of concern" means the People's
 269 Republic of China, the Russian Federation, the Islamic Republic
 270 of Iran, the Democratic People's Republic of Korea, the Republic
 271 of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian
 272 Arab Republic, including any agency of or any other entity under
 273 significant control of such foreign country of concern.

274 (b) "Political subdivision" means any entity under the
 275 control of or established for the benefit of a political
 276 subdivision.

277 (c) "Public school" means any education institution under
 278 the supervision of a school district.

279 (d) "State agency" means any agency or unit of state
 280 government created or established by law.

281 (e) "State college" means any postsecondary education
 282 institution under the supervision of the State Board of
 283 Education, including any entity under the control of or
 284 established for the benefit of a state college.

285 (f) "State university" means any state university under the
 286 supervision of the Board of Governors, including any entity
 287 under the control of or established for the benefit of a state
 288 university.

289 (2) A state agency, political subdivision, public school,
 290 state college, or state university authorized to expend state-

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291 appropriated funds or levy ad valorem taxes may not participate
 292 in any agreement with or accept any grant from a foreign country
 293 of concern, or any entity controlled by a foreign country of
 294 concern, which establishes a program or other endeavor to
 295 promote the language or culture of a foreign country of concern.

296 (3) A state agency, political subdivision, public school,
 297 state college, or state university may not accept anything of
 298 value conditioned upon participation in a program or other
 299 endeavor to promote the language or culture of a foreign country
 300 of concern.

301 Section 3. Section 1010.25, Florida Statutes, is created to
 302 read:

303 1010.25 Foreign gift reporting.—
 304 (1) As used in this section, the term:

305 (a) "Affiliate organization" means any entity under the
 306 control of or established for the benefit of an organization
 307 required to report under this section, including a direct-
 308 support organization.

309 (b) "Direct-support organization" has the same meaning as
 310 provided in ss. 1004.28(1)(a), 1004.70(1)(a), and 1004.71(1)(a).

311 (c) "Foreign government" means the government of any
 312 country, nation, or group of nations, or any province or other
 313 political subdivision of any country or nation, other than the
 314 government of the United States or the government of a state or
 315 political subdivision, including any agent of such foreign
 316 government.

317 (d) "Foreign source" means any of the following:
 318 1. A foreign government or an agency of a foreign
 319 government.

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320 2. A legal entity, governmental or otherwise, created
 321 solely under the laws of a foreign state or states.

322 3. An individual who is not a citizen or a national of the
 323 United States or a territory or protectorate of the United
 324 States.

325 4. An agent, including a subsidiary or an affiliate of a
 326 foreign legal entity, acting on behalf of a foreign source.

327 (e) "Gift" means any contract, gift, grant, endowment,
 328 award, or donation of money or property of any kind, or any
 329 combination thereof, including a conditional or an unconditional
 330 pledge of such contract, gift, grant, endowment, award, or
 331 donation. For purposes of this paragraph, the term "pledge"
 332 means a promise, an agreement, or an expressed intention to give
 333 a gift.

334 (f) "Institution of higher education" means a state
 335 university; an entity listed in subpart B of part II of chapter
 336 1004 that has its own governing board; a Florida College System
 337 institution; an independent nonprofit college or university that
 338 is located in and chartered by the state and grants
 339 baccalaureate or higher degrees; any other institution that has
 340 a physical presence in the state and is required to report
 341 foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f; or an
 342 affiliate organization of an institution of higher education.

343 (2) Each institution of higher education must semiannually
 344 report, each January 31 and July 31, any gift received directly
 345 or indirectly from a foreign source with a value of \$50,000 or
 346 more during the fiscal year. If a foreign source provides more
 347 than one gift directly or indirectly to an institution of higher
 348 education in a single fiscal year and the total value of those

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349 gifts is \$50,000 or more, all gifts received from that foreign
 350 source must be reported. For purposes of this subsection, a gift
 351 received from a foreign source through an intermediary shall be
 352 considered an indirect gift to the institution of higher
 353 education. A report required under this subsection must be made
 354 to the following entities:

355 (a) The Board of Governors, if the recipient is a state
 356 university, an entity listed in subpart B of part II of chapter
 357 1004 that has its own governing board, or an affiliate
 358 organization.

359 (b) The State Board of Education, if the recipient is any
 360 other institution of higher education or an affiliate
 361 organization.

362 (3) For each gift subject to the reporting requirement in
 363 subsection (2), the institution of higher education must provide
 364 the applicable entity all of the following information, unless
 365 otherwise prohibited or deemed confidential under federal or
 366 state law:

367 (a) The amount of the gift and the date it was received.
 368 (b) The contract start and end date if the gift is a
 369 contract.

370 (c) The name of the foreign source and, if not a foreign
 371 government, the country of citizenship, if known, and the
 372 principal residence or domicile of the foreign source.

373 (d) 1. A copy of a gift agreement between the foreign source
 374 and the institution of higher education, signed by the foreign
 375 source and the chief administrative officer of the institution
 376 of higher education, or their respective designees, which must
 377 include a detailed description of the purpose for which the gift

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378 will be used by the institution of higher education, the
 379 identification of the persons for whom the gift is explicitly
 380 intended to benefit, and any applicable conditions,
 381 requirements, restrictions, or terms made a part of the gift
 382 regarding the control of curricula, faculty, student admissions,
 383 student fees, or contingencies placed upon the institution of
 384 higher education to take a specific public position or to award
 385 an honorary degree.

386 2. Beginning July 1, 2022, the Inspector General of the
 387 Board of Governors or the Inspector General of the Department of
 388 Education, as applicable, shall, within existing resources,
 389 randomly inspect or audit at least 10 percent of the total
 390 number of gifts or gift agreements received from institutions of
 391 higher education pursuant to this paragraph during the previous
 392 year. The inspection or audit shall examine the extent to which
 393 the institution of higher education exercised due diligence with
 394 respect to whether the gift was received from a foreign source,
 395 as well as the institution of higher education's compliance with
 396 the requirements of this section.

397 3. Upon the request of the Governor, the President of the
 398 Senate, or the Speaker of the House of Representatives, the
 399 Inspector General of the Board of Governors or the Inspector
 400 General of the Department of Education, as applicable, must
 401 inspect or audit a gift or gift agreement.

402 (4) The Board of Governors or the State Board of Education,
 403 as applicable, shall exercise the authority provided pursuant to
 404 s. 1008.322 or s. 1008.32, respectively, to sanction an
 405 institution of higher education that fails to report a
 406 reportable gift within 60 days after the reporting deadlines

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407 established in subsection (2).

408 (5) (a) An institution of higher education that knowingly,

409 willfully, or negligently fails to disclose the information

410 required by this section shall be subject to a civil penalty of

411 105 percent of the amount of the undisclosed gift, payable only

412 from nonstate funds of the institution of higher education or

413 the affiliate organization that received such gift. The

414 recovered funds must be deposited into the General Revenue Fund.

415 The Board of Governors and the State Board of Education, as

416 applicable, may administratively enforce this section and impose

417 the civil penalty as an administrative penalty.

418 (b) In the absence of enforcement by the Board of Governors

419 or the State Board of Education, as applicable, the Attorney

420 General or Chief Financial Officer may bring a civil action to

421 enforce this section. If such action is successful, the Attorney

422 General or Chief Financial Officer, as applicable, is entitled

423 to reasonable attorney fees and costs.

424 (6) Notwithstanding any other law to the contrary,

425 information and records relating to a gift from a foreign source

426 are not confidential or exempt from s. 119.07(1) and s. 24(a),

427 Art. I of the State Constitution.

428 (7) The Board of Governors may adopt regulations, and the

429 State Board of Education may adopt rules, to implement this

430 section.

431 Section 4. Section 1010.35, Florida Statutes, is created to

432 read:

433 1010.35 Screening foreign researchers.—

434 (1) Beginning July 1, 2021, each state university or entity

435 listed in subpart B of part II of chapter 1004 that receives

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436 state appropriations or state tax revenue and has a research

437 budget of \$10 million or more must screen applicants for

438 research or research-related support positions who are citizens

439 of a foreign country and who are not permanent residents of the

440 United States, including graduate and undergraduate students.

441 (2) In addition to satisfying all employment and enrollment

442 qualifications imposed by federal law, the Board of Governors or

443 the governing board of the applicable entity must require a

444 foreign applicant as described in subsection (1) to submit a

445 complete copy of his or her most recently submitted Nonimmigrant

446 Visa Application, DS-160; a complete resume and curriculum

447 vitae, including every institution of higher education attended;

448 all previous employment since the applicant's 18th birthday; and

449 a list of all published material for which the applicant

450 received credit as an author, a researcher, or otherwise or to

451 which the applicant contributed significant research, writing,

452 or editorial support. For applicants who have been continually

453 employed or enrolled in a postsecondary education institution in

454 the United States for 20 years or more, the resume may, but need

455 not, include employment history before the most recent 20 years.

456 (3) The president or chief administrative officer of the

457 state university or applicable entity shall designate a research

458 integrity office to verify all attendance, employment,

459 publications, and contributions listed in the application

460 required in subsection (2). The research integrity office must

461 search public databases for research publications and

462 presentations and public conflict of interest records to

463 identify any research publication or presentation that may have

464 been omitted from the application. The research integrity office

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465 must submit the applicant's name and other identifying
 466 information to the Federal Bureau of Investigation or any
 467 federal agency willing to scrutinize such applicant for national
 468 security or counterespionage purposes and search any public
 469 listings of persons subject to sanctions or restrictions under
 470 federal law.

471 (4) The requirements of this section must be completed
 472 before employing an applicant described in subsection (1) in any
 473 research or research-related support position and before
 474 granting such applicant any access to research data or
 475 activities or other sensitive data. An applicant may not be
 476 employed in any research or research-related support position if
 477 he or she fails to disclose a substantial educational,
 478 employment, or research-related activity or publication or
 479 presentation at the time of submitting the application required
 480 in subsection (2), unless the department head, or his or
 481 designee, certifies in writing the substance of the
 482 nondisclosure and the reasons for disregarding such failure to
 483 disclose. A copy of such certification must be kept in the
 484 investigative file of the research integrity office and must be
 485 submitted to the nearest Federal Bureau of Investigation field
 486 office.

487 (5) The research integrity office must report to the
 488 nearest Federal Bureau of Investigation field office, and to any
 489 law enforcement agency designated by the Governor or the Board
 490 of Governors and the governing board of the applicable entity
 491 described in subsection (1), the identity of any applicant who
 492 was rejected for employment based on the scrutiny required by
 493 this section or other security-related screening.

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494 (6) By July 1, 2025, the Inspector General of the Board of
 495 Governors, the inspector general of an entity described in
 496 subsection (1), or the Auditor General must perform an
 497 operational audit regarding the implementation of this section.

498 Section 5. Section 1010.36, Florida Statutes, is created to
 499 read:

500 1010.36 Foreign travel; research institutions.—

501 (1) By January 1, 2022, each state university or entity
 502 listed in subpart B of part II of chapter 1004 that receives
 503 state appropriations or state tax revenue and has a research
 504 budget of \$10 million or more must establish an international
 505 travel approval and monitoring program. The program must require
 506 preapproval and screening by a research integrity office
 507 designated by the president or chief administrative officer of
 508 the state university or entity for any foreign travel and
 509 foreign employment-related activities engaged in by all faculty,
 510 researchers, and research department staff. Such requirement is
 511 in addition to any other travel approval process applicable to
 512 the state university or entity.

513 (2) (a) Preapproval by the research integrity office must be
 514 based on the applicant's review and acknowledgement of guidance
 515 published by the employing state university or entity which
 516 relates to countries under sanctions or other restrictions of
 517 the state or the United States government, including any federal
 518 license requirement; customs rules; export controls;
 519 restrictions on taking state university or entity property,
 520 including intellectual property, abroad; restrictions on
 521 presentations, teaching, and interactions with foreign
 522 colleagues; and other subjects important to the research and

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academic integrity of the state university or entity.

(b) Preapproval must be based on the binding commitment of the individual traveler not to violate the state university's or entity's limitations on travel and activities abroad and to obey all applicable federal laws.

(3) The state university or entity must maintain records of all applications for foreign travel and activities; expenses incurred during such travel and activities, including for travel, food, and lodging; and payments and honoraria received during such travel and activities, including for travel, food, and lodging. The state university or entity must also keep records of all teaching, presentations, and other activities related to the individual traveler's professional, research, and academic activities undertaken during foreign travel. Such records must be retained for at least 10 years or any longer period of time required by any other applicable state or federal law.

(4) The state university or entity must provide an annual report of foreign travel and activities listing individual travelers, foreign locations visited, and foreign institutions visited for presentations, teaching, or research to the Board of Governors or the governing board of the applicable entity and publish such report on its Internet website.

(5) Unless an operational audit has been previously submitted by the institution's inspector general or internal auditor, by January 1, 2022, the Auditor General must perform an audit of the institution to ensure compliance with this section as part of the institution's next scheduled operational audit.

Section 6. This act shall take effect July 1, 2021.

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

BILL: SB 2012

INTRODUCER: Senator Stargel

SUBJECT: Promoting Equality of Athletic Opportunity

DATE: March 22, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sagues	Bouck	ED	Favorable
2. _____	_____	HP	_____
3. _____	_____	RC	_____

I. Summary:

SB 2012 establishes the Promoting Equality of Athletic Opportunity Act, to provide opportunities for female athletes to demonstrate their strength, skills, athletic abilities, and realize the long-term benefits that result from participating and competing in athletic endeavors. Specifically, the bill:

- Requires interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by, or compete against, a public school or public postsecondary institution to be designated as male, female, or coed.
- Prohibits athletic teams designated for females, to be open to students of the male sex.
- Requires persons who transition from male to female to be eligible to compete in the female category if the student has declared a female gender identity to her school or institution and demonstrates a total testosterone level in serum below 10 nmol/L for at least 12 months before her first competition and throughout the period of desired eligibility.

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules to implement the provisions of the act.

The bill provides private causes of action for injunctive relief, damages, and any other relief available under law for students, schools, and public postsecondary institutions harmed by a violation of the Act's provisions. All such civil actions must be initiated within two years after the alleged harm occurred.

The impact of state revenues or expenditures is indeterminate. See Section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

Athletic Programs

Middle and high school interscholastic athletic programs play a vital role in the education of students who participate in them.¹ Through their participation in interscholastic athletics, students are provided character-building opportunities to demonstrate honesty, integrity, respect, caring, cooperation, trustworthiness, leadership, tolerance and personal responsibility. These fundamental values enable participants to realize and fulfill their potential as students, as athletes, as individuals and as citizens.²

Athletics programs are widely accepted as integral parts of the college experience as well.³ The benefits of athletics participation include many positive effects on physical, social, and emotional well-being. Playing sports can provide student-athletes with important lessons about self-discipline, teamwork, success, and failure, as well as the joy and shared excitement that being a member of a sports team can bring.⁴

Title IX and Sex Discrimination

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972.⁵ This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:⁶

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Athletic programs are considered educational programs and activities.⁷ Title IX gives women athletes the right to equal opportunity in sports in educational institutions that receive federal funds, from elementary schools to colleges and universities. While there are few private elementary, middle school or high schools that receive federal funds, almost all colleges and universities, private and public, receive such funding.⁸

Title IX applies to approximately 16,500 local school districts, 7,000 postsecondary institutions, as well as charter schools, for-profit schools, libraries, and museums. Also included are

¹ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc. (2020-2021)* (2020), available at https://s3.amazonaws.com/fhsaa.org/documents/2020/10/1/2021_handbook_website_1001.pdf at 6.

² *Id.*

³ National Collegiate Athletic Association, *NCAA Inclusion of Transgender Student-Athletes* (2011), available at https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf.

⁴ *Id.*

⁵ Harvard University, *What is Title IX*, <https://titleix.harvard.edu/what-title-ix> (last visited March 11, 2021).

⁶ U.S. Department of Education, Title IX and Sex Discrimination, https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html#:~:text=No%20person%20in%20the%20United%20States%20s hall,%20on,education%20program%20or%20activity%20receiving%20Federal%20financial%20assistance. (last visited March 11, 2021).

⁷ Women's Sports Foundation, *What is Title IX*, <https://www.womenssportsfoundation.org/advocacy/what-is-title-ix/> (last visited March 11, 2021).

⁸ *Id.*

vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.⁹

Title IX regulations require institutions that receive federal education funds to provide equal opportunities in athletics for both sexes.¹⁰ Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes is considered when determining whether an institution has provided equal opportunities for both sexes.¹¹ With respect to scholarships, Title IX regulations require educational institutions that award athletic scholarships or grants-in-aid to provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.¹²

Title IX regulations also authorize educational institutions to sponsor separate athletics teams for members of each sex.¹³

According to the National Collegiate Athletic Association (NCAA), there are three areas where Title IX applies to athletics. Title IX:¹⁴

- Does not require institutions to offer identical sports but an equal opportunity to play.
- Requires that female and male student-athletes receive athletics scholarship dollars proportional to their participation; and
- Requires equal treatment of female and male athletes in the following: equipment and supplies; scheduling of games and practice times; travel and daily allowance and per diem; access to tutoring; coaching; locker rooms, practice and competitive facilities; medical and training facilities and services; housing and dining facilities and services; publicity and promotions; support services; and recruitment of student-athletes.¹⁵

Transgender Participation in Athletic Programs

The number of students who identify as transgender¹⁶ has steadily increased during the last decade. It is estimated that approximately 150,000 students 13 to 17 years of age identify as transgender in the United States.¹⁷

⁹ U.S. Department of Education, *Title IX and Sex Discrimination*, https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html (last visited March 17, 2021).

¹⁰ See U.S. Department of Education, Office of Civil Rights, *Athletics*, <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue04.html> (last visited March 17, 2021).

¹¹ 34 C.F.R. s 106.41(c).

¹² 34 C.F.R. s 106.37(c).

¹³ 34 C.F.R. s 106.41(c).

¹⁴ NCAA, *Title IX Frequently Asked Questions*, <https://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#how> (last visited March 17, 2021).

¹⁵ *Id.*

¹⁶ Transathlete.com, *Trans Terminology*, <https://www.transathlete.com/starthere> (last visited March 11, 2021). NCAA, *NCAA Inclusion of Transgender Student-Athletes* (2011), available at https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf.

¹⁷ UCLA School of Law, Williams Institute, *LGBT FAQs*, <https://williamsinstitute.law.ucla.edu/quick-facts/lgbt-faqs/> (last visited March 12, 2021).

Federal Legislation

Currently, there is no federal law governing transgender participation in sports.¹⁸ However, the U.S. Supreme Court has recently ruled that discrimination in employment based on gender identity is illegal.¹⁹ In addition, the Eleventh Circuit recently affirmed that a Florida school district's policy barring a transgender male student from the boys' restroom did not adhere with the Constitution's guarantee of equal protection and Title IX's prohibition of sex discrimination.²⁰

The 117th Congress in 2020-2021, and the 116th Congress in 2019-2020 introduced multiple bills with respect to separate sex-specific athletics teams or sports.²¹

Currently, 25 states are proposing legislation related to transgender student athletics.²² Both the NCAA and the Florida High School Athletic Association (FHSA) have issued guidance for transgender participation in athletic programs.

NCAA Inclusion of Transgender Student Athletes

Providing equal opportunities in all aspects of school programming is a core value in education. As an integral part of higher educational institutions, college athletics programs are responsible and accountable for reflecting the goals and values of the educational institutions of which they are a part.²³

The NCAA recommends that policies governing the participation of transgender student-athletes be informed by the following principles, and be included in the institution's transgender student-athlete policy statement:²⁴

- Participation in intercollegiate athletics is a valuable part of the education experience for all students.
- Transgender student-athletes should have equal opportunity to participate in sports.
- The integrity of women's sports should be preserved.
- Policies governing sports should be based on sound medical knowledge and scientific validity.
- Policies governing sports should be objective, workable, and practicable; they should also be written, available and equitably enforced.

¹⁸ Boston College Journal of Law and Social Justice, *Hurdling Gender Identity discrimination: The Implications of State Participation Policies on Transgender Youth Athletes Ability to Thrive* (2017), available at <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1108&context=jlsj>.

¹⁹ *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 (2020).

²⁰ *Adams by & through Kasper v. Sch. Bd. of St. Johns County*, 968 F.3d 1286 (11th Cir. 2020).

²¹ Congress.Gov, *H.R. 426-Protection of Women and Girls in Sports Act of 2021*, <https://www.congress.gov/bill/117th-congress/house-bill/426?s=7&r=54> (last visited March 17, 2021). Congress.Gov, *S.4649 Protection of Women and Girls in Sports Act of 2020*, <https://www.congress.gov/bill/116th-congress/senate-bill/4649> (last visited March 17, 2021). Congress.Gov, *H.R. 5702- Protection of Women and Girls in Sports Act of 2020*, <https://www.congress.gov/bill/116th-congress/house-bill/5702> (last visited March 17, 2021).

²² The New York Times, *How Some States Are Moving To Restrict Transgender Women in Sports*, <https://www.nytimes.com/2021/03/11/sports/transgender-athletes-bills.html> (last visited March 12, 2021).

²³ NCAA, *NCAA Inclusion of Transgender Student-Athletes* (2011), available at https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf at 6.

²⁴ *Id* at 10.

- Policies governing the participation of transgender students in sports should be fair in light of the tremendous variation among individuals in strength, size, musculature, and ability.
- The legitimate privacy interests of all student-athletes should be protected.
- The medical privacy of transgender students should be preserved.
- Athletics administrators, staff, parents of athletes, and student-athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender-variant²⁵ students in athletics.
- Policies governing the participation of transgender students in athletics should comply with state and federal laws protecting students from discrimination based on sex, disability, and gender identity²⁶ and expression.

The NCAA has published policies to clarify participation of transgender student-athletes undergoing hormonal treatment for gender transition:²⁷

- A transgender male, a female transitioning to a male, student-athlete who has received a medical exception for treatment with testosterone²⁸ for diagnosed Gender Identity Disorder or gender dysphoria²⁹ and/or Transsexualism,³⁰ for purposes of NCAA competition may compete on a men's team, but is no longer eligible to compete on a women's team without changing that team status to a mixed team.³¹
- A transgender female, a male transitioning to a female, student-athlete being treated with testosterone suppression medication for Gender Identity Disorder or gender dysphoria and/or Transsexualism, for the purposes of NCAA competition may continue to compete on a men's team but may not compete on a women's team without changing it to a mixed team status until completing one calendar year of testosterone suppression treatment.
- Any transgender student-athlete who is not taking hormone treatment related to gender transition may participate in sex-separated sports activities in accordance with his or her assigned birth gender.

²⁵ Gender-variant refers to gender nonconformity. Merriam-Webster Dictionary, *gender variance*, <https://www.merriam-webster.com/dictionary/gender%20variance> (last visited March 12, 2021).

²⁶ Gender Identity is defined as a person's internal sense of being male, female, some combination of male and female, or neither male nor female. Merriam-Webster Dictionary, *gender identity*, <https://www.merriam-webster.com/dictionary/gender%20identity> (last visited March 11, 2021).

²⁷ NCAA, *NCAA Inclusion of Transgender Student-Athletes* (2011), available at https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf at 13.

²⁸ Testosterone is defined as a hormone that is hydroxy steroid ketone C₁₉H₂₈O₂ produced especially by the testes or made synthetically and that is responsible for inducing and maintaining male secondary sex characters. Merriam-Webster Dictionary, *testosterone*, <https://www.merriam-webster.com/dictionary/testosterone> (last visited March 12, 2021).

²⁹ Gender Identity Disorder and gender dysphoria are defined as a distressed state arising from conflict between a person's gender identity and the sex the person has or was identified as having at birth. Merriam-Webster Dictionary, *gender dysphoria*, <https://www.merriam-webster.com/dictionary/gender%20dysphoria> (last visited March 12, 2021). Merriam-Webster Dictionary, *gender identity disorder*, <https://www.merriam-webster.com/dictionary/gender%20identity%20disorder> (last visited March 12, 2021).

³⁰ Transsexual is defined as of, relating to, or being a person whose gender identity is opposite the sex the person had or was identified as having at birth. Merriam-Webster Dictionary, *transsexual*, <https://www.merriam-webster.com/dictionary/transsexualism> (last visited March 12, 2021).

³¹ A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes. A mixed team must be counted as one team. A male participating in competition on a female team makes the team a mixed team. Such a team is ineligible for a women's NCAA championship but is eligible for a men's NCAA championship. A female on a men's team is eligible for a men's NCAA championship. NCAA, *NCAA Inclusion of Transgender Student-Athletes* (2011), available at https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf at 12.

- A transgender male student-athlete who is not taking testosterone related to gender transition may participate on a men's or women's team.
- A transgender female student-athlete who is not taking hormone treatments related to gender transition may not compete on a women's team.

Florida High School Athletic Association (FHSAA) Policies for Transgender Athletes

The FHSAA is designated by law as the governing nonprofit organization of athletics in Florida public schools.³² The FHSAA is not a state agency, but performs similar functions.³³ The FHSAA is required to adopt bylaws regulating student eligibility, student residency and transfer, recruiting, and health and safety. Such bylaws include requiring all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team, to satisfactorily pass a medical evaluation each year before participating in interscholastic athletic competition or engaging in any practice, tryout, workout, conditioning, or other physical activity associated with the student's candidacy.³⁴ The bylaws of the FHSAA govern high school athletic programs in its member schools, unless otherwise specifically provided by law.³⁵

The FHSAA's bylaws state that FHSAA will not discriminate in its governance policies, programs and employment practices on the basis of age, color, disability, gender, national origin, race, religion, creed, sexual orientation or educational choice.³⁶ The FHSAA bylaws further state the FHSAA will conduct its activities in a manner free of gender bias and will adopt rules that enhance schools' efforts to comply with applicable gender-equity laws.³⁷

The FHSAA bylaws³⁸ on athletic participation by gender state the following:

- Girls may play on a boys' team in a sport if the school does not sponsor a girls' team in that sport.
- Team sports that have boys on a girls' team are required to compete in the boys division in that sport.
- Team sports that have both boys and girls on a mixed team are required to compete in the boys division in that sport.
- In an individual sport, girls may not participate on boys' teams in the Florida High School State Championship Series when a sport is offered in the Florida High School State Championship Series for girls.

Under the FHSAA administrative policies, all eligible students should have the opportunity to participate in interscholastic athletics in a manner that is consistent with their gender identity and expression, irrespective of the gender listed on a student's birth certificate or records.³⁹ Under

³² Section 1006.20(1), F.S.

³³ *Id.*

³⁴ Section 1006.20(2), F.S.

³⁵ Section 1006.20(1), F.S.

³⁶ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc. (2020-2021)* (2020), available at https://s3.amazonaws.com/fhsaa.org/documents/2020/10/1/2021_handbook_website_1001.pdf at 7.

³⁷ *Id.*

³⁸ *Id.* at 23.

³⁹ *Id.* at 73.

this situation, a student may seek review of his or her eligibility for participation through the following process:⁴⁰

- The student and parent must contact the school administrator or athletic director, prior to the official start date of the sport season indicating the student has a consistent gender identity and expression different than the gender listed on the student's school registration records and the student desires to participate in a gender-segregated athletic sport in a manner consistent with his or her gender identity and expression.
- The student must provide the principal or athletic director, and the FHSAA with specified documentation.⁴¹
- The school administrator must contact the FHSAA which will assign a facilitator who will assist the school and student in preparation and completion of the process.
- The student will be scheduled for a review hearing before a committee⁴² specifically established to preside over gender identity reviews.

An appeal process is available to any school, on behalf of a student-athlete, which is denied participation. If a student is granted eligibility consistent with his or her gender identity and expression, the eligibility is binding for the duration of the student's participation in every sport season of every school year.⁴³

The Role of Testosterone in Athletic Performance

Both males and females produce testosterone naturally in their bodies, males primarily in the testes and females primarily in the ovaries.⁴⁴ Starting from the onset of male puberty, generally about age 11, testes begin to produce much more testosterone than ovaries. From that point forward, the normal female range is between 0.06 and 1.68 nanomoles⁴⁵ per liter (nmol/L), and

⁴⁰ This policy does not apply to a private school member of the FHSAA which, because of its strongly held religious beliefs, would be entitled to the exemption provided to educational institutions of religious organizations by law. *Id.*

⁴¹ Documentation includes current transcript and school registration information; information required for participation and eligibility in FHSAA athletics; written statement from the student affirming the consistent identity and expression to which the student self-relates; documentation from individuals such as, but not limited to, parents, friends and teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression; a complete list of all the student's prescribed, non-prescribed or over the counter, treatments or medications; written verification from an appropriate health-care professional of the student's consistent gender identification and expression; and any other pertinent documentation or information which the student or parent believe relevant and appropriate. *Id.*

⁴² The committee must be comprised of a minimum of three of the following categories, one of which must be from the physical or mental health profession category: Physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH) Standards of Care; psychiatrist, psychologist, or licensed mental health professional familiar with the WPATH Standards of Care; school administrator from outside the member school's FHSAA administrative section; athletic director from outside the member school's FHSAA administrative section; an athletic coach of the sport in which participation is desired, from outside the member school's FHSAA administrative section; an individual selected by the FHSAA familiar with Gender Identity and Expression issues. *Id.*

⁴³ *Id.*

⁴⁴ Women's Sports Policy Working Group, *Frequently Asked Questions – About Science and Sex* (2020), available at <https://womenssportspolicy.org/wp-content/uploads/2021/01/faq-q09-male-and-female-range-testosterone.pdf>.

⁴⁵ One mole contains exactly $6.02214076 \times 10^{23}$ elementary entities; an elementary entity may be an atom, a molecule, an ion, an electron, any other particle or specified group of particles. National Institute of Standards and Technology, *Definitions of SI Base Units*, <https://www.nist.gov/si-redefinition/definitions-si-base-units> (last visited Mar. 18, 2021). A Nanomole is defined as one billionth of a mole. Merriam-Webster Dictionary, *nanomole*, <https://www.merriam-webster.com/medical/nanomole> (last visited March 15, 2021).

the normal male range is between 7.7 and 29.4 nmol/L. The gap between the top of the female range and the bottom of the male range is 6.02 nmol/L.⁴⁶

International experts⁴⁷ in the sports science and sports medicine communities agree that males and females are materially different with respect to the main physical attributes that contribute to athletic performance, and that the primary reason for sex differences in these attributes is exposure in gonadal males to much higher levels of testosterone during growth and development, and throughout the athletic career.⁴⁸

The Connecticut Interscholastic Athletics Conference (CIAC)⁴⁹ permits transgender girls to compete in girls' events even if they have not yet gone on puberty blockers⁵⁰ or gender affirming hormones.⁵¹ Two transgender girls who used to compete on their schools' boys' teams moved to the girls' teams when they came out as transgender.⁵² Cisgender⁵³ female high school students have sued the CIAC and their respective boards of education alleging that the defendants' practice of permitting biological males who claim a female gender identity to compete in girls' athletic competitions violates Title IX because it displaces girls from track events and excludes them from honors and opportunities to compete at higher levels critical to college recruitment and scholarship opportunities.⁵⁴

A study⁵⁵ conducted on transgender males and females in the United States Air Force with an average age of 26.2 years, concluded that transgender females displayed a 15 to 31 percent athletic advantage displayed over their female counterparts prior to the starting gender affirming hormones. This advantage declined with feminizing therapy. However, transgender females still had a 9 percent faster mean run speed after the one year period of testosterone suppression that is

⁴⁶ Women's Sports Policy Working Group, *Frequently Asked Questions – About Science and Sex* (2020), available at <https://womenssportspolicy.org/wp-content/uploads/2021/01/faq-q09-male-and-female-range-testosterone.pdf>.

⁴⁷ International Experts Statement of the Role of Testosterone in Athletic Performances. Duke Law Center for Sports Law and Policy, Sex in Sport, <https://law.duke.edu/sports/sex-sport/> (last visited March 17, 2021). Duke Law, The Role of Testosterone in Athletic Performance (2019), available at https://web.law.duke.edu/sites/default/files/centers/sportslaw/Experts_T_Statement_2019.pdf.

⁴⁸ Duke Law, *The Role of Testosterone in Athletic Performance* (2019), available at https://web.law.duke.edu/sites/default/files/centers/sportslaw/Experts_T_Statement_2019.pdf.

⁴⁹ CIAC, CIAC Statement on Office of Civil Rights Decision, <http://ciacsports.com/site/?p=14508> (last visited March 17, 2021).

⁵⁰ A puberty blocker is a type of medicine that is used to prevent puberty from happening. Macmillian Dictionary, *puberty blocker*, <https://www.macmillandictionary.com/dictionary/british/puberty-blocker> (last visited March 17, 2021).

⁵¹ Women's Sports Policy Working Group, *Frequently Asked Questions – About Science and Sex*, (2020), available at <https://womenssportspolicy.org/wp-content/uploads/2021/01/faq-q21-impact-of-trans-girls-on-hs-sports.pdf>. Soule et al v. Connecticut Association of Schools, Inc. et al, 3:20-CV-00201 (2020).

⁵² *Id.*

⁵³ Cisgender is defined as of, relating to, or being a person whose gender identity corresponds with the sex the person had or was identified as having at birth. Merriam-Webster Dictionary, *cisgender* <https://www.merriam-webster.com/dictionary/cisgender> (last visited March 18, 2021).

⁵⁴ Justia Dockets & Filings, Soule et al v. Connecticut Association of Schools, Inc. et al, <https://dockets.justia.com/docket/connecticut/ctdce/3:2020cv00201/137997> (last visited March 18, 2021). Soule et al v. Connecticut Association of Schools, Inc. et al, 3:20-CV-00201 (2020).

⁵⁵ Roberts T.A., Smalley J., Ahrendt D., *Effect of gender affirming hormones on athletic performance in transwomen and transmen: implications for sporting organisations and legislators*. *British Journal of Sports Medicine* (2020), available at <https://bjsm.bmj.com/content/early/2020/11/06/bjsports-2020-102329>.

recommended by World Athletics (WA)⁵⁶ or the International Olympic Committee (IOC)⁵⁷ for inclusion in women's events.⁵⁸ The study confirmed that use of gender affirming hormones are associated with changes in athletic performance and demonstrated that the pretreatment differences between transgender and cisgender women persist beyond the 12 month time requirement currently being proposed for athletic competition by the WA and the IOC. The study suggests that more than 12 months of testosterone suppression may be needed to ensure that transgender women do not have an unfair competitive advantage when participating in elite level athletic competition.⁵⁹

WA also requires that for a transgender female to be eligible she must demonstrate to the satisfaction of an expert panel that the concentration of testosterone in her serum has been less than 5 nmol/L continuously for a period of at least 12 months and she must keep her serum testosterone concentration below 5 nmol/L for so long as she wishes to maintain eligibility to compete in the female category of competition.⁶⁰

The IOC requires that for a transgender female to be eligible:⁶¹

- The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
- The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition.

III. Effect of Proposed Changes:

SB 2012 creates s. 1006.205, F.S., the Promoting Equality of Athletic Opportunity Act, to provide opportunities for female athletes to demonstrate their strength, skills, athletic abilities, and realize the long-term benefits that result from participating and competing in athletic endeavors. The bill provides a pathway for transgender females to participate on female teams while also protecting competition for female athletes. Specifically, the bill:

- Requires interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by a public school or public postsecondary institution, or any school or institution whose students or teams compete against a public school or public postsecondary institution to be designated as one of the following based on the biological sex of the team members:
 - Males, men, or boys;

⁵⁶ World Athletics, *World Athletics Eligibility Regulations for Transgender Athletes* (2019), available at <file:///C:/Users/sagues.holly/Downloads/Eligibility%20Regulations%20for%20Transgender%20Athletes,%20.pdf> at 6.

⁵⁷ Those who transition from female to male are eligible to compete in the male category without restriction. International Olympic Committee, *IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism* (2015), available at https://stillmed.olympic.org/Documents/Commissions_PDFfiles/Medical_commission/2015-11_ioc_consensus_meeting_on_sex_reassignment_and_hyperandrogenism-en.pdf.

⁵⁸ Roberts T.A., Smalley J., Ahrendt D., *Effect of gender affirming hormones on athletic performance in transwomen and transmen: implications for sporting organisations and legislators*. *British Journal of Sports Medicine* (2020), available at <https://bjsm.bmj.com/content/early/2020/11/06/bjsports-2020-102329>.

⁵⁹ *Id.*

⁶⁰ World Athletics, *World Athletics Eligibility Regulations for Transgender Athletes* (2019), available at <file:///C:/Users/sagues.holly/Downloads/Eligibility%20Regulations%20for%20Transgender%20Athletes,%20.pdf> at 6.

⁶¹ International Olympic Committee, *IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism* (2015), available at https://stillmed.olympic.org/Documents/Commissions_PDFfiles/Medical_commission/2015-11_ioc_consensus_meeting_on_sex_reassignment_and_hyperandrogenism-en.pdf.

- Females, women, or girls; or
- Coed or mixed, including both males and females.
- Prohibits athletic teams or sports designated for females, to be open to students of the male sex.
- Specifies that persons who transition from male to female are eligible to compete in the female category if the student has declared a female gender identity to her school or institution and meets both of the following conditions:
 - The student demonstrates that her total testosterone level in serum has been below 10 nanomoles per liter (nmol/L) for at least 12 months before her first competition and monthly throughout the period of desired eligibility; and
 - The student's total testosterone level remains below 10 nmol/L throughout the period of desired eligibility.

If the student does not meet both conditions the student must be suspended from female competition for 12 months. The Board of Governors must adopt regulations and the State Board of Education must adopt rules to implement the provisions of the act.

The bill provides protections for educational institutions by prohibiting specified entities from taking adverse action against any school or public postsecondary institution in Florida for maintaining separate athletic teams or sports for female students.

The bill also provides private causes of action for injunctive relief, damages, and any other relief available under law for students, schools, and public postsecondary institutions harmed by a violation of the Act's provisions. All such civil actions must be initiated within two years after the alleged harm occurred.

The bill takes effect on July 1, 2021.

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:

Classifications based on transgender status are subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment.⁶² The Equal Protection Clause does not require courts to disregard the physiological differences between men and women.⁶³

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. School districts, postsecondary institutions, the State Board of Education, and the Board of Governors may incur costs to establish and administer transgender policies required by the act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1006.205 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.

⁶² Amend. XIV, U.S. Const. See also *Hecox v. Little*, 479 F. Supp. 3d 930, 975 (D. Idaho 2020) (citing *Karnoski v. Trump*, 926 F.3d 1180, 1201 (9th Cir. 2019)).

⁶³ *Hecox v. Little*, 479 F. Supp. 3d 930, 976 (D. Idaho 2020) (citing *Michael M. v. Superior Court of Sonoma County*, 450 U.S. 464, 481 (1981)).

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 Stargel

22-01360A-21

20212012__

A bill to be entitled

An act relating to promoting equality of athletic opportunity; creating s. 1006.205, F.S.; providing a short title; providing legislative intent and findings; requiring that certain athletic teams or sports sponsored by certain educational institutions be designated on the basis of students' biological sex; prohibiting athletic teams or sports designated for female students from being open to male students; specifying conditions under which persons who transition from male to female are eligible to compete in the female category; requiring a student that fails to comply with certain conditions to be suspended from female competition for 12 months; requiring the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules regarding the resolution of disputes; providing protections for educational institutions from certain adverse actions taken by a governmental entity, any licensing or accrediting organization, or any athletic association or organization; providing civil remedies for students and educational institutions; providing a statute of limitation; providing for damages; providing an effective date.

WHEREAS, the United States Supreme Court recognized in *United States v. Virginia*, 518 U.S. 515 (1996), that there are inherent differences between men and women and these differences remain cause for celebration, but not for denigration of the

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members of either sex for artificial constraints on an individual's opportunity, and

WHEREAS, the Supreme Court recognized that sex classifications may be used to compensate women for particular economic disabilities they have suffered, to promote equal employment opportunity, and to advance full development of the talent and capacities of our nation's people, and

WHEREAS, one area where sex classifications allow for the full development of the talent and capacities of our nation's people is in the context of sports and athletics, and

WHEREAS, the Olympic Games are considered the world's foremost sporting competitions in which thousands of male and female athletes from more than 200 nations participate, and

WHEREAS, the biological differences between females and males, especially as it relates to natural levels of testosterone, explain the male and female secondary sex characteristics, including physical strength, speed, and endurance, and

WHEREAS, after consulting with hundreds of athletes, doctors, and human rights experts, in November 2015, the International Olympic Committee issued guidelines specifying that an athlete who has transitioned from male to female is eligible to compete if she demonstrates that her total testosterone level in serum has been below 10 nmol/L for at least 12 months before her first competition, with the requirement for any longer period to be based on a confidential case-by-case evaluation considering whether 12 months is a sufficient length of time to minimize any advantage in women's competition, and

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WHEREAS, the athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category, and

WHEREAS, these guidelines remain in effect and have successfully led to parity between athletes who have transitioned from male to female and cisgender female athletes, and

WHEREAS, the use of cross-sex hormone therapy is increasing nationwide and in this state, and

WHEREAS, the number of transgender athletes is also increasing in this state, and

WHEREAS, athletes who have transitioned from male to female generally have higher levels of testosterone and may excel in physical strength, speed, and endurance in comparison to cisgender females, and

WHEREAS, the increase in athletes who have transitioned from male to female has and will continue to displace cisgender female athletes in this state and prevent them from excelling in athletic competitions, and

WHEREAS, transgender athletes should compete against athletes with similar abilities, and

WHEREAS, this act, which requires the designation of separate sex-specific athletic teams, is necessary to redress past discrimination against female athletes and to avoid jeopardizing the equality of athletic opportunity in this state, NOW, THEREFORE,

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

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Section 1. Section 1006.205, Florida Statutes, is created to read:

1006.205 Promoting Equality of Athletic Opportunity Act.—

(1) SHORT TITLE.—This section may be cited as the

"Promoting Equality of Athletic Opportunity Act."

(2) LEGISLATIVE INTENT AND FINDINGS.—

(a) It is the intent of the Legislature to provide opportunities for female athletes to demonstrate their strength, skills, and athletic abilities and to provide them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that result from participating and competing in athletic endeavors.

(b) The Legislature finds that promoting the equality of athletic opportunity is an important state interest. The Legislature finds that requiring the designation of separate sex-specific athletic teams or sports is necessary to promote equality of athletic opportunity.

(3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.—

(a) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public primary or secondary school, a public postsecondary institution, or any school or institution whose students or teams compete against a public school or public postsecondary institution must be expressly designated as one of the following based on the biological sex of team members:

1. Males, men, or boys;

2. Females, women, or girls; or

3. Coed or mixed, including both males and females.

(b) Athletic teams or sports designated for females, women,

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or girls may not be open to students of the male sex.

(c) Persons who transition from male to female are eligible to compete in the female category if all of the following conditions are met:

1. The student has declared a female gender identity to her school or institution.

2. The student demonstrates that her total testosterone level in serum has been below 10 nmol/L for at least 12 months before her first competition and monthly throughout the period of desired eligibility to compete in the female category.

3. The student's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.

A student that fails to comply with the requirements of subparagraphs 2. or 3. must be suspended from female competition for 12 months.

(d) The Board of Governors of the State University System shall adopt regulations, and the State Board of Education shall adopt rules, regarding the receipt and timely resolution of disputes by schools and institutions, consistent with this subsection.

(4) PROTECTION FOR EDUCATIONAL INSTITUTIONS.—A governmental entity, licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take any other adverse action against any school or public postsecondary institution in this state for maintaining separate interscholastic, intercollegiate, intramural, or club athletic teams or sports for students of the

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female sex.

(5) CAUSE OF ACTION; CIVIL REMEDIES.—

(a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or public postsecondary institution.

(b) Any student who is subject to retaliation or other adverse action by a school, a public postsecondary institution, or an athletic association or organization as a result of reporting a violation of this section to an employee or a representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or public postsecondary institutions in this state, has a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization.

(c) Any public school or public postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.

(d) A civil action brought under this section must be initiated within 2 years after the alleged harm occurred. Persons or organizations who prevail on a claim brought under this section are entitled to monetary damages, including for any

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175 psychological, emotional, or physical harm suffered, reasonable
176 attorney fees and costs, and any other appropriate relief.

177 Section 2. This act shall take effect July 1, 2021.

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/21
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2012
Bill Number (if applicable)

Topic Trans Sports Bar

Amendment Barcode (if applicable)

Name Denise L Barber

Job Title Grandma

Address 2813 Misty Garden Cr.
Street

Phone 850-694-4386

Tallahassee FL 32303
City State Zip

Email ddolphin50@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

SB 2012
Bill Number (if applicable)

Topic Trans Sports Ban

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Job Title Public Policy Dir.

Address 201 E. Park Ave., Ste. 200A
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email jon.harris@equalityflorida.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/23/21
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2012
Bill Number (if applicable)

Topic Transgender youth
Name Ida V. Eskamani

Amendment Barcode (if applicable)

Job Title _____

Address _____ Phone _____
Street

City _____ State _____ Zip _____ Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Rising

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

5B-2012

Bill Number (if applicable)

Topic Equality of Athletic Opportunity

Amendment Barcode (if applicable)

Name Anthony Verdego

Job Title Executive Director, Christian Family Coalition

Address P.O. Box 650216

Phone 786-447-6431

Street

Miami

City

FL

State

33165

Zip

Email averdego@cfcsflorida.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

8/23/2021
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 2012
Bill Number (if applicable)

Topic Trans Youth Athlete Ban

Amendment Barcode (if applicable)

Name Lakey Love

Job Title _____

Address 1511 MELVIN ST
Street

Phone 850-345-0018

Tallahassee FL 32301
City State Zip

Email lakey@lovejustwalks.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Coalition for Transgender Liberation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

SB2012

Bill Number (if applicable)

Topic Anti-Trans Youth Bill

Amendment Barcode (if applicable)

Name Annie Filkowski

Job Title Legislative Representative

Address

Phone (239) 849-2644

Street

Tallahassee

FL

32311

City

State

Zip

Email annie.jae.filkowski@ppsenfl.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing The Florida Alliance of Planned Parenthood Affiliates

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

SB 2012

Bill Number (if applicable)

Topic Trans Sports Ban

Amendment Barcode (if applicable)

Name Rindala Alajaji

Job Title Graduate Student

Address P.O. Box 6291

Phone 917-972-6153

Street

Tallahassee

State

32314

Zip

Email RINDALA@NYU.EDU

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

Ed

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2012

Bill Number (if applicable)

3-23-21

Meeting Date

Topic

Tennis Ban / Sports

Amendment Barcode (if applicable)

Name

Barbara DeVane

Job Title

Address

Street

1025 E. Broward St

Phone

251-4280

City

Tall

State

32308

Zip

Email

barbadevane7@aol.com

Speaking: ☐ For ☐ Against ☐ Information☒ Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing

FL NOW

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-23-21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2012

Bill Number (if applicable)

Topic Promoting Equality of Athletic Opportunity

Amendment Barcode (if applicable)

Name Devon Graham

Job Title Assistant State Director @ American Atheists

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing American Atheists.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB-2012

Bill Number (if applicable)

Topic Equality of Athletic Opportunity

Amendment Barcode (if applicable)

Name Armando V. Pomar

Job Title President

Address 7710 Abbott Ave (Apt 4)

Phone 786-285-4090

Street

Miami Beach, FL, 33141

City

State

Zip

Email armandovpomar@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing HADF Hispanic American Diabetes Foundation, Corp.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/21
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2012
Bill Number (if applicable)

Topic Girls Sports

Amendment Barcode (if applicable)

Name Carrie Boyd

Job Title Policy Counsel

Address P.O. Box 10788

Phone 850 570 9560

Street

Tallahassee

City

FL

State

32308

Zip

Email carrie.boyd@splcenter.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing SPLC Action Fund

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2012

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 2012

Bill Number (if applicable)

Topic

Trans Sports Bill

Amendment Barcode (if applicable)

Name

Anthony Domeneo

Job Title

Address

204 Raymond High Rd

Phone

Street

Tallahassee

FL

32309

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

self

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

SB 2012

Bill Number (if applicable)

Topic TRANSGENDER PARTICIPATION IN SCHOOL SPORTS Amendment Barcode (if applicable)

Name PAUL ARONS

Job Title PHYSICIAN

Address 1706 BEECHWOOD CIRCLE N.

Street

Phone 850-545-8997

TALAMASSEE

City

FL

State

32301

Zip

Email paronsmd@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing EQUALITY FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

2012

Bill Number (if applicable)

Topic

Promoting Equality in Athletics

Amendment Barcode (if applicable)

Name

Dr Danielle Thomas

Job Title

VP of Education

Address

1747 Orlando Central Pkwy

Phone

407855 7604

Street

Orlando

FL

32809

City

State

Zip

Email

vp.education@floridapta.org

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida PTA

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

S13 2012
Bill Number (if applicable)

Topic Trans Sports Ban

Amendment Barcode (if applicable) _____

Name Rindala Alajaji

Job Title Graduate Student

Address 2300 Bluff Oak Way
Street
Tallahassee FL 32311
City State Zip

Phone 917-972-6193

Email RINDALA@NYU.EDU

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: CS/SB 1094

INTRODUCER: Education Committee and Senator Bean

SUBJECT: Required Health Education Instruction

DATE: March 24, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1094 requires that the general health education curriculum for K-12 public schools be developmentally and age-appropriate. The curriculum must include information on the prevention of child sexual abuse, exploitation, and human trafficking.

The bill also modifies the existing health education requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades 6 through 12.

The bill has no impact on state revenues or expenditures. The bill may have a fiscal impact to school districts. See section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

Required Instruction in Schools

Florida law specifies required coursework and instruction for public school students. Specifically, each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading

and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.¹

Instructional staff of public schools,² subject to the rules of the SBE and the district school board, must provide instruction in:³

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the Holocaust.
- The history of the United States.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.

Comprehensive health education currently addresses 12 components. Eleven of the components are delivered in kindergarten through grade 12,⁴ and include: concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. Instruction related to teen dating violence and abuse must be provided in grades 7 through 12 only.⁵

Human Trafficking Instruction and Awareness in Schools

Florida law defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.⁶ Human trafficking is a form of modern-day slavery.⁷ Victims of human trafficking are young

¹ Section 1003.42(1), F.S.

² Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

³ The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content. Section 1003.42(2), F.S.

⁴ Section 1003.42(2)(n), F.S.

⁵ *Id.*

⁶ Section 787.06(2)(d), F.S.

⁷ Section 787.06(1), F.S.

children, teenagers, and adults; include citizens of the United States and those persons trafficked domestically within the borders of the United States; and are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁸

Florida is third in the nation for reported human trafficking cases.⁹ In 2018, there were 767 human trafficking cases reported in Florida. Of those cases, 149 were minors. The average ages of trafficked youth are 11-13 years old.¹⁰ In fiscal year 2019-2020, the total number of reports received by the Florida Abuse Hotline alleging human trafficking was 1901 reports involving 1463 children.¹¹

Information on human trafficking is not currently included in required comprehensive health education instruction.¹² Additionally, SBE adopted standards do not include instruction on human trafficking, nor is there an instructional model currently available in CPALMS.¹³

In September 2019, the SBE adopted a rule addressing Child Trafficking Prevention Education, which requires school districts to annually provide instruction to students in grades K-12 related to child trafficking prevention and awareness using current health education standards. Age appropriate elements of effective and evidence-based programs, on child trafficking prevention and awareness must address the following topics:¹⁴

- Recognition of signs of human trafficking;
- Awareness of resources, including national, state and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information of the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.

As required by the new rule, the Florida Department of Education (FDOE) maintains resources and training for the required instruction on child trafficking prevention and awareness.¹⁵

⁸ Florida law describes sexual exploitation as prostitution or the work in the sexual entertainment industry and forced labor as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. *Id.*

⁹ You Can Stop HT, *Get the Facts*, <http://www.youcanstopht.com/get-the-facts.html> (last visited March 18, 2021).

¹⁰ Florida Department of Education, Presentation to the State Board of Education, *Child Trafficking Prevention Education* (Sept. 20, 2019), available at: <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf>.

¹¹ Florida Department of Children and Families, *Annual Human Trafficking Report* (2020), available at <https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2020LMRs/Human%20Trafficking%20Annual%20Report%202020.pdf>.

¹² *Id.*

¹³ CPALMS is the State of Florida's official source for standards information and course descriptions. It provides access to thousands of standards-aligned, free, and high-quality instructional/educational resources that have been developed specifically for the standards and vetted through a rigorous review process. CPALMS, *About CPALMS*, http://www.cpalms.org/CPALMS/about_us.aspx, (last visited March 18, 2021).

¹⁴ Rule 6A-1.094124, F.A.C.

¹⁵ Florida Department of Education, *Human Trafficking*, <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited March 18, 2021).

By July 1 annually, each school district must submit a report to verify completion of the instruction required under law¹⁶ as well as instruction in Child Trafficking Prevention Education required by SBE rule.¹⁷

Child Abuse Instruction and Awareness in Schools

As defined by Florida law, child abuse means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.¹⁸ Every Florida citizen, including school teachers and other school personnel are required by law to report known or suspected child abuse.¹⁹ In 2018, the Children's Advocacy Centers in Florida served over 34,000 children who were victims of child abuse or neglect:²⁰

- 60 percent of the victims were female and 40 percent were male.
- 36 percent of the victims were between birth and age 6.
- 35 percent of the victims suffered from sexual abuse, of which:
 - 27 percent suffered from physical abuse; and
 - 17 percent suffered from neglect.

Child abuse awareness is not included in the required comprehensive health education instruction.²¹ The FDOE provides child abuse prevention training materials and resources on their website.²² Teachers in grades K-12 are required to participate in continuing education on identifying and reporting child abuse and neglect provided by the Florida Department of Children and Families.²³

III. Effect of Proposed Changes:

CS/SB 1094 amends s. 1003.42, F.S., to require that the general health education curriculum for K-12 public schools be developmentally and age-appropriate. The curriculum must include information on the prevention of child sexual abuse, exploitation, and human trafficking. Adding such topics to the required instruction health education curriculum may help raise awareness of associated dangers and improve student health.

The bill limits the existing kindergarten through grade 12 requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades 7 through 12, providing developmentally and age-appropriate instruction for this topic. Also, the bill amends s. 1006.148, F.S., to conform a cross reference, which clarifies that instruction in dating violence and abuse is limited to students in grades 6 through 12.

¹⁶ Section 1003.42(2), F.S.

¹⁷ Rule 6A-1.094124, F.A.C.

¹⁸ Section 39.01(2), F.S.

¹⁹ Section 39.201(1), F.S.

²⁰ Florida Network of Children's Advocacy Centers, Child Abuse and Neglect Statistics, <https://www.fncac.org/child-abuse-and-neglect-statistics> (last visited March 18, 2021).

²¹ Section 1003.42(2)(n), F.S.

²² Florida Department of Education, *Child Abuse Prevention*, <http://www.fldoe.org/schools/family-community/activities-programs/child-abuse-prevention.stml> (last visited March 18, 2021).

²³ Section 1012.98(12), F.S.

The bill takes effect on July 1, 2021.

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:

For those school districts that do not already provide child sexual abuse prevention instruction, there may be a cost associated with including this instruction in the required health education curriculum.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 1003.42 and 1006.148 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 on March 23, 2021:

The bill also modifies the existing health education requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades 6 through 12.

- B. **Amendments:**

None.

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



363262

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 47
and insert:

appropriate K-12 health education that addresses concepts of
community health,~~+~~ consumer health,~~+~~ environmental health,~~+~~ and~~+~~
family life, including:

a. ~~An awareness of the benefits of sexual abstinence as the~~
~~expected standard and the consequences of teenage pregnancy;~~
Mental and emotional health.~~+~~

b. Injury prevention and safety.~~+~~



363262

c. Internet safety.~~†~~
d. Nutrition.~~†~~
e. Personal health.~~†~~
f. Prevention and control of disease.~~†~~ and
g. Substance use and abuse.
h. Prevention of child sexual abuse, exploitation, and
human trafficking.

2. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

3. The health education curriculum for students in grades 6 through 12 shall include an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

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

And the title is amended as follows:

Between lines 7 and 8
insert:

requiring such education to include an awareness of
the benefits of sexual abstinence as the expected
standard and the consequences of teenage pregnancy;

By Senator Bean

4-01763A-21

20211094__

1 A bill to be entitled
 2 An act relating to required health education
 3 instruction; amending s. 1003.42, F.S.; providing
 4 additional requirements for health education; revising
 5 the grade levels when students receive certain health
 6 education instruction; requiring health education
 7 instruction to include prevention of specified harms;
 8 amending s. 1006.148, F.S.; conforming a cross-
 9 reference; providing an effective date.

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

11 Section 1. Paragraph (n) of subsection (2) of section
 12 1003.42, Florida Statutes, is amended to read:
 13 1003.42 Required instruction.—
 14 (2) Members of the instructional staff of the public
 15 schools, subject to the rules of the State Board of Education
 16 and the district school board, shall teach efficiently and
 17 faithfully, using the books and materials required that meet the
 18 highest standards for professionalism and historical accuracy,
 19 following the prescribed courses of study, and employing
 20 approved methods of instruction, the following:
 21 (n) 1. Comprehensive age-appropriate and developmentally
 22 appropriate health education that addresses concepts of
 23 community health, consumer health, environmental health, and
 24 family life, including:
 25 a. An awareness of the benefits of sexual abstinence as the
 26 expected standard and the consequences of teenage pregnancy;
 27 Mental and emotional health.

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

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30 b. Injury prevention and safety.
 31 c. Internet safety.
 32 d. Nutrition.
 33 e. Personal health.
 34 f. Prevention and control of disease. ~~and~~
 35 g. Substance use and abuse.
 36 h. Prevention of child sexual abuse, exploitation, and
 37 human trafficking.

38 2. The health education curriculum for students in grades 7
 39 through 12 shall include an awareness of the benefits of sexual
 40 abstinence as the expected standard; the consequences of teenage
 41 pregnancy; and a teen dating violence and abuse component that
 42 includes, but is not limited to, the definition of dating
 43 violence and abuse, the warning signs of dating violence and
 44 abusive behavior, the characteristics of healthy relationships,
 45 measures to prevent and stop dating violence and abuse, and
 46 community resources available to victims of dating violence and
 47 abuse.

48 The State Board of Education is encouraged to adopt standards
 49 and pursue assessment of the requirements of this subsection. A
 50 character development program that incorporates the values of
 51 the recipients of the Congressional Medal of Honor and that is
 52 offered as part of a social studies, English Language Arts, or
 53 other schoolwide character building and veteran awareness
 54 initiative meets the requirements of paragraphs (s) and (t).

55 Section 2. Paragraph (c) of subsection (1) of section
 56 1006.148, Florida Statutes, is amended to read:
 57 1006.148 Dating violence and abuse prohibited.—
 58

Page 2 of 3

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

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59 (1) Each district school board shall adopt and implement a
60 dating violence and abuse policy. The policy shall:

61 (c) Define dating violence and abuse and provide for a teen
62 dating violence and abuse component in the health education
63 curriculum, according to s. 1003.42(2)(n)2. ~~s. 1003.42(2)(n)~~,
64 with emphasis on prevention education.

65 Section 3. This act shall take effect July 1, 2021.

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

BILL: CS/SB 192

INTRODUCER: Education Committee and Senators Book and Rodrigues

SUBJECT: Students With Disabilities in Public Schools

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 192 revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.
 - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools within the Broward County school district, as part of the Video Cameras in Public School Classrooms Pilot Program, to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms as part of the pilot program.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2021.

- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

The bill does not require a state appropriation. However, school districts may incur costs to provide training in the use of restraint or positive behavior interventions. The Broward County school district may incur costs related to the installation and maintenance of video surveillance equipment. See Section V.

The bill takes effect July 1, 2021.

II. Present Situation:

The Individuals with Disabilities Education Act (IDEA)¹ was enacted to ensure that all children with a disability have available to them a free appropriate public education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and ensuring that the rights of children with disabilities and parents of such children are protected.² Accordingly, Florida law specifies conditions regarding the use of restraint and seclusion on students with a disability.³

The Use of Restraint and Seclusion

The Florida Department of Education (DOE) requires that all documenting, reporting, and monitoring requirements related to the use of restraint in schools are based on the definitions issued by the Office for Civil Rights (OCR) within the United States Department of Education.⁴

Restraint

According to the DOE:⁵

- Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
- Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for specific and approved purposes for which such devices were designed.

School personnel are prohibited from using a mechanical restraint or a physical or manual restraint that restricts a student's breathing.⁶

¹ 20 U.S.C. s. 1400 et seq.

² U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last visited Mar. 18, 2021).

³ Section 1003.573, F.S.

⁴ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

⁵ *Id.*

⁶ Section 1003.573(4), F.S.

Seclusion

The OCR defines seclusion as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.⁷ Seclusion does not include a time out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.⁸ School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshall for seclusion time-out rooms.⁹

School District Responsibilities

Each school district must develop policies and procedures regarding the use of restraint and seclusion of students with a disability. School district policies and procedures must address:¹⁰

- Incident-reporting procedures.
- Data collection and monitoring, including when, where, and why students are restrained or secluded.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for reducing the use of restraint and seclusion, particularly in settings in which it occurs frequently or with students who are restrained repeatedly,¹¹ and for reducing the use of prone restraint and mechanical restraint.

Confidentiality of Student Records

With limited exceptions, school districts may not disclose personally identifiable information contained within student records to a third party without parental consent.¹² School districts may disclose personally identifiable information from an education record regarding threats of violence and other issues regarding a student's well-being without parental consent in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.¹³

School districts may also share student information with juvenile justice and criminal justice agencies if the disclosure concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.¹⁴ If the juvenile

⁷ U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 7.

⁸ *Id.*

⁹ Section 1003.573(5), F.S. Rule 69A-58.0084, F.A.C.

¹⁰ Section 1003.573(3)(a), F.S.

¹¹ The recurrent use of seclusion or restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's IEP and Behavioral Intervention Plan (BIP). For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP should be developed to address the need(s) through appropriate instructional techniques. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 15.

¹² Section 1002.22, F.S.; 20 U.S.C. s. 1232(g).

¹³ 34 C.F.R. s. 99.36.

¹⁴ 34 C.F.R. s. 99.38.

justice system seeks the disclosure of information on a student in order to identify and intervene with a juvenile at risk of delinquency, rather than to obtain information solely related to supervision of an adjudicated delinquent, the juvenile could be classified as a preadjudicated delinquent, and the records may be shared.¹⁵

School Responsibilities

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion. The incident report must contain:¹⁶

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint.
- A description of the incident.

Before the end of the school day, a school must provide written notification to the parent or guardian of a student each time restraint or seclusion is used on the student. Reasonable efforts must also be taken to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented. The school must obtain and keep in its records the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.¹⁷ A school must also provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was manually or physically restrained or secluded.¹⁸

Monitoring of the use of restraint and seclusion on students is required at the classroom, building, district, and state levels. The incident report and the notification to the parent or guardian must be provided to the school principal, the school district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE electronically each month that school is in session.¹⁹

Forty-three school districts prohibited seclusion in the 2019-2020 school year.²⁰ In the 2019-2020 school year, school districts reported 6,300 incidents of restraint and 557 incidents of seclusion.²¹

Florida Department of Education Responsibilities

The DOE is required to maintain aggregate data of incidents of manual or physical restraint and seclusion by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used. This information must be updated monthly. The DOE is

¹⁵ See U.S. Dep't. of Justice and U.S. Dep't of Ed., *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs* (June 1997), available at <https://www.ncjrs.gov/pdffiles/163705.pdf> at 9.

¹⁶ Section 1003.573(1), F.S. If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens. *Id.*

¹⁷ *Id.*

¹⁸ Section 1003.573(1)(d), F.S.

¹⁹ Section 1003.573(2)(a)-(b), F.S.

²⁰ Florida Department of Education, *Legislative Bill Analysis for SB 192* (2021), at 6.

²¹ Florida Department of Education, *Legislative Bill Analysis for SB 192* (2021), at 5.

also required to establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion.²²

Commissioner of Education Responsibilities

The Commissioner of Education is required to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education or in-service training requirements for personnel. These recommendations must address:²³

- Early identification and intervention methods.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- The use of available state and local resources.
- The use of positive behavioral supports to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

CS/SB 192 revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
 - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.
 - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools within the Broward County school district, as part of the Video Cameras in Public School Classrooms Pilot Program, to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms as part of the pilot program.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2020.
- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel.

²² Section 1003.573(2)(c)-(d), F.S.

²³ Section 1012.582(1), F.S.

The Use of Restraint and Seclusion

Restraint

The bill modifies s. 1003.573, F.S., to define terms related to restraint and ensure restraint is only used as a last resort to avoid imminent harm. Specifically, the bill defines:

- “Crisis intervention plan” means an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury.
- “Imminent risk of serious injury” means the threat posed by dangerous behavior that may cause serious physical harm to self or others.
- “Restraint” to mean the use of a mechanical or physical restraint.
- “Mechanical restraint” to mean the use of a device that restricts a student’s freedom of movement. The term does not include the use devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.
- “Physical restraint” to mean the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student’s body but does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.
- “Positive behavior interventions and supports” means the use of behavioral interventions to prevent dangerous behaviors that may cause serious physical harm to the student or others.
- “Seclusion” means the involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include time-out used as a behavior management technique intended to calm a student.
- “Student”, as the term relates to the restraint of students with a disability, to mean a child with an individual education plan²⁴ enrolled in grades kindergarten through 12. The term does not include students in prekindergarten, students who reside in residential care facilities, or students participating in a Department of Juvenile Justice education program.

The bill specifies that restraint may only be used to protect the safety of students, school personnel, or others, and only after all behavioral interventions to prevent the dangerous behavior posing a risk of serious physical harm to the student or others have been exhausted, and the threat of injury posed by the dangerous behavior remains. When restraining a student, a person may only apply the degree of force necessary to protect the student or others from imminent risk of serious injury. Restraint may not:

- Be used to inflict pain, induce compliance, discipline a student, or to correct student noncompliance.
- Involve the use of straightjackets, zip ties, handcuffs, or tie-downs to obstruct or restrict breathing or blood flow.
- Be used in a manner that places a student in a facedown position with the student’s hands restrained behind the student’s back.

²⁴ The individualized education plan is the primary vehicle for communicating the school district’s commitment to addressing the unique educational needs of a student with a disability. 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.

Seclusion

The bill prohibits the use of seclusion of students by school personnel. Seclusion is defined as the involuntary confinement of a student in a room or area alone. The term does not include time-out used as a behavior management technique to calm a student.

This prohibition may encourage school personnel to consider effective and appropriate intervention strategies to address student behavior in the school setting.

School District Responsibilities

The bill requires school districts to adopt approved behavioral intervention and restraint training, pursuant to State Board of Education (SBE) rules, for students with a disability and identify all school personnel authorized to use the interventions. District policies and procedures on positive behavior interventions and supports must be publicly posted at the beginning of each school year, and any revisions must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE within 90 days after the revision.

Existing requirements governing policies and procedures for the seclusion and restraint of students with a disability are updated to align with the new definitions relating to restraint and the prohibition of the use of seclusion. The bill authorizes school districts to include in their required plans for achieving goals to reduce the use of restraint an analysis of data to determine trends related to the use of restraint.

Training

The bill requires school districts to provide training to all school personnel authorized to use positive behavior interventions and supports and publish the procedures for the training in the district's special policies and procedures manual. The bill adds the date an individual was last trained in the use of positive behavior interventions and supports to the required components of the incident report that is prepared within 24 hours after a student is released from restraint. Training must be provided annually and include:

- The use of positive behavior interventions and supports.
- Risk assessment procedures to identify when restraint may be used.
- Examples of when positive behavior interventions and support techniques have failed to reduce the imminent risk of serious injury.
- Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team.
- Instruction in the district's documentation and reporting requirements.
- Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
- Cardiopulmonary resuscitation.

The establishment of school district training protocol on the use of positive behavior interventions and supports may provide school personnel with additional resources and knowledge related to the techniques to deescalate disruptive student behavior.

Crisis Intervention Plan

The bill requires a team comprised of school personnel, applicable physical and behavioral health professionals, and a student's parent to develop a crisis intervention plan after the second time the student is restrained during a semester. A crisis intervention plan is an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury. The bill adds the date the crisis intervention plan was last reviewed, and whether changes were recommended, to the required components to be included in an incident report prepared within 24 hours after a student is released from restraint. The crisis intervention plan must be provided to the student's parent and include:

- Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury.
- Known physical and behavioral health concerns that will limit the use of restraint for the student.
- A timetable for the review and, if necessary, revision of the crisis intervention plan.

Video Cameras in Self-Contained Classrooms***Operation of Video Cameras***

The bill creates s. 1003.574, F.S., which requires the Broward County school district to participate in the three-year Video Cameras in Public School Classrooms Pilot Program to provide a video camera to any school with a self-contained classroom upon the written request of a parent of a student in the classroom. A self-contained classroom is a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day. Before the video camera is placed in any classroom, schools must provide written notification of the placement of the video camera to the parents of each student assigned to the self-contained classroom, the school district, and each employee assigned to work with any of the students in the self-contained classroom. The video camera must be operational in each classroom in which the student is in attendance within 30 days after receipt of the parent's written request. The bill does not apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

The video camera must be capable of recording, through both video and audio, all areas of the self-contained classroom and any room attached to that classroom when students are present.

Schools are prohibited from:

- Recording a restroom or any area where a student changes his or her clothes.
- Using videos for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.
- Allowing regular or continuous monitoring of the video recording.

Any interruption in the operation of the video camera must be explained in writing to the school principal and the district school board. The explanation must include the duration of the interruption, and the district school board office is required to maintain the written explanation for at least one year.

If the parent withdraws the request or the student no longer attends the classroom, the school must notify the parents of the other students in the classroom at least five school days prior to ceasing operation of the video camera. The school must notify the parents that operation of the video camera will cease unless the continued use of the camera is requested by a parent. The school must also send the notification at least ten school days prior to the end of each school year.

Maintenance and Disclosure of Video Camera Recordings

The bill provides measures related to the maintenance and disclosure of recordings generated by video cameras in self-contained classrooms. The school principal is the custodian of video cameras, video recordings, and access to video recordings and must protect the confidentiality of all student records contained in video camera recordings in accordance with Florida laws governing the disclosure of student records. When making video recordings available for viewing, the school principal must conceal the identity of any student who appears in a video camera recording but is not involved in the incident which formed the basis of the request for disclosure.

The school must make a recording available for viewing within seven days after receiving a request from:

- A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process.
- A parent of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district.
- A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district.
- A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency.
- The Department of Children and Families (DCF) as part of a child abuse or neglect investigation.

An incident is defined as an event, circumstance, act, or omission that results in the abuse or neglect of a student by an employee of a public school, school district or another student. The person who requested to view the recording must view the recording within 30 days of receiving notice that his or her request for viewing has been granted and report any suspected child abuse to the DCF. The bill specifies that an incidental viewing by a school employee or contractor involved in the installation, operation, or maintenance of video equipment, or the retention of video recordings does not violate limitations on the disclosure of video recordings.

Schools must retain video footage for at least three months after the date the video was recorded or until the conclusion of any investigation or legal proceedings that result from the recording, including the exhaustion of all appeals.

State Board of Education Appeals

An individual may appeal to the SBE an action by a school or school district which the individual alleges violates requirements related to video cameras in self-contained classrooms,

and the SBE must grant a hearing within 45 days²⁵ of receiving the request for appeal. The bill specifies that statutory requirements related to video cameras in self-contained classrooms do not:

- Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA)²⁶ or any other law, to a video recording regarding his or her student.
- Waive any immunity from liability of a school district or an employee of a school district.
- Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities related to video cameras in self-contained classrooms.

The bill provides rulemaking authority to the SBE to implement requirements related to video cameras in classrooms.

Florida Department of Education Responsibilities

The bill requires the DOE to collect various information. As part of the pilot program, DOE is required to collect information related to the installation and maintenance of video cameras. The DOE is required to make available to the public through DOE's website aggregate-level data on incidents of restraint by county, school, student exceptionality, and other variables by October 1, 2020.

The bill replaces the requirement for the DOE to establish standards for documenting, reporting, and monitoring the use of restraint with the requirement to establish standards for documenting, reporting, and monitoring the incident reports related to the use of restraint. This may assist school districts in documenting and reporting incidents related to the use of restraint.

Commissioner of Education Responsibilities

The bill requires the Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. The bill also modifies the information required to be addressed in such recommendations by requiring the recommendations to address the use of positive behavior interventions and support, and effective classroom behavior management strategies.

Accordingly, the bill may help instructional personnel to be better informed and trained in strategies to teach students with emotional or behavioral disabilities.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁵ The State Board of Education generally meets every other month, it is unclear if the SBE would have to schedule special meetings specifically to meet the 45-day appeal deadline. Florida Department of Education, *Legislative Bill Analysis for SB 192* (2021), at 7 and 11.

²⁶ 20 U.S.C. s. 1232g.

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:

School districts may incur costs to provide professional development in the use of restraint or positive behavior interventions. These costs are indeterminate.

In addition, the two school districts affected by the pilot program may incur costs associated with installing and maintaining video cameras and retaining recordings. The Department of Education estimates a cost of \$960 to install a 360-degree video camera in each classroom.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 1003.573, 1003.574, and 1012.582 of the Florida Statutes.

²⁷ Florida Department of Education, *Legislative Bill Analysis for SB 192* (2021), at 8.

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 Committee on March 23, 2021:

The committee Substitute removes the Volusia County school district from the pilot program created in the bill for the installation of video cameras in self-contained classrooms. The committee substitute retains Broward County in the pilot program. The committee substitute also:

- Clarifies that mechanical restraints may not be used in a manner that place a student in a facedown position with the student's hands restrained behind the student's back.
- Modifies the requirement for school districts to adopt positive behavior interventions and supports to require school districts to adopt approved behavioral intervention and restraint training, pursuant to State Board of Education rules, for students with a disability and identify all school personnel authorized to use the interventions.
- Corrects a cross-reference to s. 1003.52, F.S., related to educational services in Department of Juvenile Justice programs.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 102 - 307

and insert:

Justice education program under s. 1003.52.

(7) DOCUMENTATION AND REPORTING.—

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint ~~or seclusion~~. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day



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on the day the school reopens.

(b) The following must be included in the incident report:

1. The name of the student restrained ~~or secluded~~.

2. The age, grade, ethnicity, and disability of the student restrained ~~or secluded~~.

3. The date and time of the event and the duration of the restraint ~~or seclusion~~.

4. The location at which the restraint ~~or seclusion~~ occurred.

5. A description of the type of restraint used in terms established by the department ~~of Education~~.

6. The name of the person using or assisting in the restraint ~~or seclusion~~ of the student and the date the person was last trained in the use of positive behavior interventions and supports.

7. The name of any nonstudent who was present to witness the restraint ~~or seclusion~~.

8. A description of the incident, including all of the following:

a. The context in which the restraint ~~or seclusion~~ occurred.

b. The student's behavior leading up to and precipitating the decision to use ~~manual or physical~~ restraint ~~or seclusion~~, including an indication as to why there was an imminent risk of serious injury ~~or death~~ to the student or others.

c. The ~~specific~~ positive behavior interventions and supports ~~behavioral strategies~~ used to prevent and deescalate the behavior.

d. What occurred with the student immediately after the



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41 termination of the restraint ~~or seclusion~~.

42 e. Any injuries, visible marks, or possible medical
43 emergencies that may have occurred during the restraint ~~or~~
44 ~~seclusion~~, documented according to district policies.

45 f. Evidence of steps taken to notify the student's parent
46 or guardian.

47 g. The date the crisis intervention plan was last reviewed
48 and whether changes were recommended.

49 (c) A school shall notify the parent or guardian of a
50 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
51 used. Such notification must be in writing and provided before
52 the end of the school day on which the restraint ~~or seclusion~~
53 occurs. Reasonable efforts must also be taken to notify the
54 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
55 these efforts must be documented. The school shall obtain, and
56 keep in its records, the parent's or guardian's signed
57 acknowledgment that he or she was notified of his or her child's
58 restraint ~~or seclusion~~.

59 (d) A school shall also provide the parent or guardian with
60 the completed incident report in writing by mail within 3 school
61 days after a student was ~~manually or physically~~ restrained ~~or~~
62 ~~secluded~~. The school shall obtain, and keep in its records, the
63 parent's or guardian's signed acknowledgment that he or she
64 received a copy of the incident report.

65 (2) SECLUSION.—Each school district shall prohibit school
66 personnel from using seclusion.

67 (8) MONITORING.—

68 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
69 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the



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classroom, building, district, and state levels.

(b) Any documentation prepared by a school pursuant to as
~~required in subsection (7) (1)~~ shall be provided to the school
principal, the district director of Exceptional Student
Education, and the bureau chief of the Bureau of Exceptional
Education and Student Services electronically each month that
the school is in session.

(c) The department shall maintain aggregate data of
incidents of ~~manual or physical restraint and seclusion~~ and
disaggregate the data for analysis by county, school, student
exceptionality, and other variables, including the type and
method of restraint ~~or seclusion~~ used. This information shall be
updated monthly, de-identified, and made available to the public
through the department's website no later than October 1, 2021.

(d) The department shall establish standards for
documenting, reporting, and monitoring the incident reports
related to the use of manual or physical restraint or mechanical
~~restraint, and occurrences of seclusion~~. These standards shall
be provided to school districts ~~by October 1, 2011.~~

(3) RESTRAINT.—

(a) Authorized school personnel may use restraint only when
all positive behavior interventions and supports have been
exhausted. Restraint may be used only when there is an imminent
risk of serious injury and shall be discontinued as soon as the
threat posed by the dangerous behavior has dissipated.
Techniques or devices such as straightjackets, zip ties,
handcuffs, or tie downs may not be used in ways that may
obstruct or restrict breathing or blood flow or that place a
student in a facedown position with the student's hands



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restrained behind the student's back. Restraint techniques may not be used to inflict pain to induce compliance.

(b) Notwithstanding the authority provided in s. 1003.32, restraint shall be used only to protect the safety of students, school personnel, or others and may not be used for student discipline or to correct student noncompliance.

(c) The degree of force applied during physical restraint must be only that degree of force necessary to protect the student or others from imminent risk of serious injury.

(4) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

(a) Each school district shall adopt approved behavioral interventions and restraint training, pursuant to State Board of Education rules, and identify all school personnel authorized to use the interventions. Each school district shall develop policies and procedures ~~that are~~ consistent with this section which ~~and that~~ govern the following:

1. Incident-reporting procedures.

2. Data collection and monitoring, including when, where, and why students are restrained and ~~or secluded;~~ the frequency of occurrences of such restraint ~~or seclusion; and the prone or mechanical restraint that is most used.~~

3. Monitoring and reporting of data collected.

4. Training programs and procedures relating to ~~manual or physical~~ restraint as described in subsection (3) ~~and seclusion.~~

5. The district's plan for selecting personnel to be trained pursuant to this subsection.

6. The district's plan for reducing the use of restraint, ~~and seclusion~~ particularly in settings in which it occurs frequently or with students who are restrained repeatedly, ~~and~~



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~~for reducing the use of prone restraint and mechanical~~
~~restraint.~~ The plan must include a goal for reducing the use of
restraint ~~and seclusion~~ and must include activities, skills, and
resources needed to achieve that goal. Activities may include,
but are not limited to:

a. Additional training in positive behavior interventions
and supports. ~~behavioral support and crisis management.~~

b. Parental involvement.†

c. Data review.†

d. Updates of students' functional behavioral analysis and
positive behavior intervention plans.†

e. Additional student evaluations.†

f. Debriefing with staff.†

g. Use of schoolwide positive behavior support.† ~~and~~

h. Changes to the school environment.

i. Analysis of data to determine trends.

j. Ongoing reduction of the use of restraint.

(b) Any revisions a school district makes to its ~~to the~~
~~district's~~ policies and procedures pursuant to this section,
~~which must be prepared as part of its special policies and~~
~~procedures,~~ must be filed with the bureau chief of the Bureau of
Exceptional Education and Student Services within 90 days after
the revision ~~no later than January 31, 2012.~~

(c) At the beginning of each school year, each school
district shall publicly post its policies and procedures on
positive behavior interventions and supports as adopted by the
school district.

(5) TRAINING.—Each school district shall provide training
to all school personnel authorized to use positive behavior



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interventions and supports pursuant to school district policy.

Training shall be provided annually and must include:

(a) The use of positive behavior interventions and supports.

(b) Risk assessment procedures to identify when restraint may be used.

(c) Examples of when positive behavior interventions and support techniques have failed to reduce the imminent risk of serious injury.

(d) Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team.

(e) Instruction in the district's documentation and reporting requirements.

(f) Procedures to identify and deal with possible medical emergencies arising during the use of restraint.

(g) Cardiopulmonary resuscitation.

Each school district shall publish the procedures for the training required under this subsection in the district's special policies and procedures manual.

(6) CRISIS INTERVENTION PLAN.—

(a) Upon the second time a student is restrained during a semester, the school shall develop a crisis intervention plan for the student. The crisis intervention plan shall be developed by a team comprised of the student's parent, school personnel, and applicable physical and behavioral health professionals.

(b) The crisis intervention plan must include:

1. Specific positive behavior interventions and supports to



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use in response to dangerous behaviors that create a threat of imminent risk of serious injury.

2. Known physical and behavioral health concerns that will limit the use of restraint for the student.

3. A timetable for the review and, if necessary, revision of the crisis intervention plan.

(c) The school must provide a copy of the crisis intervention plan to the student's parent

~~(4) PROHIBITED RESTRAINT. School personnel may not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.~~

~~(5) SECLUSION. School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.~~

Section 2. Section 1003.574, Florida Statutes, is created to read:

1003.574 Video cameras in public school classrooms; pilot program.—Beginning with the 2021-2022 school year, the Video Cameras in Public School Classrooms Pilot Program is created for a period of 3 school years.

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

(a) "Incident" means an event, a circumstance, an act, or an omission that results in the abuse or neglect of a student by:

1. An employee of a public school or school district; or

2. Another student.

(b) "School district" means the Broward County Public Schools.



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215
216 ===== T I T L E A M E N D M E N T =====
217 And the title is amended as follows:
218 Delete lines 12 - 13
219 and insert:
220 adopt approved behavioral interventions and restraint
221 training, pursuant to State Board of Education rules;
222 requiring each school

By Senator Book

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1 A bill to be entitled
 2 An act relating to students with disabilities in
 3 public schools; amending s. 1003.573, F.S.; defining
 4 terms; requiring school districts to prohibit the use
 5 of seclusion on students with disabilities in public
 6 schools; requiring the Department of Education to make
 7 certain information available to the public by a
 8 specified date; providing requirements for the use of
 9 restraint; prohibiting specified restraint techniques;
 10 revising school district policies and procedures
 11 relating to restraint; requiring school districts to
 12 adopt positive behavior interventions and supports and
 13 certain policies and procedures; requiring each school
 14 district to publicly post specified policies and
 15 procedures; requiring school districts to provide
 16 training on certain interventions and supports to
 17 specified personnel; providing requirements for such
 18 training; requiring each school district to publish
 19 training procedures in its special policies and
 20 procedures manual; requiring schools to develop a
 21 crisis intervention plan for certain students;
 22 providing requirements for such plans; revising the
 23 requirements for documenting, reporting, and
 24 monitoring the use of restraint; conforming provisions
 25 to changes made by the act; creating s. 1003.574,
 26 F.S.; creating the Video Cameras in Public School
 27 Classrooms Pilot Program; defining terms; requiring a
 28 video camera to be placed in specified classrooms upon
 29 the request of a parent; requiring video cameras to be

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30 operational within a specified time period; providing
 31 requirements for the discontinuation of such video
 32 cameras; providing requirements for such video
 33 cameras; providing an exception; requiring a written
 34 explanation if the operation of such cameras is
 35 interrupted; requiring district school boards to
 36 maintain such explanation for a specified time;
 37 requiring schools to provide written notice of the
 38 placement of a video camera to certain individuals;
 39 providing requirements for retaining and deleting
 40 video recordings; prohibiting specified uses of such
 41 video cameras and recordings; providing that school
 42 principals are the custodians of such video cameras
 43 and recordings; providing requirements for school
 44 principals and video recordings; providing
 45 requirements relating to student privacy; providing
 46 requirements for the viewing of such video recordings;
 47 providing for an appeal process for actions of a
 48 school or school district; providing that incidental
 49 viewings of video recordings by specified individuals
 50 are not a violation of certain provisions; providing
 51 construction; requiring the Department of Education to
 52 collect specified information; authorizing the State
 53 Board of Education to adopt rules; amending s.
 54 1012.582, F.S.; requiring continuing education and
 55 inservice training for instructional personnel
 56 teaching students with emotional or behavioral
 57 disabilities; conforming provisions to changes made by
 58 the act; providing an effective date.

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

Section 1. Section 1003.573, Florida Statutes, is amended to read:

1003.573 Seclusion and Use of restraint of and seclusion on students with disabilities in public schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Crisis intervention plan" means an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury.

(b) "Imminent risk of serious injury" means the threat posed by dangerous behavior that may cause serious physical harm to self or others.

(c) "Positive behavior interventions and supports" means the use of behavioral interventions to prevent dangerous behaviors that may cause serious physical harm to the student or others.

(d) "Restraint" means the use of a mechanical or physical restraint.

1. "Mechanical restraint" means the use of a device that restricts a student's freedom of movement. The term does not include the use of devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or

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part of a student's body. The term does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.

(e) "Seclusion" means the involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include time-out used as a behavior management technique intended to calm a student.

(f) "Student" means a child with an individual education plan enrolled in kindergarten through grade 12 in a school, as defined in s. 1003.01(2), or the Florida School for the Deaf and Blind. The term does not include students in prekindergarten, students who reside in residential care facilities under s. 1003.58, or students participating in a Department of Juvenile Justice education program under s. 1003.53.

(7) DOCUMENTATION AND REPORTING.—

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint ~~or seclusion~~. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(b) The following must be included in the incident report:

1. The name of the student restrained ~~or secluded~~.
2. The age, grade, ethnicity, and disability of the student restrained ~~or secluded~~.
3. The date and time of the event and the duration of the restraint ~~or seclusion~~.
4. The location at which the restraint ~~or seclusion~~

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117 occurred.

118 5. A description of the type of restraint used in terms
119 established by the department of Education.

120 6. The name of the person using or assisting in the
121 restraint ~~or seclusion~~ of the student and the date the person
122 was last trained in the use of positive behavior interventions
123 and supports.

124 7. The name of any nonstudent who was present to witness
125 the restraint ~~or seclusion~~.

126 8. A description of the incident, including all of the
127 following:

128 a. The context in which the restraint ~~or seclusion~~
129 occurred.

130 b. The student's behavior leading up to and precipitating
131 the decision to use ~~manual or physical restraint or seclusion~~,
132 including an indication as to why there was an imminent risk of
133 serious injury ~~or death~~ to the student or others.

134 c. The ~~specific~~ positive behavior interventions and
135 supports behavioral strategies used to prevent and deescalate
136 the behavior.

137 d. What occurred with the student immediately after the
138 termination of the restraint ~~or seclusion~~.

139 e. Any injuries, visible marks, or possible medical
140 emergencies that may have occurred during the restraint ~~or~~
141 ~~seclusion~~, documented according to district policies.

142 f. Evidence of steps taken to notify the student's parent
143 or guardian.

144 g. The date the crisis intervention plan was last reviewed
145 and whether changes were recommended.

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146 (c) A school shall notify the parent or guardian of a
147 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
148 used. Such notification must be in writing and provided before
149 the end of the school day on which the restraint ~~or seclusion~~
150 occurs. Reasonable efforts must also be taken to notify the
151 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
152 these efforts must be documented. The school shall obtain, and
153 keep in its records, the parent's or guardian's signed
154 acknowledgment that he or she was notified of his or her child's
155 restraint ~~or seclusion~~.

156 (d) A school shall also provide the parent or guardian with
157 the completed incident report in writing by mail within 3 school
158 days after a student was ~~manually or physically~~ restrained ~~or~~
159 ~~secluded~~. The school shall obtain, and keep in its records, the
160 parent's or guardian's signed acknowledgment that he or she
161 received a copy of the incident report.

162 (2) SECLUSION.—Each school district shall prohibit school
163 personnel from using seclusion.

164 (8) MONITORING.—

165 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
166 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the
167 classroom, building, district, and state levels.

168 (b) Any documentation prepared by a school pursuant to ~~as~~
169 ~~required in~~ subsection (7) ~~(4)~~ shall be provided to the school
170 principal, the district director of Exceptional Student
171 Education, and the bureau chief of the Bureau of Exceptional
172 Education and Student Services electronically each month that
173 the school is in session.

174 (c) The department shall maintain aggregate data of

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 175 incidents of ~~manual or physical~~ restraint and ~~seclusion~~ and
 176 disaggregate the data for analysis by county, school, student
 177 exceptionality, and other variables, including the type and
 178 method of restraint ~~or seclusion~~ used. This information shall be
 179 updated monthly, ~~de-identified, and made available to the public~~
 180 through the department's website no later than October 1, 2021.

(d) The department shall establish standards for
 182 documenting, reporting, and monitoring the incident reports
 183 related to the use of manual or physical restraint or mechanical
 184 restraint, and occurrences of seclusion. These standards shall
 185 be provided to school districts ~~by October 1, 2011.~~

(3) RESTRAINT.—

(a) Authorized school personnel may use restraint only when
 187 all positive behavior interventions and supports have been
 188 exhausted. Restraint may be used only when there is an imminent
 189 risk of serious injury and shall be discontinued as soon as the
 190 threat posed by the dangerous behavior has dissipated.
 191 Straightjackets, zip ties, handcuffs, or tie-downs may not be
 192 used to obstruct or restrict breathing or blood flow. Restraint
 193 techniques may not be used to inflict pain to induce compliance.

(b) Notwithstanding the authority provided in s. 1003.32,
 196 restraint shall be used only to protect the safety of students,
 197 school personnel, or others and may not be used for student
 198 discipline or to correct student noncompliance.

(c) The degree of force applied during physical restraint
 200 must be only that degree of force necessary to protect the
 201 student or others from imminent risk of serious injury.

(4) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

(a) Each school district shall adopt positive behavior

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 204 interventions and supports and identify all school personnel
 205 authorized to use the interventions and supports. Each school
 206 district shall develop policies and procedures ~~that are~~
 207 consistent with this section and that govern the following:

- 208 1. Incident-reporting procedures.
- 209 2. Data collection and monitoring, including when, where,
 210 and why students are restrained and ~~or secluded,~~ the frequency
 211 of occurrences of such restraint ~~or seclusion,~~ and the ~~prone or~~
 212 ~~mechanical restraint that is most used.~~
- 213 3. Monitoring and reporting of data collected.
- 214 4. Training programs and procedures relating to ~~manual or~~
 215 ~~physical restraint as described in subsection (3) and seclusion.~~
- 216 5. The district's plan for selecting personnel to be
 217 trained pursuant to this subsection.
- 218 6. The district's plan for reducing the use of restraint,
 219 ~~and seclusion~~ particularly in settings in which it occurs
 220 frequently or with students who are restrained repeatedly, ~~and~~
 221 ~~for reducing the use of prone restraint and mechanical~~
 222 ~~restraint.~~ The plan must include a goal for reducing the use of
 223 restraint ~~and seclusion~~ and must include activities, skills, and
 224 resources needed to achieve that goal. Activities may include,
 225 but are not limited to:
 - 226 a. Additional training in positive behavior interventions
 227 and supports. ~~behavioral support and crisis management,~~
 - 228 b. Parental involvement.~~+~~
 - 229 c. Data review.~~+~~
 - 230 d. Updates of students' functional behavioral analysis and
 231 positive behavior intervention plans.~~+~~
 - 232 e. Additional student evaluations.~~+~~

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233 f. Debriefing with staff.~~+~~
 234 g. Use of schoolwide positive behavior support.~~+~~ and
 235 h. Changes to the school environment.
 236 i. Analysis of data to determine trends.
 237 j. Ongoing reduction of the use of restraint.
 238 (b) Any revisions a school district makes to its ~~to the~~
 239 ~~district's~~ policies and procedures pursuant to this section,
 240 ~~which must be prepared as part of its special policies and~~
 241 ~~procedures,~~ must be filed with the bureau chief of the Bureau of
 242 Exceptional Education and Student Services within 90 days after
 243 the revision no later than January 31, 2012.
 244 (c) At the beginning of each school year, each school
 245 district shall publicly post its policies and procedures on
 246 positive behavior interventions and supports as adopted by the
 247 school district.
 248 (5) TRAINING.—Each school district shall provide training
 249 to all school personnel authorized to use positive behavior
 250 interventions and supports pursuant to school district policy.
 251 Training shall be provided annually and must include:
 252 (a) The use of positive behavior interventions and
 253 supports.
 254 (b) Risk assessment procedures to identify when restraint
 255 may be used.
 256 (c) Examples of when positive behavior interventions and
 257 support techniques have failed to reduce the imminent risk of
 258 serious injury.
 259 (d) Examples of safe and appropriate restraint techniques
 260 and how to use these techniques with multiple staff members
 261 working as a team.

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262 (e) Instruction in the district's documentation and
 263 reporting requirements.
 264 (f) Procedures to identify and deal with possible medical
 265 emergencies arising during the use of restraint.
 266 (g) Cardiopulmonary resuscitation.
 267
 268 Each school district shall publish the procedures for the
 269 training required under this subsection in the district's
 270 special policies and procedures manual.
 271 (6) CRISIS INTERVENTION PLAN.—
 272 (a) Upon the second time a student is restrained during a
 273 semester, the school shall develop a crisis intervention plan
 274 for the student. The crisis intervention plan shall be developed
 275 by a team comprised of the student's parent, school personnel,
 276 and applicable physical and behavioral health professionals.
 277 (b) The crisis intervention plan must include:
 278 1. Specific positive behavior interventions and supports to
 279 use in response to dangerous behaviors that create a threat of
 280 imminent risk of serious injury.
 281 2. Known physical and behavioral health concerns that will
 282 limit the use of restraint for the student.
 283 3. A timetable for the review and, if necessary, revision
 284 of the crisis intervention plan.
 285 (c) The school must provide a copy of the crisis
 286 intervention plan to the student's parent
 287 ~~(4) PROHIBITED RESTRAINT.—School personnel may not use a~~
 288 ~~mechanical restraint or a manual or physical restraint that~~
 289 ~~restricts a student's breathing.~~
 290 ~~(5) SECLUSION.—School personnel may not close, lock, or~~

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291 ~~physically block a student in a room that is unlit and does not~~
 292 ~~meet the rules of the State Fire Marshal for seclusion time-out~~
 293 ~~rooms.~~

294 Section 2. Section 1003.574, Florida Statutes, is created
 295 to read:

296 1003.574 Video cameras in public school classrooms; pilot
 297 program.—Beginning with the 2021-2022 school year, the Video
 298 Cameras in Public School Classrooms Pilot Program is created for
 299 a period of 3 school years.

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

301 (a) "Incident" means an event, a circumstance, an act, or
 302 an omission that results in the abuse or neglect of a student
 303 by:

304 1. An employee of a public school or school district; or
 305 2. Another student.

306 (b) "School district" means the Broward County Public
 307 Schools and the Volusia County Schools.

308 (c) "Self-contained classroom" means a classroom at a
 309 public school in which a majority of the students in regular
 310 attendance are provided special education services and are
 311 assigned to one or more such classrooms for at least 50 percent
 312 of the instructional day.

313 (2)(a) A school district shall provide a video camera to
 314 any school with a self-contained classroom upon the written
 315 request of a parent of a student in the classroom.

316 (b) Within 30 days after receipt of the request from a
 317 parent, a video camera shall be operational in each self-
 318 contained classroom in which the parent's student is in regular
 319 attendance for the remainder of the school year, unless the

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320 parent withdraws his or her request in writing.

321 (3) If the student who is the subject of the initial
 322 request is no longer in attendance in the classroom and a school
 323 discontinues operation of a video camera during a school year,
 324 no later than the fifth school day before the date the operation
 325 of the video camera is discontinued, the school must notify the
 326 parents of each student in regular attendance in the classroom
 327 that operation of the video camera will cease unless the
 328 continued use of the camera is requested by a parent. No later
 329 than the 10th school day before the end of each school year, the
 330 school must notify the parents of each student in regular
 331 attendance in the classroom that operation of the video camera
 332 will not continue during the following school year unless a
 333 written request is submitted by a parent for the next school
 334 year.

335 (4)(a) A video camera placed in a self-contained classroom
 336 must be capable of all of the following:

337 1. Monitoring all areas of the self-contained classroom,
 338 including, without limitation, any room attached to the self-
 339 contained classroom which is used for other purposes.

340 2. Recording audio from all areas of the self-contained
 341 classroom, including, without limitation, any room attached to
 342 the self-contained classroom which is used for other purposes.

343 (b) A video camera placed in a self-contained classroom may
 344 not monitor a restroom or any other area in the self-contained
 345 classroom where a student changes his or her clothes, except for
 346 the entryway, exitway, or hallway outside a restroom or other
 347 area where a student changes his or her clothes because of the
 348 layout of the self-contained classroom.

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(c) A video camera placed in a self-contained classroom is not required to be in operation when students are not present in the self-contained classroom.

(d) If there is an interruption in the operation of the video camera for any reason, an explanation must be submitted in writing to the school principal and the district school board which explains the reason for and duration of the interruption. The written explanation must be maintained at the district school board office for at least 1 year.

(5) Before a school initially places a video camera in a self-contained classroom pursuant to this section, the school shall provide written notice of the placement of such video camera to all of the following:

(a) The parent of each student who is assigned to the self-contained classroom.

(b) Each student who is assigned to the self-contained classroom.

(c) The school district.

(d) Each school employee who is assigned to work with one or more students in the self-contained classroom.

(6) A school shall:

(a) Retain video recorded from a video camera placed pursuant to this section for at least 3 months after the date the video was recorded, after which the recording shall be deleted or otherwise made irretrievable; or

(b) Retain the recording until the conclusion of any investigation or any administrative or legal proceedings that result from the recording have been completed, including, without limitation, the exhaustion of all appeals.

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(7) A school or school district may not:

(a) Allow regular, continuous, or continual monitoring of videos recorded under this section; or

(b) Use videos recorded under this section for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.

(8) The principal of the school is the custodian of a video camera operated pursuant to this section, all recordings generated by that video camera, and access to such recordings.

(a) The release or viewing of any video recording under this section must comply with s. 1002.22.

(b) A school or school district shall:

1. Conceal the identity of any student who appears in a video recording, but is not involved in the alleged incident documented by the video recording, which the school allows to be viewed under subsection (9), including, without limitation, blurring the face of the uninvolved student.

2. Protect the confidentiality of all student records contained in a video recording in accordance with s. 1002.22.

(9) (a) Within 7 days after receiving a request to view a video recording, a school or school district shall allow the following individuals to view a video recording made under this section:

1. A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process;

2. A parent of a student who is involved in an alleged incident that is documented by the video recording and has been

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reported to the school or school district;

3. A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district;

4. A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency; or

5. The Department of Children and Families as part of a child abuse or neglect investigation.

(b) A person who requests to view a recording shall make himself or herself available for viewing the recording within 30 days after being notified by the school or school district that the person's request has been granted.

(c) A person who views the recording and suspects that child abuse has occurred must report the suspected child abuse to the Department of Children and Families.

(10)(a) Any individual may appeal to the State Board of Education regarding an action by a school or school district which the individual alleges to be in violation of this section.

(b) The state board shall grant a hearing on an appeal under this subsection within 45 days after receiving the appeal.

(11) A school or school district does not violate subsection (8) if a contractor or other employee of the school or school district incidentally views a video recording made under this section in connection with the performance of his or her duties related to either of the following:

(a) The installation, operation, or maintenance of video

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equipment; or

(b) The retention of video recordings.

(12) This section does not:

(a) Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, or any other law, to a video recording regarding his or her student.

(b) Waive any immunity from liability of a school district or an employee of a school district.

(c) Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities required by this section.

(d) Apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

(13) The department shall collect information relating to the installation and maintenance of video cameras under this section.

(14) The State Board of Education may adopt rules to implement this section.

Section 3. Section 1012.582, Florida Statutes, is amended to read:

1012.582 Continuing education and inservice training for teaching students with developmental and emotional or behavioral disabilities.—

(1) The Commissioner of Education shall develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, ~~and~~ other developmental

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465 disabilities, and emotional or behavioral disabilities into
 466 continuing education or inservice training requirements for
 467 instructional personnel. These recommendations shall address:

468 (a) Early identification of, and intervention for, students
 469 who have autism spectrum disorder, Down syndrome, ~~or~~ other
 470 developmental disabilities, or emotional or behavioral
 471 disabilities.

472 (b) Curriculum planning and curricular and instructional
 473 modifications, adaptations, and specialized strategies and
 474 techniques.

475 (c) The use of available state and local resources.

476 (d) The use of positive behavior interventions and
 477 behavioral supports to deescalate problem behaviors.

478 (e) The ~~Appropriate~~ use of ~~manual physical~~ restraint and
 479 ~~seclusion~~ techniques, positive behavior interventions and
 480 supports, and effective classroom behavior management
 481 strategies.

482 (2) In developing the recommendations, the commissioner
 483 shall consult with the State Surgeon General, the Director of
 484 the Agency for Persons with Disabilities, representatives from
 485 the education community in the state, and representatives from
 486 entities that promote awareness about autism spectrum disorder,
 487 Down syndrome, ~~and~~ other developmental disabilities, and
 488 emotional or behavioral disabilities and provide programs and
 489 services to persons with ~~developmental~~ disabilities, including,
 490 but not limited to, regional autism centers pursuant to s.
 491 1004.55.

492 (3) Beginning with the 2010-2011 school year, the
 493 Department of Education shall incorporate the course curricula

32-00220-21 2021192__

494 recommended by the Commissioner of Education, pursuant to
 495 subsection (1), into existing requirements for the continuing
 496 education or inservice training of instructional personnel. The
 497 requirements of this section may not add to the total hours
 498 required for continuing education or inservice training as
 499 currently established by the department.

500 (4) The State Board of Education may adopt rules pursuant
 501 to ss. 120.536(1) and 120.54 to implement this section.

502 Section 4. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

SB192
Bill Number (if applicable)

Topic Students with Disabilities in Public Schools

Amendment Barcode (if applicable)

Name David Brown & Anjali Van Drie

Job Title Co-founders

Address 730 SW 4th Street Unit 6 Phone _____

Street

Cape Coral

City

FL

State

33911

Zip

Email dbrown@fi-florida.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Family Initiative

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/23/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

192

Bill Number (if applicable)

Topic Students w/ Disabilities in Public Schools Amendment Barcode (if applicable)

Name Dr. Daniello Thomas

Job Title VP of Education

Address 1747 Orlando Central Pkwy Phone 407 855 7604

Street

Orlando FL 32809

City

State

Zip

Email vp.education@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

192
Bill Number (if applicable)

Topic Disability Public Schools

Amendment Barcode (if applicable)

Name Carrie Boyd

Job Title Policy Counsel

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Phone 850 570-9560

Tallahassee FL 32303
City State Zip

Email carrie.boyd@senator.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SPLC Action Fund

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/21

Meeting Date

192

Bill Number (if applicable)

Topic Students with Disabilities in Public Schools

Amendment Barcode (if applicable)

Name David Cullen

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Address 1934 Shelby Court

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32308

Email cullenasea@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Advocacy Institute for Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: CS/CS/SB 582

INTRODUCER: Education Committee; Judiciary Committee; and Senator Rodrigues, and others

SUBJECT: Parental Rights

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 582 establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child. If those entities infringe upon a parent’s fundamental right, they must demonstrate that the action is reasonable and necessary to achieve a compelling state interest, and the action must be narrowly tailored and not otherwise served by less restrictive means.

The bill enumerates a list of rights that a parent possesses in order to direct the education of his or her child and be informed about the child’s educational programs. The bill also requires the school district to promote parental involvement in the public school system by providing access to the child’s studies and instructional materials while also recognizing a parent’s right to withdraw the child from objectionable portions of the school’s curriculum.

The bill also requires a parent’s permission before a health care practitioner may provide services, prescribe medicine to the child, or perform a medical procedure, unless otherwise provided by law. The bill provides a misdemeanor penalty for a health care practitioner or similar person who violates the health care provisions and subjects these persons to disciplinary actions.

The bill takes effect July 1, 2021.

II. Present Situation:

Constitutional Rights of Parents

Parental Guarantees in the United States Constitution

The Fourteenth Amendment to the U.S. Constitution provides that no State shall:

[D]eprive any person of life, *liberty*, or property, without due process of law.

The U.S. Supreme Court has recognized that the Due Process Clause guarantees more than simply fair process. The Due Process Clause contains an additional component that provides a heightened level of protection against any government interference when certain fundamental rights and liberty interests are involved. In *Troxel v. Granville*,¹ a case to determine the scope of grandparent visitation rights when pitted against a parent's rights, the Court noted that the Fourteenth Amendment "liberty interest" at issue – the interest that parents had in the care, custody, and control over their children – was perhaps the oldest of any fundamental liberty interest that the Court had recognized.

The Court reflected back to a 1923 decision,² when it determined that the "liberty" interest protected by the Due Process Clause included the right of parents to "establish a home and bring up children" and "to control the education of their own."

The Court also noted as early as 1925³ that a child was not simply the creature of the State and that the people who nurture the child and direct the child's destiny have the right, and the high duty, to recognize and prepare the child for additional obligations. In 1944, the Court confirmed the right of parents to direct the upbringing of their children when it stated:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.⁴

Finally, in recounting the history of parental authority in 1979, the Court stated, "We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected."⁵

Parental Guarantees in the State Constitution

Similarly, the Florida Supreme Court has determined that the fundamental liberty interest in parenting one's child "is protected by both the Florida and federal constitutions. In Florida, it is specifically protected by our privacy provision."⁶ The Court also noted that the state

¹ *Troxel v. Granville*, 530 U.S. 57 (2000).

² *Troxel* quoting *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923).

³ *Troxel* quoting *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925).

⁴ *Troxel* quoting *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

⁵ *Troxel* quoting *Parham v. J.R.* 442 U.S. 584, 602 (1979).

⁶ *Beagle v. Beagle*, 678 So. 2d 1271, 1275 (Fla. 1996).

constitutional privacy provision contained in article I, section 23 affords greater protection than that of the federal constitution.

The Court wrote in *Winfield v. Division of Pari-Mutuel Wagering*⁷ that the standard of review that must be used to evaluate whether a state has intruded into a citizen's private life is the "compelling state interest standard." Under that test, the burden of proof is on the state to justify its intrusion on privacy. The burden can be met by the state if it demonstrates that the regulation being challenged serves a compelling state interest and the regulation accomplishes its goal by using the least intrusive means.⁸

Statutory Rights of Parents of Students

Mandatory Attendance

All children who turn 6 years by February 1 of any school year and have not attained the age of 16 years are required to attend school regularly during the entire school term.⁹ Parents have the option to comply with school attendance laws by enrolling the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.¹⁰ The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations.¹¹ A student who holds a valid certificate of exemption is exempt from attending school although the certificate expires at the end of the school year.¹²

School District Obligations

A parent of a K-12 public school student is afforded many statutory rights.¹³ Each school district is required to:

- Provide a parent with specific information about his or her child's educational progress, comprehensive information about opportunities for involvement in the child's education, and a framework for building and strengthening partnerships among parents and school district personnel.¹⁴
- Afford a parent the opportunity to enroll his or her child in instruction for exceptional students or challenge a district school board's determination of the child's eligibility for a gifted or special education program.¹⁵
- Establish a policy enabling a parent to object to and contest specific instructional materials.¹⁶
- Notify a parent and obtain his or her consent before a public school student may be referred to or offered contraceptive services at school facilities or travel in a privately owned motor vehicle to a school function.¹⁷

⁷ *Winfield v. Division of Pari-Mutual Wagering*, 477 So. 2d 544, 548 (Fla. 1985).

⁸ *Id.*

⁹ Section 1003.21(1)(a)1, F.S.

¹⁰ Section 1002.20(2)(b), F.S.

¹¹ Section 1003.21(3), F.S.

¹² *Id.*

¹³ Section 1002.20, F.S.

¹⁴ Section 1002.23, F.S.

¹⁵ Section 1003.57, F.S.

¹⁶ Section 1006.28(2)(a)2. and 3., F.S.

¹⁷ Sections 1002.20(3)(e) and (22)(c), F.S.

Parents' Rights to Exempt Their Child from Activities

No educational agency or institution may collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student, parent, or sibling of the student.¹⁸ In addition, a parent has the right to exempt his or her child from:

- A health examination on religious grounds.¹⁹
- School immunization requirements on religious or certain health grounds.²⁰
- Performing surgery or dissection in a biological science class.²¹
- Receiving instruction on reproductive health or any disease, including HIV/AIDS.²²
- Reciting the pledge of allegiance.²³
- Reciting the Declaration of Independence.²⁴

Access to Records and Information

The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies are protected under federal law.²⁵

Specifically, a parent of a K-12 student has the right to:²⁶

- Receive accurate and timely information regarding the student's academic progress and must be informed of ways a parent can help a student succeed in school.
- Access the student's education records, including the right to inspect and review those records.
- Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
- Privacy with respect to the student's records and reports.
- Receive annual notice of the parent's rights with respect to education records.
- Receive report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.²⁷
- Receive reports at regular intervals of the academic progress and other needed information regarding the student.
- Receive timely notification of any verified report of a substance abuse violation by the student.²⁸

¹⁸ Section 1002.222(1)(a), F.S.

¹⁹ Section 1002.20(3)(a), F.S.

²⁰ Section 1002.20(3)(b), F.S.

²¹ Section 1002.20(3)(c), F.S.

²² Section 1002.20(3)(d), F.S.

²³ Section 1002.20(12), F.S.

²⁴ Section 1003.421(4), F.S.

²⁵ Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g; and s. 1002.22, F.S. With limited exceptions, the FERPA prohibits the distribution of federal funds to an educational agency that has a policy or practice of disclosing the education records of a student without parental consent. Section 1002.221, F.S., incorporates FERPA into Florida law. FERPA only applies to records created for an educational purpose and maintained by an educational agency. The FERPA authorizes an education agency to disclose records without parental consent to juvenile justice and criminal justice agencies if the disclosure concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. 34 C.F.R. s. 99.38.

²⁶ Sections 1002.20, 1002.22(2), and 1006.28, F.S.

²⁷ Section 1002.20(14), F.S.

²⁸ Section 1002.20(3)(g).

- Access information relating to the school district's policies for promotion or retention, including high school graduation requirements.²⁹
- Access information relating to student eligibility to participate in extra-curricular activities.³⁰
- Access information relating to the state public education system, standards, and requirements.³¹
- Access, review, object to, and challenge instructional and supplemental education materials.³²

Parental Consent for Health Care

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.³³ The right to consent to medical treatment for a child resides with a parent who has the legal responsibility to maintain and support the child.³⁴ District school boards may adopt policies to ensure an appropriate response in emergency situations and the provision of first aid and emergency medical care.³⁵ In addition, a volunteer team physician who, gratuitously and in good faith, agrees to render emergency care or treatment to any participant at an athletic event sponsored by a public or private elementary or secondary school event in connection with an emergency at the event is immune from damages arising as a result of care or treatment provided in good faith, with regard to human rights, safety, and property.³⁶

When parental consent cannot be obtained, a licensed physician or osteopathic physician may render emergency medical care or treatment to an injured minor or a minor who is suffering from an acute illness, disease or condition if delay would endanger the minor's health or physical well-being. This provision only applies when parental consent cannot be obtained because:

- The minor's condition has rendered him or her unable to identify his or her parents, guardian, or legal custodian and the information is not known to the person accompanying the minor to the hospital; or
- The parents, guardian, or legal custodian cannot be immediately located by telephone at their residence or business.

The hospital must notify the parent or legal guardian as soon as possible after the emergency medical care or treatment is rendered. The hospital records must contain the reason why the consent was not initially obtained and must contain a statement by the attending physician that the emergency care was necessary for the minor's health or physical well-being.³⁷

The statutes provide a list of people, in order of priority, who may consent to the medical care or treatment of a minor when, after a reasonable attempt, a person with the authority to give consent

²⁹ Section 1008.25, F.S.

³⁰ Section 1006.195(1), F.S.

³¹ Section 1002.23, F.S.

³² Sections 1002.20(19) and 1006.28, F.S.

³³ Section 1006.0625, F.S.

³⁴ *O'Keefe v. Orea*, 731 So. 2d 680, 686 (Fla. 1st DCA 1998).

³⁵ Section 1001.43, F.S.

³⁶ Section 768.135, F.S.

³⁷ Section 743.064, F.S.

cannot be contacted by a medical provider and notice to the contrary has not been given to the provider. In order of priority those people are:

- A health care surrogate.
- The stepparent.
- The grandparent of the minor.
- An adult brother or sister of the minor.
- An adult aunt or uncle of the minor.³⁸

The treating provider's records must contain documentation that a reasonable attempt was made to contact the person who has the authority to consent to the minor's care.³⁹

III. Effect of Proposed Changes:

Sections 1 and 2 – The Parents' Bill of Rights

The bill creates a new chapter in the Florida Statutes, chapter 1014, which is entitled "Parents' Bill of Rights" and contains sections 1014.01 – 1014.06, F.S.

Section 3 – Legislative Findings and Definition of "Parent"

Section 3 contains the legislative findings and a definition. In these provisions, the Legislature finds that:

- It is a fundamental right of parents to direct the upbringing, education, and care of their minor children;
- Important information relating to a minor child should not be withheld, either inadvertently or purposefully, from a parent, including information regarding the minor child's health, well-being, and education, while the child is in the custody of the school district; and
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

A parent is defined to be a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

Section 4 – Prohibiting Actions that Infringe on Parental Rights

The bill provides that the following entities may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a parent's minor child:

- The state;
- State political subdivisions;
- Any other governmental entity; or
- Any other institution.

³⁸ Section 743.0645, F.S. This section does not apply to a minor who has been committed to the Department of Children and Families or the Department of Juvenile Justice.

³⁹ *Id.*

If any of these entities infringes on a parent's fundamental right, it must demonstrate that the action is reasonable and necessary to achieve a compelling state interest and the action is narrowly tailored and is not otherwise served by a less restrictive means. This "compelling interest" standard is the highest standard of review and is discussed above in the Present Situation under "Parental Guarantees in the State Constitution."

Section 5 – Parental Rights

Rights Reserved to the Parent of a Minor Child

This section establishes that all parental rights are reserved to the parent of a minor child "without obstruction or interference" by any of the above-referenced governmental entities. Those rights include, but are not limited to the right of a parent to:

- Direct the education and care of the minor child.
- Direct the upbringing and the moral or religious training of the minor child.
- Apply to enroll the minor child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available option as authorized by law.
- Access and review all school records relating to the minor child.
- Make health care decisions for the minor child, unless otherwise prohibited by law.
- Access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
- Consent in writing before a biometric scan of the minor child is made, shared, or stored.
- Consent in writing before any record of the minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- Consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child unless the recording is made during or as part of a court proceeding, or is made as part of a forensic interview in a criminal or Department of Children and Families investigation, or is to be used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A purpose related to a legitimate academic or extracurricular activity;
 - A purpose related to regular classroom instruction;
 - Security or surveillance of buildings or grounds; or
 - A photo identification card.
- Be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to a law enforcement agency or the Department of Children and Families and notifying the parent would impede the investigation.
- Consent in writing before his or her minor child's grades are released to a law enforcement officer of law enforcement agency by an agency or institution as defined in s. 1002.22, F.S., unless the release is authorized by s. 1002.221, F.S., and in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.

The bill clarifies that the rights expressed in this section do not:

- Authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
- Condone, authorize, approve, or apply to a parental action or decision that would end life;
- Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

Discipline

Any employee of any of the above-referenced entities who encourages or coerces, or attempts to encourage or coerce a minor child to withhold information from his or her parent may be subject to disciplinary action.

Inalienable Rights

The final subsection states that a parent of a minor child has inalienable rights that are more comprehensive than those enumerated in this section, unless those rights have been legally waived or terminated. The bill also provides that the chapter does not prescribe all of a parent's rights and unless required by law, a parent's rights may not be limited or denied. Additionally, the chapter may not be construed to apply to a parental action or decision that would end life.

Section 6 – School District Notifications on Parental Rights

The bill requires each school board, in consultation with parents, teachers, and administrators, to develop and then adopt a policy that promotes parental involvement in the public school system. The policy must include:

- A plan, pursuant to s. 1002.23, F.S., for parental participation to improve parent and teach cooperation in areas such as homework, school attendance, and discipline.
- A program, pursuant to s. 1002.20(19)(b), F.S., for a parent to learn about the minor child's course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to instructional materials and other materials used in the classroom. The objections may be based on beliefs regarding morality, sex, or religion or the belief that the materials or activities are harmful. Instructional materials are defined in s. 1006.28(2), F.S.,⁴⁰ and may include other materials used in the classroom, but are not limited to, textbooks, workbooks and worksheets, handouts, software, applications, and any digital media available to students.
- Procedures, pursuant to s. 1002.20(3)(d), F.S. for a parent to withdraw the minor child from any portion of the school district's plan as required under s. 1003.42(2)(n), F.S., which relates to sex education or instruction in acquired immune deficiency syndrome education or

⁴⁰ "Instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers. Section 1006.29(2), F.S.

any instruction regarding sexuality if the parent provides a written objection to the child's participation. The procedures must provide for a parent to be notified in advance of the course content so that he or she may withdraw the child from those portions of the course.

- Procedures, pursuant to s. 1006.195(1)(a), F.S., for a parent to learn about the nature and purpose of clubs and activities at the child's school, including those that are extracurricular or part of the school curriculum.
- Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:
 - The right to opt the minor child out of any portion of the school district's comprehensive health education required by statute that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
 - A plan to disseminate information about school choice options, including open enrollment.
 - The right of a parent to exempt the minor child from immunizations.
 - The right of a parent to review statewide, standardized assessment results.
 - The right to enroll the minor child in gifted or special education programs.
 - The right of a parent to inspect school district instructional materials.
 - The right to of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.
 - The right of a parent to receive a school report card and be informed of the child's attendance requirements.
 - The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.
 - The right of a parent to participate in parent-teacher association and organizations sanctioned by a district school board or the Department of Education.
 - The right of a parent to opt out of any district-level data collection relating to the minor child that is not required by law.

The information required in this section may be provided by the district school board electronically or posted on its website.

A parent may request, in writing, from the district school superintendent, the information required under this section. The superintendent must provide the information to the parent within 10 days. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 days, the parent may appeal the denial to the district school board. The parent's appeal must be placed on the agenda for the board's next public meeting. If it is too late for a parent's appeal to be placed on the agenda at the next meeting, it must be included on the agenda for the following meeting.

Section 7 – Parental Consent for Health Care Services

Unless the law provides otherwise a health care practitioner, as defined in s. 456.001, F.S., or someone employed by a health care practitioner, may not provide, solicit, or arrange to provide health care services or prescribe medicine to the minor child without first obtaining written consent from the parent.

A provider,⁴¹ as defined in s. 408.803, F.S., may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written consent from the parent.

This section does not apply to:

- Services provided by a clinical laboratory unless the services are delivered through a direct encounter with the minor at the clinical laboratory facility.
- Care or treatment that is necessary to treat an acute medical condition or to care provided pursuant to s. 768.135, F.S., which relates to the provision of emergency care by a volunteer team physician at an athletic event.

Exception

The provisions of this section which addresses parental consent for health care services do not apply to abortion, which is governed by chapter 390.

Penalties

A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, F.S., sections 8 and 9 of the bill, and commits a first degree misdemeanor which is punishable by up to 1 year imprisonment and a fine not to exceed \$1,000.⁴²

Section 8 – Administrative Fines and Violations

The Agency for Health Care Administration may impose an administrative fine for a violation of the provisions regarding the parental consent for health care services. The violation is an unclassified violation and the fine may not exceed \$500 for each violation.

Section 9 – Grounds for Discipline

The Department of Health may take disciplinary action against someone who fails to comply with the parental consent requirements for health care services. The disciplinary actions range from refusing to certify a license or certify the license with restrictions, suspending or permanently revoking a license, restricting a license, imposing an administrative fine not to exceed \$10,000 for each offense, issuing a reprimand or letter of concern, placing the licensee on probation, taking corrective action, imposing an administrative fine for violations of patient rights, requiring the refund of fees billed and collected, and requiring that the practitioner to undergo remedial education.⁴³

Section 10 – Effective Date

The act takes effect July 1, 2021.

⁴¹ Section 408.803(11), F.S., defines a provider to mean any activity, service, agency, or facility regulated by the agency and listed in s. 408.802, F.S.

⁴² Sections 775.082(4)(a) and 775.083(1)(d), F.S.

⁴³ Section 456.072(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 the following sections of the Florida Statutes: 408.813 and 456.072.

This bill creates the following sections of the Florida Statutes: 1014.01, 1014.02, 1014.03, 1014.04, 1014.05, and 1014.06.1014.01, 1014.06, 1014.02, 1014.03, 1014.04, 1014.05, 408.813, 456.072

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 Committee on March 23, 2021:

The committee substitute specifies that the prohibition against the provision of health care services to a minor child without parental consent does not apply to care that is provided in good faith by a volunteer team physician and is necessary to treat an acute medical condition pursuant to s. 768.135, F.S., which relates to the provision of emergency care by a volunteer team physician at an athletic event.

CS by Judiciary Committee on March 2, 2021:

An additional provision is added to the parental rights section of the bill. A parent must consent in writing before his or her minor child's grades may be released to a law enforcement officer or law enforcement agency unless that release is authorized in accordance with the provisions of the Family Educational Rights and Privacy Act.

- B. **Amendments:**

None.



530544

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Rodrigues) recommended the following:

Senate Amendment

Between lines 284 and 285
insert:

(5) This section does not apply to care that is necessary
to treat an acute medical condition or to care provided pursuant
to s. 768.135.

By the Committee on Judiciary; and Senators Rodrigues and Baxley

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1 A bill to be entitled
 2 An act relating to parental rights; creating ch. 1014,
 3 F.S.; creating s. 1014.01, F.S.; providing a short
 4 title; creating s. 1014.02, F.S.; providing
 5 legislative findings; defining the term "parent";
 6 creating s. 1014.03, F.S.; prohibiting the state, its
 7 political subdivisions, other governmental entities,
 8 or other institutions from infringing on parental
 9 rights unless specified conditions are met; creating
 10 s. 1014.04, F.S.; prohibiting the state, its political
 11 subdivisions, other governmental entities, or other
 12 institutions from obstructing or interfering with
 13 specified parental rights; providing construction;
 14 authorizing discipline of state employees who
 15 encourage or coerce, or attempt to encourage or
 16 coerce, a minor child to withhold information from his
 17 or her parent; providing construction; creating s.
 18 1014.05, F.S.; requiring each district school board to
 19 develop and adopt a policy to promote parental
 20 involvement in the public school system; specifying
 21 requirements for such policy; defining the term
 22 "instructional materials"; authorizing a district
 23 school board to provide such policy electronically or
 24 on its website; authorizing a parent to request
 25 certain information in writing from a district school
 26 superintendent; requiring the district school
 27 superintendent to provide requested information in a
 28 specified timeframe; authorizing a parent to appeal a
 29 district school superintendent's denial of, or failure

Page 1 of 11

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

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30 to provide, requested information; requiring a
 31 district school board to place such appeal on the
 32 agenda for its next public meeting, or the subsequent
 33 meeting if it is too late to place such appeal on the
 34 next agenda; creating s. 1014.06, F.S.; prohibiting
 35 health care practitioners and their employees from
 36 providing health care services or prescribing
 37 medicinal drugs to a minor child without a parent's
 38 written consent; prohibiting a provider from allowing
 39 a medical procedure to be performed on a minor child
 40 in its facility without a parent's written consent;
 41 providing exceptions; providing applicability;
 42 providing for disciplinary action and criminal
 43 penalties; amending s. 408.813, F.S.; authorizing the
 44 Agency for Health Care Administration to impose an
 45 administrative fine on providers that violate certain
 46 parental consent requirements; amending s. 456.072,
 47 F.S.; authorizing the Department of Health to take
 48 disciplinary action against health care practitioners
 49 who fail to comply with certain parental consent
 50 requirements; providing an effective date.
 51
 52 Be It Enacted by the Legislature of the State of Florida:
 53
 54 Section 1. Chapter 1014, Florida Statutes, consisting of
 55 ss. 1014.01-1014.06, is created and shall be entitled "Parents'
 56 Bill of Rights."
 57 Section 2. Section 1014.01, Florida Statutes, is created to
 58 read:

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1014.01 Short title.—This section and ss. 1014.02-1014.06
may be cited as the "Parents' Bill of Rights."

Section 3. Section 1014.02, Florida Statutes, is created to
read:

1014.02 Legislative findings and definition.—

(1) The Legislature finds that it is a fundamental right of
parents to direct the upbringing, education, and care of their
minor children. The Legislature further finds that important
information relating to a minor child should not be withheld,
either inadvertently or purposefully, from his or her parent,
including information relating to the minor child's health,
well-being, and education, while the minor child is in the
custody of the school district. The Legislature further finds
that it is necessary to establish a consistent mechanism for
parents to be notified of information relating to the health and
well-being of their minor children.

(2) For purposes of this chapter, the term "parent" means a
person who has legal custody of a minor child as a natural or
adoptive parent or a legal guardian.

Section 4. Section 1014.03, Florida Statutes, is created to
read:

1014.03 Infringement of parental rights.—The state, any of
its political subdivisions, any other governmental entity, or
any other institution may not infringe on the fundamental right
of a parent to oversee the upbringing, education, health care,
and mental health of his or her minor child without
demonstrating that such action is reasonable and necessary to
achieve a compelling state interest and that such action is
narrowly tailored and is not otherwise served by a less

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restrictive means.

Section 5. Section 1014.04, Florida Statutes, is created to
read:

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a
minor child in this state without obstruction or interference
from the state, any of its political subdivisions, any other
governmental entity, or any other institution, including, but
not limited to, all of the following rights of a parent of a
minor child in this state:

(a) The right to direct the education and care of his or
her minor child.

(b) The right to direct the upbringing and the moral or
religious training of his or her minor child.

(c) The right, pursuant to s. 1002.20(2)(b) and (6), to
apply to enroll his or her minor child in a public school or, as
an alternative to public education, a private school, including
a religious school, a home education program, or other available
options, as authorized by law.

(d) The right, pursuant to s. 1002.20(13), to access and
review all school records relating to his or her minor child.

(e) The right to make health care decisions for his or her
minor child, unless otherwise prohibited by law.

(f) The right to access and review all medical records of
his or her minor child, unless prohibited by law or if the
parent is the subject of an investigation of a crime committed
against the minor child and a law enforcement agency or official
requests that the information not be released.

(g) The right to consent in writing before a biometric scan

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of his or her minor child is made, shared, or stored.

(h) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.

(i) The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child, unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or Department of Children and Families investigation or is to be used solely for the following purposes:

1. A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

2. A purpose related to a legitimate academic or extracurricular activity;

3. A purpose related to regular classroom instruction;

4. Security or surveillance of buildings or grounds; or

5. A photo identification card.

(j) The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.

(k) The right to consent in writing before his or her minor child's grades are released to a law enforcement officer or law

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enforcement agency by an agency or institution as defined in s. 1002.22 unless such release is authorized by s. 1002.221 and the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

(2) This section does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;

(b) Condone, authorize, approve, or apply to a parental action or decision that would end life;

(c) Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or

(d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

(3) An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.

(4) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter may not be construed to apply to a parental action or decision that would end life.

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175 Section 6. Section 1014.05, Florida Statutes, is created to
176 read:

177 1014.05 School district notifications on parental rights.—

178 (1) Each district school board shall, in consultation with
179 parents, teachers, and administrators, develop and adopt a
180 policy to promote parental involvement in the public school
181 system. Such policy must include:

182 (a) A plan, pursuant to s. 1002.23, for parental
183 participation in schools to improve parent and teacher
184 cooperation in such areas as homework, school attendance, and
185 discipline.

186 (b) A program, pursuant to s. 1002.20(19)(b), for a parent
187 to learn about his or her minor child's course of study,
188 including the source of any supplemental education materials.

189 (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a
190 parent to object to instructional materials and other materials
191 used in the classroom. Such objections may be based on beliefs
192 regarding morality, sex, or religion or on the belief that such
193 materials are harmful. For purposes of this section, the term
194 "instructional materials" has the same meaning as in s.
195 1006.29(2) and may include other materials used in the
196 classroom, including workbooks and worksheets, handouts,
197 software, applications, and any digital media made available to
198 students.

199 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
200 to withdraw his or her minor child from any portion of the
201 school district's comprehensive health education required under
202 s. 1003.42(2)(n) which relates to sex education or instruction
203 in acquired immune deficiency syndrome education or any

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204 instruction regarding sexuality if the parent provides a written
205 objection to his or her minor child's participation. Such
206 procedures must provide for a parent to be notified in advance
207 of such course content so that he or she may withdraw his or her
208 minor child from those portions of the course.

209 (e) Procedures, pursuant to s. 1006.195(1)(a), for a parent
210 to learn about the nature and purpose of clubs and activities
211 offered at his or her minor child's school, including those that
212 are extracurricular or part of the school curriculum.

213 (f) Procedures for a parent to learn about parental rights
214 and responsibilities under general law, including all of the
215 following:

216 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
217 her minor child out of any portion of the school district's
218 comprehensive health education required under s. 1003.42(2)(n)
219 which relates to sex education instruction in acquired immune
220 deficiency syndrome education or any instruction regarding
221 sexuality.

222 2. A plan to disseminate information about school choice
223 options, pursuant to s. 1002.20(6), including open enrollment.

224 3. In accordance with s. 1002.20(3)(b), the right of a
225 parent to exempt his or her minor child from immunizations.

226 4. In accordance with s. 1008.22, the right of a parent to
227 review statewide, standardized assessment results.

228 5. In accordance with s. 1003.57, the right of a parent to
229 enroll his or her minor child in gifted or special education
230 programs.

231 6. In accordance with s. 1006.28(2)(a)1., the right of a
232 parent to inspect school district instructional materials.

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233 7. In accordance with s. 1008.25, the right of a parent to
 234 access information relating to the school district's policies
 235 for promotion or retention, including high school graduation
 236 requirements.

237 8. In accordance with s. 1002.20(14), the right of a parent
 238 to receive a school report card and be informed of his or her
 239 minor child's attendance requirements.

240 9. In accordance with s. 1002.23, the right of a parent to
 241 access information relating to the state public education
 242 system, state standards, report card requirements, attendance
 243 requirements, and instructional materials requirements.

244 10. In accordance with s. 1002.23(4), the right of a parent
 245 to participate in parent-teacher associations and organizations
 246 that are sanctioned by a district school board or the Department
 247 of Education.

248 11. In accordance with s. 1002.222(1)(a), the right of a
 249 parent to opt out of any district-level data collection relating
 250 to his or her minor child not required by law.

251 (2) A district school board may provide the information
 252 required in this section electronically or post such information
 253 on its website.

254 (3) A parent may request, in writing, from the district
 255 school superintendent the information required under this
 256 section. The district school superintendent must provide such
 257 information to the parent within 10 days. If the district school
 258 superintendent denies a parent's request for information or does
 259 not respond to the parent's request within 10 days, the parent
 260 may appeal the denial to the district school board. The district
 261 school board must place a parent's appeal on the agenda for its

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262 next public meeting. If it is too late for a parent's appeal to
 263 appear on the next agenda, the appeal must be included on the
 264 agenda for the subsequent meeting.

265 Section 7. Section 1014.06, Florida Statutes, is created to
 266 read:

267 1014.06 Parental consent for health care services.—

268 (1) Except as otherwise provided by law, a health care
 269 practitioner as defined in s. 456.001 or an individual employed
 270 by such health care practitioner may not provide or solicit or
 271 arrange to provide health care services or prescribe medicinal
 272 drugs to a minor child without first obtaining written parental
 273 consent.

274 (2) Except as otherwise provided by law or a court order, a
 275 provider as defined in s. 408.803 may not allow a medical
 276 procedure to be performed on a minor child in its facility
 277 without first obtaining written parental consent.

278 (3) This section does not apply to an abortion, which is
 279 governed by chapter 390.

280 (4) This section does not apply to services provided by a
 281 clinical laboratory, unless the services are delivered through a
 282 direct encounter with the minor at the clinical laboratory
 283 facility. For purposes of this subsection, the term "clinical
 284 laboratory" has the same meaning as provided in s. 483.803.

285 (5) A health care practitioner or other person who violates
 286 this section is subject to disciplinary action pursuant to s.
 287 408.813 or s. 456.072, as applicable, and commits a misdemeanor
 288 of the first degree, punishable as provided in s. 775.082 or s.
 289 775.083.

290 Section 8. Paragraph (f) is added to subsection (3) of

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section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed \$500 for each violation. Unclassified violations include:

(f) Violating the parental consent requirements of s. 1014.06.

Section 9. Paragraph (rr) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(rr) Failure to comply with the parental consent requirements of s. 1014.06.

Section 10. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

SB 12258
Bill Number (if applicable)

Topic Parents Bill of Rights

Amendment Barcode (if applicable)

Name Rindala Alajaji

Job Title Graduate Student

Address P.O. Box 6291
Street

Phone 917-972-6153

Tallahassee FL 32314
City State Zip

Email RINDALA@NYU.EDU

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-23-21

Meeting Date

582

Bill Number (if applicable)

Topic Parents' Bill of Rights

Amendment Barcode (if applicable)

Name Vallie Osborne

Job Title Mom

Address 1 Spencer Ct

Street

Phone 850-496-9384

Ft. Walton Bch, FL 32547

City

State

Zip

Email Vosborne@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Moms of Okaloosa County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

12:30 EDUCATION

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

582

Bill Number (if applicable)

Topic PARENTAL RIGHTS

Name TRISH NEELY

Job Title DIRECTOR

Address 2024 SHANGRI LA LANE

Street

JALLY

City

FL

State

32303

Zip

Phone 850 322 3317

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE WOMEN VOTERS FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

3/23/2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 582

Bill Number (if applicable)

Topic Unsafe Schools aka "Parents Rights"

Name Lakey Love

Job Title _____

Address 1511 Melvin Street

Street

Phone 850-345-0018

Tallahassee

City

FL

State

32301

Zip

Email lakey@lovejustworks.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Coalition for Transgender Liberation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

3-23-21

Meeting Date

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582

Bill Number (if applicable)

Topic

Parental Rights

Name

Devon Graham

Job Title

Assistant State Director @ American Atheists

Address

Street

Phone

City

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

American Atheists

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

58 582
Bill Number (if applicable)

Topic Parental Rights

Name Anthony Verdugo

Job Title Executive Director

Address P.O. Box 650216

Street

Miami

City

Florida

State

33265

Zip

Phone 786-447-6431

Email averdugo@cfcflorida.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Christian Family Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

03/23/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

582

Bill Number (if applicable)

Topic Parents' Bill of Rights

Name Patti Sullivan

Job Title State Coordinator

Address 187 Mabry Street

Street

Sebastian

City

FL

State

32958

Zip

Phone 772-913-2375

Email psullivan@parentalrightsfl.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Parental Rights Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/2021
Meeting Date

SB-582
Bill Number (if applicable)

Topic Parental Rights

Name Armando V. Pomar

Job Title President

Address 7710 Abbott Ave. Apt 4
Street

Miami Beach FL. 33141
City State Zip

Phone 786-285-4090

Email armandovpomar@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing HADF. Hispanic American Diabetes Foundation, Corp.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/23/21

Meeting Date

~~SB582~~ SB582
Bill Number (if applicable)

Topic "Parents Bill of Rights"

Name Annie Filkowski

Job Title Legislative Representative

Address _____

Street

Tallahassee

City

FL

State

32311

Zip

Phone (734) 849-2644

Email anniejae.filkowski@ppsenfl.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing The Florida Alliance of Planned Parenthood Affiliates

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21
Meeting Date

582
Bill Number (if applicable)

Topic Parental Rights

Name Carrie Boyd

Job Title Policy Counsel

Address P.O. Box 10788
Street

Tallahassee FL 32303
City State Zip

Phone 850 570 9560

Email carrie.boyd@splcenter.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing SPLC Action Fund

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/23/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

582

Bill Number (if applicable)

Topic Parental Bill of Rights

Name Ida V. ESKAMAN

Amendment Barcode (if applicable)

Job Title

Address Street

Phone

City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Rising

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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6d

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-23-21
Meeting Date

582
Bill Number (if applicable)

Topic Parental Rights

Name Barbara Devine

Amendment Barcode (if applicable)

Job Title _____

Address 625 E Broadway St
Street

Phone _____

Tall 32308
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2021

Meeting Date

SB 582

Bill Number (if applicable)

Topic Parental Rights

Amendment Barcode (if applicable)

Name Michael Barrett

Job Title Associate for Education

Address 201 W. Park Ave.

Street

Phone (850) 205-6823

Tallahassee

FL

32301

City

State

Zip

Email mbarrett@flaccb.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2025

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 582

Bill Number (if applicable)

Topic Parents Rights

Amendment Barcode (if applicable)

Name Anthony DeMera

Job Title

Address 2041 Raymond Blvd Ed

Phone

Street

Tallahassee

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: SB 880

INTRODUCER: Senators Rodriguez and Baxley

SUBJECT: Florida High School Athletic Association

DATE: March 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 880 requires the Florida High School Athletic Association (FHSAA) to adopt bylaws or policies authorizing a member school to provide 30 seconds of opening remarks over a public-access system before the start of an athletic competition, and prohibiting the FHSAA from controlling the contents of such remarks.

There is no fiscal impact to this bill.

The bill takes effect July 1, 2021.

II. Present Situation:

In December of 2015, Tampa's Cambridge Christian School (Cambridge Christian) advanced to Florida's state championship football game, hosted by the Florida High School Athletic Association (FHSAA), to compete with Jacksonville's University Christian School. The FHSAA denied Cambridge Christian the opportunity to broadcast a pre-game prayer, despite the practice of this tradition by both schools.¹

Federal Law Regarding Opening Remarks at Interscholastic Athletic Events

Free Speech Clause

Speech is protected by the First Amendment of the United States Constitution. The government or a public actor may nevertheless regulate an individual's freedom of speech within

¹ Jesse Panuccio, *A private, religious school has the right to pray before football games*, Tampa Bay Times, Jan. 13, 2020, available at <https://www.tampabay.com/opinion/2020/01/13/a-private-religious-school-has-the-right-to-pray-before-football-games-column/>.

constitutional limits.² The First Amendment’s free speech clause restricts government regulation of private speech but does not regulate government speech.³ To determine whether speech is government speech or private speech, courts consider three primary factors: the history and tradition of the speech; whether a reasonable observer could conclude that the government endorses the speech; and whether the government exercise direct control over the speech.⁴

Further, the ability to regulate private speech on government-owned property is determined, in part, by the characterization of the type of public forum created.⁵ There are three types of public forums: traditional public forums, limited public forums, and closed public forums.⁶ A “traditional” or “open public forum” is a place with a longstanding tradition of freedom of expression, such as a public park, sidewalk, or street corner.⁷ In an open public forum, the government may only impose content-neutral restrictions on the time, place, and manner of expression.⁸ A limited public forum is a venue opened only for certain groups or topics.⁹ A public actor may regulate the subject area content or categories of organizations allowed in limited public forums but may not restrict expression based on a favorable or unfavorable viewpoint of a speaker or organization.¹⁰ Finally, a “closed public forum” is a place that is not traditionally open to public expression, such as the teacher’s school mailroom or a military base. Restrictions on speech in a closed public forum may only be reasonable and may not be designed to silence an unfavorable viewpoint.¹¹

In 2019, the Eleventh Circuit held that the FHSAA’s application of its Public-Address Protocol prohibiting two schools from using the loudspeaker for a pre-game prayer at the 2A Florida High School State Championship game may have violated constitutional free speech protections.¹² The circuit court agreed with the trial court that the loudspeaker was a nonpublic forum (“closed-public forum”), but accepted the allegation that the FHSAA arbitrarily and haphazardly denied access to the forum in violation of the First Amendment.¹³ The court’s analysis also hinged on whether the speech over the loudspeaker was considered government or private speech. The circuit court agreed with the allegation that speech over the loudspeaker was, at least in part, private.¹⁴ The court determined that inconsistencies in the record and indications that the FHSAA allowed prayer over the loudspeaker at past championships suggested the factors of history and tradition of the speech and the government’s direct control over the speech suggested a potential finding of private speech that warranted further deliberation at the district court level.¹⁵

² *Int’l Soc’y for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 678 (1992).

³ *See Pleasant Grove City v. Summum*, 555 U.S. 460, 467 (2009).

⁴ *See Pleasant Grove City*, 555 U.S. at 460; *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015); *Mech v. Sch. Bd. of Palm Beach Cnty.*, 806 F.3d 1070 (11th Cir. 2015).

⁵ *Int’l Soc’y for Krishna Consciousness*, 505 U.S. at 678-79.

⁶ *Id.*

⁷ *Perry Educ. Ass’n v. Perry Local Educators Ass’n*, 460 U.S. 37, 45-46 (1992).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Pleasant Grove City*, 555 U.S. at 470.

¹¹ *Perry*, 460 U.S. at 37.

¹² *Cambridge Christian Sch., Inc. v. Fla. High School Athletics Ass’n*, 942 F.3d 1215 (11th Cir. 2019).

¹³ *Id.* at 1223.

¹⁴ *Id.* at 1232

¹⁵ *Id.* at 1251.

Establishment Clause

The U.S. Constitution prevents the government from establishing religion and protects privately initiated expression and activities from government interference and discrimination.¹⁶ In order to determine whether a challenged state statute is permissible under the Establishment Clause, courts apply the *Lemon Test*, which requires that the challenged statute have a secular legislative purpose, have a principal or primary effect that neither advances nor inhibits religion, and avoid excessive government entanglement with religion.¹⁷

The Supreme Court's analysis in *Santa Fe Independent School District v. Doe* provides insight to how the Court applies the *Lemon Test* when evaluating opening remarks at athletics events on school premises.¹⁸ The Court held that the school district's policy permitting student-led, student-initiated prayer over the loudspeaker at high school football games on the school's property violated the Establishment Clause.¹⁹ The Court concluded that the pre-game invocations at issue were government speech because the invocations were specifically authorized by government policy and took place on government property at government-sponsored, school related events.²⁰ However, the Supreme Court cautioned that not all public speech becomes government speech simply because it is made using public facilities at government sponsored events.²¹ Santa Fe school district's policy failed the *Lemon Test* because the Court found the policy did not have secular purpose and advanced certain religion at the expense of other religions given the narrow speaker selection process and criteria; and entangled the government with religion given the school district's specific encouragement of prayer and the history of the policy.²²

Elementary and Secondary Education Act (ESEA)

According to updated guidance from the U.S. Department of Education on constitutionally protected prayer and religious expression in public elementary and secondary schools, student speakers at noncurricular activities such as sporting events may not be selected on a basis that either favors or disfavors religious perspectives. To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech, whether religious or nonreligious, is the speaker's and not the school's speech.²³

¹⁶ See U.S. Const., Amend. 1.

¹⁷ *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971).

¹⁸ See *Santa Fe Independent Sch. District v. Doe*, 530 U.S. 290, 314 (2000).

¹⁹ *Id.* at 317.

²⁰ *Id.* at 302.

²¹ *Id.* See *Rosenberger v. Rector*, 515 U.S.819 (1995) (holding that the University of Virginia must provide financial subsidy to a student religious organization on the same basis as other student publications).

²² *Santa Fe Independent Sch. District*, 530 U.S. at 302-10.

²³ U.S. Department of Education, *Updated Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Jan. 21, 2020), 85 FR 3257, available at <https://www.federalregister.gov/documents/2020/01/21/2020-00876/updated-guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary>, at 3268.

Florida Law Regarding Opening Remarks at Interscholastic Athletic Events

The scope of the Florida Constitution's protection of free speech is the same as required under the First Amendment,²⁴ and the Florida Constitution closely replicates the First Amendment's protections against the establishment of religion.²⁵

The Florida High School Athletic Association

The FHSAA is designated by law as the governing nonprofit organization of athletics in Florida public schools.²⁶ Any high school, middle school, or combination school,²⁷ including charter schools, virtual schools, private schools, and home education cooperatives,²⁸ may become a member of the FHSAA.²⁹ The FHSAA is required to adopt bylaws regulating student eligibility, recruiting, and member schools' interscholastic competition in accordance with applicable law.³⁰

Florida law establishes that the FHSAA's authority to organize and conduct statewide interscholastic competition includes the potential for state championships, and the FHSAA also has authority to establish terms and conditions for those contests.³¹ The FHSAA is not a state agency, but performs similar functions.³² The FHSAA operates as a representative democracy in which the sovereign authority is within its member schools.³³ The FHSAA also includes a board of directors, who act as a body and in accordance with the FHSAA's bylaws, to, among other activities, act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.³⁴

The bylaws of the FHSAA govern high school athletic programs in its member schools, unless otherwise specifically provided by statute.³⁵

Florida High School State Championship Series

The FHSAA's Florida High School State Championship Series (State Championship Series) determines official state champions among FHSAA member schools in sports sanctioned or

²⁴ Art. 1, s. 4, Fla. Const. See *Cafe Erotica v. Fla. Dep't of Transp.*, 830 So. 2d 181, 183 (Fla. 1st DCA 2002) (stating that the scope of free speech protections in the Florida Constitution is the same as the First Amendment).

²⁵ Art. 1, s. 3, Fla. Const. See *Council for Secular Humanism, Inc. v. McNeil*, 44 So. 3d 112, 119 (Fla. 1st DCA 2010) (explaining that the Florida Constitution's establishment clause is consistent with the First Amendment and imposes additional restrictions on state actors through the no-aid provision).

²⁶ Section 1006.20(1), F.S.

²⁷ A "combination school" is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Bylaw 3.2.2.3, FHSAA.

²⁸ A "home education cooperative" is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA.

²⁹ Section 1006.20(1), F.S.

³⁰ Section 1006.20(2), F.S.

³¹ Section 1006.20(4)(d)6., F.S.

³² *Id.*

³³ Section 1006.20(3)(a), F.S.

³⁴ Section 1006.20(4)(e), F.S.

³⁵ Section 1006.20(1), F.S. See Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), https://fhsaa.com/documents/2020/10/1/2021_handbook_website_1001.pdf?id=292.

recognized by the FHSAA Board of Directors.³⁶ The FHSAA limits participation in the State Championship Series to schools that are full members of the FHSAA.³⁷ The FHSAA Board of Directors determines in which sports³⁸ a State Championship Series will be offered and establishes the terms and conditions for the competition series.³⁹

Public Address Protocol

The FHSAA's Public Address Protocol applies to all State Championship Series. The public address announcer must maintain neutrality. The announcer is required to follow the FHSAA script for promotional announcements, player introductions, and awards ceremonies. The procedure limits other announcements to:⁴⁰

- Those of an emergency nature;
- Those of a "practical" nature, such as a vehicle with lights on;
- Teams' starting lineups or entire lineups;
- Messages provided by host school management;
- Announcements about the sale of FHSAA souvenir merchandise;
- Players attempting or making a play;
- Penalties as signaled by the referee; and
- Substitutions and timeouts.

In addition, public address announcers may not provide play-by-play commentary as if announcing a radio or television broadcast, make comments that offer an unfair advantage to one team, make comments critical of contest participants, schools, or officials.⁴¹

For regular season events, the FHSAA's Public Address Protocol states that the public address announcer must maintain neutrality.⁴² The FHSAA encourages schools to abide by the additional requirements of the Public Address Protocol for the State Championship Series but does not require compliance for regular season events.⁴³

III. Effect of Proposed Changes:

SB 880 requires the Florida High School Athletic Association (FHSAA) to adopt bylaws or policies that:

³⁶ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), https://fhsaa.com/documents/2020/10/1/2021_handbook_website_1001.pdf?id=292. Bylaw 2.10.

³⁷ *Id.* The FHSAA must allow private schools the option of maintaining full membership in the Association or membership by sport. The FHSAA may allow public schools the option of applying for consideration to join another athletic association. Section 1006.20(1), F.S.

³⁸ The FHSAA currently conducts State Championship Series in the following sports: baseball, basketball, bowling, competitive cheerleading, cross country, flag football, football, golf, lacrosse, soccer, softball, swimming and diving, tennis, track and field, volleyball, water polo, weightlifting, and wrestling. FHSAA, *2020-21 FHSAA Administrative Procedures*, available at https://fhsaa.com/documents/2020/10/9/2021_admin_procedures_1009.pdf?id=319, at 2.

³⁹ Section 1006.20(4)(d)6., F.S.; Bylaw 2.10, FHSAA.

⁴⁰ *Id.* FHSAA, *2020-21 FHSAA Administrative Procedures*, Procedure 3.1.8, available at https://fhsaa.com/documents/2020/10/9/2021_admin_procedures_1009.pdf?id=319, at 13.

⁴¹ *Id.*

⁴² *Id.* at 11.

⁴³ *Id.*

- Authorize a member school to provide 30 seconds of opening remarks over a public-access system before the start of an athletic competition.
- Prohibit the FHSAA from controlling, monitoring, or reviewing the contents of any member school's opening remarks.
- Require that, before any opening remarks, a public address announcer announce that: "The content of the following opening remarks is not endorsed by the FHSAA or reflective of the views or opinions of the FHSAA."

There is no fiscal impact to this bill.

The bill takes effect July 1, 2021.

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 1006.20 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 Rodriguez

39-00826-21

2021880__

A bill to be entitled

An act relating to the Florida High School Athletic Association; requiring the Florida High School Athletic Association to adopt specified bylaws or policies; providing an effective date.

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

Section 1. Paragraph (n) is added to subsection (2) of section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(n) The FHSAA shall adopt bylaws or policies that:

1. Authorize a member school to provide 30 seconds of opening remarks over a public-access system before the start of an athletic competition.

2. Prohibit the FHSAA from controlling, monitoring, or reviewing the contents of any member school's opening remarks.

3. Require that, before any opening remarks, a public-address announcer announce that: "The content of the following opening remarks is not endorsed by the FHSAA or reflective of the views or opinions of the FHSAA."

Section 2. This act shall take effect July 1, 2021.

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

BILL: CS/SB 1028

INTRODUCER: Education Committee and Senator Hutson

SUBJECT: Charter Schools

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1028 adds provisions for public postsecondary institutions to serve as a charter school sponsor, modifies provisions for hope operators, and authorizes a career and professional academy to be offered by a charter school. Specifically, the bill:

- Authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE).
- Provides that a state university sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands, and an FCS sponsored charter school may serve students from any county within the college's service area to meet workforce demands.
- Authorizes an FCS institution that operates an approved teacher preparation program to operate additional charter schools.
- Provides that the board of trustees of a sponsoring state university or FCS institution charter school is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role.
- Provides that students attending a state university or FCS institution sponsored charter school are not to be included in the school district's grade calculation.
- Establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.
- Requires the DOE to collaborate to develop a charter school sponsor evaluation framework.

- Authorizes charter schools to provide career and professional academies and revises charter school enrollment limitations.
- Adds hope operators to the list of entities required to perform an annual financial audit.
- Modifies provisions that a high-performing charter school may submit two applications for a charter school within the state to be opened at a time determined by the high-performing charter school.
- Clarifies that instructional and noninstructional personnel at a school of hope must file with the school of hope, rather than the district school board as for other charter schools, a complete set of fingerprints taken by an authorized law enforcement agency or other recognized entity.
- Authorizes a charter school that is an exceptional student education center that receives a rating of “maintaining” or higher may replicate its educational program.

The fiscal impact of the bill is indeterminate. See Section V.

The bill takes effect on July 1, 2021

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Charter Schools

Present Situation

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-four states and the District of Columbia have enacted charter school laws as of January 2018.² Between the 2000-2001 and 2017-2018 school years, the percentage of all public schools that were charter schools increased from two to seven percent, and the total number of charter schools increased from 2,000 to 7,200. The percentage of public school students nationwide attending public charter schools increased from one to six percent between fall 2000 and fall 2017.³

All charter schools in Florida are public schools and are part of the state’s public education system.⁴ During the 2019-2020 school year, over 329,000 students were enrolled in 673 charter schools in Florida.⁵ Sixty-nine percent of the students attending charter schools in the 2019-2020

¹ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (October 2020), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2020.pdf>.

² Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited March 17, 2021).

³ National Center for Education Statistics, *Public Charter School Enrollment*, https://nces.ed.gov/programs/coe/indicator_cgb.asp (last visited March 17, 2021).

⁴ Section 1002.33(1), F.S.

⁵ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (October 2020), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2020.pdf>.

school year were minorities. Hispanic students comprised 44 percent of Florida's charter school enrollment, and 19 percent were African-American students.⁶

Charter School Sponsors

Under current Florida law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁷ Additionally, a state university may sponsor a charter developmental research school (charter lab school).⁸ FCS institutions may work with school districts to develop charter schools as provided for in law, but may not sponsor a K-12 charter school.⁹

A charter school sponsor has several responsibilities, including:¹⁰

- 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.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative and educational services¹¹ and may withhold a fee of up to five percent of each charter school's total operating funds.¹²

Florida College System and State University Charter Schools

FCS institutions may work with school districts in the FCS institution's designated service area to develop charter schools that offer secondary education, including an option for students to receive an associate degree upon high school graduation. If an FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through grade 12 and must implement innovative blended learning instructional models for students in kindergarten through grade 8.¹³

⁶ *Id.*

⁷ Section 1002.33(5)(a)1., F.S.

⁸ Section 1002.33(5)(a)2., F.S.

⁹ FCS institutions may only sponsor a charter technical career center. Section 1002.33(5)(b)4., F.S. and Section 1002.34(3)(b), F.S.

¹⁰ Section 1002.33(5)(b), F.S.

¹¹ Administrative and educational services include 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 that school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services. Section 1002.33(20)(a)1, F.S.

¹² Section 1002.33(20)(a)2., F.S.

¹³ Section 1002.33(5)(b)4., F.S.

There are 15 FCS institution-operated charter schools in Florida:¹⁴

District Sponsor	Charter School	Affiliated FCS Institution
Charlotte	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Lee	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Manatee	State College of Florida Collegiate School - Bradenton	State College of Florida Manatee-Sarasota
Sumter	The Villages High School Early College Program	Lake-Sumter State College
Duval	San Jose Prep Charter	Florida State College at Jacksonville
Duval	Duval Charter at Baymeadows	Florida State College at Jacksonville
Duval	River City Science Academy	Florida State College at Jacksonville
Martin	Clark Advanced Learning Center	Indian River State College
Okaloosa	Collegiate High School at Northwest Florida State College	Northwest Florida State College
Polk	Polk State College Collegiate High School	Polk State College
Polk	Chain of Lakes Collegiate High School	Polk State College
Polk	Polk State Lakeland Gateway to College Charter High School	Polk State College
Pinellas	St. Petersburg Collegiate High School	St. Petersburg College
Pinellas	St. Petersburg Collegiate High School North Pinellas	St. Petersburg College
Sarasota	State College of Florida Collegiate School - Venice	State College of Florida Manatee-Sarasota

There are six existing university developmental research (laboratory) schools (lab schools). Of these, three are charter lab schools.¹⁵ Charter lab schools are not required to be established by the nearest state university.¹⁶ In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university denies or does not act on the application, the applicant may appeal such decision to the State Board of Education (SBE).¹⁷

There are three charter lab schools operating in Florida:¹⁸

State University Sponsor	County	Charter Lab School
Florida Atlantic University	St. Lucie	Florida Atlantic University/St. Lucie Public Schools Palm Pointe Research School
Florida State University	Leon	Florida State University Schools
Florida State University	Broward	The Pembroke Pines Florida School

Effect of Proposed Changes

To address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the bill:

¹⁴ Email, Department of Education (March 19, 2021).

¹⁵ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 2. Developmental research (laboratory) schools (lab schools) are public schools. Each lab school must be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued is known as a charter lab school. Section 1002.32(2), F.S.

¹⁶ Section 1002.32(2), F.S.

¹⁷ Section 1002.33(6)(g), F.S.

¹⁸ Email, Department of Education (March 17, 2021).

- Authorizes state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the SBE. A state university or FCS institution may deny an application for a charter school. Additionally:
 - A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands.
 - An FCS-sponsored charter may exist in any county within its service area¹⁹ to meet workforce demands; however, 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. An FCS-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.
- Removes the requirements that an FCS institution that operates an approved teacher preparation program:
 - May operate no more than one charter school; and
 - Implement an innovative blended learning instructional model for students in kindergarten through grade eight at a charter school it operates.
- Specifies that a charter's racial/ethnic balance must reflect that of nearby public schools rather than public schools located geographically within the district to address state university and FCS sponsored charter schools which may serve students from multiple school districts.
- Prohibits an FCS institution from reporting the full-time equivalent (FTE) for any students participating in FCS-sponsored charter schools who receive FTE funding through the FEFP.
- Clarifies that a student enrolled in a charter school sponsored by a state university or FCS institution may not be included in the calculation of the school district's grade.

To ensure charter school sponsor accountability, the bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework that must address, at a minimum:

- The sponsor's strategic vision for charter school authorizing and progress towards that vision;
- Alignment of the sponsor's policies and practices to best practices for charter school authorizing;
- Academic and financial performance of all operating charter schools overseen by the sponsor; and
- The status of charter schools authorized by the sponsor, including approved, operating and closed schools.

The bill requires the DOE to compile the results of the evaluation framework, by sponsor, and add them to its annual charter school sponsor report.

The bill requires the sponsor to provide equal access to student information systems that are used by public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Additionally, the sponsor must provide student performance data, such as standardized test scores and previous public school student report cards, for each student in the charter school.

¹⁹ FCS institution service areas are defined in s. 1000.21(3), F.S.

The bill replaces the terms “public school district” with “public school system” and “school district” with “sponsor” to conform to the establishment of FCS institutions and state universities as authorized charter school sponsors.

Establishing a Charter School

Present Situation

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity submits an application to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines expectations of both parties regarding the school's academic and financial performance.²⁰

Charter School Application

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.²¹ All charter applicants must prepare and submit a standard application, which:²²

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.²³

²⁰ See Florida Department of Education, Charter Schools, *Frequently Asked Questions*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited March 17, 2021).

²¹ Section 1002.33(3)(a), F.S.

²² Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

²³ Section 1002.45(1)(d), F.S.

A sponsor receives and reviews all charter school applications²⁴ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.²⁵ A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.²⁶

Charter School Sponsor Reporting

A charter school sponsor must submit an annual report to the DOE summarizing the following:²⁷

- The number of draft applications received on or before May 1 and each applicant's contact information;
- The number of final applications received on or before August 1 and each applicant's contact information;
- The date each application was approved, denied, or withdrawn; and
- The date each final contract was executed.

The DOE must compile the reported sponsor information into an annual report, by district, and post the information on its website by November 1 each year.²⁸

Charter School Students

A charter school may be exempt from specific enrollment requirements if the school is open to any student covered in an inter-district agreement and any student residing in the school district in which the charter school is located.²⁹ A charter school may limit the enrollment process only to target the following student populations:³⁰

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.³¹
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million.

Effect of Proposed Changes

The bill repeals an obsolete August 1 application deadline and specifies that each sponsor's report to the DOE must reflect the applications it receives by the February 1 deadline. The bill

²⁴ Section 1002.33(6)(b), F.S.

²⁵ Section 1002.33(6)(b)3.a., F.S.

²⁶ A sponsor may receive and consider applications after February 1, if it chooses. Section 1002.33(6)(b), F.S.

²⁷ Section 1002.33(5)(b)1.k.(I)-(II), F.S.

²⁸ Section 1002.33(5)(b)1.k.(III), F.S. See Florida Department of Education, *Annual Authorizer Report 2019* (2020), available at <http://www.fldoe.org/core/fileparse.php/9905/urlt/19-AuthorizerReport.pdf>.

²⁹ Section 1002.33(10)(a), F.S.

³⁰ Section 1002.33(10)(e), F.S.

³¹ Section 1002.33(15), F.S.

modifies the charter school application process to specify that an application may be submitted at any time, rather than by February 1.

The bill repeals the requirement that a charter school sponsor report on draft applications it receives and revises the date by which a sponsor must annually report the number of applications it receives from August 31 to November 1. Accordingly, the bill revises the date by which the DOE annually reports the number of applications on its website from November 1 to January 15.

Additionally, the bill allows a charter school to be opened at a time determined by the applicant and removes the requirement that the charter school initial startup commences with the beginning of the public school calendar for the district where the charter is granted.

The bill expands the criteria by which a charter school may limit the enrollment process to include students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools, facilities and related property in an amount equal to or having a total appraised value of at least \$5 million.

High-Performing Charter Schools

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn “high-performing” status.³² A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of “A” and no school grade below “B;”
- Has received an unqualified opinion³³ on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition.³⁴

Initial eligibility for “high-performing” status is verified by the commissioner, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.³⁵

High-performing charter schools may take advantage of various benefits, such as, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools.³⁶ The application process for such applications is streamlined to expedite approval.³⁷

A high-performing charter school may not be replicated more than twice in any given year and may not replicate again until the new charter school achieves “high-performing” status.³⁸ Systems may replicate their high-performing charter schools using the same process applicable

³² Section 1002.331(1), F.S.

³³ An unqualified audit opinion means that the charter school’s financial statements are materially correct.

³⁴ Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

³⁵ Sections 1002.331(4) and 1002.332(2)(a), F.S.

³⁶ Section 1002.331(3)(a)1., F.S.

³⁷ Section 1002.331(3)(a)2., F.S.

³⁸ Section 1002.331(3)(b), F.S.

to high-performing charter schools.³⁹ Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.⁴⁰

A high-performing charter school may increase the school's enrollment once per year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect.⁴¹ If the school chooses to expand the grade levels it serves, i.e., a K-5 school adding grade six, the facility capacity must include any improvements to an existing facility or any new facility in which a majority of the high-performing charter school students will enroll.⁴² A high-performing charter school may also expand grade levels within kindergarten through grade ¹² to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.⁴³

Effect of Proposed Changes

The bill allows a high-performing charter school to submit two applications at a time instead of two per year. Subsequent applications may be submitted so long as each previous charter school application is withdrawn or has commenced operation instead of upon each school being designated high-performing.

Charter School Funding

Present Situation

Charter school operations, like other public schools, are funded through the Florida Education Finance Program (FEFP). Each charter school reports student enrollment to its sponsor for inclusion in the district's report of student enrollment for FEFP funding.⁴⁴ Operating funds from the FEFP are distributed to the charter school by the sponsor. A charter school is entitled to receive its proportionate share of categorical funds included in the FEFP for qualifying students.⁴⁵ Categorical funds must be spent for specified purposes, such as student transportation, safe schools, and supplemental academic instruction.

Charter schools are eligible to receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA), Title I programs for disadvantaged students, and Title II programs for improving teaching and leadership in the same manner as district school board-operated public schools and must be included in requests for federal funding by the school district or the DOE.⁴⁶ A high performing charter school system⁴⁷ governing board may be designated as a local educational agency for the purpose of receiving federal funds, the same as

³⁹ Section 1002.332(2)(b), F.S.

⁴⁰ Section 1002.331(2)(e), F.S.

⁴¹ Section 1002.331(2)(a), F.S.

⁴² *Id.*

⁴³ Section 1002.331(2)(b), F.S.

⁴⁴ Section 1002.33(17)(a) and (b), F.S.

⁴⁵ Section 1002.33(17)(b), F.S.

⁴⁶ Section 1002.33(17)(c), F.S.

⁴⁷ A high-performing charter school system is an entity that operated at least three high-performing charter schools in the state during each of the previous 3 school years; operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of "D" or "F", and did not receive a financial audit that revealed one or more of the financial emergency conditions. Section 1002.332 (1)(b), F.S.

if the charter school system were in the school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the DOE.⁴⁸

Capital outlay funding for charter schools consists of state funds when appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary millage authorized in law.⁴⁹ To be eligible to receive capital outlay funds, a charter school must:⁵⁰

- Have operated for two or more years and meet specified requirements.⁵¹
- Have an annual audit that does not reveal any financial emergency conditions.
- Have satisfactory student achievement based on state accountability standards.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

While each university receives additional state capital funding, unlike local school districts, university lab schools are dependent on funding from the Legislature for both operational and capital needs.⁵²

Effect of Proposed Changes

The bill provides that students enrolled in a charter school sponsored by a state university or FCS institution be funded as if they are in a basic program or special program in the school district.

The bill establishes the basis for funding these students as the sum of the total operating funds for the school district in which the school is located as provided from the FEFP and the GAA, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy; divided by total funded weighted FTE students in the school district; and multiplied by the FTE membership of the charter school.

The bill specifies that a board of trustees of a sponsoring state university or FCS institution is the local education agency (LEA) for the charter schools it sponsors. As the LEA, the sponsor may receive federal funds and accepts full responsibility for the schools it oversees, including LEA requirements.

The DOE is required to develop a tool that each state university or FCS institution sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total obtained by the calculation must be appropriated to the charter school from state funds in the GAA.

⁴⁸ Section, 1002.33(25), F.S.

⁴⁹ Section 10013.62, F.S.

⁵⁰ Section 10013.62(1)(a), F.S.

⁵¹ Specified requirements include being governed by a governing board established in the state for two or more years which operates both charter schools and conversion charter schools within the state; being an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; having been accredited by a regional accrediting association as defined by State Board of Education rule; or serving students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s.1002.33(15)(b). Section 1013.62(1)(a), F.S.

⁵² Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 3.

In addition, the bill requires capital outlay funding for state university or FCS-sponsored charter schools to be determined in accordance with the requirements established in law for other charter schools.

Exceptional Student Education Centers

Present Situation

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.⁵³ A student may not be given special instruction or services as an ESE student until after the student has been properly evaluated and found eligible.⁵⁴

With regard to students with disabilities, the IDEA requires school districts to make a free appropriate public education (FAPE) available to such students ages three through 21.⁵⁵ A FAPE must include special education and related services⁵⁶ that are provided by the public school system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's individual educational plan (IEP).⁵⁷

An ESE center is a separate public school to which nondisabled students ages six through 21 years of age do not have access to.⁵⁸ For school accountability purposes, an ESE center school is one which is specifically designed to meet the needs of students with disabilities and in which all students in attendance in grades K-12 are identified as students with a disability.⁵⁹ Each ESE center must choose to receive a school grade based on student performance on statewide standardized assessments or to receive a school improvement rating.⁶⁰ An ESE center school that does not choose to receive a school grade must be assigned a school improvement rating of Commendable, Maintaining, or Unsatisfactory annually, and the school must assess at least 80 percent of their eligible students to receive a school improvement rating.⁶¹ A school that tests less than 90 percent of its students may not earn a rating higher than maintaining.⁶²

The school improvement rating is calculated using student learning gains on statewide, standardized English Language Arts and Mathematics assessments for all eligible students who

⁵³ Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m) and (n), F.A.C.

⁵⁴ Section 1003.57(1)(c), F.S.; *see also* Rule 6A-6.0331, F.A.C.

⁵⁵ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁵⁶ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

⁵⁷ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

⁵⁸ Section 1003.57(1)(a)1.a., F.S.

⁵⁹ Rule 6A-1.099828(2)(b), F.A.C.

⁶⁰ Section 1008.3415, F.S.; *see also* s. 1008.34(3)(a), F.S.

⁶¹ Rule 6A-1.099822(3)(c)-(d), F.A.C.

⁶² *Id.* at (3)(d).

are enrolled in the school and who have assessment scores, concordant scores, or comparable scores for the preceding school year.⁶³

The overall school improvement rating is calculated based on the percentage of possible points, 100 points are available for each component, earned by each school.⁶⁴ A school's overall improvement rating based, on applicable points earned, are as follows:

- “Commendable” – a significant percentage of students attending the school are making learning gains
- “Maintaining” – a sufficient percentage of students attending the school are making learning gains
- “Unsatisfactory” – an insufficient percentage of students attending the school are making learning gains

Effect of Proposed Changes

The bill requires the commissioner, upon request by a charter school that is an ESE center that has two consecutive ratings of “maintaining” or higher, to provide a letter to the charter school authorizing it to replicate its educational programs in the same manner as a high-performing charter school.

The bill also specifies the charter school sponsor's administrative fee for up to two percent for enrollment of up to and including 250 students in an ESE center.

Career and Professional Academies

Present Situation

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁶⁵ The primary purpose of the CAPE Act is to:⁶⁶

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Each school board must offer career and professional academies⁶⁷ and include plans to implement a career and professional academy or career-themed course in at least one middle

⁶³ Section 1008.341(3), F.S.

⁶⁴ Section 1008.341(4)(b)1, F.S.

⁶⁵ Section 1003.491, F.S.

⁶⁶ *Id.* at (1).

⁶⁷ Section 1003.493(1)(a), F.S.

school in the district as part of its three-year strategic plan.⁶⁸ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs.⁶⁹ During the 2019-20 school year, 67 school districts, as well as, the Florida Virtual School, Florida School for Deaf and Blind, the Florida State University School, and the Florida A&M University Laboratory School registered 1,706 high school and 301 middle school career and professional academies with 194,197 participating students.⁷⁰

Current law does not expressly authorize charter schools to offer career and professional academies.

Effect of Proposed Changes

The bill modifies s. 1003.493 F.S., to authorize charter schools to provide career and professional academies. This may increase the number of charter middle and high schools offering career and professional academies to better meet career and workforce needs.

Schools of Hope

Present Situation

In 2017, the Legislature established the Schools of Hope Program to provide students in areas of persistently low-performing schools the opportunity to access a high-quality education designed to close the opportunity gap and increase student achievement.⁷¹ A school of hope is defined as a charter school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school.⁷²

Under the Schools of Hope Program administered by the DOE, a school of hope may receive additional funding for certain expenses such as funds for initial school facility leasing, hiring instructional support personnel, or acquiring supplies and educational materials, along with other expenses specified in law.⁷³ Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to five years.⁷⁴

A school of hope may request that the SBE designate the school as an LEA for the purposes of receiving federal funds. As an LEA, the school accepts the full responsibility for all LEA requirements and the schools for which it will perform LEA responsibilities.⁷⁵ Students enrolled

⁶⁸ Section 1003.4935(1), F.S.

⁶⁹ Section 1003.493(1)(a), F.S.

⁷⁰ Florida Department of Education, *Career and Professional Education Act, Enrollment and Performance Report, 2019-20 (2021)*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1920capepr.pdf>.

⁷¹ Section 43, ch. 2017-116, L.O.F., codified at s.1002.333, F.S.

⁷² Section 1002.333(1)(d)1., F.S.

⁷³ Section 1002.333(10), F.S.

⁷⁴ Section 1002.333(10)(b), F.S.

⁷⁵ Section 1002.333(6)(a), F.S.

in a school established by a hope operator designated as an LEA are not eligible students for purposes of calculating a district's school grade.⁷⁶

A school of hope must report its students to the school district for purposes of determining the school district's full-time equivalent FTE membership in calculating the FEFP.⁷⁷

Persistently Low Performing Schools

A persistently low-performing school is a school that has earned three grades lower than a "C" in at least three of the previous five school years and has not earned a grade of "B" or higher in the most recent two school years. A school is also a persistently low-performing school if it was closed pursuant to the school's turnaround option plan within two years after the submission of a notice of intent.⁷⁸ The SBE must publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with a public school that meets accountability standards.⁷⁹ For school year 2018-2019, the SBE's published list include 183 persistently low-performing schools.⁸⁰

Pursuant to the DOE Emergency Order No. 2020-EO-1, the spring administration of K-12 statewide, standardized assessments for the 2019-2020 school year was canceled and accountability measures reliant on the assessment data, such as school grades, were not calculated for the 2019-2020 school year.⁸¹

Hope Operators

A hope operator is a tax-exempt, nonprofit organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE as a hope operator.⁸² SBE rule designates an entity as a hope operator if it submits a complete application and meets at least one of the following criteria:⁸³

- The entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (20 U.S.C. 7221-7221j) within the preceding three years from the date the entity submits an application to the Department;
- The entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund; or

⁷⁶ Section 1002.333(6)(a), F.S.

⁷⁷ Section 1002.333(6)(g), F.S.

⁷⁸ Section 1002.333(1)(c), F.S.

⁷⁹ Section 1002.333(11)(d), F.S.

⁸⁰ Florida Department of Education, Florida School Accountability Reports, *Persistently Low-Performing Schools* (2019), available at <http://fldoe.org/core/fileparse.php/18534/urlt/PLPSchools19.xls>.

⁸¹ Florida Department of Education, *Emergency Order No. 2020-EO-1* (March 2020), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

⁸² Section 1002.333(2), F.S.

⁸³ Rule 6A-1.0998271(2)(b), F.A.C.

- The entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low-performing public school.

Designation as a hope operator is valid for five years from the opening of a school of hope.⁸⁴ Presently, Florida has designated five hope operators: Democracy Prep Public Schools, Inc., Individuals Dedicated to Excellence and Achievement (IDEA) Public Schools, the Knowledge is Power Program (KIPP) New Jersey, Mater Academy, and Somerset Academy, Inc.⁸⁵

Facilities

A school of hope must use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF).⁸⁶ A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.⁸⁷

Each school district must provide to the DOE, no later than October 1, a list of all underused, vacant, or surplus facilities owned or operated by the school district.⁸⁸ A hope operator establishing a school of hope may use an educational facility identified by a school district at no cost or at a mutually agreeable cost not to exceed \$600 per student. Also, a hope operator that uses a facility owned or operated by a school district may not sell or dispose of the facility without the written permission of the school district.⁸⁹

Personnel Background Screening

Each person who seeks educator certification in Florida must be fingerprinted and undergo a state and national criminal history background screening by a district school board or the DOE.⁹⁰ If a background screening reveals a criminal history, or if an applicant for certification acknowledges a criminal history, the applicant's records must be assigned to DOE's Office of Professional Practices Services (OPPS) for review and determination of eligibility for certification.⁹¹

Instructional and non-instructional personnel hired or contracted to fill positions that require direct contact with students in any charter school are required to undergo background screening⁹² by filing with the district school board for the school district in which the charter school is

⁸⁴ Section 1002.333(3), F.S.

⁸⁵ Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited March 22, 2021).

⁸⁶ Section 1002.333(7)(a), F.S.

⁸⁷ *Id.*

⁸⁸ Section 1002.333(7)(d), F.S.

⁸⁹ *Id.*

⁹⁰ Section 1012.56(10)(a), F.S.

⁹¹ Section 1012.56(2)(d), F.S. The OPPS administers a state-level grievance process. The OPPS investigates alleged misconduct by educators in Florida who hold an educator's certificate and pursues disciplinary actions against the certificates of educators found to have committed acts of misconduct. See Florida Department of Education, *Professional Practices*, <http://www.fldoe.org/teaching/professional-practices/> (last visited March 22, 2021).

⁹² Section 1002.33(12)(g)1., F.S.

located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.⁹³ Current law provides a list of disqualifying criminal offenses for educator certification or employment in any position that requires direct contact with students in a charter school.⁹⁴ Instructional and non-instructional personnel who are hired must be rescreened every five years.⁹⁵

Charter School Capital Outlay Funding

Capital outlay funds appropriated by the Legislature in the GAA are allocated to eligible charter schools by the DOE based on a methodology specified in law.⁹⁶ For fiscal year 2020-2021, the Legislature appropriated \$169.6 million for charter school capital outlay funding.⁹⁷ As of March 2021, 610 charter schools received capital outlay disbursements from the DOE.⁹⁸

To be eligible for charter school capital outlay funding, a charter school must:⁹⁹

- Be in operation for at least two years;
- Be governed by a governing board established in Florida for two or more years which operates both charter schools and conversion charter schools within the state;
- Be part of an expanded feeder chain¹⁰⁰ with an existing charter school in the district that is currently receiving charter school capital outlay funds;
- Be accredited by a regional accrediting association as defined by state board rule; or
- Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.

In addition, a charter school must:

- Have an annual audit that does not reveal a financial emergency for the most recent fiscal year for which such audit results are available;¹⁰¹
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools;¹⁰²
- Have received final approval from its sponsor for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.¹⁰³

⁹³ Section 1012.32(2)(b), F.S.

⁹⁴ Section 1012.315, F.S.

⁹⁵ Section 1012.56(10)(b), F.S.

⁹⁶ Section 1013.62(2)(a)-(e), F.S.

⁹⁷ Specific appropriation 21, s. 2, ch. 2020-21, L.O.F.

⁹⁸ Florida Department of Education, *Charter School Capital Outlay 2020-21*, <http://www.fldoe.org/finance/fco/charter-school-capital-outlay/index.stml> (last visited March 22, 2021).

⁹⁹ Section 1013.62(1)(a)1.a., F.S.

¹⁰⁰ A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to s. 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

¹⁰¹ The definition of financial emergency is provided in s. 218.503(1), F.S.

¹⁰² Section 1013.62(1)(a)3., F.S.; rule 6A-2.0020, F.A.C. A charter school that receives a grade of “F,” two consecutive grades lower than a “C” or a school improvement rating of “Unsatisfactory” is not eligible for capital outlay funding. See also, *Florida Assoc. of Independent Charter Schools vs. Florida Dept. of Education*, Case No. 17-1986RP (2017), available at <https://www.doah.state.fl.us/ROS/2017/17001986.pdf>.

¹⁰³ Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(b), F.S.

Capital outlay funds may be used by a charter school's governing board for the:¹⁰⁴

- Purchase of real property;
- Construction of school facilities;
- Purchase, lease-purchase or lease of permanent or relocatable school facilities;
- Purchase of vehicles to transport students to and from the charter school;
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer;
- Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources;
- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities;
- Purchase, lease-purchase or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment; and
- Payment of the cost of the opening day collection for the library media center of a new school.

Financial Accountability

Like other charter schools, a school of hope must provide for an annual audit.¹⁰⁵ The Auditor General may choose to conduct the audit. If not, the school must arrange for an audit by an independent certified public accountant.¹⁰⁶ The audit must:

- Examine the school's financial statements to determine if its financial position and any changes in financial position comply with generally accepted accounting principles;
- Examine the school's operations to determine compliance with legal and regulatory requirements; and
- Examine any additional financial information necessary to comply with generally accepted accounting principles.¹⁰⁷

Each school of hope must file a copy of its audit report with the sponsor, the district school board, if not the sponsor, the Auditor General and the DOE.¹⁰⁸

Generally, each charter school must also submit a monthly financial statement summary sheet to the charter's sponsor.¹⁰⁹ The monthly summary sheet must include a balance sheet and a

¹⁰⁴ Section 1013.62(4), F.S.

¹⁰⁵ Sections 218.39(1)(e) and (f) and 1002.33(9)(j)1. and 2., F.S.

¹⁰⁶ Sections 11.45(3)(c) and 218.39(1)(e) and (f), F.S.

¹⁰⁷ Rules of the Auditor General, *Chapter 10.850 Audits of Charter Schools and Charter Technical Career Centers, The Florida Virtual Schools, and Virtual Instruction Program Providers (effective June 30, 2020)*, available at https://flauditor.gov/pages/pdf_files/10_850.pdf.

¹⁰⁸ Section 218.39(10), F.S.

¹⁰⁹ Section 1002.33(9)(g)3., F.S. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.33(2)(c), F.S. Pursuant to Rule 6A-1.0081, F.A.C., DOE adopted two monthly financial statement forms for use by charter schools. Florida Department of Education, *Government Accountability and Standards Board (GASB) Monthly Financial Form (Form IEPC-F1) and Non-Profit Monthly Financial Form (Form IEPC-F2)*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> (last visited March 15, 2021).

statement of revenue, expenditures, and changes in fund balance in a governmental funds format prescribed by the Governmental Accounting Standards Board.¹¹⁰ The sponsor must review the financial statement summary to determine if the school exhibits a deteriorating financial condition.¹¹¹ The law allows a school of hope to submit its financial statement summary sheet on a quarterly basis, rather than monthly.¹¹²

Effect of Proposed Changes

Financial Accountability

The bill modifies s. 218.39, F.S. by adding hope operators, operating at least one school of hope in Florida, to the list of entities required to perform an annual financial audit.

Additionally, the bill provides that a hope operator, rather than each school of hope it operates, is the entity responsible for providing quarterly financial statements to the school district and meeting annual financial audit requirements.

Persistently Low Performing Schools

The bill revises the definition of a persistently low-performing school to be a school that has earned three grades lower than a “C” in at least three of the previous five years in which the school received a grade. This change would allow a school to be designated as persistently low performing even if it does not receive a school grade for one or more of the school years during a 5-year period.

Hope Operators

The bill authorizes a school of hope, which has been designated as a LEA, to report its students to the DOE according to procedures and timelines established by the DOE. A school of hope which has not been designated as a LEA must continue to report its students to the school district.

Facilities

The bill modifies the provision that no later than January 1, the DOE must annually provide to school districts a list of underused, vacant, or surplus facilities operated by the school district as reported in the Florida Inventory of School Houses. The bill also specifies:

- A school district may provide evidence to the DOE that the list contains errors or omissions within 30 days after receipt of the list.
- By each April 1, the DOE must update and publish a final list based on updated information provided by each school district.

¹¹⁰ Florida Department of Education, *Government Accountability and Standards Board (GASB) Monthly Financial Form (Form IEPC-F1) and Non-Profit Monthly Financial Form (Form IEPC-F2)*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> (last visited March 15, 2021).

¹¹¹ Section 1002.33(9)(g)3., F.S.

¹¹² Section 1002.333(6)(h), F.S.

Personnel Background Screening

The bill authorizes instructional and non-instructional personnel who are hired or contracted to fill positions in any school of hope to complete background screening requirements by filing with the school a set of fingerprints taken by:

- An authorized law enforcement agency;
- An employee of the charter school or school district who is trained to take fingerprints; or
- A private vendor who maintains an agreement with the Florida Department of Law Enforcement.

Charter School Capital Outlay Funding

The bill also extends the authorization for undispersed Schools of Hope Program funds to be carried forward from five years to seven years and authorizes a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding.

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 requires that the funds for eligible university- or FCS institution-sponsored charter school students must be appropriated from state funds in the GAA to the charter school. Currently full-time equivalent students funded in the FEFP are funded with a combination of state and local funds. Since the eligible university- or FCS institution-sponsored charter school student will only be funded from state funds appropriated in the FEFP, there may need to be additional state funds provided to offset the potential loss of local funds; however, at this time the individual amounts cannot be determined and would vary based upon the school district and its total amount of local funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 218.39, 1002.33, 1002.331, 1002.333, 1003.493, 1008.3415, 1012.32, and 1013.62.

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 on March 23, 2021

The committee substitute retains the original bill provisions, and:

- Adds hope operators to the list of entities required to perform an annual financial audit.
- Modifies the charter school application process to specify that an application may be submitted at any time, rather than by February 1, for a school opening at a time of the applicant's choosing.
- Adds provisions specifying the charter school sponsor's administrative fee for up to two percent for enrollment of up to and including 250 students in an exceptional student education center.
- Modifies provisions that a high-performing charter school may submit two applications for a charter school within the state to be opened at a time determined by the high-performing charter school.
- Clarifies that a subsequent application may not be submitted unless the applicant commences operations or an application is withdrawn and that the provisions apply to an existing high-performing charter school.
- Specifies each school of hope that has not been designated as local education agency must report its students to the school district. Additionally, each school of hope that

has been designated as a local education agency may report its students to the department.

- Clarifies that instructional and noninstructional personnel hired or contracted to fill positions at a school of hope must file with the school of hope, rather than the district school board as for other charter schools, a complete set of fingerprints taken by an authorized law enforcement agency or other recognized entity.
- Requires the DOE to annually provide to school districts, no later than January 1, a list of underused, vacant, or surplus facilities operated by the school district as reported in the Florida Inventory of School Houses, and:
 - A school district may provide evidence to the DOE that the list contains errors or omissions within 30 days after receipt of the list.
 - By each April 1, the DOE must update and publish a final list based on updated information provided by each school district.
- Authorizes a charter school that is an exceptional student education center that receives a rating of “maintaining” or higher may replicate its educational program.
- Requires the Commissioner of Education to verify that the charter school meets the specified requirements and provide a letter to the charter school and sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school.
- Extends the authorization for undispersed Schools of Hope Program funds to be carried forward from five years to seven years.
- Authorizes a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
	.	
	.	
	.	

The Committee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (5), and (6), paragraph (b) of
subsection (8), and subsection (10) of section 218.39, Florida
Statutes, are amended to read:

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local
governmental entity, district school board, charter school, hope
operator, or charter technical career center has not been



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notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(a) Each county.

(b) Any municipality with revenues or the total of expenditures and expenses in excess of \$250,000, as reported on the fund financial statements.

(c) Any special district with revenues or the total of expenditures and expenses in excess of \$100,000, as reported on the fund financial statements.

(d) Each district school board.

(e) Each charter school established under s. 1002.33.

(f) Each charter technical center established under s. 1002.34.

(g) Each municipality with revenues or the total of expenditures and expenses between \$100,000 and \$250,000, as reported on the fund financial statements, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(h) Each special district with revenues or the total of expenditures and expenses between \$50,000 and \$100,000, as reported on the fund financial statement, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(i) Each hope operator operating at least one school of hope in this state.



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(5) At the conclusion of the audit, the auditor shall discuss with the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, the chair of the board of the hope operator or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity, district school board, charter school, hope operator, or charter technical career center for which:

(a) Deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

(b) A fund balance deficit in total or a deficit for that portion of a fund balance not classified as restricted, committed, or nonspendable, or a total or unrestricted net assets deficit, as reported on the fund financial statements of entities required to report under governmental financial reporting standards or on the basic financial statements of entities required to report under not-for-profit financial reporting standards, for which sufficient resources of the local governmental entity, charter school, hope operator, charter technical career center, or district school board, as reported



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on the fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include fund balance or net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Property, plant, and equipment, the disposal of which would impair the ability of a local governmental entity, charter school, hope operator, charter technical career center, or district school board to carry out its functions, are not considered resources available to cover reported deficits.

(6) The officer's written statement of explanation or rebuttal concerning the auditor's findings, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, charter school, hope operator, or charter technical career center within 30 days after the delivery of the auditor's findings.

(8) The Auditor General shall notify the Legislative Auditing Committee of any audit report prepared pursuant to this section which indicates that an audited entity has failed to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports.

(b) If the committee determines that the written statement is not sufficient, it may require the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, the chair of the hope operator or the chair's designee, or the chair of the board of the



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99 charter technical career center or the chair's designee, as
100 appropriate, to appear before the committee.

101 (10) Each charter school, hope operator who operates a
102 charter school, and charter technical career center must file a
103 copy of its audit report with the sponsoring entity; the local
104 district school board, if not the sponsoring entity; the Auditor
105 General; and with the Department of Education.

106 Section 2. Paragraph (c) of subsection (2), subsection (5),
107 paragraph (b) of subsection (6), paragraphs (a) and (d) of
108 subsection (7), paragraphs (d) and (e) of subsection (8),
109 paragraphs (g) and (n) of subsection (9), paragraph (e) of
110 subsection (10), subsection (14), paragraph (c) of subsection
111 (15), subsection (17), paragraph (e) of subsection (18),
112 subsections (20) and (21), paragraph (a) of subsection (25), and
113 subsection (28) of section 1002.33, Florida Statutes, are
114 amended to read:

115 1002.33 Charter schools.—

116 (2) GUIDING PRINCIPLES; PURPOSE.—

117 (c) Charter schools may fulfill the following purposes:

118 1. Create innovative measurement tools.

119 2. Provide rigorous competition within the public school
120 system ~~district~~ to stimulate continual improvement in all public
121 schools.

122 3. Expand the capacity of the public school system.

123 4. Mitigate the educational impact created by the
124 development of new residential dwelling units.

125 5. Create new professional opportunities for teachers,
126 including ownership of the learning program at the school site.

127 (5) SPONSOR; DUTIES.—



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(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution may, upon approval by the Department of Education, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).

c. Notwithstanding paragraph (6) (b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(b) *Sponsor duties.*—



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157 1.a. The sponsor shall monitor and review the charter
158 school in its progress toward the goals established in the
159 charter.

160 b. The sponsor shall monitor the revenues and expenditures
161 of the charter school and perform the duties provided in s.
162 1002.345.

163 c. The sponsor may approve a charter for a charter school
164 before the applicant has identified space, equipment, or
165 personnel, if the applicant indicates approval is necessary for
166 it to raise working funds.

167 d. The sponsor shall not apply its policies to a charter
168 school unless mutually agreed to by both the sponsor and the
169 charter school. If the sponsor subsequently amends any agreed-
170 upon sponsor policy, the version of the policy in effect at the
171 time of the execution of the charter, or any subsequent
172 modification thereof, shall remain in effect and the sponsor may
173 not hold the charter school responsible for any provision of a
174 newly revised policy until the revised policy is mutually agreed
175 upon.

176 e. The sponsor shall ensure that the charter is innovative
177 and consistent with the state education goals established by s.
178 1000.03(5).

179 f. The sponsor shall ensure that the charter school
180 participates in the state's education accountability system. If
181 a charter school falls short of performance measures included in
182 the approved charter, the sponsor shall report such shortcomings
183 to the Department of Education.

184 g. The sponsor shall not be liable for civil damages under
185 state law for personal injury, property damage, or death



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resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be 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 shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

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 draft applications received on or before May 1 and each applicant's contact information.~~

~~(B)~~ The number of ~~final~~ applications received on or before February ~~August~~ 1 and each applicant's contact information.

~~(B)(C)~~ The date each application was approved, denied, or withdrawn.

~~(C)(D)~~ The date each final contract was executed.

(II) Annually, by November 1 ~~Beginning August 31, 2013, and each year thereafter~~, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor district, and post the report on its website by January 15 ~~November 1~~ of each year.

2. Immunity for the sponsor of a charter school under



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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 ~~district school board'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 institution may operate ~~no more than one~~ charter schools ~~school~~ that serve ~~serves~~ students in kindergarten through grade 12 in any school district within the service area of the institution. ~~In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school.~~ District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida



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College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school



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district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorizing.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-paragraph (b)1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.



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~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and consider charter school applications ~~received on or before February 1 of each calendar year~~ for charter schools ~~to be opened 18 months later at the beginning of the school district's school year,~~ or to be opened at a time determined by the applicant. ~~A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.~~ A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application



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for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does



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not materially comply with the requirements in paragraphs
(9) (a) - (f);

(III) The proposed charter school's educational program
does not substantially replicate that of the applicant or one of
the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or
false statement or concealed an essential or material fact
during the application process; or

(V) The proposed charter school's educational program and
financial management practices do not materially comply with the
requirements of this section.

Material noncompliance is a failure to follow requirements or a
violation of prohibitions applicable to charter school
applications, which failure is quantitatively or qualitatively
significant either individually or when aggregated with other
noncompliance. An applicant is considered to be replicating a
high-performing charter school if the proposed school is
substantially similar to at least one of the applicant's high-
performing charter schools and the organization or individuals
involved in the establishment and operation of the proposed
school are significantly involved in the operation of replicated
schools.

c. If the sponsor denies an application submitted by a
high-performing charter school or a high-performing charter
school system, the sponsor must, within 10 calendar days after
such denial, state in writing the specific reasons, based upon
the criteria in sub-subparagraph b., supporting its denial of
the application and must provide the letter of denial and



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supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

~~5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted.~~ A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility



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to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which



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combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

A ~~The~~ district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as



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rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the



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policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. A charter lab school is eligible



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for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing



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collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both



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parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor ~~school district~~ as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor ~~district school board~~, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's ~~district school board's~~ request, until any appeal status is resolved.



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(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor ~~district~~ reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting



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according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for



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developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.



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e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school



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grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby ~~district~~ public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—



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(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district.~~

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a developer,



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including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter ~~provides the~~ school ~~facilities~~ facility and related property in an amount equal to or having a total ~~an~~ appraised value of at least \$5 million to be used as a charter schools ~~school~~ to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are ~~shall be~~ entitled to ~~no more than~~ 50 percent of the student stations in the charter schools ~~school~~. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must ~~shall~~ be filled in accordance with subparagraph 4.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR ~~SCHOOL-DISTRICT~~; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor ~~school district~~ shall indemnify the state and the sponsor ~~school district~~ from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor ~~school district~~ but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor ~~school district~~ shall not be pledged and no debts shall be payable out



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of any moneys except those of the legal entity in possession of
a valid charter approved by a sponsor ~~district school board~~
pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
A-MUNICIPALITY.—

(c) A charter school-in-a-municipality designation may be
granted to a municipality that possesses a charter; enrolls
students based upon a random lottery that involves all of the
children of the residents of that municipality who are seeking
enrollment, as provided for in subsection (10); and enrolls
students according to the racial/ethnic balance provisions
described in subparagraph (7)(a)8. When a municipality has
submitted charter applications for the establishment of a
charter school feeder pattern, consisting of elementary, middle,
and senior high schools, and each individual charter application
is approved by the sponsor ~~district school board~~, such schools
shall then be designated as one charter school for all purposes
listed pursuant to this section. Any portion of the land and
facility used for a public charter school shall be exempt from
ad valorem taxes, as provided for in s. 1013.54, for the
duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school,
regardless of the sponsorship, shall be funded as if they are in
a basic program or a special program, the same as students
enrolled in other public schools in a ~~the~~ school district.
Funding for a charter lab school shall be as provided in s.
1002.32.

(a) Each charter school shall report its student enrollment
to the sponsor as required in s. 1011.62, and in accordance with



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the definitions in s. 1011.61. The sponsor shall include each charter school's enrollment in the sponsor's ~~district's~~ report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all sponsors ~~districts~~ shall accept electronic data that complies with the Department of Education's electronic format.

(b)1. The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter



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schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy, divided by total funded weighted full-time equivalent students in the district, and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution



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pursuant to paragraph (5) (a) is determined pursuant to s.
1013.62 and the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable



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federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) Sponsors ~~District school boards~~ shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's ~~district school board's~~ fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor ~~district school board~~ shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the



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969 sponsor's student information system. Thereafter, the results of
970 full-time equivalent student membership surveys shall be used in
971 adjusting the amount of funds distributed monthly to the charter
972 school for the remainder of the fiscal year. The payments shall
973 be issued no later than 10 working days after the sponsor
974 ~~district school board~~ receives a distribution of state or
975 federal funds or the date the payment is due pursuant to this
976 subsection. If a warrant for payment is not issued within 10
977 working days after receipt of funding by the sponsor ~~district~~
978 ~~school board~~, the sponsor ~~school district~~ shall pay to the
979 charter school, in addition to the amount of the scheduled
980 disbursement, interest at a rate of 1 percent per month
981 calculated on a daily basis on the unpaid balance from the
982 expiration of the 10 working days until such time as the warrant
983 is issued. The district school board may not delay payment to a
984 charter school of any portion of the funds provided in paragraph
985 (b) based on the timing of receipt of local funds by the
986 district school board.

987 (f) Funding for a virtual charter school shall be as
988 provided in s. 1002.45(7).

989 (g) To be eligible for public education capital outlay
990 (PECO) funds, a charter school must be located in the State of
991 Florida.

992 (h) A charter school that implements a schoolwide standard
993 student attire policy pursuant to s. 1011.78 is eligible to
994 receive incentive payments.

995 (18) FACILITIES.—

996 (e) If a district school board facility or property is
997 available because it is surplus, marked for disposal, or



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otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor ~~school district~~ may not sell or dispose of such property without written permission of the sponsor ~~school district~~. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include 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 that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor ~~school district~~ at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch



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Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the 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 shall be calculated based on unweighted full-time equivalent students. The administrative fee 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.



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(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 the 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 fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

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).

(b) If goods and services are made available to the charter



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school through the contract with the sponsor ~~school district~~, they shall be provided to the charter school at a rate no greater than the sponsor's ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, sponsors ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of



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Education, to rate the timeliness and quality of services provided by the sponsor ~~district~~ in accordance with this section. The department shall compile the results, by sponsor ~~district~~, and include the results in the report required under sub-sub-subparagraph (5) (b)1.k.(III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors ~~school districts~~ and charter schools before implementation. The charter and charter renewal contracts shall be used by charter school sponsors.

(b)1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341 the school's student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school, the sponsor ~~district in which the charter school is located~~, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.



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(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—

(a) A charter school system's governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsor ~~sponsoring district school board~~ and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in the state; and
3. Has the same governing board.

Such designation does not apply to other provisions unless specifically provided in law.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors ~~school districts~~ and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and 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 charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation



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instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 3. Paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(3)

(b) A high-performing charter school may submit not ~~establish more than~~ two applications for a charter school ~~schools~~ within the state under paragraph (a) to be opened at a time determined by the high-performing charter school in any ~~year~~. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school applicant commences operations or an application is ~~otherwise withdrawn established in this manner achieves high-~~ ~~performing charter school status~~. However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school. This paragraph applies to any high-performing charter school with an existing approved application.

Section 4. Paragraph (c) of subsection (1), paragraphs (g) and (h) of subsection (6), paragraph (d) of subsection (7), and paragraph (b) of subsection (10) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(c) "Persistently low-performing school" means a school that has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years that the school



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received a grade and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(g) Each school of hope that has not been designated as a local education agency shall report its students to the school district as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The school district shall include each charter school's enrollment in the district's report of student enrollment. A school of hope designated as a local education agency may report its students to the department in accordance with the definitions in s. 1011.61 pursuant to procedures and timelines adopted by the department. All charter schools submitting student record information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.

(h) A ~~school of hope~~ operator shall provide the school district with a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental fund format prescribed by the Governmental Accounting Standards Board. Additionally, a ~~school of hope~~ operator shall comply with the annual audit requirement ~~for charter schools~~ in s. 218.39.

(7) FACILITIES.—



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(d) No later than January ~~October~~ 1, the department ~~each school district~~ shall annually provide to school districts ~~the Department of Education~~ a list of all underused, vacant, or surplus facilities owned or operated by the school district as reported in the Florida Inventory of School Houses. A school district may provide evidence to the department that the list contains errors or omissions within 30 days after receipt of the list. By each April 1, the department shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon updated information provided by each school district. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed \$600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term "underused, vacant, or surplus facility" means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 7 ~~5~~ years after the effective date of the original appropriation.

Section 5. Paragraph (a) of subsection (1) of section



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1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1)(a) A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools and school districts. Career and professional academies may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 6. Present subsection (3) of section 1008.3415, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) The Commissioner of Education, upon request by a charter school that is an exceptional student education center and that has received two consecutive ratings of “maintaining” or higher pursuant to s. 1008.341(2), shall provide a letter to the charter school and to the charter school’s sponsor stating that the charter school may replicate its educational program in



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the same manner as a high-performing charter school under s.
1002.331(3).

Section 7. Subsection (2) of section 1012.32, Florida
Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are
hired or contracted to fill positions that require direct
contact with students in any district school system or
university lab school must, upon employment or engagement to
provide services, undergo background screening as required under
s. 1012.465 or s. 1012.56, whichever is applicable.

(b)1. Instructional and noninstructional personnel who are
hired or contracted to fill positions in a ~~any~~ charter school
other than a school of hope as defined in s. 1002.333(1)(d)1.,
and members of the governing board of such ~~any~~ charter school,
in compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,
engagement of services, or appointment, shall undergo background
screening as required under s. 1012.465 or s. 1012.56, whichever
is applicable, by filing with the district school board for the
school district in which the charter school is located a
complete set of fingerprints taken by an authorized law
enforcement agency or an employee of the school or school
district who is trained to take fingerprints.

2. Instructional and noninstructional personnel who are
hired or contracted to fill positions in a school of hope as
defined in s. 1002.333(1)(d)1., and members of the governing
board of such school of hope, shall file with the school of hope
a complete set of fingerprints taken by an authorized law
enforcement agency, by an employee of the school of hope or



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school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Required fingerprints must ~~shall~~ be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that



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requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 8. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by



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changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15) (b); or

f. Be operated by a hope operator pursuant to s. 1002.333.

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by



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the charter school's sponsor.

Section 9. This act shall take effect July 1, 2021.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to charter schools; amending s.
218.39, F.S.; providing that a hope operator that has
not been notified that a financial audit for a fiscal
year will be performed by the Auditor General must
retain an independent certified public accountant to
complete, within 9 months after the end of its fiscal
year, an annual financial audit of its accounts, which
must be paid from its public funds; requiring an
auditor to discuss comments that will be included in
the audit report with the hope operator's board chair
or the chair's designee; requiring the auditor to
notify each hope operator board member of specified
information; requiring hope operators to file an
officer's written statement of explanation or rebuttal
concerning an auditor's findings within a certain
timeframe; authorizing the Legislative Auditing
Committee to require the chair of the hope operator or
the chair's designee to appear before the committee if
it is determined that the written statement is
insufficient; requiring each hope operator to file a
copy of its audit report with specified entities;



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1433 amending s. 1002.33, F.S.; authorizing state
1434 universities and Florida College System institutions
1435 to solicit applications and sponsor charter schools
1436 under certain circumstances; prohibiting certain
1437 charter schools from being sponsored by a Florida
1438 College System institution until such charter school's
1439 existing charter expires; authorizing a state
1440 university or Florida College System institution to,
1441 at its discretion, deny an application for a charter
1442 school; revising the contents of an annual report that
1443 charter school sponsors must provide to the Department
1444 of Education; revising the date by which the
1445 department must post a specified annual report;
1446 revising provisions relating to Florida College System
1447 institutions that are operating charter schools;
1448 requiring the board of trustees of a state university
1449 or Florida College System institution that is
1450 sponsoring a charter school to serve as the local
1451 educational agency for such school; prohibiting
1452 certain charter school students from being included in
1453 specified school district grade calculations;
1454 requiring the department to develop a sponsor
1455 evaluation framework; providing requirements for the
1456 framework; requiring the department to compile
1457 results in a specified manner; deleting obsolete
1458 language; revising requirements for the charter school
1459 application process; revising the student populations
1460 for which a charter school is authorized to limit the
1461 enrollment process; providing a calculation for the



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1462 operational funding for a charter school sponsored by
1463 a state university or Florida College System
1464 institution; requiring the department to develop a
1465 tool for state universities and Florida College System
1466 institutions for specified purposes relating to
1467 certain funding calculations; providing that such
1468 funding must be appropriated to the charter school;
1469 providing for capital outlay funding for such schools;
1470 authorizing a sponsor to withhold an administrative
1471 fee for the provision of certain services to an
1472 exceptional student education center that meets
1473 specified requirements; conforming provisions to
1474 changes made by the act; amending s. 1002.331, F.S.;
1475 revising provisions relating to the opening of
1476 additional high-performing charter schools; amending
1477 s. 1002.333, F.S.; revising the definition of the term
1478 "persistently low-performing school"; authorizing,
1479 instead of requiring, a school of hope designated as a
1480 local education agency to report students in
1481 accordance with procedures and timelines adopted by
1482 the Department of Education; requiring hope operators,
1483 rather than schools of hope, to provide school
1484 districts with quarterly financial statement summary
1485 sheets; revising the manner in which underused,
1486 vacant, or surplus facilities owned or operated by
1487 school districts are identified; increasing the number
1488 of years for which certain funds may be carried
1489 forward; amending s. 1003.493, F.S.; authorizing a
1490 charter school to offer a career and professional



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1491 academy; amending s. 1008.3415, F.S.; requiring the
1492 Commissioner of Education, upon request by a charter
1493 school that meets specified criteria, to provide a
1494 letter to the charter school and the charter school's
1495 sponsor authorizing the charter school to replicate
1496 the charter school's education program; amending s.
1497 1012.32, F.S.; providing an alternate screening method
1498 for specified persons employed by certain schools of
1499 hope or serving on certain school of hope governing
1500 boards; amending s. 1013.62, F.S.; expanding
1501 eligibility to receive capital outlay funds to schools
1502 of hope operated by a hope operator; providing an
1503 effective date.

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; authorizing state universities and
 4 Florida College System institutions to solicit
 5 applications and sponsor charter schools under certain
 6 circumstances; prohibiting certain charter schools
 7 from being sponsored by a Florida College System
 8 institution until such charter school's existing
 9 charter expires; authorizing a state university or
 10 Florida College System institution to, at its
 11 discretion, deny an application for a charter school;
 12 revising the contents of an annual report that charter
 13 school sponsors must provide to the Department of
 14 Education; revising the date by which the department
 15 must post a specified annual report; revising
 16 provisions relating to Florida College System
 17 institutions that are operating charter schools;
 18 requiring the board of trustees of a state university
 19 or Florida College System institution that is
 20 sponsoring a charter school to serve as the local
 21 educational agency for such school; prohibiting
 22 certain charter school students from being included in
 23 specified school district grade calculations;
 24 requiring the department to develop a sponsor
 25 evaluation framework; providing requirements for the
 26 framework; requiring the department to compile
 27 results in a specified manner; deleting obsolete
 28 language; revising the student populations for which a
 29 charter school is authorized to limit the enrollment

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30 process; providing a calculation for the operational
 31 funding for a charter school sponsored by a state
 32 university or Florida College System institution;
 33 requiring the department to develop a tool for state
 34 universities and Florida College System institutions
 35 for specified purposes relating to certain funding
 36 calculations; providing that such funding must be
 37 appropriated to the charter school; providing for
 38 capital outlay funding for such schools; conforming
 39 provisions to changes made by the act; amending s.
 40 1003.493, F.S.; authorizing a career and professional
 41 academy to be offered by a charter school; providing
 42 an effective date.
 43
 44 Be It Enacted by the Legislature of the State of Florida:
 45
 46 Section 1. Paragraph (c) of subsection (2), subsection (5),
 47 paragraph (b) of subsection (6), paragraphs (a) and (d) of
 48 subsection (7), paragraphs (d) and (e) of subsection (8),
 49 paragraphs (g) and (n) of subsection (9), paragraph (e) of
 50 subsection (10), subsection (14), paragraph (c) of subsection
 51 (15), subsection (17), paragraph (e) of subsection (18),
 52 subsections (20) and (21), paragraph (a) of subsection (25), and
 53 subsection (28) of section 1002.33, Florida Statutes, are
 54 amended to read:
 55 1002.33 Charter schools.—
 56 (2) GUIDING PRINCIPLES; PURPOSE.—
 57 (c) Charter schools may fulfill the following purposes:
 58 1. Create innovative measurement tools.

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2. Provide rigorous competition within the public school system ~~district~~ to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution may, upon approval by the Department of Education, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading

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to industry certifications to eligible charter school students.
A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(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 shall 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

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and consistent with the state education goals established by s.
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 shall not be 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 shall not be 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 shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

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 draft applications received on or before May 1 and each applicant's contact information.~~

~~(B)~~ The number of ~~final~~ applications received on or before February ~~August~~ 1 and each applicant's contact information.

(B) ~~(C)~~ The date each application was approved, denied, or withdrawn.

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(C) ~~(D)~~ The date each final contract was executed.

(II) Annually, by November 1 ~~Beginning August 31, 2013, and each year thereafter,~~ the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor district, and post the report on its website by January 15 ~~November 1~~ of each year.

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 district ~~school board'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 institution may operate ~~no more than one~~ charter ~~schools~~ school that ~~serve~~ serves students in kindergarten through grade 12 in any school district within the service area of the institution. ~~In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a~~

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175 ~~supervised brick-and-mortar location away from home. A student~~
 176 ~~in a blended learning course must be a full-time student of the~~
 177 ~~charter school and receive the online instruction in a classroom~~
 178 ~~setting at the charter school.~~ District school boards shall
 179 cooperate with and assist the Florida College System institution
 180 on the charter application. Florida College System institution
 181 applications for charter schools are not subject to the time
 182 deadlines outlined in subsection (6) and may be approved by the
 183 district school board at any time during the year. Florida
 184 College System institutions may not report FTE for any students
 185 participating under this subparagraph who receive FTE funding
 186 through the Florida Education Finance Program.

187 5. A school district may enter into nonexclusive interlocal
 188 agreements with federal and state agencies, counties,
 189 municipalities, and other governmental entities that operate
 190 within the geographical borders of the school district to act on
 191 behalf of such governmental entities in the inspection,
 192 issuance, and other necessary activities for all necessary
 193 permits, licenses, and other permissions that a charter school
 194 needs in order for development, construction, or operation. A
 195 charter school may use, but may not be required to use, a school
 196 district for these services. The interlocal agreement must
 197 include, but need not be limited to, the identification of fees
 198 that charter schools will be charged for such services. The fees
 199 must consist of the governmental entity's fees plus a fee for
 200 the school district to recover no more than actual costs for
 201 providing such services. These services and fees are not
 202 included within the services to be provided pursuant to
 203 subsection (20).

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204 6. The board of trustees of a sponsoring state university
 205 or Florida College System institution under paragraph (a) is the
 206 local educational agency for all charter schools it sponsors for
 207 purposes of receiving federal funds and accepts full
 208 responsibility for all local educational agency requirements and
 209 the schools for which it will perform local educational agency
 210 responsibilities. A student enrolled in a charter school that is
 211 sponsored by a state university or Florida College System
 212 institution may not be included in the calculation of the school
 213 district's grade under s. 1008.34(5) for the school district in
 214 which he or she resides.

215 (c) Sponsor accountability.—

216 1. The department shall, in collaboration with charter
 217 school sponsors and charter school operators, develop a sponsor
 218 evaluation framework that must address, at a minimum:

219 a. The sponsor's strategic vision for charter school
 220 authorizing and the sponsor's progress toward that vision.

221 b. The alignment of the sponsor's policies and practices to
 222 best practices for charter school authorizing.

223 c. The academic and financial performance of all operating
 224 charter schools overseen by the sponsor.

225 d. The status of charter schools authorized by the sponsor,
 226 including approved, operating, and closed schools.

227 2. The department shall compile the results by sponsor and
 228 include the results in the report required under sub-sub-
 229 paragraph (b)1.k.(III).

230 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 231 applications are subject to the following requirements:

232 (b) A sponsor shall receive and review all applications for

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233 a charter school using the evaluation instrument developed by
 234 the Department of Education. ~~A sponsor shall receive and~~
 235 ~~consider charter school applications received on or before~~
 236 ~~August 1 of each calendar year for charter schools to be opened~~
 237 ~~at the beginning of the school district's next school year, or~~
 238 ~~to be opened at a time agreed to by the applicant and the~~
 239 ~~sponsor. A sponsor may not refuse to receive a charter school~~
 240 ~~application submitted before August 1 and may receive an~~
 241 ~~application submitted later than August 1 if it chooses.~~
 242 Beginning in 2018 and thereafter, A sponsor shall receive and
 243 consider charter school applications received on or before
 244 February 1 of each calendar year for charter schools to be
 245 opened 18 months later at the beginning of the ~~school district's~~
 246 school year, or to be opened at a time determined by the
 247 applicant. A sponsor may not refuse to receive a charter school
 248 application submitted before February 1 and may receive an
 249 application submitted later than February 1 if it chooses. A
 250 sponsor may not charge an applicant for a charter any fee for
 251 the processing or consideration of an application, and a sponsor
 252 may not base its consideration or approval of a final
 253 application upon the promise of future payment of any kind.
 254 Before approving or denying any application, the sponsor shall
 255 allow the applicant, upon receipt of written notification, at
 256 least 7 calendar days to make technical or nonsubstantive
 257 corrections and clarifications, including, but not limited to,
 258 corrections of grammatical, typographical, and like errors or
 259 missing signatures, if such errors are identified by the sponsor
 260 as cause to deny the final application.

261 1. In order to facilitate an accurate budget projection

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262 process, a sponsor shall be held harmless for FTE students who
 263 are not included in the FTE projection due to approval of
 264 charter school applications after the FTE projection deadline.
 265 In a further effort to facilitate an accurate budget projection,
 266 within 15 calendar days after receipt of a charter school
 267 application, a sponsor shall report to the Department of
 268 Education the name of the applicant entity, the proposed charter
 269 school location, and its projected FTE.

270 2. In order to ensure fiscal responsibility, an application
 271 for a charter school shall include a full accounting of expected
 272 assets, a projection of expected sources and amounts of income,
 273 including income derived from projected student enrollments and
 274 from community support, and an expense projection that includes
 275 full accounting of the costs of operation, including start-up
 276 costs.

277 3.a. A sponsor shall by a majority vote approve or deny an
 278 application no later than 90 calendar days after the application
 279 is received, unless the sponsor and the applicant mutually agree
 280 in writing to temporarily postpone the vote to a specific date,
 281 at which time the sponsor shall by a majority vote approve or
 282 deny the application. If the sponsor fails to act on the
 283 application, an applicant may appeal to the State Board of
 284 Education as provided in paragraph (c). If an application is
 285 denied, the sponsor shall, within 10 calendar days after such
 286 denial, articulate in writing the specific reasons, based upon
 287 good cause, supporting its denial of the application and shall
 288 provide the letter of denial and supporting documentation to the
 289 applicant and to the Department of Education.

290 b. An application submitted by a high-performing charter

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291 school identified pursuant to s. 1002.331 or a high-performing
 292 charter school system identified pursuant to s. 1002.332 may be
 293 denied by the sponsor only if the sponsor demonstrates by clear
 294 and convincing evidence that:

295 (I) The application of a high-performing charter school
 296 does not materially comply with the requirements in paragraph
 297 (a) or, for a high-performing charter school system, the
 298 application does not materially comply with s. 1002.332(2)(b);

299 (II) The charter school proposed in the application does
 300 not materially comply with the requirements in paragraphs
 301 (9)(a)-(f);

302 (III) The proposed charter school's educational program
 303 does not substantially replicate that of the applicant or one of
 304 the applicant's high-performing charter schools;

305 (IV) The applicant has made a material misrepresentation or
 306 false statement or concealed an essential or material fact
 307 during the application process; or

308 (V) The proposed charter school's educational program and
 309 financial management practices do not materially comply with the
 310 requirements of this section.

311
 312 Material noncompliance is a failure to follow requirements or a
 313 violation of prohibitions applicable to charter school
 314 applications, which failure is quantitatively or qualitatively
 315 significant either individually or when aggregated with other
 316 noncompliance. An applicant is considered to be replicating a
 317 high-performing charter school if the proposed school is
 318 substantially similar to at least one of the applicant's high-
 319 performing charter schools and the organization or individuals

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320 involved in the establishment and operation of the proposed
 321 school are significantly involved in the operation of replicated
 322 schools.

323 c. If the sponsor denies an application submitted by a
 324 high-performing charter school or a high-performing charter
 325 school system, the sponsor must, within 10 calendar days after
 326 such denial, state in writing the specific reasons, based upon
 327 the criteria in sub-subparagraph b., supporting its denial of
 328 the application and must provide the letter of denial and
 329 supporting documentation to the applicant and to the Department
 330 of Education. The applicant may appeal the sponsor's denial of
 331 the application in accordance with paragraph (c).

332 4. For budget projection purposes, the sponsor shall report
 333 to the Department of Education the approval or denial of an
 334 application within 10 calendar days after such approval or
 335 denial. In the event of approval, the report to the Department
 336 of Education shall include the final projected FTE for the
 337 approved charter school.

338 5. ~~Upon approval of an application, the initial startup~~
 339 ~~shall commence with the beginning of the public school calendar~~
 340 ~~for the district in which the charter is granted.~~ A charter
 341 school may defer the opening of the school's operations for up
 342 to 3 years to provide time for adequate facility planning. The
 343 charter school must provide written notice of such intent to the
 344 sponsor and the parents of enrolled students at least 30
 345 calendar days before the first day of school.

346 (7) CHARTER.—The terms and conditions for the operation of
 347 a charter school shall be set forth by the sponsor and the
 348 applicant in a written contractual agreement, called a charter.

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The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading

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research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of

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academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

A The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a

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racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been

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made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

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16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility

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requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor ~~school district~~ as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor ~~district~~ ~~school board~~ property and improvements, furnishings, and equipment purchased with public funds shall automatically revert

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to full ownership by the sponsor ~~district school board~~, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's ~~district school board's~~ request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must

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581 reformat this information for reporting according to this
582 paragraph.

583 2. Charter schools shall provide annual financial report
584 and program cost report information in the state-required
585 formats for inclusion in sponsor ~~district~~ reporting in
586 compliance with s. 1011.60(1). Charter schools that are operated
587 by a municipality or are a component unit of a parent nonprofit
588 organization may use the accounting system of the municipality
589 or the parent but must reformat this information for reporting
590 according to this paragraph.

591 3. A charter school shall, upon approval of the charter
592 contract, provide the sponsor with a concise, uniform, monthly
593 financial statement summary sheet that contains a balance sheet
594 and a statement of revenue, expenditures, and changes in fund
595 balance. The balance sheet and the statement of revenue,
596 expenditures, and changes in fund balance shall be in the
597 governmental funds format prescribed by the Governmental
598 Accounting Standards Board. A high-performing charter school
599 pursuant to s. 1002.331 may provide a quarterly financial
600 statement in the same format and requirements as the uniform
601 monthly financial statement summary sheet. The sponsor shall
602 review each monthly or quarterly financial statement to identify
603 the existence of any conditions identified in s. 1002.345(1)(a).

604 4. A charter school shall maintain and provide financial
605 information as required in this paragraph. The financial
606 statement required in subparagraph 3. must be in a form
607 prescribed by the Department of Education.

608 (n)1. The director and a representative of the governing
609 board of a charter school that has earned a grade of "D" or "F"

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610 pursuant to s. 1008.34 shall appear before the sponsor to
611 present information concerning each contract component having
612 noted deficiencies. The director and a representative of the
613 governing board shall submit to the sponsor for approval a
614 school improvement plan to raise student performance. Upon
615 approval by the sponsor, the charter school shall begin
616 implementation of the school improvement plan. The department
617 shall offer technical assistance and training to the charter
618 school and its governing board and establish guidelines for
619 developing, submitting, and approving such plans.

620 2.a. If a charter school earns three consecutive grades
621 below a "C," the charter school governing board shall choose one
622 of the following corrective actions:

623 (I) Contract for educational services to be provided
624 directly to students, instructional personnel, and school
625 administrators, as prescribed in state board rule;

626 (II) Contract with an outside entity that has a
627 demonstrated record of effectiveness to operate the school;

628 (III) Reorganize the school under a new director or
629 principal who is authorized to hire new staff; or

630 (IV) Voluntarily close the charter school.

631 b. The charter school must implement the corrective action
632 in the school year following receipt of a third consecutive
633 grade below a "C."

634 c. The sponsor may annually waive a corrective action if it
635 determines that the charter school is likely to improve a letter
636 grade if additional time is provided to implement the
637 intervention and support strategies prescribed by the school
638 improvement plan. Notwithstanding this sub-subparagraph, a

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639 charter school that earns a second consecutive grade of "F" is
640 subject to subparagraph 3.

641 d. A charter school is no longer required to implement a
642 corrective action if it improves to a "C" or higher. However,
643 the charter school must continue to implement strategies
644 identified in the school improvement plan. The sponsor must
645 annually review implementation of the school improvement plan to
646 monitor the school's continued improvement pursuant to
647 subparagraph 4.

648 e. A charter school implementing a corrective action that
649 does not improve to a "C" or higher after 2 full school years of
650 implementing the corrective action must select a different
651 corrective action. Implementation of the new corrective action
652 must begin in the school year following the implementation
653 period of the existing corrective action, unless the sponsor
654 determines that the charter school is likely to improve to a "C"
655 or higher if additional time is provided to implement the
656 existing corrective action. Notwithstanding this sub-
657 subparagraph, a charter school that earns a second consecutive
658 grade of "F" while implementing a corrective action is subject
659 to subparagraph 3.

660 3. A charter school's charter contract is automatically
661 terminated if the school earns two consecutive grades of "F"
662 after all school grade appeals are final unless:

663 a. The charter school is established to turn around the
664 performance of a district public school pursuant to s.
665 1008.33(4)(b)2. Such charter schools shall be governed by s.
666 1008.33;

667 b. The charter school serves a student population the

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668 majority of which resides in a school zone served by a district
669 public school subject to s. 1008.33(4) and the charter school
670 earns at least a grade of "D" in its third year of operation.
671 The exception provided under this sub-subparagraph does not
672 apply to a charter school in its fourth year of operation and
673 thereafter; or

674 c. The state board grants the charter school a waiver of
675 termination. The charter school must request the waiver within
676 15 days after the department's official release of school
677 grades. The state board may waive termination if the charter
678 school demonstrates that the Learning Gains of its students on
679 statewide assessments are comparable to or better than the
680 Learning Gains of similarly situated students enrolled in nearby
681 ~~district~~ public schools. The waiver is valid for 1 year and may
682 only be granted once. Charter schools that have been in
683 operation for more than 5 years are not eligible for a waiver
684 under this sub-subparagraph.

685
686 The sponsor shall notify the charter school's governing board,
687 the charter school principal, and the department in writing when
688 a charter contract is terminated under this subparagraph. A
689 charter terminated under this subparagraph must follow the
690 procedures for dissolution and reversion of public funds
691 pursuant to paragraphs (8)(d)-(f) and (9)(o).

692 4. The director and a representative of the governing board
693 of a graded charter school that has implemented a school
694 improvement plan under this paragraph shall appear before the
695 sponsor at least once a year to present information regarding
696 the progress of intervention and support strategies implemented

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by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district~~.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or,

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in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter ~~provides the school facilities~~ facility and related property in an amount equal to or having a total ~~an~~ appraised value of at least \$5 million to be used as a charter schools ~~school~~ to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are ~~shall be~~ entitled to ~~no more than~~ 50 percent of the student stations in the charter schools ~~school~~. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must ~~shall~~ be filled in accordance with subparagraph 4.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor ~~school~~

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~~district~~ shall indemnify the state and the sponsor school
~~district~~ from any and all liability, including, but not limited
to, financial responsibility for the payment of the principal or
interest. Any loans, bonds, or other financial agreements are
not obligations of the state or the sponsor school district but
are obligations of the charter school authority and are payable
solely from the sources of funds pledged by such agreement. The
credit or taxing power of the state or the sponsor school
~~district~~ shall not be pledged and no debts shall be payable out
of any moneys except those of the legal entity in possession of
a valid charter approved by a sponsor district school board
pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
A-MUNICIPALITY.—

(c) A charter school-in-a-municipality designation may be
granted to a municipality that possesses a charter; enrolls
students based upon a random lottery that involves all of the
children of the residents of that municipality who are seeking
enrollment, as provided for in subsection (10); and enrolls
students according to the racial/ethnic balance provisions
described in subparagraph (7)(a)8. When a municipality has
submitted charter applications for the establishment of a
charter school feeder pattern, consisting of elementary, middle,
and senior high schools, and each individual charter application
is approved by the sponsor district school board, such schools
shall then be designated as one charter school for all purposes
listed pursuant to this section. Any portion of the land and
facility used for a public charter school shall be exempt from
ad valorem taxes, as provided for in s. 1013.54, for the

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duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school,
regardless of the sponsorship, shall be funded as if they are in
a basic program or a special program, the same as students
enrolled in other public schools in a the school district.
Funding for a charter lab school shall be as provided in s.
1002.32.

(a) Each charter school shall report its student enrollment
to the sponsor as required in s. 1011.62, and in accordance with
the definitions in s. 1011.61. The sponsor shall include each
charter school's enrollment in the sponsor's district's report
of student enrollment. All charter schools submitting student
record information required by the Department of Education shall
comply with the Department of Education's guidelines for
electronic data formats for such data, and all sponsors
~~districts~~ shall accept electronic data that complies with the
Department of Education's electronic format.

(b)1. The basis for the agreement for funding students
enrolled in a charter school shall be the sum of the school
district's operating funds from the Florida Education Finance
Program as provided in s. 1011.62 and the General Appropriations
Act, including gross state and local funds, discretionary
lottery funds, and funds from the school district's current
operating discretionary millage levy; divided by total funded
weighted full-time equivalent students in the school district;
and multiplied by the weighted full-time equivalent students for
the charter school. Charter schools whose students or programs
meet the eligibility criteria in law are entitled to their
proportionate share of categorical program funds included in the

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total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy, divided by total funded weighted full-time equivalent students in the district, and multiplied by the full-

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time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of

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reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) Sponsors ~~District school boards~~ shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's ~~district school board's~~ fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered

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into the sponsor's student information system by the first day of the current month, the sponsor ~~district school board~~ shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the sponsor ~~district school board~~ receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the sponsor ~~district school board~~, the sponsor ~~school district~~ shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(7).

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929 (g) To be eligible for public education capital outlay
 930 (PECO) funds, a charter school must be located in the State of
 931 Florida.

932 (h) A charter school that implements a schoolwide standard
 933 student attire policy pursuant to s. 1011.78 is eligible to
 934 receive incentive payments.

935 (18) FACILITIES.—

936 (e) If a district school board facility or property is
 937 available because it is surplus, marked for disposal, or
 938 otherwise unused, it shall be provided for a charter school's
 939 use on the same basis as it is made available to other public
 940 schools in the district. A charter school receiving property
 941 from the sponsor ~~school district~~ may not sell or dispose of such
 942 property without written permission of the sponsor ~~school~~
 943 ~~district~~. Similarly, for an existing public school converting to
 944 charter status, no rental or leasing fee for the existing
 945 facility or for the property normally inventoried to the
 946 conversion school may be charged by the district school board to
 947 the parents and teachers organizing the charter school. The
 948 charter school shall agree to reasonable maintenance provisions
 949 in order to maintain the facility in a manner similar to
 950 district school board standards. The Public Education Capital
 951 Outlay maintenance funds or any other maintenance funds
 952 generated by the facility operated as a conversion school shall
 953 remain with the conversion school.

954 (20) SERVICES.—

955 (a)1. A sponsor shall provide certain administrative and
 956 educational services to charter schools. These services shall
 957 include contract management services; full-time equivalent and

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958 data reporting services; exceptional student education
 959 administration services; services related to eligibility and
 960 reporting duties required to ensure that school lunch services
 961 under the National School Lunch Program, consistent with the
 962 needs of the charter school, are provided by the sponsor ~~school~~
 963 ~~district~~ at the request of the charter school, that any funds
 964 due to the charter school under the National School Lunch
 965 Program be paid to the charter school as soon as the charter
 966 school begins serving food under the National School Lunch
 967 Program, and that the charter school is paid at the same time
 968 and in the same manner under the National School Lunch Program
 969 as other public schools serviced by the sponsor or the school
 970 district; test administration services, including payment of the
 971 costs of state-required or district-required student
 972 assessments; processing of teacher certificate data services;
 973 and information services, including equal access to the
 974 sponsor's student information systems that are used by public
 975 schools in the district in which the charter school is located
 976 or by schools in the sponsor's portfolio of charter schools if
 977 the sponsor is not a school district. Student performance data
 978 for each student in a charter school, including, but not limited
 979 to, FCAT scores, standardized test scores, previous public
 980 school student report cards, and student performance measures,
 981 shall be provided by the sponsor to a charter school in the same
 982 manner provided to other public schools in the district or by
 983 schools in the sponsor's portfolio of charter schools if the
 984 sponsor is not a school district.

985 2. A sponsor may withhold an administrative fee for the
 986 provision of such services which 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 shall be calculated based on unweighted full-time equivalent students. The administrative fee 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 the 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.

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.

4. A sponsor shall provide to the department by September

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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).

(b) If goods and services are made available to the charter school through the contract with the sponsor ~~school district~~, they shall be provided to the charter school at a rate no greater than the sponsor's ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, sponsors ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that

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transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the sponsor ~~district~~ in accordance with this section. The department shall compile the results, by sponsor ~~district~~, and include the results in the report required under sub-sub-paragraph (5) (b) 1.k. (III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors ~~school districts~~ and charter schools before implementation. The charter and charter renewal contracts shall be used by charter school sponsors.

(b) 1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341 the school's student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter

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school, the sponsor ~~district in which the charter school is located~~, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—

(a) A charter school system's governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsor ~~sponsoring district school board~~ and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in the state; and
3. Has the same governing board.

Such designation does not apply to other provisions unless specifically provided in law.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors ~~school districts~~ and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit

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1103 charter school flexibility authorized by statute. The State
1104 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1105 and 120.54, to implement a standard charter application form,
1106 standard application form for the replication of charter schools
1107 in a high-performing charter school system, standard evaluation
1108 instrument, and standard charter and charter renewal contracts
1109 in accordance with this section.

1110 Section 2. Paragraph (a) of subsection (1) of section
1111 1003.493, Florida Statutes, is amended to read:

1112 1003.493 Career and professional academies and career-
1113 themed courses.—

1114 (1) (a) A “career and professional academy” is a research-
1115 based program that integrates a rigorous academic curriculum
1116 with an industry-specific curriculum aligned directly to
1117 priority workforce needs established by the local workforce
1118 development board or the Department of Economic Opportunity.
1119 Career and professional academies shall be offered by public
1120 schools and school districts. Career and professional academies
1121 may be offered by charter schools. The Florida Virtual School is
1122 encouraged to develop and offer rigorous career and professional
1123 courses as appropriate. Students completing career and
1124 professional academy programs must receive a standard high
1125 school diploma, the highest available industry certification,
1126 and opportunities to earn postsecondary credit if the academy
1127 partners with a postsecondary institution approved to operate in
1128 the state.

1129 Section 3. This act shall take effect July 1, 2021.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

23 Mar 21

Meeting Date

1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street

Phone 850-391-4090

Street

Tallahassee

FL

32301

Email James@afloridapromise.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/23/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Job Title VP of Education

Address 1747 Orlando Central Pkwy

Phone 407 855 7604

Street

Orlando FL 32809

City

State

Zip

Email vp.education@

floridapta.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23

Meeting Date

1028

Bill Number (if applicable)

Topic CHARTER Schools

Amendment Barcode (if applicable)

Name Adam Miller

Job Title VP Policy & Advocacy

Address 4611 Salisbury RD.

Street

Jacksonville FL 32250

City

State

Zip

Phone 850-766-5770

Email Adam.Miller@IDCPublicSchools.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing IDCA Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

MARCH 23, 2021

Meeting Date

1028

Bill Number (if applicable)

Topic Charter Schools / 1028

Amendment Barcode (if applicable)

Name Stuart Brown

Job Title Lobbyist for KEPP Miami

Address 317 E Park Ave

Phone 850 570 - 5644

Street

Tallahassee FL 32301

City

State

Zip

Email brewser@brewserbrown.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing KEPP Miami

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/23/2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1028

Bill Number (if applicable)

Topic

CHARTER SCHOOLS

Amendment Barcode (if applicable)

Name

CHRISTIAN CAMARA

Job Title

Address

PO Box 122

Phone

305 608 4300

Street

TALLAHASSEE

FL

32302

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLORIDA CHARTER SCHOOL ALLIANCE

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address _____ Phone _____
Street

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: SB 1656

INTRODUCER: Senator Gruters

SUBJECT: Lawton Chiles Endowment Fund

DATE: March 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 1656 modifies how funds are used in the Lawton Chiles Endowment Fund (LCEF). Specifically, the bill:

- Requires annually by October 31, the Chief Financial Officer (CFO) to certify the amount that reverts to the LCEF principal.
- Specifies that the CFO must transfer 50 percent of any reverted funds by December 1 to the Board of Trustees (BOT) of the University of South Florida (USF).
- Requires the BOT to expend any funds received to conduct and support cardiovascular disease research at the USF Health Heart Institute.
- Allows the BOT to use funds for annual operating costs, and for recruiting, retaining, and equipping researchers.
- Prohibits the BOT from pledging any funds to secure debt.

The bill also requires the CFO to notify the BOT annually by December 1 that, if there is no reverted balance in that year, a balance transfer will not occur.

The bill has no fiscal impact on state revenues or expenditures. However, if unappropriated funds are transferred to USF rather than back to the LCEF, it may impact the fund's balance. See Section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

State Board of Administration

The State Board of Administration (SBA) is created by the Florida Constitution¹ and is governed by a three-member Board of Trustees (Trustees), comprised of senior elected officials; the Governor as Chair, the Chief Financial Officer, and the Attorney General.²

The Trustees, by law, have ultimate oversight.³ They delegate authority to the Executive Director, who serves as the chief administrative and investment officer, by administrative rule to provide the strategic direction and execution of the day-to-day operations.⁴

The SBA is an apolitical organization with a professional investment management staff and is required to invest assets and discharge its duties in accordance with Florida law and in compliance with fiduciary standards of care.⁵ Under state law, the SBA and its staff are obliged to:⁶

- Make sound investment management decisions that are solely in the interest of beneficiaries and investment clients.
- Make investment decisions from the perspective of subject-matter experts acting under the highest standards of professionalism and care, not merely as well-intentioned persons acting in good faith.

As a fiduciary, the SBA manages assets and provides administrative services that maximize the return on investments while prudently managing risk, controlling costs and providing appropriate diversification.⁷ The SBA is primarily responsible for investing the proceeds of the Florida Retirement System Pension Plan⁸, administering the Florida Retirement Investment Plan,⁹ managing the Florida Hurricane Catastrophe Fund¹⁰ and running Florida PRIME¹¹ as well as investing the proceeds of more than 25 other funds directed to the SBA by the Florida Legislature.¹² The Lawton Chiles Endowment Fund (LCEF) is one of those funds.

¹ Art. IV, s. 4, Fla. Const. Section 20.28, F.S.

² *Id.*

³ *Id.*

⁴ Rule 19-3.016, F.A.C.

⁵ SBA Florida, *Summary Overview of the State Board of Administration of Florida* (2021), available at https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/SBAOverview_20210225.pdf?ver=2021-02-25-085817-737 at 3.

⁶ *Id.*

⁷ *Id.*

⁸ SBA Florida, *Florida Retirement System Pension Plan*, https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/20170619_FRSP.PDF?ver=2017-06-19-162056-780 (last visited March 19, 2021).

⁹ SBA Florida, *Florida Retirement System Investment Plan*, https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/20170619_FRSIP.PDF?ver=2017-06-19-162255-263 (last visited March 19, 2021).

¹⁰ SBA Florida, *Florida Hurricane Catastrophe Fund*, <https://www.sbafla.com/fhcf/> (last visited March 19, 2021).

¹¹ SBA Florida, *Florida PRIME*, https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/20181005_FloridaPRIME.PDF?ver=2018-10-05-163903-033 (last visited March 19, 2021).

¹² SBA Florida, *About the SBA*, https://www.sbafla.com/fsb/Portals/FSB/Content/Topics/SBAOverview_20210225.pdf?ver=2021-02-25-085817-737 (last visited March 16, 2021).

Lawton Chiles Endowment Fund (LCEF)

Created by the Florida Legislature in 1999, the purpose of the LCEF is to provide a perpetual source of enhanced funding for state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities related to tobacco use.¹³

The SBA has the statutory authority and responsibility for the investment of LCEF assets.¹⁴ Florida law specifies that the LCEF must be managed in perpetuity, with an investment objective of long-term preservation of the real value of the principal.¹⁵ The law further requires a specified regular annual cash outflow for appropriation, as nonrecurring revenue.¹⁶

The LCEF receives money from the sale of the state's right, title, and interest in and to the tobacco settlement agreement as defined in law.¹⁷

Funds from the LCEF which are available for legislative appropriation must be transferred by the SBA to the Department of Financial Services Tobacco Settlement Clearing Trust Fund.¹⁸ Appropriations by the Legislature to the Department of Children and Families, the Department of Health, or the Department of Elderly Affairs from endowment earnings for health and human services programs must be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.¹⁹

State agencies must use distributions from the endowment to enhance or support increases in clients served or to meet increases in program costs in health and human services program areas. Funds distributed from the endowment may not be used to supplant existing revenues.²⁰ All unencumbered balances of appropriations from each department's respective Tobacco Settlement Trust Fund as of June 30 or undisbursed balances as of September 30 must revert to the endowment's principal.²¹

The table below illustrates the funds available, appropriated, and expended in the Tobacco Settlement Trust Fund for the 2019-2020 fiscal year. During the 2019-2020 fiscal year, \$1.9M of the appropriated funds were not expended.

¹³ Section 215.5601, F.S.

¹⁴ Subject to certain investment limitations and consistent with an Investment Policy Statement approved by the SBA Trustees. *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ "Tobacco settlement agreement" means the settlement agreement, as amended, entered into by the state and participating cigarette manufacturers in settlement of *State of Florida v. American Tobacco Co.*, No. 95-1466AH (Fla. 15th Cir. Ct. 1996). Section 215.56005, F.S.

¹⁸ Funds to be credited to the Tobacco Settlement Clearing Trust Fund must consist of payments received by the state from settlement of *State of Florida v. American Tobacco Co.*, No. 95-1466AH (Fla. 15th Cir. Ct. 1996). Moneys received from the settlement and deposited into the trust fund are exempt from the service charges. Section 17.41, F.S.

¹⁹ Section 215.5601(5), F.S.

²⁰ *Id.*

²¹ *Id.*

Tobacco Settlement Trust Fund Financial Outlook Statement 2019-2020 (\$ Millions)					
Funds Available ²²		Appropriations ²³		Expenditures ²⁴	
Balance Forward from 2018-2019	\$36.3	Agency for Health Care Administration ²⁵	\$269.1	Agency for Health Care Administration	\$269.1
Payments Received	\$335.0	Tobacco Prevention and Education ²⁶	\$72.1	Tobacco Prevention and Education	\$70.2
Transfer from LCEF	\$7.3				
Other funds available	\$1.6				
Total	\$380.2		\$341.2		\$339.3

University of South Florida (USF) Health Heart Institute

The USF Health Heart Institute conducts basic, translational, and clinical research and provides patient care related to cardiovascular diseases.²⁷ At its core, the Institute's research activities address the root causes of cardiovascular diseases, such as coronary artery disease, heart failure, congenital heart disease, cardiac arrhythmias, peripheral vascular disease, and renal, metabolic and pulmonary disease as they relate to the heart. The Institute translates knowledge gained across these domains into novel therapeutics and diagnostics to improve treatment and quality of life.²⁸

Cardiovascular disease is highly prevalent in the population.²⁹ When defined as coronary artery disease, heart failure, stroke, and hypertension, the prevalence of cardiovascular disease ranges from 34 percent to 71 percent of the U.S. population from the ages of 40 to 70 years.³⁰ Cardiovascular disease causes more deaths in the U.S. than any other disorder, including cancer, diabetes, and Alzheimer's disease. Despite advances in controlling major risk factors, such as smoking cessation and high-fat diets, atherosclerotic coronary heart disease, the major cause of heart attacks remains the most common cause of the cardio-vascular diseases in the United States.³¹

²² Office of Economic & Demographic Research, *Tobacco Settlement Trust Fund Financial Outlook Statement FY 2019-20 through FY 2025-26* (2020), available at http://edr.state.fl.us/Content/revenues/outlook-statements/tobacco-settlement-tf/200810_TSTFoutl.pdf.

²³ *Id.*

²⁴ Office of Economic & Demographic Research, *Tobacco Settlement Trust Fund Financial Outlook Statement FY 2019-20 through FY 2025-26 including Fiscal Year 2019-20 Closeout* (2020), available at http://edr.state.fl.us/Content/revenues/outlook-statements/tobacco-settlement-tf/201109_TSTFoutl.pdf.

²⁵ Agency for Health Care Administration, <https://ahca.myflorida.com/> (last visited march 19, 2021).

²⁶ Florida Department of Health, *Tobacco Free Florida*, <http://www.floridahealth.gov/PROGRAMS-AND-SERVICES/prevention/tobacco-free-florida/index.html> (last visited March 19, 2021).

²⁷ USF Health, *USF Heart Institute* (2015), available at <https://www.usf.edu/pdf/usf-downtown-med.pdf> at 3.

²⁸ *Id.*

²⁹ *Id.* at 11.

³⁰ *Id.* at 3.

³¹ *Id.*

III. Effect of Proposed Changes:

SB 1656 amends s. 215.5601, F.S., to modify how funds are used in the Lawton Chiles Endowment Fund (LCEF). The modifications made by the act may provide additional targeted research funding for cardiovascular disease at the University of South Florida (USF) Health Heart Institute. Specifically, the bill:

- Requires annually by October 31, the Chief Financial Officer (CFO) to certify the amount that reverts to the LCEF principal.
- Specifies that, if a balance reverts in any year, the CFO must transfer 50 percent of the reverted funds by December 1 to the Board of Trustees (BOT) of USF.
- Requires the BOT to first expend any funds received to conduct and support cardiovascular disease research at the USF Health Heart Institute.
- Allows the BOT to use funds for annual operating costs, and for recruiting, retaining, and equipping researchers engaged in cardiovascular research.
- Prohibits the BOT from pledging any funds to secure debt.

The bill also requires the CFO to notify the BOT annually by December 1 that, if there is no reverted balance in that year, a balance transfer will not occur.

The bill takes effect on July 1, 2021.

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:

Additional funding for cardiovascular disease research may benefit Florida citizens.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures. However, if unappropriated funds are transferred to USF rather than back to the Lawton Chiles Endowment Fund (LCEF), it may impact the fund's balance.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.5601 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 Gruters

23-01054A-21

20211656__

A bill to be entitled

An act relating to the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; requiring the Chief Financial Officer to annually certify the amount of unencumbered and undispersed endowment funds which reverts to the endowment's principal by a specified date; allocating a portion of the reverted funds to the board of trustees of the University of South Florida; requiring that such funds be used to support the university's Health Heart Institute; providing conditions for the use of the funds; prohibiting the funds from being used to secure debt; requiring the Chief Financial Officer to notify the university's board of trustees if a balance transfer will not occur during a given year; providing an effective date.

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

Section 1. Paragraph (e) of subsection (5) of section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(e) Notwithstanding s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations from each department's respective Tobacco Settlement Trust Fund as of June 30 or undisbursed balances as of September 30 shall revert to the endowment's principal. Unencumbered balances in the Biomedical Research Trust Fund shall be managed as provided in s. 20.435(7)(b). By October 31, annually, the Chief Financial

Page 1 of 2

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

23-01054A-21

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Officer must certify the amount that reverts to the endowment's principal. If a balance reverts in any year, not including the Biomedical Research Trust Fund, the Chief Financial Officer must transfer 50 percent of the certified reverted balance by warrant by December 1 of that year to the board of trustees of the University of South Florida. The board of trustees must first expend any funds received pursuant to this paragraph to conduct and support cardiovascular disease research at the University of South Florida Health Heart Institute and may also use the funds for the annual operating costs of recruiting, retaining, and equipping researchers engaged in cardiovascular disease research and any other lawful uses of funds authorized under the university's annual Education and General Activities appropriation in the General Appropriations Act. The board of trustees may not pledge any of the funds received pursuant to this paragraph to secure debt. If the Chief Financial Officer certifies that there is no reverted balance in any year, the Chief Financial Officer must notify the board of trustees of the University of South Florida by December 1 that a balance transfer pursuant to this paragraph will not occur that year.

Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

3/23/20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1656

Bill Number (if applicable)

Topic Lawton Chiles Endowment

Amendment Barcode (if applicable)

Name Jim Magill

Job Title # Lobbyist

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing USF Health

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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

BILL: SB 1282

INTRODUCER: Senator Harrell

SUBJECT: Early Learning and Early Grade Success

DATE: March 22, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brick	Bouck	ED	Favorable
2. _____	_____	AED	_____
3. _____	_____	AP	_____

I. Summary:

SB 1282 modifies the administration of the Voluntary Prekindergarten Education Program (VPK) and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning to consolidate authority and oversight within the State Board of Education. The bill also transfers the Gold Seal Quality Care program to the Department of Education (DOE) from the Department of Children and Families and adds standards for accrediting entities.

The bill expands accountability and assessment requirements for VPK providers. Specifically, the bill requires:

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- Beginning in the 2021-2022 program year, a program assessment composite score for each VPK provider based on the results of a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on the results of the CSPM, including learning gains, and the program assessment, beginning in the 2022-2023 program year.
- The assignment of a performance designation for VPK providers beginning with the 2023-2024 program year.

The bill creates the Council for Early Grade Success within the DOE to oversee the CSPM and requires the new screenings and assessments to be administered by qualified individuals.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate.

The bill appropriates \$3,088,000 in recurring funds from the General Revenue Fund to the DOE to implement the coordinated screening and progress monitoring program for VPK and kindergarten students beginning in Fiscal Year 2022-2023. The bill also appropriates \$677,759 recurring funds to implement the VPK program assessment and \$100,000 in nonrecurring funds to contract for a review of the school readiness payment rates.

The bill takes effect upon becoming law.

II. Present Situation:

State Level Governance

State Board of Education

The State Board of Education (SBE)¹ is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system. The SBE has authority over the Department of Education (DOE) and is authorized to delegate the SBE's general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the DOE.²

Department of Education

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.³ The commissioner is appointed by the SBE and serves as the executive director of the DOE.⁴ The DOE includes the Office of Early Learning (OEL), which is administered by an executive director who is fully accountable to the commissioner.⁵

Office of Early Learning

The OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education Program (VPK), and child care resource and referral services⁶—and an annual budget of \$1.37 billion.⁷ The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).⁸ The OEL adopts rules as required for the establishment and operation of the school readiness program and the VPK program.⁹ The executive director of the OEL is responsible for administering early learning programs at the state level. The OEL administers statewide the child care resource and referral (CCR&R) network, which provides information about state-funded early learning programs,

¹ The State Board of Education is established as “a body corporate and [shall] have such supervision of the system of free public education as is provided by law.” Art. IX, s. 2, Fla. Const.

² Section 1001.02, F.S.

³ Section 1001.20(1), F.S.

⁴ Section 20.15(2), F.S.

⁵ Section 20.15(3)(i), F.S.

⁶ *Id.*

⁷ Early Learning Services Program Total, s. 2, ch. 2020-111, L.O.F.

⁸ Section 1002.82(1), F.S.

⁹ The OEL is required to submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be immediately filed with the Department of State. Section 1001.213, F.S.

provides families with a customized listing of child care providers, and is used to document requests for services and provide technical assistance to providers regarding initiating or expanding services and program and budget development.¹⁰

The OEL employs an inspector general, as required by law, to promote accountability, integrity, and efficiency in the administration of early learning programs.¹¹ Statutory duties of the inspector general include the duty to advise the OEL in the development of performance measures, standards, and procedures employed by the OEL.¹²

Early Learning Coalitions

The OEL governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds. Across the state, 30 regional early learning coalitions (ELCs) and the Redlands Christian Migrant Association are responsible for delivering local services, including the VPK program and the school readiness program.¹³ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives.¹⁴ The SBE does not have authority over ELCs, and early learning data is not collected in the K-20 student database as part of the management information databases governed by the SBE.¹⁵

Child Care Executive Partnership Program

A body politic and corporate known as the Child Care Executive Partnership governs the Child Care Executive Partnership (CCEP) Program.¹⁶ The purpose of the CCEP Program is to use state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources so that Florida communities may create local flexible partnerships with employers. The CCEP Program funds are used at the discretion of local communities to meet the needs of working parents.¹⁷ The CCEP Program was not funded in the 2020 fiscal year.¹⁸

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to

¹⁰ See ss. 1001.213(5), 1002.82(2)(f)1.b., and 1002.92(1) and (3), F.S.; Florida Office of Early Learning, *Welcome to Florida's Early Learning Family Portal*, <https://familyservices.floridaearlylearning.com/> (last visited Mar. 19, 2021); see also Florida's Office of Early Learning, *Family Resources: Find Quality Child Care*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-a-child-care-resource-referral-service> (last visited Mar. 19, 2021).

¹¹ Section 20.055(1), F.S.

¹² Section 20.055(1), F.S.

¹³ The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Mar. 19, 2021). See also 1002.83(1), F.S.

¹⁴ Section 1002.83(3), F.S.

¹⁵ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 13.

¹⁶ Section 1002.94, F.S.

¹⁷ *Id.*

¹⁸ Chapter 2020-111, L.O.F.

professionally accepted standards.¹⁹ In 2004, the State established a free VPK program offered to eligible four-year-old children.²⁰ Parents may choose either a school-year or summer program offered by either a public or private school.²¹ \$412.2 million was appropriated from General Revenue for the VPK program in the 2020 General Appropriations Act.²² During the 2019-2020 academic year, the VPK program served 156,956 students.²³

ELCs and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.²⁴ A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.²⁵

The OEL adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for:²⁶

- Enrolling children and documenting and certifying student enrollment and student attendance.
- Providing parents with profiles of VPK providers.
- Registering private prekindergarten providers and public schools to deliver the program.
- Determining the eligibility of private prekindergarten providers to deliver the program and streamlining the process of provider eligibility whenever possible.
- Verifying the compliance and removing VPK providers from eligibility to deliver the program due to noncompliance or misconduct.
- Placing schools on probation and requiring corrective actions.
- Paying VPK providers.
- Reconciling advance payments in accordance with the uniform attendance policy.
- Reenrolling students dismissed by a VPK provider for noncompliance with the VPK provider's attendance policy.
- Approving improvement plans.
- Approving and paying specialized instructional services providers.

The OEL consults with the DOE regarding procedures implemented by ELCs and school districts for administering corrective action to VPK providers and administering the VPK program for specialized instructional services for children with disabilities.²⁷

¹⁹ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

²⁰ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

²¹ Section 1002.53(3), F.S.

²² Specific Appropriation 88, s. 2, ch. 2020-111, L.O.F.

²³ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 8 (last visited Mar. 19, 2021).

²⁴ Section 1002.53(4), F.S.

²⁵ Section 1002.53(4), F.S.

²⁶ Section 1002.75(2), F.S.

²⁷ Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

VPK Instructor Requirements

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with:²⁸

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families (DCF) as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.²⁹ A school-year VPK provider must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to meet the same qualifications as the lead instructor.³⁰

In lieu of the minimum credentials listed above, a private VPK program instructor may hold:³¹

- An associate's or higher degree in child development;
- An associate's or higher degree in an unrelated field, at least six credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through eight years of age;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- A bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current; or
- An educational credential approved by the OEL as being equivalent to or greater than any of these educational credentials.

The OEL sets minimum standards for emergent literacy training courses for VPK instructors. Each course must be at least five clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills. Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.³²

²⁸ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2019), incorporated by reference in Rule 65C-22.001(7), F.A.C.

²⁹ Sections 1002.63(5)-(6), F.S.; see also Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fl DOE.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

³⁰ Sections 1002.55(3)(f) and 1002.63(7), F.S.

³¹ Section 1002.55(4), F.S.

³² Section 1002.59(1), F.S.

Each course on performance standards must be at least three clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.³³

VPK Performance Standards

The OEL develops and adopts performance standards for students in VPK programs. The performance standards must address the age-appropriate progress of students in the development of:³⁴

- The capabilities, capacities, and skills required in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities.
- Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

Each VPK provider's curriculum must be developmentally appropriate, designed to prepare a student for early literacy, enhance age-appropriate student progress in attaining state-adopted performance standards, and prepare students to be ready for kindergarten based on the statewide kindergarten screening.³⁵

Statewide Kindergarten Readiness Screening

The DOE has adopted a statewide kindergarten readiness screening, the Florida Kindergarten Readiness Screener (FLKRS),³⁶ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.³⁷ The screening must measure a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.³⁸

Kindergarten student scores on the FLKRS administered during the first 30 days of the school year must demonstrate a score of at least 500 on the Star Early Literacy assessment to be considered "ready for kindergarten." For the fall 2019 administration of FLKRS, 53 percent of 190,805 kindergarten students were designated as "ready for kindergarten."³⁹

³³ Section 1002.59(2), F.S.

³⁴ Section 1002.67, F.S.; Art. IX, s. 1(b), Fla. Const.

³⁵ Section 1002.67(1)(b), F.S.

³⁶ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS). Rule 6M-8.601(3)(b)1., F.A.C.; see also FDOE, *Florida Kindergarten Readiness Screener*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/flkrs/> (last visited Mar. 13, 2021).

³⁷ Sections 1002.69(1)-(3) and 1002.73, F.S.

³⁸ See s. 1002.67(1), F.S. See also Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, incorporated by reference in rule 6M-8.602, F.A.C.

³⁹ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 46 (last visited Mar. 19, 2021).

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.⁴⁰ The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.⁴¹ The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK preassessment and postassessment, known as the “Florida VPK Assessment.”⁴² The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.⁴³

The DOE launched a VPK progress monitoring pilot program by permitting, beginning in January 2021 and continuing through the 2021-2022 school year, up to 1,900 VPK providers to access the assessment used for the statewide kindergarten screening.⁴⁴ The DOE allocated \$2.9 million from the CARES Act funds for the program.⁴⁵

The DOE allocated \$18 million of the Child Care Development and Block Grant Fund from the CARES Act to implement summer programs for rising kindergarten students identified with limited language and emergent literacy skills as determined by the VPK assessments and teacher recommendations.⁴⁶

VPK Provider Probation and Corrective Action

At least 60 percent of a VPK provider’s students must meet the “ready for kindergarten” score on the screening in order for the provider to avoid probationary status.⁴⁷ Providers that do not meet the minimum readiness rate are placed on probation.⁴⁸ An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:⁴⁹

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- Take certain corrective actions, including the use of an OEL-approved curriculum or an OEL approved staff development plan to strengthen instruction in language development and phonological awareness.

⁴⁰ Rule 6M-8.601(3)(b), F.A.C.

⁴¹ Sections 1002.69(5)-(6), F.S.; To be considered “ready for kindergarten,” a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

⁴² Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

⁴³ Section 1002.69(5), F.S.; Rule 6M-8.601(3)(b), F.A.C.

⁴⁴ Florida Department of Education, *Progress Monitoring: Building Effective, Data-Informed Strategies to Close Achievement Gaps* (Nov. 18, 2020), available at <https://www.fldoe.org/core/fileparse.php/19925/urlt/2-3.pdf> at 6, (last visited Mar. 13, 2021).

⁴⁵ *Id.*

⁴⁶ Florida Department of Education, *Reopening Florida’s Schools and the CARES Act*, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf> at 98, (last visited Mar. 13, 2021).

⁴⁷ *Id.*

⁴⁸ Section 1002.67(4), F.S.

⁴⁹ Section 1002.67(4)(c)1., F.S.

Out of 126,238 students who completed the VPK program, 63 percent were “ready for kindergarten” in the fall of 2019.⁵⁰ Of 6,611 rated VPK providers, 2,175 failed to meet the minimum rate.⁵¹ Of these 2,175 providers, 2,201 remained on probation.⁵²

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives from the OEL a good cause exemption.⁵³

Good Cause Exemption

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives a good cause exemption.⁵⁴ A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include:⁵⁵

- Data which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.
- Data available from the respective ELC or district school board, the DCF, local licensing authority, or an accrediting association, as applicable, relating to the provider’s compliance with state and local health and safety standards.
- Data available to the OEL on the performance of the children served and the calculation of the provider’s kindergarten readiness rate.

A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate.⁵⁶ The OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year, and may be renewed upon request by the VPK provider.⁵⁷

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the two years preceding the provider’s request for an exemption.⁵⁸ Additionally, if a provider refuses to comply with program requirements or engages

⁵⁰ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 46 (last visited Mar. 19, 2021).

⁵¹ *Id.*

⁵² *Id.*

⁵³ Section 1002.67(4)(c)3., F.S. A VPK provider must submit a request for a good cause exemption to the OEL for review and approval and include specified data. Section 1002.69(7)(b)-(c), F.S. A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate. Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

⁵⁴ Section 1002.67(4)(c)3., F.S.

⁵⁵ Section 1002.69(7)(b)-(c), F.S.

⁵⁶ Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

⁵⁷ Section 1002.69(7), F.S.

⁵⁸ Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(d), F.A.C.

in misconduct, the OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of five years.⁵⁹

The School Readiness Program

The school readiness 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.⁶⁰ The school readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.⁶¹ To participate in the school readiness program, a provider must execute a school readiness contract.⁶² During the 2019-2020 academic year, 6,932 school readiness providers served 211,711 children enrolled in a school readiness program.⁶³

Program Assessment

The OEL is required to adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to five years.⁶⁴ The OEL has selected the Teachstone Classroom Assessment Scoring System (CLASS) Assessment Tool as the program assessment, and requirements for observations and observers are provided in the Program Assessment Requirements Handbook.⁶⁵ CLASS observations must be provided by each ELC annually and observers who administer the CLASS must be certified for the age group of the classroom being observed. Certification is achieved by completing and passing all trainings and assessments required by Teachstone to conduct a CLASS observation; only ELC staff, OEL vendors, or ELC designees may conduct an observation.⁶⁶

All school readiness providers must receive an annual program assessment and meet the required minimum program assessment composite score prior to executing a school readiness contract.⁶⁷ No providers failed to earn the minimum program assessment score for eligibility to contract to deliver the school readiness program for the 2019-2020 program year.⁶⁸

⁵⁹ Section 1002.67(4)(b), F.S.

⁶⁰ Section 1002.87, F.S.

⁶¹ Section 1002.86, F.S.

⁶² Rule 6M-4.610, F.A.C. Form OEL-SR 20, *Statewide School Readiness Provider Contract*, available at http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract_7-8-20_ADA_final.pdf.

⁶³ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 20 (last visited Mar. 19, 2021).

⁶⁴ Section 1002.82(2)(n), F.S.

⁶⁵ See Form OEL-SR 740, *incorporated by reference in rule 6M-4.740, F.A.C.*; Florida's Office of Early Learning, *Classroom Assessment Scoring System* (2018), available at http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/CLASS%20FAQ_ADA.pdf.

⁶⁶ See Form OEL-SR 740 at 1, *incorporated by reference in rule 6M-4.740, F.A.C.*

⁶⁷ Rule 6M-4.741, F.A.C.

⁶⁸ Email, Florida Department of Education (Dec. 15, 2020).

The OEL has adopted a differential payment program based on quality measures of school readiness providers.⁶⁹ The differential payment may not exceed a total of 15 percent for each care level and unit of child care for a child care provider.⁷⁰ No more than five percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information system in the domains of language and executive functioning using a child assessment. Providers who fail to attain a minimum composite score on the program assessment are ineligible for a differential payment.⁷¹

School Readiness Funding

Funding for the school readiness program is allocated among the ELCs according to law and the General Appropriations Act.⁷² The school readiness program is funded primarily by the CCDF block grant.⁷³ State, federal, and local matching funds provided to an ELC for purposes of the school readiness program must be used for implementation of its approved school readiness program plan, including the hiring of staff to effectively operate the school readiness program.⁷⁴

For Fiscal Year 2020-2021, a total of \$895.9 million was appropriated for the school readiness program from state and federal funds.⁷⁵

Contracted Slots

The OEL is required to adopt a standard statewide provider contract to be used with each school readiness program provider. The standard statewide contract must include minimum statutory requirements, such as contracted slots and provisions for provider probation and termination.⁷⁶ A school readiness child care slot is the number of school readiness paid child care slots filled during a month of service.⁷⁷ The standard statewide provider contract provides an option for school readiness providers to participate in a Contracted Slots Program whereby a provider agrees to reserve a specified number of slots determined necessary by the ELC in return for a higher reimbursement rate.⁷⁸

If an ELC participates in the Contracted Slots Program, and the ELC determines a provider is eligible for the program, then the coalition may reimburse the provider up to ten percent above the 75th percentile of the market rate.⁷⁹

⁶⁹ Rule 6M04.500, F.A.C.

⁷⁰ Section 1002.82(2)(o), F.S.

⁷¹ *Id.*

⁷² Section 1002.89(1), F.S.

⁷³ The Office of Early Learning, *2019-2021 Child Care Development Fund State Plan*, http://www.floridaeearlylearning.com/oel_resources/ccdf_plan.aspx (last visited Mar. 19, 2021).

⁷⁴ Section 1002.89(5), F.S.

⁷⁵ Specific Appropriation 85, s. 2, ch. 2020-111, L.O.F.

⁷⁶ Section 1002.82(2)(m), F.S.

⁷⁷ Rule 6M-4.740, F.A.C.

⁷⁸ Rule 6M-4.610, F.A.C., Form OEL-SR 20 (July 2019).

⁷⁹ Rule 6M-4.500, F.A.C.

Gold Seal Quality Care Program

The DCF is responsible for enforcing compliance with licensing standards by child care facilities, including large family child care homes and family day care homes.⁸⁰

The DCF also adopts rules to administer the GSQC Program.⁸¹ A GSQC designation entitles a school readiness provider to a rate differential at 20 percent above the ELC's approved reimbursement rate.⁸² The law disqualifies child care facilities from accreditation if they receive a specified maximum number of Class I, II, or III violations within the two-year period preceding the application for accreditation.⁸³

Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys purchased by a licensed child care facility that meets minimum statutory standards, holds a current GSQC designation, and provides basic health insurance to all employees are exempt from sales, rental, use, consumption, distribution, and storage tax.⁸⁴ A licensed or legally exempt child care facility that achieves GSQC status is an educational institution exempt from ad valorem tax.⁸⁵

Currently, 1,883 child care facilities, large family child care homes, and family day care homes possess a GSQC designation.⁸⁶

Market Rate

The OEL is required to establish procedures for the adoption of a market rate schedule for the school readiness program. The schedule must include, at a minimum, county-by-county rates, differentiated by type of child care provider and the type of child care services provided. Rates must be differentiated for the types of providers by:⁸⁷

- The minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care (GSQC) designation.
- Child care providers that do not hold a GSQC designation.
- Licensed child care facilities.
- Public or nonpublic schools exempt from licensure.
- Faith-based child care facilities exempt from licensure.
- Licensed large family child care homes.
- Licensed or registered family day care homes.

⁸⁰ Section 402.305, F.S. Certain child care facilities which are an integral part of a church or specified parochial school are exempt from licensing standards. Section 402.316, F.S.

⁸¹ Section 402.281, F.S.

⁸² Rule 6M-4.500, F.A.C.

⁸³ Section 402.281, F.S. DCF rules governing child care facilities define Class I, II, and III violations, which are designated in ascending order of severity, for noncompliance with minimum licensing standards of child care facilities. Rule 65C-20.012, F.A.C.

⁸⁴ Section 212.08, F.S.

⁸⁵ Section 402.26, F.S.

⁸⁶ Florida Department of Children and Families, *Gold Seal Quality Care Summary and Detail Data* (Dec. 2020), available at <https://www.myflfamilies.com/service-programs/child-care/docs/gold-seal/Summary%20Dec%202020.pdf>.

⁸⁷ Section 1002.895, F.S.

The market rate schedule must also differentiate rate by the type of child care services provided, including services provided for:⁸⁸

- Children with special needs or risk categories.
- Infants, toddlers, preschool-age children, and school-age children.
- Full-time and part-time child care.

Reimbursement rates for school readiness providers are paid based on a child's care level and unit of care as defined by the ELC's approved provider rate schedule for the county in which the provider's facility is located.⁸⁹ ELCs are required to consider the market rate schedule in the adoption of a payment schedule.

The payment schedule must consider the average market rate, include the projected number of children to be served, and be submitted for approval by the OEL. Informal child care arrangements may be reimbursed at no more than 50 percent of the rate adopted for a family day care home.⁹⁰

The 2019 market rate report includes a state summary that reflects market rates by provider type and service type. For example, the average market rate in the state for GSQC designated private child care centers was \$42.01 for services provided to infants.⁹¹ The 75th percentile rate for the same services was \$48.26.⁹² The reimbursement rate for GSQC designated private centers was \$36.00. For private centers without a GSQC designation, the average market rate was \$36.71 for services provided to infants, and the 75th percentile rate was \$40.00, and the reimbursement rate was \$30.00.⁹³

Research-Based Reading Allocation

The state allocates funding to school districts for research-based reading instruction to students in kindergarten through grade 12.⁹⁴ Funds must be used to provide a system of comprehensive reading instruction to students enrolled in kindergarten through grade 12, including:⁹⁵

- An additional hour of intensive reading instruction beyond the normal school day for students in the 300 lowest-performing elementary schools.
- Reading intervention teachers and reading coaches.
- Professional development for teachers to earn a certification or an endorsement in reading.

⁸⁸ Section 1002.895, F.S.

⁸⁹ Rule 6M-4.500, F.A.C.

⁹⁰ Section 1002.895, F.S.

⁹¹ Office of Early Learning, *2019 Market Rate Report: State Summary*, available at <http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Market%20Rate%20FY1920%20Report%20Full%20Time%20Statewide%20Summary-ADA-Final.pdf>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Section 1011.62(9), F.S. The state appropriated \$130 million to school districts for the research-based reading instruction allocation for the 2020-2021 fiscal year. Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

⁹⁵ Section 1011.62(9)(c), F.S.

- Summer reading camps for students in kindergarten through grade 5 who exhibit certain reading deficiencies, depending on grade level.⁹⁶
- Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office (JRFO).
- Intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized ELA assessment.

District school boards must develop reading plans which detail the specific uses of the research-based reading instruction allocation.⁹⁷ The plans must be annually submitted to the DOE for approval and provide for intensive reading interventions through integrated curricula that incorporate strategies identified by the JRFO and are delivered by a teacher who is certified or endorsed in reading.⁹⁸ The DOE monitors and tracks the implementation of each district plan and collects specific data on expenditures and reading improvement results.⁹⁹ By February 1 of each year, the DOE reports its findings to the Legislature.¹⁰⁰

III. Effect of Proposed Changes:

SB 1282 modifies the administration of the Voluntary Prekindergarten Education Program (VPK) and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning (OEL) to consolidate authority and oversight within the State Board of Education (SBE). The bill also transfers the Gold Seal Quality Care program to the Department of Education (DOE) from the Department of Children and Families and adds standards for accrediting entities.

The bill expands accountability and assessment requirements for VPK providers. Specifically, the bill requires:

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- Beginning in the 2021-2022 program year, a program assessment composite score for each VPK provider based on the results of a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages three to five years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on the results of the CSPM, including learning gains, and the program assessment, beginning in the 2022-2023 program year.
- The assignment of a performance designation for VPK providers beginning with the 2023-2024 program year.

⁹⁶ All students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment. Section 1011.62(9)(c)5., F.S.

⁹⁷ Section 1011.62(9)(d)1., F.S.

⁹⁸ *Id.*

⁹⁹ Section 1011.62(9)(d)1., F.S.

¹⁰⁰ *Id.*

The bill creates the Council for Early Grade Success (Council) within the DOE to oversee the CSPM and requires the new screenings and assessments to be administered by qualified individuals.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate.

State Level Governance

The bill shifts regulatory authority over the early learning system from the OEL to the SBE and the DOE and repeals the Child Care Executive Partnership Program. The bill makes conforming changes throughout Florida law and re-designates:

- The K-20 education system as the Early Learning-20 education system.
- The K-20 Education Code as the Early Learning-20 Education Code.
- The OEL as the Division of Early Learning.
- The K-20 data warehouse as the education data warehouse.

State Board of Education

The bill adds responsibilities for the SBE in the administration of early learning programs, including the responsibility to oversee the performance of Early Learning Coalitions (ELCs). The conforming changes in the bill that transform the K-20 public education system into the Early Learning-20 public education system confer general rulemaking authority to the SBE for the improvement of the early learning system. The bill extends SBE oversight and enforcement authority, including the authority of the SBE to withhold funds, to ELCs. The bill also transfers specific rulemaking authority to the SBE for various duties formerly assigned to the OEL.

The bill also requires early learning data, which is currently not part of the K-20 education data warehouse, to be included in the management information system databases overseen by the SBE in conjunction with the Florida Board of Governors.

Department of Education

The bill requires the DOE to assume responsibilities for executing processes governing the administration of early learning programs that were formerly assigned to the OEL, including the adoption of performance standards for students and instructors in early learning programs. The bill also requires the DOE to adopt performance standards and outcome measures for ELCs that, at a minimum, include the development of objective customer service surveys that must be deployed to:

- Customers who use the statewide child care resource and referral network (CCR&R).
- Parents at the time of eligibility determination.
- Child care providers that participate in the school readiness program or the VPK program at the time of execution of the statewide provider contract.
- Board members of ELCs.

Early Learning Coalitions

The bill brings ELCs under SBE and DOE oversight authority. Specifically, the bill:

- Requires the results of the customer service surveys of ELCs to be based on a statistically significant sample size and calculated annually for each ELC and included in the DOE's annual report.
- Requires the DOE, beginning in 2022-2023 fiscal year, to place an ELC on a one-year corrective action plan if its customer satisfaction survey results fall below 60 percent, and authorizes the DOE to remove the ELC's eligibility, contract out, or merge the ELC to administer early learning programs if the ELC does not improve through corrective action.
- Requires the DOE to adopt procedures for merging ELCs for failure to meet the requirements for delivering early learning programs, including procedures for the consolidation of merging coalitions that minimizes duplication of programs and services due to the merger, and for the early termination of the terms of the coalition members which are necessary to accomplish the mergers.
- Authorizes the SBE to impose sanctions against ELCs that the SBE may impose against district school boards under existing law.

The bill also modifies the membership requirements of ELCs. Specifically, the bill:

- Removes the requirement that ELCs appoint a central agency administrator, where applicable.
- Authorizes, in the absence of a governor-appointed chair, the commissioner to appoint an interim chair from the current ELC board membership.
- Adds to the requirement of existing law that each ELC include a children's services council or juvenile welfare board chair or executive director to additionally require that each ELC must include a children's services council or juvenile welfare board chair or executive director from each county within the ELC's jurisdiction.
- Clarifies that a Department of Children and Families (DCF) child care regulation representative may serve as an alternative to the required member who also serves as an agency head.
- Authorizes an ELC to request an alternate ELC member who meets the same qualifications or membership requirements of a member who the ELC determines is not participating.
- Authorizes ELCs to appoint additional members who are independent private sector business members.
- Requires each ELC to complete an annual evaluation of the ELC's executive director or chief executive officer on forms adopted by the DOE. The annual evaluation must be submitted to the commissioner by June 30 of each year.

The Voluntary Prekindergarten Education Program

The bill transfers to the DOE the requirements for the OEL to adopt rules for VPK administration by ELCs and school districts. For example, the bill requires the DOE to adopt procedures for distributing funds to ELCs. The bill also modifies performance standards for VPK providers, instructors, and students.

The bill adds to the list of eligible VPK providers:

- A nationally accredited child development program operating on a certified military installation, which may also demonstrate required liability coverage by affirming that it is subject to jurisdiction under the federal Tort Claims Act.¹⁰¹
- A private prekindergarten provider with a provisional child care facility license.

VPK Instructor Requirements

The bill also modifies requirements for VPK instructors and administrators by adding to the requirement that school districts give priority to teachers who have experience or coursework in early childhood education that the teachers must also have completed emergent literacy and performance standards courses. The bill also provides that:

- A VPK instructor in a class of 11 or less children must complete two additional emergent literacy training courses, for a total of three, and adds that they must include developmentally appropriate and experiential learning practices for children.
- The completion by a prekindergarten instructor of a student performance standards training course is not required until July 1, 2022, and the bill requires completion of the course to be recognized as part of the informal early learning career pathway and be available online or in person.
- A prekindergarten director credential must include training in the implementation of curriculum and usage of student level data to inform the delivery of instruction.
- The possession of a child care facility director credential completed before the later of the establishment of the prekindergarten director credential or July 1, 2006, no longer satisfies the requirement that a private VPK provider have a prekindergarten director who has a prekindergarten director credential.
- A certificate in educational leadership issued by the DOE to a private school administrator satisfies the requirement for a prekindergarten director credential.
- VPK curricula must support student learning gains through differentiated instruction as measured by the CSPM.

The bill modifies requirements for professional development training courses to require the DOE to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least eight clock hours and be available online.

VPK Performance Standards

The bill modifies the performance standards for students in the VPK program and adds mathematical thinking and early math skills to the list of student skills required to be addressed in performance standards adopted by the DOE for the VPK program. The bill also:

- Adds early math skills to the required curricula of a VPK provider and the training courses that the DOE must adopt procedures for approving.
- Removes the requirement that performance standards be tied to the statewide kindergarten screening.

¹⁰¹ 28 U.S.C. s. 2671.

- Modifies the existing requirement that the OEL periodically review and revise the performance standards to require the DOE to review and revise the standards at least once every three years.

The bill repeals the existing statewide kindergarten readiness screening, but requires public schools to administer a statewide kindergarten screening in the 2021-2022 academic year within the first 30 school days and authorizes private schools to administer the statewide kindergarten screening.

Coordinated Screening and Progress Monitoring

The bill requires the Commissioner of Education (commissioner) to design a statewide, standardized CSPM to assess early literacy, dyslexia, and mathematics skills, and the English Language Arts and mathematics standards established in law.

Beginning in the 2022-2023 academic year, the bill requires all VPK and public school kindergarten students to participate in the CSPM within the first 30 days of enrollment, midyear, and within the last 30 days of the school year. The bill requires each parent who enrolls a child in VPK to allow the child to participate in the CSPM.

The bill establishes the purposes of the CSPM. Specifically, the bill requires the CSPM to:

- Provide interval level and norm-referenced data that measures equivalent levels of growth;
- Be a developmentally appropriate, valid and reliable direct assessment;
- Be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays;
- Accurately measure the core content in the applicable grade level standards;
- Document learning gains for the achievement of these standards; and
- Provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication.

The bill provides requirements for the use of data obtained from the administration of the CSPM. Specifically, the bill provides that the data from the CSPM must be used by VPK providers and school districts to improve instruction. The data must also be used by teachers to guide learning objectives and provide timely and appropriate supports and interventions to students not meeting grade level expectations.

The bill requires the results of the CSPM to be reported to the DOE for inclusion in the educational data warehouse and requires the DOE to use the data to:

- Identify student learning gains;
- Index development learning outcomes upon program completion relative to performance standards and representative norms; and
- Inform a provider's performance metric.

The bill requires each VPK provider and public school to provide parents with screening or progress monitoring results within seven days.

Research-Based Reading Allocation

The bill requires any VPK student with a substantial early literacy deficiency to be referred to the local school district. The local school district may provide the student intensive reading intervention using the research-based reading allocation before the student's participation in kindergarten. The bill also requires ELC and school district representatives to meet annually to develop strategies to transition students from VPK to kindergarten.

The bill modifies the research-based reading instruction allocation to require intensive reading instruction provided under the allocation to be evidence-based and supplemental instructional materials to be scientifically-researched and evidence-based. The bill defines "evidence-based" as demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.

Council for Early Grade Success

The bill creates the Council for Early Grade Success (Council) and requires the commissioner to coordinate with the Council to develop a plan for implementation of the CSPM in consideration of the timelines for implementing new early literacy and mathematics skills and the English Language Arts and mathematics standards and the VPK program standards. The bill requires the commissioner to provide data, reports, and information as requested to the Council. The bill also provides that the Council be composed of 15 members, who must all be residents of the state, and include:

- Two members appointed by the Governor, to include:
 - One representative from the DOE.
 - One parent of a child who is four to nine years of age.
- Thirteen members appointed jointly by the President of the Senate and the Speaker of the House, to include one representative from each of the following:
 - An urban school district
 - A rural school district
 - An urban early learning coalition
 - A rural early learning coalition
 - An early learning provider
 - A faith-based early learning provider
 - A kindergarten teacher with at least five years of teaching experience
 - A second grade teacher with at least five years of teaching experience
 - A school principal
 - Four representatives with subject matter expertise in early learning, early grade success, or child assessments, who must not be direct stakeholders within the 67 early learning or public school systems or potential recipients of a contract resulting from the council's recommendations.

The bill requires the Council to elect a chair and vice chair. The chair must be one of the four members with subject matter expertise and the vice chair must be a member appointed by the President of the Senate and Speaker of the House. The bill requires the Council to meet at least bi-annually in person or by teleconference to:

- Review the implementation of, training for, and outcomes of the CSPM and provide recommendations to the DOE to support grade-level reading by grade three.
- Identify appropriate personnel, processes, and procedures for administration of the CSPM.
- Continually review data and inform the DOE on recommendations to achieve grade level proficiency by grade three.
- Make recommendations to the DOE regarding the:
 - Methodology for calculating the performance metric and grading system for VPK providers.
 - Methodology for determining kindergarten readiness.
 - Age-appropriate learning gains by grade level required to demonstrate proficiency by grade 3.

Performance Metric

The bill requires the DOE to adopt a performance metric to measure the effectiveness of a VPK provider. For the 2020-2021 program year, the DOE must calculate the kindergarten readiness rate for each VPK provider based upon learning gains and the percentage of students who are assessed as ready for kindergarten.

The DOE must adopt a methodology for the performance metric beginning in the 2022-2023 program year. The performance metric must include:

- Program assessment composite scores weighted at no less than 50 percent.
- Learning gains from the initial and final progress monitoring results. The learning gains must be determined using a value-added measure based on growth demonstrated by the results of the pre-and post-assessment in use before the 2021-2022 program year.
- Norm-referenced developmental learning outcomes.

The bill requires the methodology for calculating the performance metric to include only prekindergarten students who have attended at least 85 percent of a VPK provider's program as opposed to the current 75 percent attendance rate required for inclusion in the kindergarten readiness rate.

The methodology must also include a statistical latent profile analysis that has been conducted by an expert. The bill requires the contracted expert to:

- Have experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems.
- Produce an analysis that includes a limited number of program performance metric profiles that summarize all programs' profiles that inform the assignment of designations of "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology determined by the SBE which may not include letter grades. The designation must be displayed as associated with delivery of the VPK program in the provider's performance profile and accessible through the CCR&R.
- Confer with the Council in the development of the methodology.
- Also develop a methodology for determining a student's readiness for kindergarten that must be assessed by the CSPM.
- Not have had a stake or financial interest in the design or delivery of the VPK program or public school system within the last five years.

Beginning in the 2023-2024 academic year, the DOE must calculate each VPK provider's performance metric and designation within 45 days of the conclusion of the delivered school year or summer program.

The bill specifies that the grading system adopted by the DOE must provide for a differential payment to VPK providers based on program performance, and subject to appropriations. The maximum differential payment may not exceed 15 percent of the base student allocation per full-time equivalent student. A VPK provider may not receive a differential payment if it is assigned a designation of "proficient" or below.

The bill adds the performance metric of a VPK provider to the information that the DOE must publish and provide to each parent enrolling a child in the VPK program.

Probation

The bill specifies that a designation of "proficient" or better demonstrate satisfactory delivery of the VPK program. A provider who fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year must be placed on probation. Beginning in the 2021-2022 program year, if a VPK provider fails to meet the minimum program assessment composite score, the provider may not participate in the VPK program until the provider meets the minimum composite score for contracting. If a VPK provider fails to meet the minimum performance metric or designation, the bill requires the applicable ELC to place the VPK provider on probation and requires the provider to:

- Submit an improvement plan for approval by the ELC and implement the plan; and
- Implement a curriculum approved by the DOE; or
- Implement a staff development plan to strengthen instructional practices in emotional support, classroom organization, instructional support, language development, phonological awareness, alphabet knowledge, and mathematical thinking.

The probation lasts until the VPK provider attains the minimum required performance metric or grade. The bill requires an annual notification by the DOE to any providers who have been placed on probation and continue to fail to meet the minimum performance metric. The failure to comply with the probation or attain the minimum performance metric after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC.

The bill also prohibits a VPK provider from delivering the VPK program if the provider's license has been converted to a probation-status license by the DCF.

Good Cause Exemption

The bill authorizes the DOE to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program. The exemption is valid for one year and is renewable. A request for a good cause exemption must include data from:

- The VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

- Program assessments which demonstrates effective teaching practices as recognized by the tool developer.
- The ELC or district school board, the DCF, or the local licensing authority reflecting compliance with state and local health and safety standards.

The bill requires the DOE to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Child demographic data that evidences a VPK provider serves a statistically significant population of children with special needs who have individual education plans and can demonstrate progress toward meeting the goals outlined in the student's individual education plans.
- Learning gains of children served in the VPK program on an alternative measure that has comparable validity and reliability of the screening and progress monitoring program.
- Program assessment data which demonstrates effective teaching practices as recognized by the contracted expert.
- Verification that local and state health and safety requirements are met.

The bill prohibits the DOE from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II¹⁰² violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The DOE is required to inform the applicable ELC if an exemption is granted to a VPK provider that remains on probation for two consecutive years.

The bill requires each ELC to verify VPK provider compliance with the statutory requirements for delivering the VPK. The DOE must require each applicable ELC to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC must suspend the provider's eligibility to provide VPK for a period of two to five years.

The bill incorporates the number of good cause exemptions and justifications into the annual reporting requirements of the DOE.

The bill provides additional transparency of VPK and School Readiness program providers by requiring the following additional information be accessible through the CCR&R:

- Whether the provider participates in the Child Care Food Program.
- A link to licensing inspection reports.
- A VPK provider's performance metric, including its program assessment composite score, learning gains score, achievement score, and its designations.
- A School Readiness provider's program assessment composite score, including care-level composite scores delineated by infant, toddler, and preschool classrooms.
- Whether a School Readiness program participates in child observation assessments.
- Whether the provider holds a GSQC designation.

¹⁰² Class I and Class II violations are defined in s. 402.281(4), F.S.

- Whether the provider implements a DOE-approved curriculum and the name of the curriculum.

The School Readiness Program

The bill modifies requirements for regulating the school readiness program. Specifically, the bill:

- Requires the SBE to adopt rules for the implementation of the school readiness program assessment.
- Modifies the requirement that the OEL adopt rules for ELCs in the implementation of statewide procedures. The bill instead requires the DOE to provide technical support to ELCs to facilitate the use of a standard statewide provider contract adopted by the DOE.
- Requires the commissioner to prepare, publish, and disseminate materials relating to the school readiness program.
- Requires the DOE to monitor the alignment and consistency of the standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. This requirement modifies existing law which only requires the OEL to develop and adopt the standards and benchmarks.
- Requires the minimum program assessment composite score adopted by the DOE to align with the minimum program assessment composite score for VPK providers and requires the independent expert who conducted the statistical latent profile analysis for the methodology for calculation of the performance metric for VPK providers to review the minimum program assessment composite score.
- Requires the DOE to evaluate ELCs in the administration of school readiness programs at least biennially.

The bill modifies requirements for school readiness providers. Specifically, the bill:

- Exempts a qualified provider at a military installation from child care facility licensing requirements, health and safety and immunization requirements, and liability coverage requirements.
- Authorizes provisionally licensed child care facilities or homes to deliver the school readiness program.
- Prohibits a child care facility or home from delivering the school readiness program while its license is on a probation status.
- Provides that the DOE and the ELCs may not require a school readiness provider to administer a VPK program assessment.
- Clarifies that a contract with a qualified entity to administer a regional school readiness program in the place of a noncompliant ELC lasts until the DOE reestablishes the ELC and a new school readiness plan is approved.
- Adds a parent's participation in an Early Head Start or Head Start Program to the list of circumstances that qualify for waiver of a school readiness program copayment.

Market Rate

The bill modifies the market rate to be paid to school readiness providers by the DOE. Specifically, the bill:

- Redefines the average market rate as the “prevailing market rate” to mean the biennially determined 75th percentile of a reasonable frequency distribution of the market rate by

program level and provider type in a geographical market at which child care providers charge a person for child care services.

- Modifies the requirement that the market rate include minimum and maximum rates for GSQC providers to clarify that the GSQC providers included in the determination of rates must also adhere to the teacher to child ratios and group size requirements of their respective accrediting associations.
- Clarifies that the payment schedule must account for the prevailing market rate and the projected number of children served in each county.
- Removes the requirement for each ELC to consider the market rate schedule.
- Removes the requirement that informal child care arrangements be reimbursed at 50 percent or less than the rate adopted for a family day care home.

Contracted Slots

The bill requires, by July 1, 2022, the DOE to develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by being located in an area that has been designated as a poverty area tract according to the latest census data.

The bill also provides that the contracted slot program may be used to increase the availability of child care capacity based on the assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.

Gold Seal Quality Care Program

The bill provides for a type two transfer¹⁰³ of the GSQC program from the DCF to the DOE and requires the SBE to adopt rules establishing GSQC accreditation standards using nationally recognized accrediting standards as well as input from accrediting associations. The bill requires the SBE to adopt rules to provide criteria for reviewing and approving accrediting associations and for conferring and revoking GSQC status.

The bill codifies and specifies standards for approval of accrediting associations by the DOE for participation in the GSQC Program. In order to be approved by the DOE, an accrediting association must apply to the DOE and demonstrate that it is operational and:

- Is a recognized accrediting association.¹⁰⁴
- Meets or exceeds SBE standards.¹⁰⁵
- Is a registered corporation with the Department of State.
- Accreditation requirements that include clearly defined accreditation prerequisites and procedures for:
 - Completion of a self-study and comprehensive onsite verification for each classroom that documents compliance with standards.
 - Training for accreditation verifiers to ensure inter-rater reliability.

¹⁰³ A program transferred by a type two transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred. Section 20.06, F.S.

¹⁰⁴ This is an existing statutory requirement of the DCF GSQC Program.

¹⁰⁵ This is an existing statutory requirement of the DCF GSQC Program.

- Ongoing compliance to include the filing of an annual report with the accrediting association;
- Renewal requiring onsite verification at least every five years.
- Verifying compliance upon transfer of ownership.
- Revoking accreditation.
- Communicating issues to state agencies with oversight.

The bill requires the DOE to review and recommend to the SBE the termination of an accrediting association that fails to cure within 30 days any deficiencies noted by the DOE in the processes and procedures submitted to and approved by the DOE. The DOE must remove a noncompliant accrediting association for a period of two to five years. The bill provides one year for a child care provider that was accredited by a noncompliant accrediting association to obtain a new accreditation from an approved accrediting association.

If a child care provider is ineligible for GSQC status because of a class I violation, the bill authorizes the DOE to recommend to the SBE to maintain the GSQC designation if the provider has been in business for five years with no other class I violations. The bill requires licensed or legally exempt child care facilities that participate in the school readiness program and achieve GSQC status to receive at least a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care. An accrediting association is liable under the bill for the repayment of any rate differentials paid to a facility as a result of a GSQC designation if the accrediting association fraudulently granted the designation.

The bill takes effect upon becoming law.

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 appropriates recurring funds to the DOE as follows:

- \$3,088,000 in recurring funds to implement the coordinated screening and progress monitoring program for Voluntary Prekindergarten and kindergarten students beginning in Fiscal Year 2022-2023.
- \$677,759 in recurring funds to implement the VPK program assessment beginning in Fiscal Year 2021-2022.

The bill also appropriates \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to issue a competitive solicitation to contract for the completion of a review of the school readiness payment rates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 20.055, 20.15, 39.202, 39.604, 212.08, 383.14, 391.308, 402.26, 402.281, 402.305, 402.315, 402.56, 411.226, 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21, 1001.02, 1001.03, 1001.10, 1001.11, 1001.215, 1001.23, 1001.70, 1001.706, 1002.22, 1002.32, 1002.34, 1002.36, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.67, 1002.71, 1002.72, 1002.73, 1002.79, 1002.81, 1002.82, 1002.83, 1002.84, 1002.85, 1002.88, 1002.89, 1002.895, 1002.91, 1002.92, 1002.93, 1002.945, 1002.95, 1002.96, 1002.97, 1002.995, 1007.01, 1008.25, 1008.31, 1008.32, 1008.33, and 1011.62.

The bill repeals the following sections of the Florida Statutes: 1001.213, 1002.69, 1002.75, and 1002.94.

The bill creates the following sections of the Florida Statutes: 1002.68, and 1008.2125.

The bill transfers and renumbers section 402.281 of the Florida Statutes as section 1002.945.

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 Harrell

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1 A bill to be entitled
 2 An act relating to early learning and early grade
 3 success; amending s. 20.055, F.S.; conforming
 4 provisions to changes made by the act; amending s.
 5 20.15, F.S.; deleting the Office of Early Learning
 6 from within the Office of Independent Education and
 7 Parental Choice of the Department of Education;
 8 establishing the Division of Early Learning within the
 9 department; amending s. 39.202, F.S.; conforming
 10 provisions to changes made by the act; amending s.
 11 39.604, F.S.; revising approved child care or early
 12 education settings for the placement of certain
 13 children; conforming a cross-reference to changes made
 14 by the act; amending s. 212.08, F.S.; conforming
 15 provisions and cross-references to changes made by the
 16 act; ss. 216.136, 383.14, 391.308, and 402.26, F.S.;
 17 conforming provisions to changes made by the act;
 18 transferring, renumbering, and amending s. 402.281,
 19 F.S.; revising the requirements of the Gold Seal
 20 Quality Care program; requiring the State Board of
 21 Education to adopt specified rules; revising
 22 accrediting association requirements; providing
 23 requirements for accrediting associations; requiring
 24 the department to establish a specified process;
 25 providing requirements for such process; deleting a
 26 requirement for the department to consult certain
 27 entities for specified purposes; providing
 28 requirements for certain providers to maintain Gold
 29 Seal Quality Care status; providing exemptions to

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30 certain ad valorem taxes; providing rate differentials
 31 to certain providers; providing for a type two
 32 transfer of the Gold Seal Quality Care program in the
 33 Department of Children and Families to the Department
 34 of Education; providing for the continuation of
 35 certain contracts and interagency agreements; amending
 36 s. 402.315, F.S.; conforming a cross-reference;
 37 amending s. 402.56, F.S.; revising the membership of
 38 the Children and Youth Cabinet; amending ss. 411.227,
 39 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21,
 40 1001.02, 1001.03, 1001.10, and 1001.11, F.S.;
 41 conforming provisions to changes made by the act;
 42 repealing s. 1001.213, F.S., relating to the Office of
 43 Early Learning; amending ss. 1001.215, 1001.23,
 44 1001.70, 1001.706, F.S.; conforming provisions to
 45 changes made by the act; amending ss. 1002.22,
 46 1002.32, F.S.; conforming cross-references; amending
 47 ss. 1002.34, and 1002.36, F.S.; conforming provisions
 48 and to changes made by the act; amending s. 1002.53,
 49 F.S.; revising the requirements for certain program
 50 provider profiles; requiring each parent who enrolls
 51 his or her child in the Voluntary Prekindergarten
 52 Education Program to allow his or her child to
 53 participate in a specified screening and progress
 54 monitoring program; amending s. 1002.55, F.S.;
 55 authorizing certain child development programs
 56 operating on a military installation to be private
 57 prekindergarten providers within the Voluntary
 58 Prekindergarten Education Program; providing that a

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59 private prekindergarten provider is ineligible for
 60 participation in the program under certain
 61 circumstances; revising requirements for
 62 prekindergarten instructors; revising requirements for
 63 specified courses for prekindergarten instructors;
 64 providing that a private school administrator who
 65 holds a specified certificate meets certain credential
 66 requirements; providing liability insurance
 67 requirements for child development programs operating
 68 on a military installation participating in the
 69 program; requiring early learning coalitions to verify
 70 private prekindergarten provider compliance with
 71 specified provisions; requiring such coalitions to
 72 remove a provider from eligibility under specified
 73 circumstances; amending s. 1002.57, F.S.; revising the
 74 minimum standards for a credential for certain
 75 prekindergarten directors; amending s. 1002.59, F.S.;
 76 revising requirements for emergent literacy and
 77 performance standards training courses for
 78 prekindergarten instructors; requiring the department
 79 to make certain courses available; amending s.
 80 1002.61, F.S.; authorizing certain child development
 81 programs operating on a military installation to be
 82 private prekindergarten providers within the summer
 83 Voluntary Prekindergarten Education Program; revising
 84 the criteria for a teacher to receive priority for the
 85 summer program in school district; requiring a child
 86 development program operating on a military
 87 installation to comply with specified criteria;

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88 requiring early learning coalitions to verify
 89 specified information; providing for the removal of a
 90 program provider or public school from eligibility
 91 under certain circumstances; amending s. 1002.63,
 92 F.S.; requiring early learning coalitions to verify
 93 specified information; providing for the removal of
 94 public schools from the program under certain
 95 circumstances; amending s. 1002.67, F.S.; revising the
 96 performance standards for the Voluntary
 97 Prekindergarten Education Program; requiring the
 98 department to review and revise performance standards
 99 on a specified schedule; revising curriculum
 100 requirements for the program; requiring the department
 101 to adopt procedures for the review and approval of
 102 curricula for the program; deleting a required
 103 preassessment and postassessment for the program;
 104 creating s. 1002.68, F.S.; requiring providers of the
 105 Voluntary Prekindergarten Education Program to
 106 participate in a specified screening and progress
 107 monitoring program; providing specified uses for the
 108 results of such program; requiring certain portions of
 109 the screening and progress monitoring program to be
 110 administered by individuals who meet specified
 111 criteria; requiring the results of specified
 112 assessments to be reported to the parents of
 113 participating students; providing requirements for
 114 assessments of voluntary prekindergarten education
 115 classrooms; providing department duties and
 116 responsibilities relating to such assessments;

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117 providing requirements for a specified methodology
 118 used to calculate the results of such assessments;
 119 requiring the department to establish a designation
 120 system for program providers; providing for the
 121 adoption of a minimum performance metric or
 122 designation for program participation; providing
 123 procedures for a provider whose score or designation
 124 falls below the minimum requirement; providing for the
 125 revocation of program eligibility for a provider;
 126 authorizing the department to grant good cause
 127 exemptions to providers under certain circumstances;
 128 providing department and provider requirements for
 129 such exemptions; requiring an annual meeting of
 130 representatives from specified entities to develop
 131 certain strategies; repealing s. 1002.69, F.S.,
 132 relating to statewide kindergarten screening and
 133 readiness rates; amending ss. 1002.71 and 1002.72,
 134 F.S.; conforming provisions to changes made by the
 135 act; amending s. 1002.73, F.S.; requiring the
 136 department to adopt a standard statewide provider
 137 contract; requiring such contract to be published on
 138 the department's website; providing requirements for
 139 such contract; prohibiting providers from offering
 140 services during an appeal of termination from the
 141 program; providing applicability; requiring the
 142 department to adopt specified procedures relating to
 143 the Voluntary Prekindergarten Education Program;
 144 providing duties of the department relating to such
 145 program; repealing s. 1002.75, F.S., relating to the

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146 powers and duties of the Office of Early Learning;
 147 amending ss. 1002.79 and 1002.81, F.S.; conforming
 148 provisions and cross-references to changes made by the
 149 act; amending s. 1002.82, F.S.; providing duties of
 150 the department relating to early learning; exempting
 151 certain child development programs operating on a
 152 military installation from specified inspection
 153 requirements; requiring the department to monitor
 154 specified standards and benchmarks for certain
 155 purposes; revising the age range used for specified
 156 standards; requiring the department to provide
 157 specified technical support; revising requirements for
 158 a specified assessment program; requiring the
 159 department to adopt requirements to make certain
 160 contracted slots available to serve specified
 161 populations; requiring the department adopt certain
 162 standards and outcome measures including specified
 163 surveys; requiring the department to adopt procedures
 164 for the merging of early learning coalitions; revising
 165 the requirements for a specified report; amending s.
 166 1002.83, F.S.; revising the number of authorized early
 167 learning coalitions; revising the number of and
 168 requirements for members of an early learning
 169 coalition; revising and adding requirements for such
 170 coalitions; amending s. 1002.84, F.S.; revising early
 171 learning coalition responsibilities and duties;
 172 revising requirements for the waiver of specified
 173 copayments; amending s. 1002.85, F.S.; revising the
 174 requirements for school readiness program plans;

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175 amending s. 1002.88, F.S.; authorizing certain child
 176 development programs operating on military
 177 installations to participate in the school readiness
 178 program; revising requirements to deliver such
 179 program; providing that a specified annual inspection
 180 for a child development program participating in the
 181 school readiness program meets certain provider
 182 requirements; providing requirements for a child
 183 development program to meet certain liability
 184 requirements; amending ss. 1002.89, 1002.895, and
 185 1002.91, F.S.; conforming provisions and cross-
 186 references to changes made by the act; amending s.
 187 1002.92, F.S.; revising the requirements for specified
 188 services that child care resources and referral
 189 agencies must provide; amending s. 1002.93, F.S.;
 190 conforming provisions to changes made by the act;
 191 repealing s. 1002.94, F.S., relating to the Child Care
 192 Executive Partnership Program; amending ss. 1002.95,
 193 1002.96, 1002.97, 1002.995, and 1007.01, F.S.;
 194 conforming provisions to changes made by the act;
 195 creating s. 1008.2125, F.S.; creating the coordinated
 196 screening and progress monitoring program within the
 197 department for specified purposes; requiring the
 198 Commissioner of Education to design such program;
 199 providing requirements for the administration of such
 200 program and the use of results from the program;
 201 providing requirements for the commissioner; creating
 202 the Council for Early Grade Success; providing duties
 203 of the council; providing membership of the council;

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204 requiring the council to elect a chair and a vice
 205 chair; providing requirements for such appointments;
 206 providing for per diem for members of the council;
 207 providing meeting requirements for the council;
 208 providing for a quorum of the council; amending s.
 209 1008.25, F.S.; authorizing certain students who
 210 enrolled in the Voluntary Prekindergarten Education
 211 Program to receive intensive reading interventions
 212 using specified funds; amending ss. 1008.31, 1008.32,
 213 and 1008.33, F.S.; conforming provisions to changes
 214 made by the act; amending s. 1011.62, F.S.; revising
 215 the research-based reading instruction allocation to
 216 authorize the use of such funds for certain intensive
 217 reading interventions for certain students; revising
 218 the requirements for specified reading instruction and
 219 interventions; defining the term "evidence-based";
 220 providing appropriations; providing requirements for
 221 the use of such funds; providing an effective date.

222
223 Be It Enacted by the Legislature of the State of Florida:

224
225 Section 1. Paragraphs (a) and (d) of subsection (1) of
 226 section 20.055, Florida Statutes, are amended to read:

227 20.055 Agency inspectors general.—

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

229 (a) "Agency head" means the Governor, a Cabinet officer, or
 230 a secretary or executive director as those terms are defined in
 231 s. 20.03, the chair of the Public Service Commission, the
 232 Director of the Office of Insurance Regulation of the Financial

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Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, ~~the executive director of the Office of Early Learning,~~ and the Chief Justice of the State Supreme Court.

(d) "State agency" means each department created pursuant to this chapter and the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, ~~the Office of Early Learning,~~ and the state courts system.

Section 2. Present paragraphs (c) through (j) of subsection (3) of section 20.15, Florida Statutes, are redesignated as paragraphs (d) through (k), respectively, a new paragraph (c) is added to that subsection, and present paragraph (i) of subsection (3) and subsection (5) of that section are amended, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(c) Division of Early Learning.

(j) ~~(i)~~ The Office of Independent Education and Parental Choice, which must include ~~the following offices:~~

~~1. The Office of Early Learning, which shall be administered by an executive director who is fully accountable~~

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~~to the Commissioner of Education. The executive director shall, pursuant to s. 1001.213, administer the early learning programs, including the school readiness program and the Voluntary Prekindergarten Education Program at the state level.~~

~~2.~~ the Office of K-12 School Choice, which shall be administered by an executive director who is fully accountable to the Commissioner of Education.

(5) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education shall assign to the divisions such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in Early Learning-20 K-20 education under the jurisdiction of the State Board of Education.

Section 3. Paragraph (a) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Department of Education ~~Office of Early Learning,~~ or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;

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291 3. Early intervention and prevention services;
 292 4. Healthy Start services;
 293 5. Licensure or approval of adoptive homes, foster homes,
 294 child care facilities, facilities licensed under chapter 393,
 295 family day care homes, providers who receive school readiness
 296 funding under part VI of chapter 1002, or other homes used to
 297 provide for the care and welfare of children;
 298 6. Employment screening for caregivers in residential group
 299 homes; or
 300 7. Services for victims of domestic violence when provided
 301 by certified domestic violence centers working at the
 302 department's request as case consultants or with shared clients.
 303
 304 Also, employees or agents of the Department of Juvenile Justice
 305 responsible for the provision of services to children, pursuant
 306 to chapters 984 and 985.
 307 Section 4. Paragraph (b) of subsection (5) of section
 308 39.604, Florida Statutes, is amended to read:
 309 39.604 Rilya Wilson Act; short title; legislative intent;
 310 child care; early education; preschool.—
 311 (5) EDUCATIONAL STABILITY.—Just as educational stability is
 312 important for school-age children, it is also important to
 313 minimize disruptions to secure attachments and stable
 314 relationships with supportive caregivers of children from birth
 315 to school age and to ensure that these attachments are not
 316 disrupted due to placement in out-of-home care or subsequent
 317 changes in out-of-home placement.
 318 (b) If it is not in the best interest of the child for him
 319 or her to remain in his or her child care or early education

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320 setting upon entry into out-of-home care, the caregiver must
 321 work with the case manager, guardian ad litem, child care and
 322 educational staff, and educational surrogate, if one has been
 323 appointed, to determine the best setting for the child. Such
 324 setting may be a child care provider that receives a Gold Seal
 325 Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a
 326 ~~provider participating in a quality rating system~~, a licensed
 327 child care provider, a public school provider, or a license-
 328 exempt child care provider, including religious-exempt and
 329 registered providers, and nonpublic schools.
 330 Section 5. Paragraph (m) of subsection (5) of section
 331 212.08, Florida Statutes, is amended to read:
 332 212.08 Sales, rental, use, consumption, distribution, and
 333 storage tax; specified exemptions.—The sale at retail, the
 334 rental, the use, the consumption, the distribution, and the
 335 storage to be used or consumed in this state of the following
 336 are hereby specifically exempt from the tax imposed by this
 337 chapter.
 338 (5) EXEMPTIONS; ACCOUNT OF USE.—
 339 (m) *Educational materials purchased by certain child care*
 340 *facilities.*—Educational materials, such as glue, paper, paints,
 341 crayons, unique craft items, scissors, books, ~~and~~ educational
 342 toys, purchased by a child care facility that meets the
 343 standards delineated in s. 402.305, is licensed under s.
 344 402.308, holds a current Gold Seal Quality Care designation
 345 pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health
 346 insurance to all employees are exempt from the taxes imposed by
 347 this chapter. For purposes of this paragraph, the term "basic
 348 health insurance" shall be defined and promulgated in rules

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349 developed jointly by the Department of Education ~~Children and~~
 350 ~~Families~~, the Agency for Health Care Administration, and the
 351 Financial Services Commission.

352 Section 6. Paragraph (b) of subsection (8) of section
 353 216.136, Florida Statutes, is amended to read:

354 216.136 Consensus estimating conferences; duties and
 355 principals.—

356 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

357 (b) The Division ~~Office~~ of Early Learning shall provide
 358 information on needs and waiting lists for school readiness
 359 programs, and information on the needs for the Voluntary
 360 Prekindergarten Education Program, as requested by the Early
 361 Learning Programs Estimating Conference or individual conference
 362 principals in a timely manner.

363 Section 7. Paragraph (b) of subsection (1) and paragraph
 364 (b) of subsection (2) of section 383.14, Florida Statutes, are
 365 amended to read:

366 383.14 Screening for metabolic disorders, other hereditary
 367 and congenital disorders, and environmental risk factors.—

368 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 369 maternal and child health care system, the Department of Health
 370 shall promote the screening of all newborns born in Florida for
 371 metabolic, hereditary, and congenital disorders known to result
 372 in significant impairment of health or intellect, as screening
 373 programs accepted by current medical practice become available
 374 and practical in the judgment of the department. The department
 375 shall also promote the identification and screening of all
 376 newborns in this state and their families for environmental risk
 377 factors such as low income, poor education, maternal and family

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378 stress, emotional instability, substance abuse, and other high-
 379 risk conditions associated with increased risk of infant
 380 mortality and morbidity to provide early intervention,
 381 remediation, and prevention services, including, but not limited
 382 to, parent support and training programs, home visitation, and
 383 case management. Identification, perinatal screening, and
 384 intervention efforts shall begin prior to and immediately
 385 following the birth of the child by the attending health care
 386 provider. Such efforts shall be conducted in hospitals,
 387 perinatal centers, county health departments, school health
 388 programs that provide prenatal care, and birthing centers, and
 389 reported to the Office of Vital Statistics.

390 (b) *Postnatal screening.*—A risk factor analysis using the
 391 department's designated risk assessment instrument shall also be
 392 conducted as part of the medical screening process upon the
 393 birth of a child and submitted to the department's Office of
 394 Vital Statistics for recording and other purposes provided for
 395 in this chapter. The department's screening process for risk
 396 assessment shall include a scoring mechanism and procedures that
 397 establish thresholds for notification, further assessment,
 398 referral, and eligibility for services by professionals or
 399 paraprofessionals consistent with the level of risk. Procedures
 400 for developing and using the screening instrument, notification,
 401 referral, and care coordination services, reporting
 402 requirements, management information, and maintenance of a
 403 computer-driven registry in the Office of Vital Statistics which
 404 ensures privacy safeguards must be consistent with the
 405 provisions and plans established under chapter 411, Pub. L. No.
 406 99-457, and this chapter. Procedures established for reporting

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information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Screening Advisory Council and the Department of Education ~~Office of Early Learning~~.

(2) RULES.—

(b) After consultation with the Department of Education ~~Office of Early Learning~~, the department shall adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes.

Section 8. Paragraph (h) of subsection (2) of section 391.308, Florida Statutes, is amended to read:

391.308 Early Steps Program.—The department shall implement and administer part C of the federal Individuals with Disabilities Education Act (IDEA), which shall be known as the "Early Steps Program."

(2) DUTIES OF THE DEPARTMENT.—The department shall:

(h) Promote interagency cooperation and coordination, with

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the Medicaid program, the Department of Education program pursuant to part B of the federal Individuals with Disabilities Education Act, and programs providing child screening such as the Florida Diagnostic and Learning Resources System, ~~the Office of Early Learning~~, Healthy Start, and the Help Me Grow program.

1. Coordination with the Medicaid program shall be developed and maintained through written agreements with the Agency for Health Care Administration and Medicaid managed care organizations as well as through active and ongoing communication with these organizations. The department shall assist local program offices to negotiate agreements with Medicaid managed care organizations in the service areas of the local program offices. Such agreements may be formal or informal.

2. Coordination with education programs pursuant to part B of the federal Individuals with Disabilities Education Act shall be developed and maintained through written agreements with the Department of Education. The department shall assist local program offices to negotiate agreements with school districts in the service areas of the local program offices.

Section 9. Subsection (6) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

~~(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s.~~

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~~196.198.~~

Section 10. Section 402.281, Florida Statutes, is transferred, renumbered as section 1002.945, Florida Statutes, and amended to read:

1002.945 ~~402.281~~ Gold Seal Quality Care program.—

(1) (a) There is established within the Department of Education the Gold Seal Quality Care program.

(b) A child care facility, large family child care home, or family day care home that is accredited by an accrediting association approved by the Department of Education under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate "Gold Seal Quality Care" designation.

(2) The State Board of Education ~~department~~ shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards and input from accrediting associations based on the applicable ~~accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.~~

(3) (a) In order to be approved by the Department of Education for participation in the Gold Seal Quality Care program, an accrediting association must apply to the department and demonstrate that it:

1. Is a recognized accrediting association.

2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the state board ~~department~~ under subsection (2).

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3. Is a registered corporation with the Department of State.

4. Can provide evidence that the process for accreditation has, at a minimum, all of the following components:

a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process. However, accreditation may not be granted to a child care facility, large family child care home, or family day care home before the site is operational and is attended by children.

b. Procedures for completion of a self-study and comprehensive onsite verification process for each classroom that documents compliance with accrediting standards.

c. A training process for accreditation verifiers to ensure inter-rater reliability.

d. Ongoing compliance procedures that include requiring each accredited child care facility, large family child care home, and family day care home to file an annual report with the accrediting association and risk-based, onsite auditing protocols for accredited child care facilities, large family child care homes, and family day care homes.

e. Procedures for the revocation of accreditation due to failure to maintain accrediting standards as evidenced by sub-subparagraph d. or any other relevant information received by the accrediting association.

f. Accreditation renewal procedures that include an onsite verification occurring at least every 5 years.

g. A process for verifying continued accreditation compliance in the event of a transfer of ownership of facilities.

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h. A process to communicate issues that arise during the accreditation period with governmental entities that have a vested interest in the Gold Seal Quality Care program, including the Department of Education, the Department of Children and Families, the Department of Health, local licensing entities if applicable, and the early learning coalition.

(b) The Department of Education shall establish a process that verifies that the accrediting association meets the provisions of paragraph (a), which must include an auditing program and any other procedures that may reasonably determine an accrediting association's compliance with this section. If an accrediting association is not in compliance and fails to cure its deficiencies within 30 days, the department shall recommend to the state board termination of the accrediting association's participation as an accrediting association in the program for a period of at least 2 years but no more than 5 years. If an accrediting association is removed from being an approved accrediting association, each child care provider accredited by that association shall have up to 1 year to obtain a new accreditation from a department-approved accreditation association.

(c) If an accrediting association has granted accreditation to a child care facility, large family child care home, or family day care under fraudulent terms or has failed to conduct onsite verifications, the accrediting association shall be liable for the repayment of any rate differentials paid under subsection (6).

~~(b) In approving accrediting associations, the department shall consult with the Department of Education, the Florida Head~~

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~~Start Directors Association, the Florida Association of Child Care Management, the Florida Family Child Care Home Association, the Florida Children's Forum, the Florida Association for the Education of the Young, the Child Development Education Alliance, the Florida Association of Academic Nonpublic Schools, the Association of Early Learning Coalitions, providers receiving exemptions under s. 402.316, and parents.~~

(4) 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 meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and

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failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.

(5) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing under s. 402.316 which achieves Gold Seal Quality status under this section shall be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax under s. 196.198.

(6) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 which achieves Gold Seal Quality status under this section and which participates in the school readiness program shall receive a minimum of a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care.

(7)(5) The state board ~~Department of Children and Families~~ shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting

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associations for participation in the Gold Seal Quality Care program ~~and~~, conferring and revoking designations of Gold Seal Quality Care providers, ~~and classifying violations.~~

Section 11. Type two transfer from the Department of Children and Families.-

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Gold Seal Quality Care program within the Department of Children and Families are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Education.

(2) Any binding contract or interagency agreement existing before July 1, 2021, between the Department of Children and Families, or an entity or agent of the department, and any other agency, entity, or person relating to the Gold Seal Quality Care program shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 12. Subsection (5) of section 402.315, Florida Statutes, is amended to read:

402.315 Funding; license fees.-

(5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal

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639 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

640 Section 13. Paragraph (a) of subsection (4) of section

641 402.56, Florida Statutes, is amended to read:

642 402.56 Children's cabinet; organization; responsibilities;

643 annual report.—

644 (4) MEMBERS.—The cabinet shall consist of 16 members

645 including the Governor and the following persons:

646 (a)1. The Secretary of Children and Families;

647 2. The Secretary of Juvenile Justice;

648 3. The director of the Agency for Persons with

649 Disabilities;

650 4. A representative from the Division ~~The director of the~~

651 ~~Office of Early Learning;~~

652 5. The State Surgeon General;

653 6. The Secretary of Health Care Administration;

654 7. The Commissioner of Education;

655 8. The director of the Statewide Guardian Ad Litem Office;

656 9. A representative of the Office of Adoption and Child

657 Protection;

658 10. A superintendent of schools, appointed by the Governor;

659 and

660 11. Five members who represent children and youth advocacy

661 organizations and who are not service providers, appointed by

662 the Governor.

663 Section 14. Paragraph (d) of subsection (1), paragraph (a)

664 of subsection (2), and paragraph (c) of subsection (3) of

665 section 411.227, Florida Statutes, are amended to read:

666 411.227 Components of the Learning Gateway.—The Learning

667 Gateway system consists of the following components:

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668 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED

669 ACCESS.—

670 (d) In collaboration with other local resources, the

671 demonstration projects shall develop public awareness strategies

672 to disseminate information about developmental milestones,

673 precursors of learning problems and other developmental delays,

674 and the service system that is available. The information should

675 target parents of children from birth through age 9 and should

676 be distributed to parents, health care providers, and caregivers

677 of children from birth through age 9. A variety of media should

678 be used as appropriate, such as print, television, radio, and a

679 community-based Internet website, as well as opportunities such

680 as those presented by parent visits to physicians for well-child

681 checkups. The Learning Gateway Steering Committee shall provide

682 technical assistance to the local demonstration projects in

683 developing and distributing educational materials and

684 information.

685 1. Public awareness strategies targeting parents of

686 children from birth through age 5 shall be designed to provide

687 information to public and private preschool programs, child care

688 providers, pediatricians, parents, and local businesses and

689 organizations. These strategies should include information on

690 the school readiness performance standards adopted by the

691 Department of Education ~~Office of Early Learning~~.

692 2. Public awareness strategies targeting parents of

693 children from ages 6 through 9 must be designed to disseminate

694 training materials and brochures to parents and public and

695 private school personnel, and must be coordinated with the local

696 school board and the appropriate school advisory committees in

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697 the demonstration projects. The materials should contain
 698 information on state and district proficiency levels for grades
 699 K-3.

700 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

701 (a) In coordination with ~~the Office of Early Learning,~~ the
 702 Department of Education, ~~and the Florida Pediatric Society,~~ and
 703 using information learned from the local demonstration projects,
 704 the Learning Gateway Steering Committee shall establish
 705 guidelines for screening children from birth through age 9. The
 706 guidelines should incorporate recent research on the indicators
 707 most likely to predict early learning problems, mild
 708 developmental delays, child-specific precursors of school
 709 failure, and other related developmental indicators in the
 710 domains of cognition; communication; attention; perception;
 711 behavior; and social, emotional, sensory, and motor functioning.

712 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

713 (c) The steering committee, in cooperation with the
 714 Department of Children and Families and the Department of
 715 Education, ~~and the Office of Early Learning,~~ shall identify the
 716 elements of an effective research-based curriculum for early
 717 care and education programs.

718 Section 15. Subsection (1) of section 414.295, Florida
 719 Statutes, is amended to read:

720 414.295 Temporary cash assistance programs; public records
 721 exemption.—

722 (1) Personal identifying information of a temporary cash
 723 assistance program participant, a participant's family, or a
 724 participant's family or household member, except for information
 725 identifying a parent who does not live in the same home as the

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726 child, which is held by the department, ~~the Office of Early~~
 727 ~~Learning,~~ CareerSource Florida, Inc., the Department of Health,
 728 the Department of Revenue, the Department of Education, or a
 729 local workforce development board or local committee created
 730 pursuant to s. 445.007 is confidential and exempt from s.
 731 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 732 confidential and exempt information may be released for purposes
 733 directly connected with:

734 (a) The administration of the temporary assistance for
 735 needy families plan under Title IV-A of the Social Security Act,
 736 as amended, by the department, ~~the Office of Early Learning,~~
 737 CareerSource Florida, Inc., the Department of Military Affairs,
 738 the Department of Health, the Department of Revenue, the
 739 Department of Education, a local workforce development board or
 740 local committee created pursuant to s. 445.007, or a school
 741 district.

742 (b) The administration of the state's plan or program
 743 approved under Title IV-B, Title IV-D, or Title IV-E of the
 744 Social Security Act, as amended, or under Title I, Title X,
 745 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
 746 Social Security Act, as amended.

747 (c) An investigation, prosecution, or criminal, civil, or
 748 administrative proceeding conducted in connection with the
 749 administration of any of the plans or programs specified in
 750 paragraph (a) or paragraph (b) by a federal, state, or local
 751 governmental entity, upon request by that entity, if such
 752 request is made pursuant to the proper exercise of that entity's
 753 duties and responsibilities.

754 (d) The administration of any other state, federal, or

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755 federally assisted program that provides assistance or services
756 on the basis of need, in cash or in kind, directly to a
757 participant.

758 (e) An audit or similar activity, such as a review of
759 expenditure reports or financial review, conducted in connection
760 with the administration of plans or programs specified in
761 paragraph (a) or paragraph (b) by a governmental entity
762 authorized by law to conduct such audit or activity.

763 (f) The administration of the reemployment assistance
764 program.

765 (g) The reporting to the appropriate agency or official of
766 information about known or suspected instances of physical or
767 mental injury, sexual abuse or exploitation, or negligent
768 treatment or maltreatment of a child or elderly person receiving
769 assistance, if circumstances indicate that the health or welfare
770 of the child or elderly person is threatened.

771 (h) The administration of services to elderly persons under
772 ss. 430.601-430.606.

773 Section 16. Section 1000.01, Florida Statutes, is amended
774 to read:

775 1000.01 The Florida Early Learning-20 ~~K-20~~ education
776 system; technical provisions.-

777 (1) NAME.-Chapters 1000 through 1013 shall be known and
778 cited as the "Florida Early Learning-20 ~~K-20~~ Education Code."

779 (2) LIBERAL CONSTRUCTION.-The provisions of the Florida
780 Early Learning-20 ~~K-20~~ Education Code shall be liberally
781 construed to the end that its objectives may be effected. It is
782 the legislative intent that if any section, subsection,
783 sentence, clause, or provision of the Florida Early Learning-20

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784 ~~K-20~~ Education Code is held invalid, the remainder of the code
785 shall not be affected.

786 (3) PURPOSE.-The purpose of the Florida Early Learning-20
787 ~~K-20~~ Education Code is to provide by law for a state system of
788 schools, courses, classes, and educational institutions and
789 services adequate to allow, for all Florida's students, the
790 opportunity to obtain a high quality education. The Florida
791 Early Learning-20 ~~K-20~~ education system is established to
792 accomplish this purpose; however, nothing in this code shall be
793 construed to require the provision of free public education
794 beyond grade 12.

795 (4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.-As
796 required by s. 1, Art. IX of the State Constitution, the Florida
797 Early Learning-20 ~~K-20~~ education system shall include the
798 uniform system of free public K-12 schools. These public K-12
799 schools shall provide 13 consecutive years of instruction,
800 beginning with kindergarten, and shall also provide such
801 instruction for students with disabilities, gifted students,
802 limited English proficient students, and students in Department
803 of Juvenile Justice programs as may be required by law. The
804 funds for support and maintenance of the uniform system of free
805 public K-12 schools shall be derived from state, district,
806 federal, and other lawful sources or combinations of sources,
807 including any fees charged nonresidents as provided by law.

808 Section 17. Section 1000.02, Florida Statutes, is amended
809 to read:

810 1000.02 Policy and guiding principles for the Florida Early
811 Learning-20 ~~K-20~~ education system.-

812 (1) It is the policy of the Legislature:

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813 (a) To achieve within existing resources a seamless
 814 academic educational system that fosters an integrated continuum
 815 of early learning kindergarten through graduate school education
 816 for Florida's students.

817 (b) To promote enhanced academic success and funding
 818 efficiency of educational delivery systems by aligning
 819 responsibility with accountability.

820 (c) To provide consistent education policy across all
 821 educational delivery systems, focusing on students.

822 (d) To provide substantially improved articulation across
 823 all educational delivery systems.

824 (e) To provide for the decentralization of authority to the
 825 schools, Florida College System institutions, universities, and
 826 other education institutions that deliver educational services
 827 to the public.

828 (f) To ensure that independent education institutions and
 829 home education programs maintain their independence, autonomy,
 830 and nongovernmental status.

831 (2) The guiding principles for Florida's Early Learning-20
 832 ~~K-20~~ education system are:

833 (a) A coordinated, seamless system for early learning
 834 ~~kindergarten~~ through graduate school education.

835 (b) A system that is student-centered in every facet.

836 (c) A system that maximizes education access and allows the
 837 opportunity for a high quality education for all Floridians.

838 (d) A system that safeguards equity and supports academic
 839 excellence.

840 (e) A system that provides for local operational
 841 flexibility while promoting accountability for student

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842 achievement and improvement.

843 Section 18. Section 1000.03, Florida Statutes, is amended
 844 to read:

845 1000.03 Function, mission, and goals of the Florida Early
 846 Learning-20 ~~K-20~~ education system.-

847 (1) Florida's Early Learning-20 ~~K-20~~ education system shall
 848 be a decentralized system without excess layers of bureaucracy.
 849 Florida's Early Learning-20 ~~K-20~~ education system shall maintain
 850 a systemwide technology plan based on a common set of data
 851 definitions.

852 (2) (a) The Legislature shall establish education policy,
 853 enact education laws, and appropriate and allocate education
 854 resources.

855 (b) With the exception of matters relating to the State
 856 University System, the State Board of Education shall oversee
 857 the enforcement of all laws and rules, and the timely provision
 858 of direction, resources, assistance, intervention when needed,
 859 and strong incentives and disincentives to force accountability
 860 for results.

861 (c) The Board of Governors shall oversee the enforcement of
 862 all state university laws and rules and regulations and the
 863 timely provision of direction, resources, assistance,
 864 intervention when needed, and strong incentives and
 865 disincentives to force accountability for results.

866 (3) Public education is a cooperative function of the state
 867 and local educational authorities. The state retains
 868 responsibility for establishing a system of public education
 869 through laws, standards, and rules to assure efficient operation
 870 of an Early Learning-20 ~~a K-20~~ system of public education and

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adequate educational opportunities for all individuals. Local educational authorities have a duty to fully and faithfully comply with state laws, standards, and rules and to efficiently use the resources available to them to assist the state in allowing adequate educational opportunities.

(4) The mission of Florida's Early Learning-20 ~~K-20~~ education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

(5) The priorities of Florida's Early Learning-20 ~~K-20~~ education system include:

(a) *Learning and completion at all levels, including increased high school graduation rate and readiness for postsecondary education without remediation.*—All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.

(b) *Student performance.*—Students demonstrate that they meet the expected academic standards consistently at all levels of their education.

(c) *Civic literacy.*—Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

(d) *Alignment of standards and resources.*—Academic standards for every level of the Early Learning-20 ~~K-20~~ education system are aligned, and education financial resources are aligned with student performance expectations at each level

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of the Early Learning-20 ~~K-20~~ education system.

(e) *Educational leadership.*—The quality of educational leadership at all levels of Early Learning-20 ~~K-20~~ education is improved.

(f) *Workforce education.*—Workforce education is appropriately aligned with the skills required by the new global economy.

(g) *Parental, student, family, educational institution, and community involvement.*—Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Florida cannot be the guarantor of each individual student's success. The goals of Florida's Early Learning-20 ~~K-20~~ education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

(h) *Comprehensive Early Learning-20 ~~K-20~~ career and education planning.*—It is essential that Florida's Early Learning-20 ~~K-20~~ education system better prepare all students at every level for the transition from school to postsecondary education or work by providing information regarding:

1. Career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to pursue postsecondary instruction required to enter each career.

2. How to make informed decisions about the program of study that best addresses the students' interests and abilities

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929 while preparing them to enter postsecondary education or the
930 workforce.

931 3. Recommended coursework and programs that prepare
932 students for success in their areas of interest and ability.

933

934 This information shall be provided to students and parents
935 through websites, handbooks, manuals, or other regularly
936 provided communications.

937 Section 19. Section 1000.04, Florida Statutes, is amended
938 to read:

939 1000.04 Components for the delivery of public education
940 within the Florida Early Learning-20 K-20 education system.—
941 Florida's Early Learning-20 K-20 education system provides for
942 the delivery of early learning and public education through
943 publicly supported and controlled K-12 schools, Florida College
944 System institutions, state universities and other postsecondary
945 educational institutions, other educational institutions, and
946 other educational services as provided or authorized by the
947 Constitution and laws of the state.

948 (1) EARLY LEARNING.—Early learning includes the Voluntary
949 Prekindergarten Education Program and the school readiness
950 program.

951 (2)(4) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
952 charter schools and consist of kindergarten classes; elementary,
953 middle, and high school grades and special classes; virtual
954 instruction programs; workforce education; career centers;
955 adult, part-time, and evening schools, courses, or classes, as
956 authorized by law to be operated under the control of district
957 school boards; and lab schools operated under the control of

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958 state universities.

959 (3)(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—

960 Public postsecondary educational institutions include workforce
961 education; Florida College System institutions; state
962 universities; and all other state-supported postsecondary
963 educational institutions that are authorized and established by
964 law.

965 (4)(3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The
966 Florida School for the Deaf and the Blind is a component of the
967 delivery of public education within Florida's Early Learning-20
968 K-20 education system.

969 (5)(4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual
970 School is a component of the delivery of public education within
971 Florida's Early Learning-20 K-20 education system.

972 Section 20. Section 1000.21, Florida Statutes, is amended
973 to read:

974 1000.21 Systemwide definitions.—As used in the Florida
975 Early Learning-20 K-20 Education Code:

976 (1) "Articulation" is the systematic coordination that
977 provides the means by which students proceed toward their
978 educational objectives in as rapid and student-friendly manner
979 as their circumstances permit, from grade level to grade level,
980 from elementary to middle to high school, to and through
981 postsecondary education, and when transferring from one
982 educational institution or program to another.

983 (2) "Commissioner" is the Commissioner of Education.

984 (3) "Florida College System institution" except as
985 otherwise specifically provided, includes all of the following
986 public postsecondary educational institutions in the Florida

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987 College System and any branch campuses, centers, or other
 988 affiliates of the institution:

989 (a) Eastern Florida State College, which serves Brevard
 990 County.

991 (b) Broward College, which serves Broward County.

992 (c) College of Central Florida, which serves Citrus, Levy,
 993 and Marion Counties.

994 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
 995 Liberty, and Washington Counties.

996 (e) Daytona State College, which serves Flagler and Volusia
 997 Counties.

998 (f) Florida SouthWestern State College, which serves
 999 Charlotte, Collier, Glades, Hendry, and Lee Counties.

1000 (g) Florida State College at Jacksonville, which serves
 1001 Duval and Nassau Counties.

1002 (h) The College of the Florida Keys, which serves Monroe
 1003 County.

1004 (i) Gulf Coast State College, which serves Bay, Franklin,
 1005 and Gulf Counties.

1006 (j) Hillsborough Community College, which serves
 1007 Hillsborough County.

1008 (k) Indian River State College, which serves Indian River,
 1009 Martin, Okeechobee, and St. Lucie Counties.

1010 (l) Florida Gateway College, which serves Baker, Columbia,
 1011 Dixie, Gilchrist, and Union Counties.

1012 (m) Lake-Sumter State College, which serves Lake and Sumter
 1013 Counties.

1014 (n) State College of Florida, Manatee-Sarasota, which
 1015 serves Manatee and Sarasota Counties.

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1016 (o) Miami Dade College, which serves Miami-Dade County.

1017 (p) North Florida College, which serves Hamilton,
 1018 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

1019 (q) Northwest Florida State College, which serves Okaloosa
 1020 and Walton Counties.

1021 (r) Palm Beach State College, which serves Palm Beach
 1022 County.

1023 (s) Pasco-Hernando State College, which serves Hernando and
 1024 Pasco Counties.

1025 (t) Pensacola State College, which serves Escambia and
 1026 Santa Rosa Counties.

1027 (u) Polk State College, which serves Polk County.

1028 (v) St. Johns River State College, which serves Clay,
 1029 Putnam, and St. Johns Counties.

1030 (w) St. Petersburg College, which serves Pinellas County.

1031 (x) Santa Fe College, which serves Alachua and Bradford
 1032 Counties.

1033 (y) Seminole State College of Florida, which serves
 1034 Seminole County.

1035 (z) South Florida State College, which serves DeSoto,
 1036 Hardee, and Highlands Counties.

1037 (aa) Tallahassee Community College, which serves Gadsden,
 1038 Leon, and Wakulla Counties.

1039 (bb) Valencia College, which serves Orange and Osceola
 1040 Counties.

1041 (4) "Department" is the Department of Education.

1042 (5) "Parent" is either or both parents of a student, any
 1043 guardian of a student, any person in a parental relationship to
 1044 a student, or any person exercising supervisory authority over a

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1045 student in place of the parent.

1046 (6) "State university," except as otherwise specifically
1047 provided, includes the following institutions and any branch
1048 campuses, centers, or other affiliates of the institution:

1049 (a) The University of Florida.

1050 (b) The Florida State University.

1051 (c) The Florida Agricultural and Mechanical University.

1052 (d) The University of South Florida.

1053 (e) The Florida Atlantic University.

1054 (f) The University of West Florida.

1055 (g) The University of Central Florida.

1056 (h) The University of North Florida.

1057 (i) The Florida International University.

1058 (j) The Florida Gulf Coast University.

1059 (k) New College of Florida.

1060 (l) The Florida Polytechnic University.

1061 (7) "Next Generation Sunshine State Standards" means the
1062 state's public K-12 curricular standards adopted under s.
1063 1003.41.

1064 (8) "Board of Governors" is the Board of Governors of the
1065 State University System.

1066 Section 21. Subsection (1) and paragraphs (e) and (s) of
1067 subsection (2) of section 1001.02, Florida Statutes, are amended
1068 to read:

1069 1001.02 General powers of State Board of Education.—

1070 (1) The State Board of Education is the chief implementing
1071 and coordinating body of public education in Florida except for
1072 the State University System, and it shall focus on high-level
1073 policy decisions. It has authority to adopt rules pursuant to

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1074 ss. 120.536(1) and 120.54 to implement the provisions of law
1075 conferring duties upon it for the improvement of the state
1076 system of Early Learning-20 K-20 public education except for the
1077 State University System. Except as otherwise provided herein, it
1078 may, as it finds appropriate, delegate its general powers to the
1079 Commissioner of Education or the directors of the divisions of
1080 the department.

1081 (2) The State Board of Education has the following duties:

1082 (e) To adopt and submit to the Governor and Legislature, as
1083 provided in s. 216.023, a coordinated Early Learning-20 K-20
1084 education budget that estimates the expenditure requirements for
1085 the Board of Governors, as provided in s. 1001.706, the State
1086 Board of Education, including the Department of Education and
1087 the Commissioner of Education, and all of the boards,
1088 institutions, agencies, and services under the general
1089 supervision of the Board of Governors, as provided in s.
1090 1001.706, or the State Board of Education for the ensuing fiscal
1091 year. The State Board of Education may not amend the budget
1092 request submitted by the Board of Governors. Any program
1093 recommended by the Board of Governors or the State Board of
1094 Education which will require increases in state funding for more
1095 than 1 year must be presented in a multiyear budget plan.

1096 (s) To establish a detailed procedure for the
1097 implementation and operation of a systemwide ~~K-20~~ technology
1098 plan that is based on a common set of data definitions.

1099 Section 22. Subsections (8) and (9) of section 1001.03,
1100 Florida Statutes, are amended to read:

1101 1001.03 Specific powers of State Board of Education.—

1102 (8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education

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shall enforce compliance with law and state board rule by all school districts, early learning coalitions, and public postsecondary educational institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.—The State Board of Education, in conjunction with the Board of Governors regarding the State University System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public Early Learning-20 K-20 education system as such databases existed on June 30, 2002.

Section 23. Subsection (1), paragraphs (g), (k), and (l) of subsection (6), and subsection (8) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the educational K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the Early Learning-20 K-20 education system, except for the State University System.

(6) Additionally, the commissioner has the following general powers and duties:

(g) To submit to the State Board of Education, on or before October 1 of each year, recommendations for a coordinated Early Learning-20 K-20 education budget that estimates the expenditures for the Board of Governors, the State Board of

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Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors or the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(k) To prepare, publish, and disseminate user-friendly materials relating to the state's education system, including the state's K-12 scholarship programs, the school readiness program, and the Voluntary Prekindergarten Education Program.

(l) To prepare and publish annually reports giving statistics and other useful information pertaining to the state's K-12 scholarship programs, the school readiness program, and the Voluntary Prekindergarten Education Program.

(8) In the event of an emergency situation, the commissioner may coordinate through the most appropriate means of communication with early learning coalitions, local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

Section 24. Paragraph (b) of subsection (1) and subsection (4) of section 1001.11, Florida Statutes, are amended to read:

1001.11 Commissioner of Education; other duties.—

(1) The Commissioner of Education must independently

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perform the following duties:

(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education, the Early Learning-20 ~~K-20~~ education system, and early learning programs.

(4) The commissioner shall develop and implement an integrated Early Learning-20 ~~K-20~~ information system for educational management in accordance with the requirements of chapter 1008.

Section 25. Section 1001.213, Florida Statutes, is repealed.

Section 26. Subsection (7) of section 1001.215, Florida Statutes, is amended to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(7) Review, evaluate, and provide technical assistance to school districts' implementation of the ~~K-12~~ comprehensive reading plan required in s. 1011.62(9).

Section 27. Subsection (1) of section 1001.23, Florida Statutes, is amended to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

~~(1) Adopt the statewide kindergarten screening in accordance with s. 1002.69.~~

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Section 28. Subsection (3) of section 1001.70, Florida Statutes, is amended to read:

1001.70 Board of Governors of the State University System.—

(3) The Board of Governors, in exercising its authority under the State Constitution and statutes, shall exercise its authority in a manner that supports, promotes, and enhances an Early Learning-20 ~~a K-20~~ education system that provides affordable access to postsecondary educational opportunities for residents of the state to the extent authorized by the State Constitution and state law.

Section 29. Paragraph (b) of subsection (4) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(4) POWERS AND DUTIES RELATING TO FINANCE.—

(b) The Board of Governors shall prepare the legislative budget requests for the State University System, including a request for fixed capital outlay, and submit them to the State Board of Education for inclusion in the Early Learning-20 ~~K-20~~ legislative budget request. The Board of Governors shall provide the state universities with fiscal policy guidelines, formats, and instruction for the development of individual university budget requests.

Section 30. Paragraph (b) of subsection (1) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Education records and reports of K-12 students; rights of parents and students; notification; penalty.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Institution" means any public school, center, institution, or other entity that is part of Florida's education

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 1219 system under s. 1000.04(2), (4), and (5) ~~s. 1000.04(1), (3), and~~
 1220 ~~(4)~~.

1221 Section 31. Subsections (3) and (10) of section 1002.32,
 1222 Florida Statutes, are amended to read:

1223 1002.32 Developmental research (laboratory) schools.—

1224 (3) MISSION.—The mission of a lab school shall be the
 1225 provision of a vehicle for the conduct of research,
 1226 demonstration, and evaluation regarding management, teaching,
 1227 and learning. Programs to achieve the mission of a lab school
 1228 shall embody the goals and standards established pursuant to ss.
 1229 1000.03(5) and 1001.23(1) ~~1001.23(2)~~ and shall ensure an
 1230 appropriate education for its students.

1231 (a) Each lab school shall emphasize mathematics, science,
 1232 computer science, and foreign languages. The primary goal of a
 1233 lab school is to enhance instruction and research in such
 1234 specialized subjects by using the resources available on a state
 1235 university campus, while also providing an education in
 1236 nonspecialized subjects. Each lab school shall provide
 1237 sequential elementary and secondary instruction where
 1238 appropriate. A lab school may not provide instruction at grade
 1239 levels higher than grade 12 without authorization from the State
 1240 Board of Education. Each lab school shall develop and implement
 1241 a school improvement plan pursuant to s. 1003.02(3).

1242 (b) Research, demonstration, and evaluation conducted at a
 1243 lab school may be generated by the college of education and
 1244 other colleges within the university with which the school is
 1245 affiliated.

1246 (c) Research, demonstration, and evaluation conducted at a
 1247 lab school may be generated by the State Board of Education.

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 1248 Such research shall respond to the needs of the education
 1249 community at large, rather than the specific needs of the
 1250 affiliated college.

1251 (d) Research, demonstration, and evaluation conducted at a
 1252 lab school may consist of pilot projects to be generated by the
 1253 affiliated college, the State Board of Education, or the
 1254 Legislature.

1255 (e) The exceptional education programs offered at a lab
 1256 school shall be determined by the research and evaluation goals
 1257 and the availability of students for efficiently sized programs.
 1258 The fact that a lab school offers an exceptional education
 1259 program in no way lessens the general responsibility of the
 1260 local school district to provide exceptional education programs.

1261 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
 1262 and facilitate the mission of the lab schools, in addition to
 1263 the exceptions to law specified in s. 1001.23(1) ~~s. 1001.23(2)~~,
 1264 the following exceptions shall be permitted for lab schools:

1265 (a) The methods and requirements of the following statutes
 1266 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
 1267 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
 1268 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
 1269 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
 1270 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
 1271 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;
 1272 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
 1273 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
 1274 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);
 1275 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
 1276 1011.73; and 1011.74.

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1277 (b) With the exception of s. 1001.42(18), s. 1001.42 shall
 1278 be held in abeyance. Reference to district school boards in s.
 1279 1001.42(18) shall mean the president of the university or the
 1280 president's designee.

1281 Section 32. Paragraph (b) of subsection (10) of section
 1282 1002.34, Florida Statutes, is amended to read:
 1283 1002.34 Charter technical career centers.—
 1284 (10) EXEMPTION FROM STATUTES.—
 1285 (b) A center must comply with the Florida Early Learning-20
 1286 ~~K-20~~ Education Code with respect to providing services to
 1287 students with disabilities.

1288 Section 33. Subsection (1) of section 1002.36, Florida
 1289 Statutes, is amended to read:
 1290 1002.36 Florida School for the Deaf and the Blind.—
 1291 (1) RESPONSIBILITIES.—The Florida School for the Deaf and
 1292 the Blind, located in St. Johns County, is a state-supported
 1293 residential public school for hearing-impaired and visually
 1294 impaired students in preschool through 12th grade. The school is
 1295 a component of the delivery of public education within Florida's
 1296 Early Learning-20 ~~K-20~~ education system and shall be funded
 1297 through the Department of Education. The school shall provide
 1298 educational programs and support services appropriate to meet
 1299 the education and related evaluation and counseling needs of
 1300 hearing-impaired and visually impaired students in the state who
 1301 meet enrollment criteria. Unless otherwise provided by law, the
 1302 school shall comply with all laws and rules applicable to state
 1303 agencies. Education services may be provided on an outreach
 1304 basis for sensory-impaired children ages 0 through 5 years and
 1305 to district school boards upon request. Graduates of the Florida

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1306 School for the Deaf and the Blind shall be eligible for the
 1307 William L. Boyd, IV, Effective Access to Student Education Grant
 1308 Program as provided in s. 1009.89.

1309 Section 34. Paragraph (b) of subsection (4) and subsection
 1310 (5) of section 1002.53, Florida Statutes, are amended, and
 1311 paragraph (d) is added to subsection (6) of that section, to
 1312 read:
 1313 1002.53 Voluntary Prekindergarten Education Program;
 1314 eligibility and enrollment.—
 1315 (4)
 1316 (b) The application must be submitted on forms prescribed
 1317 by the department ~~Office of Early Learning~~ and must be
 1318 accompanied by a certified copy of the child's birth
 1319 certificate. The forms must include a certification, in
 1320 substantially the form provided in s. 1002.71(6)(b)2., that the
 1321 parent chooses the private prekindergarten provider or public
 1322 school in accordance with this section and directs that payments
 1323 for the program be made to the provider or school. The
 1324 department ~~Office of Early Learning~~ may authorize alternative
 1325 methods for submitting proof of the child's age in lieu of a
 1326 certified copy of the child's birth certificate.

1327 (5) The early learning coalition shall provide each parent
 1328 enrolling a child in the Voluntary Prekindergarten Education
 1329 Program with a profile of every private prekindergarten provider
 1330 and public school delivering the program within the county where
 1331 the child is being enrolled. The profiles shall be provided to
 1332 parents in a format prescribed by the department in accordance
 1333 with s. 1002.92(3) Office of Early Learning. ~~The profiles must~~
 1334 ~~include, at a minimum, the following information about each~~

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~~provider and school.~~

~~(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and~~

~~(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.~~

(6)

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must allow his or her child to participate in the coordinated screening and progress monitoring program under s. 1008.2125.

Section 35. Paragraphs (a), (b), (c), (e), (g), (h), (i), (j), and (l) of subsection (3), subsection (4), and paragraph (b) of subsection (5) of section 1002.55, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1002.55 School-year prekindergarten program delivered by 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), ~~or~~ faith-based 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

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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.

(b) The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted;

2. Hold a current Gold Seal Quality Care designation under s. 1002.945 ~~s. 402.281~~; or

3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131 and demonstrate, before delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (f), prekindergarten director credentials under paragraph (g), and a developmentally appropriate curriculum under s. 1002.67(2)(b).

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1393 (c) The private prekindergarten provider must have, for
 1394 each prekindergarten class of 11 children or fewer, at least one
 1395 prekindergarten instructor who meets each of the following
 1396 requirements:

1397 1. The prekindergarten instructor must hold, at a minimum,
 1398 one of the following credentials:

1399 a. A child development associate credential issued by the
 1400 National Credentialing Program of the Council for Professional
 1401 Recognition; or

1402 b. A credential approved by the Department of Children and
 1403 Families as being equivalent to or greater than the credential
 1404 described in sub-subparagraph a.

1405 The Department of Children and Families may adopt rules under
 1406 ss. 120.536(1) and 120.54 which provide criteria and procedures
 1407 for approving equivalent credentials under sub-subparagraph b.

1408 2. The prekindergarten instructor must successfully
 1409 complete at least three ~~an~~ emergent literacy training courses
 1410 that include developmentally appropriate and experiential
 1411 learning practices for children ~~course~~ and a student performance
 1412 standards training course approved by the department ~~office~~ as
 1413 meeting or exceeding the minimum standards adopted under s.
 1414 1002.59. The requirement for completion of the standards
 1415 training course shall take effect July 1, 2022 ~~2014~~, and be
 1416 recognized as part of the informal early learning career pathway
 1417 identified by the department under s. 1002.995(1)(b). ~~Such and~~
 1418 ~~the~~ course shall be available online or in person.

1419 (e) A private prekindergarten provider may assign a
 1420 substitute instructor to temporarily replace a credentialed
 1421

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1422 instructor if the credentialed instructor assigned to a
 1423 prekindergarten class is absent, as long as the substitute
 1424 instructor is of good moral character and has been screened
 1425 before employment in accordance with level 2 background
 1426 screening requirements in chapter 435. The department ~~Office of~~
 1427 ~~Early Learning~~ shall adopt rules to implement this paragraph
 1428 which shall include required qualifications of substitute
 1429 instructors and the circumstances and time limits for which a
 1430 private prekindergarten provider may assign a substitute
 1431 instructor.

1432 (g) The private prekindergarten provider must have a
 1433 prekindergarten director who has a prekindergarten director
 1434 credential that is approved by the department ~~office~~ as meeting
 1435 or exceeding the minimum standards adopted under s. 1002.57. A
 1436 private school administrator who holds a valid certificate in
 1437 educational leadership issued by the department satisfies the
 1438 requirement for a prekindergarten director credential under s.
 1439 1002.57 ~~Successful completion of a child care facility director~~
 1440 ~~credential under s. 402.305(2)(g) before the establishment of~~
 1441 ~~the prekindergarten director credential under s. 1002.57 or July~~
 1442 ~~1, 2006, whichever occurs later, satisfies the requirement for a~~
 1443 ~~prekindergarten director credential under this paragraph.~~

1444 (h) The private prekindergarten provider must register with
 1445 the early learning coalition on forms prescribed by the
 1446 department ~~Office of Early Learning~~.

1447 (i) The private prekindergarten provider must execute the
 1448 statewide provider contract prescribed under s. 1002.73 ~~or~~
 1449 ~~1002.75~~, except that an individual who owns or operates multiple
 1450 private prekindergarten sites ~~providers~~ within a coalition's

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service area may execute a single agreement with the coalition on behalf of each site provider.

(j) The private prekindergarten provider must maintain general liability insurance and provide the coalition with written evidence of general liability insurance coverage, including coverage for transportation of children if prekindergarten students are transported by the provider. A provider must obtain and retain an insurance policy that provides a minimum of \$100,000 of coverage per occurrence and a minimum of \$300,000 general aggregate coverage. The department ~~office~~ may authorize lower limits upon request, as appropriate. A provider must add the coalition as a named certificateholder and as an additional insured. A provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider contract with the coalition.

(l) Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (j), for a 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, the provider may demonstrate liability

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coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. s. 2671 et seq.

(4) A prekindergarten instructor, in lieu of the minimum credentials ~~and courses~~ required under paragraph (3)(c), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.

(5)

(b) Notwithstanding any other ~~provision of~~ law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule of the Child Care Services Program

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1509 Office of the Department of Children and Families, the coalition
1510 may refuse to contract with the provider.

1511 (6) Each early learning coalition shall verify that each
1512 private prekindergarten provider delivering the Voluntary
1513 Prekindergarten Education Program within the coalition's county
1514 or multicounty region complies with this part. If a private
1515 prekindergarten provider fails or refuses to comply with this
1516 part or engages in misconduct, the department must require the
1517 early learning coalition to remove the provider from eligibility
1518 to deliver the program and receive state funds under this part
1519 for a period of at least 2 years but no more than 5 years.

1520 Section 36. Paragraphs (b) and (c) of subsection (2) of
1521 section 1002.57, Florida Statutes, are redesignated as
1522 paragraphs (c) and (d), respectively, subsection (1) is amended,
1523 and a new paragraph (b) is added to subsection (2) of that
1524 section, to read:

1525 1002.57 Prekindergarten director credential.—

1526 (1) The department office, in consultation with the
1527 Department of Children and Families, shall adopt minimum
1528 standards for a credential for prekindergarten directors of
1529 private prekindergarten providers delivering the Voluntary
1530 Prekindergarten Education Program. The credential must encompass
1531 requirements for education and onsite experience.

1532 (2) The educational requirements must include training in
1533 the following:

1534 (b) Implementation of curriculum and usage of student-level
1535 data to inform the delivery of instruction;

1536 Section 37. Section 1002.59, Florida Statutes, is amended
1537 to read:

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1538 1002.59 Emergent literacy and performance standards
1539 training courses.—

1540 (1) The ~~department office~~ shall adopt minimum standards for
1541 ~~one or more training~~ courses in emergent literacy for
1542 prekindergarten instructors. Each course must comprise 5 clock
1543 hours and provide instruction in strategies and techniques to
1544 address the age-appropriate progress of prekindergarten students
1545 in developing emergent literacy skills, including oral
1546 communication, knowledge of print and letters, phonemic and
1547 phonological awareness, and vocabulary and comprehension
1548 development. Each course must also provide resources containing
1549 strategies that allow students with disabilities and other
1550 special needs to derive maximum benefit from the Voluntary
1551 Prekindergarten Education Program. Successful completion of an
1552 emergent literacy training course approved under this section
1553 satisfies requirements for approved training in early literacy
1554 and language development under ss. 402.305(2)(e)5., 402.313(6),
1555 and 402.3131(5).

1556 (2) The ~~department office~~ shall adopt minimum standards for
1557 ~~one or more training~~ courses on the performance standards
1558 adopted under s. 1002.67(1). Each course must be comprised of
1559 ~~comprise~~ at least 3 clock hours, provide instruction in
1560 strategies and techniques to address age-appropriate progress of
1561 each child in attaining the standards, and be available online.

1562 (3) The department shall make available online professional
1563 development and training courses comprised of at least 8 clock
1564 hours that support prekindergarten instructors in increasing the
1565 competency of teacher-child interactions.

1566 Section 38. Present subsections (6) through (8) of section

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1567 1002.61, Florida Statutes, are redesignated as subsections (7)
1568 through (9), respectively, a new subsection (6) and subsection
1569 (10) are added to that section, and paragraph (b) of subsection
1570 (1), paragraph (b) of subsection (3), subsection (4), and
1571 present subsections (6) and (8) of that section are amended, to
1572 read:

1573 1002.61 Summer prekindergarten program delivered by public
1574 schools and private prekindergarten providers.—

1575 (1)

1576 (b) Each early learning coalition shall administer the
1577 Voluntary Prekindergarten Education Program at the county or
1578 regional level for students enrolled under s. 1002.53(3)(b) in a
1579 summer prekindergarten program delivered by a private
1580 prekindergarten provider. A child development program that is
1581 accredited by a national accrediting body and operates on a
1582 military installation that is certified by the United States
1583 Department of Defense may administer the summer prekindergarten
1584 program as a private prekindergarten provider.

1585 (3)

1586 (b) Each public school delivering the summer
1587 prekindergarten program must execute the statewide provider
1588 contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the
1589 school district may execute a single agreement with the early
1590 learning coalition on behalf of all district schools.

1591 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
1592 each public school and private prekindergarten provider must
1593 have, for each prekindergarten class, at least one
1594 prekindergarten instructor who is a certified teacher or holds
1595 one of the educational credentials specified in s. 1002.55(4)(a)

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1596 or (b). As used in this subsection, the term "certified teacher"
1597 means a teacher holding a valid Florida educator certificate
1598 under s. 1012.56 who has the qualifications required by the
1599 district school board to instruct students in the summer
1600 prekindergarten program. In selecting instructional staff for
1601 the summer prekindergarten program, each school district shall
1602 give priority to teachers who have experience or coursework in
1603 early childhood education and have completed emergent literacy
1604 and performance standards courses, as provided for in s.
1605 1002.55(3)(c)2.

1606 (6) A child development program that is accredited by a
1607 national accrediting body and operates on a military
1608 installation that is certified by the United States Department
1609 of Defense shall comply with the requirements of a private
1610 prekindergarten provider in this section.

1611 (7) ~~(6)~~ A public school or private prekindergarten provider
1612 may assign a substitute instructor to temporarily replace a
1613 credentialed instructor if the credentialed instructor assigned
1614 to a prekindergarten class is absent, as long as the substitute
1615 instructor is of good moral character and has been screened
1616 before employment in accordance with level 2 background
1617 screening requirements in chapter 435. This subsection does not
1618 supersede employment requirements for instructional personnel in
1619 public schools which are more stringent than the requirements of
1620 this subsection. The department ~~Office of Early Learning~~ shall
1621 adopt rules to implement this subsection which shall include
1622 required qualifications of substitute instructors and the
1623 circumstances and time limits for which a public school or
1624 private prekindergarten provider may assign a substitute

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instructor.

~~(9)(4)~~ Each public school delivering the summer prekindergarten program must also register with the early learning coalition on forms prescribed by the department Office of Early Learning and deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(10)(a) Each early learning coalition shall verify that each private prekindergarten provider and public school delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part or engages in misconduct, the department shall require the early learning coalition to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years but no more than 5 years.

Section 39. Paragraph (b) of subsection (3) and subsections (6) and (8) of section 1002.63, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(3)

(b) Each public school delivering the school-year prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

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(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department Office of Early Learning shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must register with the early learning coalition on forms prescribed by the department Office of Early Learning and deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(9)(a) Each early learning coalition shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the coalition's service area complies with this part.

(b) If a public school fails or refuses to comply with this part or engages in misconduct, the department shall require the early learning coalition to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years but no more than 5 years.

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Section 40. Section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and curricula and accountability.—

(1) (a) The ~~department office~~ shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; ~~and~~
2. Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development; and
3. Mathematical thinking and early math skills.

~~By October 1, 2013, the office shall examine the existing performance standards in the area of mathematical thinking and develop a plan to make appropriate professional development and training courses available to prekindergarten instructors.~~

(b) At least every 3 years, the ~~department office~~ shall ~~periodically~~ review and, if necessary, revise the performance standards established under this section for the statewide kindergarten screening administered under s. 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22.

(2) (a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or

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school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under s. 1002.68 ~~paragraph (4)(e).~~

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;
2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and
3. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.2125 ~~Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.~~

(c) The ~~department office~~ shall adopt procedures for the review and approval of ~~approve~~ curricula for use by private prekindergarten providers and public schools that are placed on probation under s. 1002.68 ~~paragraph (4)(e).~~ The ~~department office~~ shall administer the review and approval process and maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

~~(3)(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence based pre and post assessment that has been approved by rule of the State Board of Education.~~

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~~(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.~~

~~(c) The pre and post assessment must be administered by individuals meeting requirements established by rule of the State Board of Education.~~

~~(4)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.~~

~~(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of 5 years.~~

~~(c) 1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the office as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan; shall place the provider or school on probation; and shall require the provider or school to take certain corrective actions, including~~

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~~the use of a curriculum approved by the office under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office.~~

~~2. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 1., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office, until the provider or school meets the minimum rate adopted by the office as satisfactory under s. 1002.69(6). Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider's contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.~~

~~3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.~~

~~(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary~~

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1799 ~~Prekindergarten Education Program under this part, the school~~
 1800 ~~readiness program under part VI of this chapter, and the~~
 1801 ~~licensing of providers under ss. 402.301-402.319.~~

1802 Section 41. Section 1002.68, Florida Statutes, is created
 1803 to read:

1804 1002.68 Voluntary Prekindergarten Education Program
 1805 accountability.—

1806 (1)(a) Beginning with the 2022-2023 program year, each
 1807 private prekindergarten provider and public school participating
 1808 in the Voluntary Prekindergarten Education Program must
 1809 participate in the coordinated screening and progress monitoring
 1810 program in accordance with s. 1008.2125. The coordinated
 1811 screening and progress monitoring program results shall be used
 1812 by the department to identify student learning gains, index
 1813 development learning outcomes upon program completion relative
 1814 to the performance standards established under s. 1002.67 and
 1815 representative norms, and inform a private prekindergarten
 1816 provider's and public school's performance metric.

1817 (b) At a minimum, the initial and final progress monitoring
 1818 or screening must be administered by individuals meeting
 1819 requirements adopted by the department under s. 1008.2125.

1820 (c) Each private prekindergarten provider and public school
 1821 must provide a student's performance results from the
 1822 coordinated screening and progress monitoring to the student's
 1823 parents within 7 days after the administration of such
 1824 coordinated screening and progress monitoring.

1825 (2) Beginning with the 2021-2022 program year, each private
 1826 prekindergarten provider and public school in the Voluntary
 1827 Prekindergarten Education Program must participate in a program

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1828 assessment of each voluntary prekindergarten education
 1829 classroom. The program assessment shall measure the quality of
 1830 teacher-child interactions, including emotional support,
 1831 classroom organization, and instructional support for children
 1832 ages 3 to 5 years. Each private prekindergarten provider and
 1833 public school in the Voluntary Prekindergarten Education Program
 1834 shall receive from the department the results of the program
 1835 assessment for each classroom within 14 days after the
 1836 observation. Each early learning coalition shall be responsible
 1837 for the administration of the program assessments, which must be
 1838 conducted by individuals qualified to conduct program
 1839 assessments under s. 1002.82(2)(n).

1840 (3)(a) For the 2020-2021 program year, the department shall
 1841 calculate a kindergarten readiness rate for each private
 1842 prekindergarten provider and public school in the Voluntary
 1843 Prekindergarten Education Program, based upon learning gains and
 1844 the percentage of students who are assessed as ready for
 1845 kindergarten. The department shall require that each school
 1846 district administer the statewide kindergarten screening in use
 1847 before the 2021-2022 school year to each kindergarten student in
 1848 the school district within the first 30 school days of the 2021-
 1849 2022 school year. Private schools may administer the statewide
 1850 kindergarten screening to each kindergarten student in a private
 1851 school who was enrolled in the Voluntary Prekindergarten
 1852 Education Program. Learning gains shall be determined using a
 1853 value-added measure based on growth demonstrated by the results
 1854 of the preassessment and postassessment in use before the 2021-
 1855 2022 program year. Any private prekindergarten provider or
 1856 public school in the Voluntary Prekindergarten Education Program

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which fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year is subject to the probation requirements of subsection (5).

(b) For the 2021-2022 program year, the department shall calculate a program assessment composite score for each provider based on the program assessment under subsection (2). Any private prekindergarten provider or public school in the Voluntary Prekindergarten Education Program which fails to meet the minimum program assessment composite score established by the state board pursuant to s. 1002.82(2)(n) for the 2021-2022 program year is subject to the probation requirements of subsection (5).

(4) (a) Beginning with the 2022-2023 program year, 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 (3), 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).

(b) The methodology for calculating a provider's performance metric may only include prekindergarten students who have attended at least 85 percent of a private prekindergarten provider's or public school's program.

(c) The program assessment composite score and performance

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metric must be calculated for each private prekindergarten or public school site.

(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 able to produce a limited number of performance metric profiles that 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 State Board of Education which may not include letter grades. The independent expert may not be a direct stakeholder or have had a financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or public school system within the last 5 years.

(e) Subject to an appropriation, the department shall provide for a differential payment to a private prekindergarten provider and public school based on the provider's designation. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent student under s. 1002.71 attending in the consecutive program year for that program. A private prekindergarten provider or public school may not receive a differential payment if it receives a designation of proficient or lower. Before the adoption of the methodology, the department and the independent expert shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval from the State Board of Education for the final recommendations on the

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1915 designation system and differential payments.

1916 (f) The department shall adopt procedures to annually

1917 calculate each private prekindergarten provider's and public

1918 school's performance metric, based on the methodology adopted in

1919 paragraphs (a) and (b), and assign a designation under paragraph

1920 (d). Beginning with the 2023-2024 program year, each private

1921 prekindergarten provider or public school shall be assigned a

1922 designation within 45 days after the conclusion of the school-

1923 year Voluntary Prekindergarten Education Program delivered by

1924 all participating private prekindergarten providers or public

1925 schools and within 45 days after the conclusion of the summer

1926 Voluntary Prekindergarten Education Program delivered by all

1927 participating private prekindergarten providers or public

1928 schools.

1929 (g) A private prekindergarten provider or public school

1930 designated "proficient," "highly proficient," or "excellent"

1931 demonstrates the provider's or school's satisfactory delivery of

1932 the Voluntary Prekindergarten Education Program.

1933 (h) The designations shall be displayed in the early

1934 learning provider performance profiles required under s.

1935 1002.92(3).

1936 (5) (a) If a public school's or private prekindergarten

1937 provider's program assessment composite score for its

1938 prekindergarten classrooms fails to meet the minimum program

1939 assessment composite score for contracting established by the

1940 department pursuant to s. 1002.82(2)(n), the private

1941 prekindergarten provider or public school may not participate in

1942 the Voluntary Prekindergarten Education Program beginning in the

1943 consecutive program year and thereafter until the public school

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1944 or private prekindergarten provider meets the minimum composite

1945 score for contracting.

1946 (b) If a private prekindergarten provider's or public

1947 school's performance metric or designation falls below the

1948 minimum performance metric or designation, the early learning

1949 coalition shall:

1950 1. Require the provider or school to submit for approval to

1951 the early learning coalition an improvement plan and implement

1952 the plan.

1953 2. Place the provider or school on probation.

1954 3. Require the provider or school to take certain

1955 corrective actions, including the use of a curriculum approved

1956 by the department under s. 1002.67(2)(c) and a staff development

1957 plan approved by the department to strengthen instructional

1958 practices in emotional support, classroom organization,

1959 instructional support, language development, phonological

1960 awareness, alphabet knowledge, and mathematical thinking.

1961 (c) A private prekindergarten provider or public school

1962 placed on probation must continue the corrective actions

1963 required under paragraph (b) until the provider or school meets

1964 the minimum performance metric or designation adopted by the

1965 department. Failure to meet the requirements of subparagraphs

1966 (b)1. and 3. shall result in the termination of the provider's

1967 or school's contract to deliver the Voluntary Prekindergarten

1968 Education Program for a period of at least 2 years but no more

1969 than 5 years.

1970 (d) If a private prekindergarten provider or public school

1971 remains on probation for 2 consecutive years and fails to meet

1972 the minimum performance metric or designation, or is not granted

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1973 a good cause exemption by the department, the department shall
 1974 require the early learning coalition to revoke the provider's or
 1975 school's eligibility to deliver the Voluntary Prekindergarten
 1976 Education Program and receive state funds for the program for a
 1977 period of at least 2 years but no more than 5 years.

1978 (6)(a) The department, upon the request of a private
 1979 prekindergarten provider or public school that remains on
 1980 probation for at least 2 consecutive years and subsequently
 1981 fails to meet the minimum performance metric or designation, and
 1982 for good cause shown, may grant to the provider or school an
 1983 exemption from being determined ineligible to deliver the
 1984 Voluntary Prekindergarten Education Program and receive state
 1985 funds for the program. Such exemption is valid for 1 year and,
 1986 upon the request of the private prekindergarten provider or
 1987 public school and for good cause shown, may be renewed.

1988 (b) A private prekindergarten provider's or public school's
 1989 request for a good cause exemption, or renewal of such an
 1990 exemption, must be submitted to the department in the manner and
 1991 within the timeframes prescribed by the department and must
 1992 include the following:

1993 1. Data from the private prekindergarten provider or public
 1994 school which documents the achievement and progress of the
 1995 children served, as measured by any required screenings or
 1996 assessments.

1997 2. Data from the program assessment required under
 1998 subsection (2) which demonstrates effective teaching practices
 1999 as recognized by the tool developer.

2000 3. Data from the early learning coalition or district
 2001 school board, as applicable, the Department of Children and

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2002 Families, the local licensing authority, or an accrediting
 2003 association, as applicable, relating to the private
 2004 prekindergarten provider's or public school's compliance with
 2005 state and local health and safety standards.

2006 (c) The department shall adopt criteria for granting good
 2007 cause exemptions. Such criteria must include, but are not
 2008 limited to, all of the following:

2009 1. Child demographic data that evidences a private
 2010 prekindergarten provider or public school serves a statistically
 2011 significant population of children with special needs who have
 2012 individual education plans and can demonstrate progress toward
 2013 meeting the goals outlined in the students' individual education
 2014 plans.

2015 2. Learning gains of children served in the Voluntary
 2016 Prekindergarten Education Program by the private prekindergarten
 2017 provider or public school on an alternative measure that has
 2018 comparable validity and reliability of the coordinated screening
 2019 and progress monitoring program in accordance with s. 1008.2125.

2020 3. Program assessment data under subsection (2) which
 2021 demonstrates effective teaching practices as recognized by the
 2022 tool developer.

2023 4. Verification that local and state health and safety
 2024 requirements are met.

2025 (d) A good cause exemption may not be granted to any
 2026 private prekindergarten provider or public school that has any
 2027 class I violations or two or more class II violations, as
 2028 defined by rule of the Department of Children and Families,
 2029 within the 2 years preceding the provider's or school's request
 2030 for the exemption.

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(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under subsection (5)(b) until the provider or school meets the minimum performance metric.

(f) If a good cause exemption is granted to a private prekindergarten provider or public school that remains on probation for 2 consecutive years and if the provider meets all other applicable requirements of this part, the department shall notify the early learning coalition of the good cause exemption and direct that the early learning coalition not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program.

(g) The department shall report the number of private prekindergarten providers or public schools that have received a good cause exemption and the reasons for the exemptions as part of its annual reporting requirements under s. 1002.82(7).

(7) Representatives from each school district and corresponding early learning coalitions must meet annually to develop strategies to transition students from the Voluntary Prekindergarten Education Program to kindergarten.

Section 42. Section 1002.69, Florida Statutes, is repealed.

Section 43. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), paragraphs (b) and (d) of subsection (6), and subsection (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

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(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The ~~department Office of Early Learning~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area. Each coalition shall report student enrollment pursuant to subsection (2) on a monthly basis. A student enrollment count for the prior fiscal year may not be amended after September 30 of the subsequent fiscal year.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the ~~department's Office of Early Learning's~~ uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

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2089
2090 A child may reenroll only once in a prekindergarten program
2091 under this section. A child who reenrolls in a prekindergarten
2092 program under this subsection may not subsequently withdraw from
2093 the program and reenroll, unless the child is granted a good
2094 cause exemption under this subsection. The department ~~Office of~~
2095 ~~Early Learning~~ shall establish criteria specifying whether a
2096 good cause exists for a child to withdraw from a program under
2097 paragraph (a), whether a child has substantially completed a
2098 program under paragraph (b), and whether an extreme hardship
2099 exists which is beyond the child's or parent's control under
2100 paragraph (b).

2101 (5)

2102 (b) The department ~~Office of Early Learning~~ shall adopt
2103 procedures for the payment of private prekindergarten providers
2104 and public schools delivering the Voluntary Prekindergarten
2105 Education Program. The procedures shall provide for the advance
2106 payment of providers and schools based upon student enrollment
2107 in the program, the certification of student attendance, and the
2108 reconciliation of advance payments in accordance with the
2109 uniform attendance policy adopted under paragraph (6) (d). The
2110 procedures shall provide for the monthly distribution of funds
2111 by the department ~~Office of Early Learning~~ to the early learning
2112 coalitions for payment by the coalitions to private
2113 prekindergarten providers and public schools.

2114 (6)

2115 (b)1. Each private prekindergarten provider's and district
2116 school board's attendance policy must require the parent of each
2117 student in the Voluntary Prekindergarten Education Program to

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2118 verify, each month, the student's attendance on the prior
2119 month's certified student attendance.

2120 2. The parent must submit the verification of the student's
2121 attendance to the private prekindergarten provider or public
2122 school on forms prescribed by the department ~~Office of Early~~
2123 ~~Learning~~. The forms must include, in addition to the
2124 verification of the student's attendance, a certification, in
2125 substantially the following form, that the parent continues to
2126 choose the private prekindergarten provider or public school in
2127 accordance with s. 1002.53 and directs that payments for the
2128 program be made to the provider or school:

2129 VERIFICATION OF STUDENT'S ATTENDANCE

2130 AND CERTIFICATION OF PARENTAL CHOICE

2131 I, ...(Name of Parent)..., swear (or affirm) that my child,
2132 ...(Name of Student)..., attended the Voluntary Prekindergarten
2133 Education Program on the days listed above and certify that I
2134 continue to choose ...(Name of Provider or School)... to deliver
2135 the program for my child and direct that program funds be paid
2136 to the provider or school for my child.

2137 ... (Signature of Parent) ...

2138 ... (Date) ...

2139
2140 3. The private prekindergarten provider or public school
2141 must keep each original signed form for at least 2 years. Each
2142 private prekindergarten provider must permit the early learning
2143 coalition, and each public school must permit the school
2144 district, to inspect the original signed forms during normal
2145 business hours. The department ~~Office of Early Learning~~ shall
2146 adopt procedures for early learning coalitions and school

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districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(d) The department ~~Office of Early Learning~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The department ~~Office of Early Learning~~ shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the

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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 paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 44. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department ~~Office of Early Learning~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher

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observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the ~~department Office of Early Learning~~, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 45. Section 1002.73, Florida Statutes, is amended to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(1) The department shall adopt by rule a standard statewide provider contract to be used with each Voluntary Prekindergarten Education Program provider, with standardized attachments by provider type. The department shall publish a copy of the standard statewide provider contract on its website. The standard statewide provider contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for actions or inactions of a provider which pose an immediate and serious danger to the health, safety, or welfare of children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider which is inconsistent with, or prohibited by, law is void and unenforceable ~~administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.~~

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(2) The department shall adopt procedures for ~~its~~:

(a) The approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.

(b) The approval of emergent literacy and early mathematics skills training courses under ss. 1002.55 and 1002.59.

(c) Annually notifying private prekindergarten providers and public schools placed on probation for not meeting the minimum performance metric or designation as required by s. 1002.68 of the high-quality professional development opportunities developed or supported by the department.

(d) The administration of the Voluntary Prekindergarten Education Program by the early learning coalitions, including, but not limited to, procedures for:

1. Enrolling students in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53, which shall include the enrollment of children by public schools and private providers that meet specified requirements.

2. Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

3. Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

4. Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61 and streamlining the process of determining provider eligibility whenever possible.

5. Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools

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2263 from eligibility to deliver the program due to noncompliance or
 2264 misconduct as provided in s. 1002.67.

2265 6. Paying private prekindergarten providers and public
 2266 schools under s. 1002.71.

2267 7. Documenting and certifying student enrollment and
 2268 student attendance under s. 1002.71.

2269 8. Reconciling advance payments in accordance with the
 2270 uniform attendance policy under s. 1002.71.

2271 9. Reenrolling students dismissed by a private
 2272 prekindergarten provider or public school for noncompliance with
 2273 the provider's or school district's attendance policy under s.
 2274 1002.71.

2275 (3) The department shall administer the accountability
 2276 requirements of the Voluntary Prekindergarten Education Program
 2277 at the state level.

2278 (4) The department shall adopt procedures governing the
 2279 administration of the Voluntary Prekindergarten Education
 2280 Program by the early learning coalitions for:

2281 (a) Approving improvement plans of private prekindergarten
 2282 providers and public schools under s. 1002.68.

2283 (b) Placing private prekindergarten providers and public
 2284 schools on probation and requiring corrective actions under s.
 2285 1002.68.

2286 (c) Removing a private prekindergarten provider or public
 2287 school from eligibility to deliver the program due to the
 2288 provider's or school's remaining on probation beyond the time
 2289 permitted under s. 1002.68. Notwithstanding any other law, if a
 2290 private prekindergarten provider has been cited for a class I
 2291 violation, as defined by rule of the Child Care Services Program

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2292 Office of the Department of Children and Families, the coalition
 2293 may refuse to contract with the provider or revoke the
 2294 provider's eligibility to deliver the Voluntary Prekindergarten
 2295 Education Program.

2296 (d) Enrolling children in and determining the eligibility
 2297 of children for the Voluntary Prekindergarten Education Program
 2298 under s. 1002.66.

2299 (e) Paying specialized instructional services providers
 2300 under s. 1002.66.

2301 ~~(e) Administration of the statewide kindergarten screening~~
 2302 ~~and calculation of kindergarten readiness rates under s.~~
 2303 ~~1002.69.~~

2304 ~~(d) Implementation of, and determination of costs~~
 2305 ~~associated with, the state-approved prekindergarten enrollment~~
 2306 ~~screening and the standardized postassessment approved by the~~
 2307 ~~department, and determination of the learning gains of students~~
 2308 ~~who complete the state-approved prekindergarten enrollment~~
 2309 ~~screening and the standardized postassessment approved by the~~
 2310 ~~department.~~

2311 ~~(f)(e) Approving Approval of~~ specialized instructional
 2312 services providers under s. 1002.66.

2313 ~~(f) Annual reporting of the percentage of kindergarten~~
 2314 ~~students who meet all state readiness measures.~~

2315 (g) Granting of a private prekindergarten provider's or
 2316 public school's request for a good cause exemption under s.
 2317 1002.68 s. 1002.69(7).

2318 (5) The department shall adopt procedures for the
 2319 distribution of funds to early learning coalitions under s.
 2320 1002.71.

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2321 ~~(6)(3)~~ Except as provided by law, the department may not
 2322 impose requirements on a private prekindergarten provider or
 2323 public school that does not deliver the Voluntary
 2324 Prekindergarten Education Program or receive state funds under
 2325 this part.

2326 Section 46. Sections 1002.75, Florida Statutes, is
 2327 repealed.

2328 Section 47. Section 1002.79, Florida Statutes, is amended
 2329 to read:

2330 1002.79 Rulemaking authority.—The State Board of Education
 2331 Office of Early Learning shall adopt rules under ss. 120.536(1)
 2332 and 120.54 to administer the provisions of this part conferring
 2333 duties upon the department office.

2334 Section 48. Section 1002.81, Florida Statutes, is amended
 2335 to read:

2336 1002.81 Definitions.—Consistent with the requirements of 45
 2337 C.F.R. parts 98 and 99 and as used in this part, the term:

2338 (1) "At-risk child" means:

2339 (a) A child from a family under investigation by the
 2340 Department of Children and Families or a designated sheriff's
 2341 office for child abuse, neglect, abandonment, or exploitation.

2342 (b) A child who is in a diversion program provided by the
 2343 Department of Children and Families or its contracted provider
 2344 and who is from a family that is actively participating and
 2345 complying in department-prescribed activities, including
 2346 education, health services, or work.

2347 (c) A child from a family that is under supervision by the
 2348 Department of Children and Families or a contracted service
 2349 provider for abuse, neglect, abandonment, or exploitation.

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2350 (d) A child placed in court-ordered, long-term custody or
 2351 under the guardianship of a relative or nonrelative after
 2352 termination of supervision by the Department of Children and
 2353 Families or its contracted provider.

2354 (e) A child in the custody of a parent who is considered a
 2355 victim of domestic violence and is receiving services through a
 2356 certified domestic violence center.

2357 (f) A child in the custody of a parent who is considered
 2358 homeless as verified by a Department of Children and Families
 2359 certified homeless shelter.

2360 (2) "Authorized hours of care" means the hours of care that
 2361 are necessary to provide protection, maintain employment, or
 2362 complete work activities or eligible educational activities,
 2363 including reasonable travel time.

2364 ~~(12)(3)~~ "Prevailing Average market rate" means the
 2365 biennially determined 75th percentile of a reasonable frequency
 2366 distribution average of the market rate by program care level
 2367 and provider type in a predetermined geographic market at which
 2368 child care providers charge a person for child care services.

2369 ~~(3)(4)~~ "Direct enhancement services" means services for
 2370 families and children that are in addition to payments for the
 2371 placement of children in the school readiness program. Direct
 2372 enhancement services for families and children may include
 2373 supports for providers, parent training and involvement
 2374 activities, and strategies to meet the needs of unique
 2375 populations and local eligibility priorities. Direct enhancement
 2376 services offered by an early learning coalition shall be
 2377 consistent with the activities prescribed in s. 1002.89(5)(b) ~~or~~
 2378 ~~1002.89(6)(b)~~.

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2379 (4)~~(5)~~ "Disenrollment" means the removal, either temporary
 2380 or permanent, of a child from participation in the school
 2381 readiness program. Removal of a child from the school readiness
 2382 program may be based on the following events: a reduction in
 2383 available school readiness program funding, participant's
 2384 failure to meet eligibility or program participation
 2385 requirements, fraud, or a change in local service priorities.
 2386 (5)~~(6)~~ "Earned income" means gross remuneration derived
 2387 from work, professional service, or self-employment. The term
 2388 includes commissions, bonuses, back pay awards, and the cash
 2389 value of all remuneration paid in a medium other than cash.
 2390 (6)~~(7)~~ "Economically disadvantaged" means having a family
 2391 income that does not exceed 150 percent of the federal poverty
 2392 level and includes being a child of a working migratory family
 2393 as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural
 2394 worker who is employed by more than one agricultural employer
 2395 during the course of a year, and whose income varies according
 2396 to weather conditions and market stability.
 2397 (7)~~(8)~~ "Family income" means the combined gross income,
 2398 whether earned or unearned, that is derived from any source by
 2399 all family or household members who are 18 years of age or older
 2400 who are currently residing together in the same dwelling unit.
 2401 The term does not include income earned by a currently enrolled
 2402 high school student who, since attaining the age of 18 years, or
 2403 a student with a disability who, since attaining the age of 22
 2404 years, has not terminated school enrollment or received a high
 2405 school diploma, high school equivalency diploma, special
 2406 diploma, or certificate of high school completion. The term also
 2407 does not include food stamp benefits or federal housing

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2408 assistance payments issued directly to a landlord or the
 2409 associated utilities expenses.
 2410 (8)~~(9)~~ "Family or household members" means spouses, former
 2411 spouses, persons related by blood or marriage, persons who are
 2412 parents of a child in common regardless of whether they have
 2413 been married, and other persons who are currently residing
 2414 together in the same dwelling unit as if a family.
 2415 (9)~~(10)~~ "Full-time care" means at least 6 hours, but not
 2416 more than 11 hours, of child care or early childhood education
 2417 services within a 24-hour period.
 2418 (10)~~(11)~~ "Market rate" means the price that a child care or
 2419 early childhood education provider charges for full-time or
 2420 part-time daily, weekly, or monthly child care or early
 2421 childhood education services.
 2422 ~~(12) "Office" means the Office of Early Learning of the~~
 2423 ~~Department of Education.~~
 2424 (11)~~(13)~~ "Part-time care" means less than 6 hours of child
 2425 care or early childhood education services within a 24-hour
 2426 period.
 2427 (13)~~(14)~~ "Single point of entry" means an integrated
 2428 information system that allows a parent to enroll his or her
 2429 child in the school readiness program or the Voluntary
 2430 Prekindergarten Education Program at various locations
 2431 throughout a county, that may allow a parent to enroll his or
 2432 her child by telephone or through a website, and that uses a
 2433 uniform waiting list to track eligible children waiting for
 2434 enrollment in the school readiness program.
 2435 (14)~~(15)~~ "Unearned income" means income other than earned
 2436 income. The term includes, but is not limited to:

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2437 (a) Documented alimony and child support received.
 2438 (b) Social security benefits.
 2439 (c) Supplemental security income benefits.
 2440 (d) Workers' compensation benefits.
 2441 (e) Reemployment assistance or unemployment compensation
 2442 benefits.
 2443 (f) Veterans' benefits.
 2444 (g) Retirement benefits.
 2445 (h) Temporary cash assistance under chapter 414.
 2446 (15)~~(16)~~ "Working family" means:
 2447 (a) A single-parent family in which the parent with whom
 2448 the child resides is employed or engaged in eligible work or
 2449 education activities for at least 20 hours per week;
 2450 (b) A two-parent family in which both parents with whom the
 2451 child resides are employed or engaged in eligible work or
 2452 education activities for a combined total of at least 40 hours
 2453 per week; or
 2454 (c) A two-parent family in which one of the parents with
 2455 whom the child resides is exempt from work requirements due to
 2456 age or disability, as determined and documented by a physician
 2457 licensed under chapter 458 or chapter 459, and one parent is
 2458 employed or engaged in eligible work or education activities at
 2459 least 20 hours per week.
 2460 Section 49. Section 1002.82, Florida Statutes, is amended
 2461 to read:
 2462 1002.82 Department of Education Office of Early Learning;
 2463 powers and duties.—
 2464 (1) For purposes of administration of the Child Care and
 2465 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts

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2466 98 and 99, the Department of Education Office of Early Learning
 2467 is designated as the lead agency and must comply with lead
 2468 agency responsibilities pursuant to federal law. The department
 2469 ~~office~~ may apply to the Governor and Cabinet for a waiver of,
 2470 and the Governor and Cabinet may waive, any provision of ss.
 2471 411.223 and 1003.54 if the waiver is necessary for
 2472 implementation of the school readiness program. Section
 2473 125.901(2)(a)3. does not apply to the school readiness program.
 2474 (2) The department ~~office~~ shall:
 2475 (a) Focus on improving the educational quality delivered by
 2476 all providers participating in the school readiness program.
 2477 (b) Preserve parental choice by permitting parents to
 2478 choose from a variety of child care categories, including
 2479 center-based care, family child care, and informal child care to
 2480 the extent authorized in the state's Child Care and Development
 2481 Fund Plan as approved by the United States Department of Health
 2482 and Human Services pursuant to 45 C.F.R. s. 98.18. Care and
 2483 curriculum by a faith-based provider may not be limited or
 2484 excluded in any of these categories.
 2485 (c) Be responsible for the prudent use of all public and
 2486 private funds in accordance with all legal and contractual
 2487 requirements, safeguarding the effective use of federal, state,
 2488 and local resources to achieve the highest practicable level of
 2489 school readiness for the children described in s. 1002.87,
 2490 including:
 2491 1. The adoption of a uniform chart of accounts for
 2492 budgeting and financial reporting purposes that provides
 2493 standardized definitions for expenditures and reporting,
 2494 consistent with the requirements of 45 C.F.R. part 98 and s.

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1002.89 for each of the following categories of expenditure:

- a. Direct services to children.
- b. Administrative costs.
- c. Quality activities.
- d. Nondirect services.

2. Coordination with other state and federal agencies to perform data matches on children participating in the school readiness program and their families in order to verify the children's eligibility pursuant to s. 1002.87.

(d) Establish procedures for the biennial calculation of the prevailing average market rate.

(e) Review each early learning coalition's school readiness program plan every 2 years and provide final approval of the plan and any amendments submitted.

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the department office:

- 1. Shall adopt specific program support services that address the state's school readiness program, including:
 - a. Statewide data information program requirements that include:
 - (I) Eligibility requirements.
 - (II) Financial reports.
 - (III) Program accountability measures.
 - (IV) Child progress reports.
 - b. Child care resource and referral services.
 - c. A single point of entry and uniform waiting list.
- 2. May provide technical assistance and guidance on additional support services to complement the school readiness

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program, including:

- ~~a. Rating and improvement systems.~~
- ~~a.b.~~ Warm-Line services.
- ~~b.e.~~ Anti-fraud plans.
- ~~d. School readiness program standards.~~
- ~~e. Child screening and assessments.~~
- ~~c.f.~~ Training and support for parental involvement in children's early education.
- ~~d.g.~~ Family literacy activities and services.
- (g) Provide technical assistance to early learning coalitions.
- (h) In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Families to reduce paperwork and to avoid duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.
- (i) Enter into a memorandum of understanding with local licensing agencies and the Child Care Services Program Office of the Department of Children and Families for inspections of school readiness program providers to monitor and verify compliance with s. 1002.88 and the health and safety checklist adopted by the department office. The provider contract of a school readiness program provider that refuses permission for entry or inspection shall be terminated. The health and safety checklist may not exceed the requirements of s. 402.305 and the Child Care and Development Fund pursuant to 45 C.F.R. part 98. A child development program that is accredited by a national accrediting body and operates on a military installation that is

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certified by the United States Department of Defense is exempted from the inspection requirements under s. 1002.88.

(j) Monitor the alignment and consistency of the ~~Develop~~ and ~~adopt~~ standards and benchmarks developed and adopted by the department that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to kindergarten entry ~~5 years of age~~ in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.
2. Cognitive development and general knowledge.
3. Numeracy, language, and communication.
4. Physical development.
5. Self-regulation.

(k) Identify observation-based child assessments that are valid, reliable, and developmentally appropriate for use at least three times a year. The assessments must:

1. Provide interval level and norm-referenced ~~exclusion-referenced~~ data that measures equivalent levels of growth across the core domains of early childhood development and that can be used for determining developmentally appropriate learning gains.
2. Measure progress in the performance standards adopted pursuant to paragraph (j).
3. Provide for appropriate accommodations for children with disabilities and English language learners and be administered by qualified individuals, consistent with the developer's instructions.
4. Coordinate with the performance standards adopted by the

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department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program.

5. Provide data in a format for use in the single statewide information system to meet the requirements of paragraph (g) ~~(p)~~.

(1) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.

(m) Provide technical support to an early learning coalition to facilitate the use of ~~Adopt by rule~~ a standard statewide provider contract adopted by the department to be used with each school readiness program provider, with standardized attachments by provider type. The department ~~office~~ shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 and 99; quality improvement strategies, if applicable; program assessment requirements; and provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Provisions for termination for cause must also

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include failure to meet the minimum quality measures established under paragraph (n) for a period of up to 5 years, unless the coalition determines that the provider is essential to meeting capacity needs based on the assessment under s. 1002.85(2)(j) and the provider has an active improvement plan pursuant to paragraph (n).

(n) Adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years. The implementation of the program assessment must also include the following components adopted by rule of the State Board of Education:

1. Quality measures, including a minimum program assessment composite score threshold for contracting purposes and program improvement through an improvement plan. The minimum program assessment composite score required for the Voluntary Prekindergarten Education Program contracting threshold must be the same as the minimum program assessment composite score required for contracting for the school readiness program. The methodology for the calculation of the minimum program assessment composite score shall be reviewed by the independent expert identified in s. 1002.68(4)(d).

2. Requirements for program participation, frequency of program assessment, and exemptions.

(o) No later than July 1, 2019, develop a differential payment program based on the quality measures adopted by the department ~~office~~ under paragraph (n). The differential payment

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may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than 5 percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information system in the domains of language and executive functioning using a child assessment identified pursuant to paragraph (k). Providers below the minimum program assessment score adopted threshold for contracting purposes are ineligible for such payment.

(p) No later than July 1, 2022, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2)(j).

(q) ~~(p)~~ 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. By July 1, 2019, the system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.

2. Enable analysis at the state, regional, and local level

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to measure child growth over time, program impact, and quality improvement and investment decisions.

~~(r)(q)~~ Provide technical support to coalitions to facilitate the use of Adopt by rule standardized procedures adopted in state board rule for early learning coalitions to use when monitoring the compliance of school readiness program providers with the terms of the standard statewide provider contract.

~~(s)(r)~~ At least biennially provide fiscal and programmatic monitoring to Monitor and evaluate the performance of each early learning coalition in administering the school readiness program, ensuring proper payments for school readiness program services, implementing the coalition's school readiness program plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

~~(t)(s)~~ Work in conjunction with the Bureau of Federal Education Programs within the Department of Education to coordinate readiness and voluntary prekindergarten services to the populations served by the bureau.

~~(u)(t)~~ Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The department office shall:

1. Annually inform child care facilities and family day care homes of the availability of this service through the child

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care resource and referral network under s. 1002.92.

2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.

~~(v)(u)~~ Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.

~~(w)(v)~~ Establish preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models, including the integration of early learning professional development pathways established in s. 1002.995.

~~(x)(w)~~ Establish standards for emergency preparedness plans for school readiness program providers.

~~(y)(x)~~ Establish group sizes.

~~(z)(y)~~ Establish staff-to-children ratios that do not exceed the requirements of s. 402.302(8) or (11) or s. 402.305(4), as applicable, for school readiness program providers.

~~(aa)(z)~~ Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law.

(3) (a) The department shall adopt performance standards and outcome measures for early learning coalitions that, at a

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2727 minimum, include the development of objective customer service
 2728 surveys that shall be deployed beginning in fiscal year 2022-
 2729 2023 and be distributed to:

2730 1. Customers who use the services in s. 1002.92 upon the
 2731 completion of a referral inquiry.

2732 2. Parents, annually, at the time of eligibility
 2733 determination.

2734 3. Child care providers that participate in the school
 2735 readiness program or the Voluntary Prekindergarten Education
 2736 Program at the time of execution of the statewide provider
 2737 contract.

2738 4. Board members required under s. 1002.83.

2739 (b) Results of the survey shall be based on a statistically
 2740 significant sample size and calculated annually for each early
 2741 learning coalition and included in the department's annual
 2742 report under subsection (7). If an early learning coalition's
 2743 customer satisfaction survey results are below 60 percent, the
 2744 coalition shall be placed on a 1-year corrective action plan.
 2745 If, after being placed on corrective action, an early learning
 2746 coalition's customer satisfaction survey results do not improve
 2747 above the 60 percent threshold, the department may contract out
 2748 or merge the coalition.

2749 (4)(3) If the department office determines during the
 2750 review of school readiness program plans, or through monitoring
 2751 and performance evaluations conducted under s. 1002.85, that an
 2752 early learning coalition has not substantially implemented its
 2753 plan, has not substantially met the performance standards and
 2754 outcome measures adopted by the department office, or has not
 2755 effectively administered the school readiness program or

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2756 Voluntary Prekindergarten Education Program, the department
 2757 ~~office~~ may remove the coalition from eligibility to administer
 2758 early learning programs and temporarily contract with a
 2759 qualified entity to continue school readiness program and
 2760 prekindergarten services in the coalition's county or
 2761 multicounty region until the department office reestablishes or
 2762 merges the coalition and a new school readiness program plan is
 2763 approved in accordance with the rules adopted by the state board
 2764 office.

2765 (5) The department shall adopt procedures for merging early
 2766 learning coalitions for failure to meet the requirements of
 2767 subsection (3) or subsection (4), including procedures for the
 2768 consolidation of merging coalitions that minimize duplication of
 2769 programs and services due to the merger, and for the early
 2770 termination of the terms of the coalition members which are
 2771 necessary to accomplish the mergers.

2772 (6)(4) The department office may request the Governor to
 2773 apply for a waiver to allow a coalition to administer the Head
 2774 Start Program to accomplish the purposes of the school readiness
 2775 program.

2776 (7)(5) By January 1 of each year, the department office
 2777 shall annually publish on its website a report of its activities
 2778 conducted under this section. The report must include a summary
 2779 of the coalitions' annual reports, a statewide summary, and the
 2780 following:

2781 (a) An analysis of early learning activities throughout the
 2782 state, including the school readiness program and the Voluntary
 2783 Prekindergarten Education Program.

2784 1. The total and average number of children served in the

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2785 school readiness program, enumerated by age, eligibility
 2786 priority category, and coalition, and the total number of
 2787 children served in the Voluntary Prekindergarten Education
 2788 Program.
 2789 2. A summary of expenditures by coalition, by fund source,
 2790 including a breakdown by coalition of the percentage of
 2791 expenditures for administrative activities, quality activities,
 2792 nondirect services, and direct services for children.
 2793 3. A description of the department's office's and each
 2794 coalition's expenditures by fund source for the quality and
 2795 enhancement activities described in s. 1002.89(5)(b) ~~or~~
 2796 ~~1002.89(6)(b)~~.
 2797 4. A summary of annual findings and collections related to
 2798 provider fraud and parent fraud.
 2799 5. Data regarding the coalitions' delivery of early
 2800 learning programs.
 2801 6. The total number of children disenrolled statewide and
 2802 the reason for disenrollment.
 2803 7. The total number of providers by provider type.
 2804 8. The number of school readiness program providers who
 2805 have completed the program assessment required under paragraph
 2806 (2)(n); the number of providers who have not met the minimum
 2807 program assessment composite score threshold for contracting
 2808 established under paragraph (2)(n); and the number of providers
 2809 that have an active improvement plan based on the results of the
 2810 program assessment under paragraph (2)(n).
 2811 9. The total number of provider contracts revoked and the
 2812 reasons for revocation.
 2813 (b) A detailed summary of the analysis compiled using the

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2814 single statewide information system established in subsection
 2815 ~~(2) activities and detailed expenditures related to the Child~~
 2816 ~~Care Executive Partnership Program.~~
 2817 ~~(8)(a)(6)(a)~~ Parental choice of child care providers,
 2818 including private and faith-based providers, shall be
 2819 established to the maximum extent practicable in accordance with
 2820 45 C.F.R. s. 98.30.
 2821 (b) As used in this subsection, the term "payment
 2822 certificate" means a child care certificate as defined in 45
 2823 C.F.R. s. 98.2.
 2824 (c) The school readiness program shall, in accordance with
 2825 45 C.F.R. s. 98.30, provide parental choice through a payment
 2826 certificate that provides, to the maximum extent possible,
 2827 flexibility in the school readiness program and payment
 2828 arrangements. The payment certificate must bear the names of the
 2829 beneficiary and the program provider and, when redeemed, must
 2830 bear the signatures of both the beneficiary and an authorized
 2831 representative of the provider.
 2832 (d) If it is determined that a provider has given any cash
 2833 or other consideration to the beneficiary in return for
 2834 receiving a payment certificate, the early learning coalition or
 2835 its fiscal agent shall refer the matter to the Department of
 2836 Financial Services pursuant to s. 414.411 for investigation.
 2837 ~~(9)(7)~~ Participation in the school readiness program does
 2838 not expand the regulatory authority of the state, its officers,
 2839 or an early learning coalition to impose any additional
 2840 regulation on providers beyond those necessary to enforce the
 2841 requirements set forth in this part and part V of this chapter.
 2842 Section 50. Present subsections (5) through (14) of section

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2843 1002.83, Florida Statutes, are redesignated as subsections (6)
 2844 through (15), respectively, a new subsection (5) is added to
 2845 that section, and subsections (1) and (3), paragraphs (e), (f),
 2846 and (m) of subsection (4), and present subsections (5), (11),
 2847 and (13) of that section are amended, to read:

2848 1002.83 Early learning coalitions.—

2849 (1) ~~Thirty~~ Thirty-one or fewer early learning coalitions
 2850 are established and shall maintain direct enhancement services
 2851 at the local level and provide access to such services in all 67
 2852 counties. Two or more early learning coalitions may join for
 2853 purposes of planning and implementing a school readiness program
 2854 and the Voluntary Prekindergarten Education Program.

2855 (3) The Governor shall appoint the chair and two other
 2856 members of each early learning coalition, who must each meet the
 2857 ~~same~~ qualifications of a as private sector business member
 2858 ~~members appointed by the coalition~~ under subsection (6) ~~(5)~~. In
 2859 the absence of a governor-appointed chair, the Commissioner of
 2860 Education may appoint an interim chair from the current early
 2861 learning coalition board membership.

2862 (4) Each early learning coalition must include the
 2863 following member positions; however, in a multicounty coalition,
 2864 each ex officio member position may be filled by multiple
 2865 nonvoting members but no more than one voting member shall be
 2866 seated per member position. If an early learning coalition has
 2867 more than one member representing the same entity, only one of
 2868 such members may serve as a voting member:

2869 (e) A children's services council or juvenile welfare board
 2870 chair or executive director from each county, if applicable.

2871 (f) A Department of Children and Families child care

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2872 regulation representative or an agency head of a local licensing
 2873 agency as defined in s. 402.302, where applicable.

2874 ~~(m) A central agency administrator, where applicable.~~

2875 (5) If members of the board are found to be
 2876 nonparticipating according to the early learning coalition
 2877 bylaws, the early learning coalition may request an alternate
 2878 designee who meets the same qualifications or membership
 2879 requirements of the nonparticipating member.

2880 (6)(5) The early learning coalition may appoint additional
 2881 including the members who appointed by the Governor under
 2882 subsection (3), more than one-third of the members of each early
 2883 learning coalition must be private sector business members,
 2884 either for-profit or nonprofit, who do not have, and none of
 2885 whose relatives as defined in s. 112.3143 has, a substantial
 2886 financial interest in the design or delivery of the Voluntary
 2887 Prekindergarten Education Program created under part V of this
 2888 chapter or the school readiness program. To meet this
 2889 requirement, an early learning coalition must appoint additional
 2890 members. The department office shall establish criteria for
 2891 appointing private sector business members. These criteria must
 2892 include standards for determining whether a member or relative
 2893 has a substantial financial interest in the design or delivery
 2894 of the Voluntary Prekindergarten Education Program or the school
 2895 readiness program.

2896 (12)(11) Each early learning coalition shall establish
 2897 terms for all appointed members of the coalition. The terms must
 2898 be staggered and must be a uniform length that does not exceed 4
 2899 years per term. Coalition chairs shall be appointed for 4 years
 2900 pursuant to s. 20.052. Appointed members may serve a maximum of

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two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

~~(14)(13)~~ Each early learning coalition shall complete an annual evaluation of the early learning coalition's executive director or chief executive officer on forms adopted by the department. The annual evaluation must be submitted to the commissioner by June 30 of each year use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the office.

Section 51. Present subsections (7) through (20) of section 1002.84, Florida Statutes, are redesignated as subsections (8) through (21), respectively, a new subsection (7) is added to that section, and subsections (1), (2), and (4) and present subsections (7), (8), (15), (16), (17), (18), and (20) of that section are amended, to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(1) Administer and implement a local comprehensive program of school readiness program services in accordance with this part and the rules adopted by the department office, which enhances the cognitive, social, and physical development of children to achieve the performance standards.

(2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program in accordance with rules adopted by the State Board of Education office.

(4) Establish a regional Warm-Line as directed by the

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department office pursuant to s. 1002.82(2)(u) ~~s. 1002.82(2)(t)~~. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.

(7) Use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the department.

(8)(7) Determine child eligibility pursuant to s. 1002.87 and provider eligibility pursuant to s. 1002.88. Child eligibility must be redetermined annually. A coalition must document the reason a child is no longer eligible for the school readiness program according to the standard codes prescribed by the department office.

(9)(8) Establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving school readiness program services. ~~Providers are required to collect the parent's copayment.~~ A coalition may, ~~on a case-by-case basis~~, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level or ~~and~~ whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes or participating in

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2959 an Early Head Start program or Head Start Program. A parent may
 2960 not transfer school readiness program services to another school
 2961 readiness program provider until the parent has submitted
 2962 documentation from the current school readiness program provider
 2963 to the early learning coalition stating that the parent has
 2964 satisfactorily fulfilled the copayment obligation.

2965 ~~(16)-(15)~~ Monitor school readiness program providers in
 2966 accordance with its plan, or in response to a parental
 2967 complaint, to verify that the standards prescribed in ss.
 2968 1002.82 and 1002.88 are being met using a standard monitoring
 2969 tool adopted by the department office. Providers determined to
 2970 be high-risk by the coalition, as demonstrated by substantial
 2971 findings of violations of federal law or the general or local
 2972 laws of the state, shall be monitored more frequently. Providers
 2973 with 3 consecutive years of compliance may be monitored
 2974 biennially.

2975 ~~(17)-(16)~~ Adopt a payment schedule that encompasses all
 2976 programs funded under this part and part V of this chapter. The
 2977 payment schedule must take into consideration the prevailing
 2978 ~~average~~ market rate, include the projected number of children to
 2979 be served, and be submitted for approval by the department
 2980 office. Informal child care arrangements shall be reimbursed at
 2981 not more than 50 percent of the rate adopted for a family day
 2982 care home.

2983 ~~(18)-(17)~~ Implement an anti-fraud plan addressing the
 2984 detection, reporting, and prevention of overpayments, abuse, and
 2985 fraud relating to the provision of and payment for school
 2986 readiness program and Voluntary Prekindergarten Education
 2987 Program services and submit the plan to the department office

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2988 for approval, as required by s. 1002.91.

2989 ~~(19)-(18)~~ By October 1 of each year, submit an annual report
 2990 to the department office. The report shall conform to the format
 2991 adopted by the department office and must include:

2992 (a) Segregation of school readiness program funds,
 2993 Voluntary Prekindergarten Education Program funds, ~~Child Care~~
 2994 ~~Executive Partnership Program funds~~, and other local revenues
 2995 available to the coalition.

2996 (b) Details of expenditures by fund source, including total
 2997 expenditures for administrative activities, quality activities,
 2998 nondirect services, and direct services for children.

2999 (c) The total number of coalition staff and the related
 3000 expenditures for salaries and benefits. For any subcontracts,
 3001 the total number of contracted staff and the related
 3002 expenditures for salaries and benefits must be included.

3003 (d) The number of children served in the school readiness
 3004 program, by provider type, enumerated by age and eligibility
 3005 priority category, reported as the number of children served
 3006 during the month, the average participation throughout the
 3007 month, and the number of children served during the month.

3008 (e) The total number of children disenrolled during the
 3009 year and the reasons for disenrollment.

3010 (f) The total number of providers by provider type.

3011 (g) A listing of any school readiness program provider, by
 3012 type, whose eligibility to deliver the school readiness program
 3013 is revoked, including a brief description of the state or
 3014 federal violation that resulted in the revocation.

3015 (h) An evaluation of its direct enhancement services.

3016 (i) The total number of children served in each provider

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3017 facility.

3018 ~~(21)(a)(20)~~ To increase transparency and accountability,
 3019 comply with the requirements of this section before contracting
 3020 with one or more of the following persons or business entities
 3021 which employs, has a contractual relationship with, or is owned
 3022 by the following persons:

3023 1. A member of the coalition appointed pursuant to s.
 3024 1002.83(3);

3025 2. A board member of any other early learning subrecipient
 3026 entity;

3027 3. A coalition employee; or

3028 4. A relative, as defined in s. 112.3143(1)(c), of any
 3029 person listed in subparagraphs 1.-3 a coalition member or of an
 3030 employee of the coalition.

3031 (b) Such contracts may not be executed without the approval
 3032 of the department office. Such contracts, as well as
 3033 documentation demonstrating adherence to this section by the
 3034 coalition, must be approved by a two-thirds vote of the
 3035 coalition, a quorum having been established; all conflicts of
 3036 interest must be disclosed before the vote; and any member who
 3037 may benefit from the contract, or whose relative may benefit
 3038 from the contract, must abstain from the vote. A contract under
 3039 \$25,000 ~~between an early learning coalition and a member of that~~
 3040 ~~coalition or between a relative, as defined in s.~~
 3041 ~~112.3143(1)(c), of a coalition member or of an employee of the~~
 3042 ~~coalition~~ is not required to have the prior approval of the
 3043 department office but must be approved by a two-thirds vote of
 3044 the coalition, a quorum having been established, and must be
 3045 reported to the department office within 30 days after approval.

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3046 If a contract cannot be approved by the department office, a
 3047 review of the decision to disapprove the contract may be
 3048 requested by the early learning coalition or other parties to
 3049 the disapproved contract.

3050 Section 52. Section 1002.85, Florida Statutes, is amended
 3051 to read:

3052 1002.85 Early learning coalition plans.—

3053 (1) The department office shall adopt rules prescribing the
 3054 standardized format and required content of school readiness
 3055 program plans as necessary for a coalition or other qualified
 3056 entity to administer the school readiness program as provided in
 3057 this part.

3058 (2) Each early learning coalition must biennially submit a
 3059 school readiness program plan to the department office before
 3060 the expenditure of funds. A coalition may not implement its
 3061 school readiness program plan until it receives approval from
 3062 the department office. A coalition may not implement any
 3063 revision to its school readiness program plan until the
 3064 coalition submits the revised plan to and receives approval from
 3065 the department office. If the department office rejects a plan
 3066 or revision, the coalition must continue to operate under its
 3067 previously approved plan. The plan must include, but is not
 3068 limited to:

3069 (a) The coalition's operations, including its membership
 3070 and business organization, and the coalition's articles of
 3071 incorporation and bylaws if the coalition is organized as a
 3072 corporation. If the coalition is not organized as a corporation
 3073 or other business entity, the plan must include the contract
 3074 with a fiscal agent.

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3075 (b) The minimum number of children to be served by care
 3076 level.

3077 (c) The coalition's procedures for implementing the
 3078 requirements of this part, including:

3079 1. Single point of entry.
 3080 2. Uniform waiting list.
 3081 3. Eligibility and enrollment processes and local
 3082 eligibility priorities for children pursuant to s. 1002.87.
 3083 4. Parent access and choice.
 3084 5. Sliding fee scale and policies on applying the waiver or
 3085 reduction of fees in accordance with s. 1002.84(9) ~~or~~
 3086 ~~1002.84(8)~~.

3087 6. Use of preassessments and postassessments, as
 3088 applicable.

3089 7. Payment rate schedule.
 3090 8. Use of contracted slots, as applicable, based on the
 3091 results of the assessment required under paragraph (j).

3092 (d) A detailed description of the coalition's quality
 3093 activities and services, including, but not limited to:

3094 1. Resource and referral and school-age child care.
 3095 2. Infant and toddler early learning.
 3096 3. Inclusive early learning programs.
 3097 4. Quality improvement strategies that strengthen teaching
 3098 practices and increase child outcomes.

3099 (e) A detailed budget that outlines estimated expenditures
 3100 for state, federal, and local matching funds at the lowest level
 3101 of detail available by other-cost-accumulator code number; all
 3102 estimated sources of revenue with identifiable descriptions; a
 3103 listing of full-time equivalent positions; contracted

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3104 subcontractor costs with related annual compensation amount or
 3105 hourly rate of compensation; and a capital improvements plan
 3106 outlining existing fixed capital outlay projects and proposed
 3107 capital outlay projects that will begin during the budget year.

3108 (f) A detailed accounting, in the format prescribed by the
 3109 department office, of all revenues and expenditures during the
 3110 previous state fiscal year. Revenue sources should be
 3111 identifiable, and expenditures should be reported by two ~~three~~
 3112 categories: state and federal funds and, local matching funds,
 3113 ~~and Child Care Executive Partnership Program funds.~~

3114 (g) Updated policies and procedures, including those
 3115 governing procurement, maintenance of tangible personal
 3116 property, maintenance of records, information technology
 3117 security, and disbursement controls.

3118 (h) A description of the procedures for monitoring school
 3119 readiness program providers, including in response to a parental
 3120 complaint, to determine that the standards prescribed in ss.
 3121 1002.82 and 1002.88 are met using a standard monitoring tool
 3122 adopted by the department office. Providers determined to be
 3123 high risk by the coalition as demonstrated by substantial
 3124 findings of violations of law shall be monitored more
 3125 frequently.

3126 (i) Documentation that the coalition has solicited and
 3127 considered comments regarding the proposed school readiness
 3128 program plan from the local community.

3129 (j) An assessment of local priorities within the county or
 3130 multicounty region based on the needs of families and provider
 3131 capacity using available community data.

3132 (3) The coalition may periodically amend its plan as

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necessary. An amended plan must be submitted to and approved by the ~~department office~~ before any expenditures are incurred on the new activities proposed in the amendment.

(4) The ~~department office~~ shall publish a copy of the standardized format and required content of school readiness program plans on its website.

(5) The ~~department office~~ shall collect and report data on coalition delivery of early learning programs. Elements shall include, but are not limited to, measures related to progress towards reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead, the percentage of children served compared to total number of children under the age of 5 years below 150 percent of the federal poverty level, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten readiness outcomes for children in the Voluntary Prekindergarten Education Program or the school readiness program upon entry into kindergarten. The ~~department office~~ shall request input from the coalitions and school readiness program providers before finalizing the format and data to be used. The report shall be implemented beginning July 1, 2014, and results of the report must be included in the annual report under s. 1002.82.

Section 53. Paragraphs (a), (b), (c), (e), (f), (m), (n), (p), and (q) of subsection (1) and subsection (3) of section 1002.88, Florida Statutes, are amended, and paragraph (s) is added to subsection (1) of that section, to read:

1002.88 School readiness program provider standards;

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eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(a) Be a child care facility licensed under s. 402.305, a family day care home licensed or registered under s. 402.313, a large family child care home licensed under s. 402.3131, a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), a 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~~ an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18, or a provider who has been issued a provisional license pursuant to s. 402.309. A provider may not deliver the program while holding a probation-status license under s. 402.310.

(b) Provide instruction and activities to enhance the age-appropriate progress of each child in attaining the child development standards adopted by the ~~department office~~ pursuant to s. 1002.82(2)(j). A provider should include activities to foster brain development in infants and toddlers; provide an environment that is rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses; and include 30 minutes of reading to children each day.

(c) Provide basic health and safety of its premises and

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3191 facilities and compliance with requirements for age-appropriate
 3192 immunizations of children enrolled in the school readiness
 3193 program.

3194 1. For a provider that is licensed, compliance with s.
 3195 402.305, s. 402.3131, or s. 402.313 and this subsection, as
 3196 verified pursuant to s. 402.311, satisfies this requirement.

3197 2. For a provider that is a registered family day care home
 3198 or is not subject to licensure or registration by the Department
 3199 of Children and Families, compliance with this subsection, as
 3200 verified pursuant to s. 402.311, satisfies this requirement.
 3201 Upon verification pursuant to s. 402.311, the provider shall
 3202 annually post the health and safety checklist adopted by the
 3203 department office prominently on its premises in plain sight for
 3204 visitors and parents and shall annually submit the checklist to
 3205 its local early learning coalition.

3206 3. For a child development program that is accredited by a
 3207 national accrediting body and operates on a military
 3208 installation that is certified by the United States Department
 3209 of Defense, the submission and verification of annual
 3210 inspections pursuant to United States Department of Defense
 3211 Instructions 6060.2 and 1402.05 satisfies this requirement.

3212 (e) Employ child care personnel, as defined in s.
 3213 402.302(3), who have satisfied the screening requirements of
 3214 chapter 402 and fulfilled the training requirements of the
 3215 department office.

3216 (f) Implement one of the curricula approved by the
 3217 department office that meets the child development standards.

3218 (m) For a provider that is not an informal provider,
 3219 maintain general liability insurance and provide the coalition

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3220 with written evidence of general liability insurance coverage,
 3221 including coverage for transportation of children if school
 3222 readiness program children are transported by the provider. A
 3223 provider must obtain and retain an insurance policy that
 3224 provides a minimum of \$100,000 of coverage per occurrence and a
 3225 minimum of \$300,000 general aggregate coverage. The department
 3226 ~~office~~ may authorize lower limits upon request, as appropriate.
 3227 A provider must add the coalition as a named certificateholder
 3228 and as an additional insured. A provider must provide the
 3229 coalition with a minimum of 10 calendar days' advance written
 3230 notice of cancellation of or changes to coverage. The general
 3231 liability insurance required by this paragraph must remain in
 3232 full force and effect for the entire period of the provider
 3233 contract with the coalition.

3234 (n) For a provider that is an informal provider, comply
 3235 with the provisions of paragraph (m) or maintain homeowner's
 3236 liability insurance and, if applicable, a business rider. If an
 3237 informal provider chooses to maintain a homeowner's policy, the
 3238 provider must obtain and retain a homeowner's insurance policy
 3239 that provides a minimum of \$100,000 of coverage per occurrence
 3240 and a minimum of \$300,000 general aggregate coverage. The
 3241 department office may authorize lower limits upon request, as
 3242 appropriate. An informal provider must add the coalition as a
 3243 named certificateholder and as an additional insured. An
 3244 informal provider must provide the coalition with a minimum of
 3245 10 calendar days' advance written notice of cancellation of or
 3246 changes to coverage. The general liability insurance required by
 3247 this paragraph must remain in full force and effect for the
 3248 entire period of the provider's contract with the coalition.

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3249 (p) Notwithstanding paragraph (m), for a provider that is a
 3250 state agency or a subdivision thereof, as defined in s.
 3251 768.28(2), agree to notify the coalition of any additional
 3252 liability coverage maintained by the provider in addition to
 3253 that otherwise established under s. 768.28. The provider shall
 3254 indemnify the coalition to the extent permitted by s. 768.28.
 3255 Notwithstanding paragraph (m), for a child development program
 3256 that is accredited by a national accrediting body and operates
 3257 on a military installation that is certified by the United
 3258 States Department of Defense, the provider may demonstrate
 3259 liability coverage by affirming that it is subject to the
 3260 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

3261 (q) Execute the standard statewide provider contract
 3262 adopted by the department ~~office~~.

3263 (s) Collect all parent copayment fees unless a waiver has
 3264 been granted under s. 1002.84(9).

3265 (3) The department ~~office~~ and the coalitions may not:

3266 (a) Impose any requirement on a child care provider or
 3267 early childhood education provider that does not deliver
 3268 services under the school readiness program or receive state or
 3269 federal funds under this part;

3270 (b) Impose any requirement on a school readiness program
 3271 provider that exceeds the authority provided under this part or
 3272 part V of this chapter or rules adopted pursuant to this part or
 3273 part V of this chapter; or

3274 (c) Require a provider to administer a preassessment or
 3275 postassessment.

3276 Section 54. Subsections (2), (3), and (6) of section
 3277 1002.89, Florida Statutes, are amended to read:

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3278 1002.89 School readiness program; funding.—

3279 ~~(2) The office shall administer school readiness program~~
 3280 ~~funds and prepare and submit a unified budget request for the~~
 3281 ~~school readiness program in accordance with chapter 216.~~

3282 ~~(2)(3)~~ All instructions to early learning coalitions for
 3283 administering this section shall emanate from the department
 3284 ~~office~~ in accordance with the policies of the Legislature.

3285 ~~(5)(6)~~ Costs shall be kept to the minimum necessary for the
 3286 efficient and effective administration of the school readiness
 3287 program with the highest priority of expenditure being direct
 3288 services for eligible children. However, no more than 5 percent
 3289 of the funds described in subsection (4) ~~subsection (5)~~ may be
 3290 used for administrative costs and no more than 22 percent of the
 3291 funds described in subsection (4) ~~subsection (5)~~ may be used in
 3292 any fiscal year for any combination of administrative costs,
 3293 quality activities, and nondirect services as follows:

3294 (a) Administrative costs as described in 45 C.F.R. s. 98.54
 3295 ~~45 C.F.R. s. 98.52~~, which shall include monitoring providers
 3296 using the standard methodology adopted under s. 1002.82 to
 3297 improve compliance with state and federal regulations and law
 3298 pursuant to the requirements of the statewide provider contract
 3299 adopted under s. 1002.82(2)(m).

3300 (b) Activities to improve the quality of child care as
 3301 described in 45 C.F.R. s. 98.53 ~~45 C.F.R. s. 98.51~~, which shall
 3302 be limited to the following:

3303 1. Developing, establishing, expanding, operating, and
 3304 coordinating resource and referral programs specifically related
 3305 to the provision of comprehensive consumer education to parents
 3306 and the public to promote informed child care choices specified

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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 developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training. Any grants awarded pursuant to this subparagraph shall comply with ss. 215.971 and 287.058.

3. Providing 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.

4. Providing, from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

6. Responding to Warm-Line requests by providers and

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parents, including providing developmental and health screenings to school readiness program children.

(c) Nondirect services as described in applicable Office of Management and Budget instructions are those services not defined as administrative, direct, or quality services that are required to administer the school readiness program. Such services include, but are not limited to:

1. Assisting families to complete the required application and eligibility documentation.
2. Determining child and family eligibility.
3. Recruiting eligible child care providers.
4. Processing and tracking attendance records.
5. Developing and maintaining a statewide child care information system.

As used in this paragraph, the term "nondirect services" does not include payments to school readiness program providers for direct services provided to children who are eligible under s. 1002.87, administrative costs as described in paragraph (a), or quality activities as described in paragraph (b).

Section 55. Subsection (1), paragraph (a) of subsection (2), and subsections (4), (5), and (6) of section 1002.895, Florida Statutes, are amended to read:

1002.895 Market rate schedule.—The school readiness program market rate schedule shall be implemented as follows:

(1) The department ~~office~~ shall establish procedures for the adoption of a market rate schedule. The schedule must include, at a minimum, county-by-county rates:

- (a) The market rate, including the minimum and the maximum

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3365 rates for child care providers that hold a Gold Seal Quality
 3366 Care designation under s. 1002.945 and adhere to its accrediting
 3367 association's teacher-to-child ratios and group size
 3368 requirements ~~s. 402.281~~.

3369 (b) The market rate for child care providers that do not
 3370 hold a Gold Seal Quality Care designation.

3371 (2) The market rate schedule, at a minimum, must:

3372 (a) Differentiate rates by type, including, but not limited
 3373 to, a child care provider that holds a Gold Seal Quality Care
 3374 designation under s. 1002.945 and adheres to its accrediting
 3375 association's teacher-to-child ratios and group size
 3376 requirements ~~s. 402.281~~, a child care facility licensed under s.
 3377 402.305, a public or nonpublic school exempt from licensure
 3378 under s. 402.3025, a faith-based child care facility exempt from
 3379 licensure under s. 402.316 that does not hold a Gold Seal
 3380 Quality Care designation, a large family child care home
 3381 licensed under s. 402.3131, or a family day care home licensed
 3382 or registered under s. 402.313.

3383 (4) The market rate schedule shall be considered by an
 3384 early learning coalition in the adoption of a payment schedule.
 3385 The payment schedule must take into consideration the prevailing
 3386 average market rate and, include the projected number of
 3387 children to be served by each county, and be submitted for
 3388 approval by the department office. Informal child care
 3389 arrangements shall be reimbursed at not more than 50 percent of
 3390 the rate adopted for a family day care home.

3391 (5) The department office may contract with one or more
 3392 qualified entities to administer this section and provide
 3393 support and technical assistance for child care providers.

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3394 (6) The department office may adopt rules for establishing
 3395 procedures for the collection of child care providers' market
 3396 rate, the calculation of the prevailing average market rate by
 3397 program care level and provider type in a predetermined
 3398 geographic market, and the publication of the market rate
 3399 schedule.

3400 Section 56. Section 1002.91, Florida Statutes, is amended
 3401 to read:

3402 1002.91 Investigations of fraud or overpayment; penalties.—
 3403 (1) As used in this subsection, the term "fraud" means an
 3404 intentional deception, omission, or misrepresentation made by a
 3405 person with knowledge that the deception, omission, or
 3406 misrepresentation may result in unauthorized benefit to that
 3407 person or another person, or any aiding and abetting of the
 3408 commission of such an act. The term includes any act that
 3409 constitutes fraud under applicable federal or state law.

3410 (2) To recover state, federal, and local matching funds,
 3411 the department office shall investigate early learning
 3412 coalitions, recipients, and providers of the school readiness
 3413 program and the Voluntary Prekindergarten Education Program to
 3414 determine possible fraud or overpayment. If by its own
 3415 inquiries, or as a result of a complaint, the department office
 3416 has reason to believe that a person, coalition, or provider has
 3417 engaged in, or is engaging in, a fraudulent act, it shall
 3418 investigate and determine whether any overpayment has occurred
 3419 due to the fraudulent act. During the investigation, the
 3420 department office may examine all records, including electronic
 3421 benefits transfer records, and make inquiry of all persons who
 3422 may have knowledge as to any irregularity incidental to the

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disbursement of public moneys or other items or benefits
authorizations to recipients.

(3) Based on the results of the investigation, the
department office may, in its discretion, refer the
investigation to the Department of Financial Services for
criminal investigation or refer the matter to the applicable
coalition. Any suspected criminal violation identified by the
department office must be referred to the Department of
Financial Services for criminal investigation.

(4) An early learning coalition may suspend or terminate a
provider from participation in the school readiness program or
the Voluntary Prekindergarten Education Program when it has
reasonable cause to believe that the provider has committed
fraud. The department office shall adopt by rule appropriate due
process procedures that the early learning coalition shall apply
in suspending or terminating any provider, including the
suspension or termination of payment. If suspended, the provider
shall remain suspended until the completion of any investigation
by the department office, the Department of Financial Services,
or any other state or federal agency, and any subsequent
prosecution or other legal proceeding.

(5) If a school readiness program provider or a Voluntary
Prekindergarten Education Program provider, or an owner,
officer, or director thereof, is convicted of, found guilty of,
or pleads guilty or nolo contendere to, regardless of
adjudication, public assistance fraud pursuant to s. 414.39, or
is acting as the beneficial owner for someone who has been
convicted of, found guilty of, or pleads guilty or nolo
contendere to, regardless of adjudication, public assistance

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fraud pursuant to s. 414.39, the early learning coalition shall
refrain from contracting with, or using the services of, that
provider for a period of 5 years. In addition, the coalition
shall refrain from contracting with, or using the services of,
any provider that shares an officer or director with a provider
that is convicted of, found guilty of, or pleads guilty or nolo
contendere to, regardless of adjudication, public assistance
fraud pursuant to s. 414.39 for a period of 5 years.

(6) If the investigation is not confidential or otherwise
exempt from disclosure by law, the results of the investigation
may be reported by the department office to the appropriate
legislative committees, the Department of Children and Families,
and such other persons as the department office deems
appropriate.

(7) The early learning coalition may not contract with a
school readiness program provider or a Voluntary Prekindergarten
Education Program provider who is on the United States
Department of Agriculture National Disqualified List. In
addition, the coalition may not contract with any provider that
shares an officer or director with a provider that is on the
United States Department of Agriculture National Disqualified
List.

(8) Each early learning coalition shall adopt an anti-fraud
plan addressing the detection and prevention of overpayments,
abuse, and fraud relating to the provision of and payment for
school readiness program and Voluntary Prekindergarten Education
Program services and submit the plan to the department office
for approval. The department office shall adopt rules
establishing criteria for the anti-fraud plan, including

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3481 appropriate due process provisions. The anti-fraud plan must
3482 include, at a minimum:

3483 (a) A written description or chart outlining the
3484 organizational structure of the plan's personnel who are
3485 responsible for the investigation and reporting of possible
3486 overpayment, abuse, or fraud.

3487 (b) A description of the plan's procedures for detecting
3488 and investigating possible acts of fraud, abuse, or overpayment.

3489 (c) A description of the plan's procedures for the
3490 mandatory reporting of possible overpayment, abuse, or fraud to
3491 the Office of Inspector General within the department office.

3492 (d) A description of the plan's program and procedures for
3493 educating and training personnel on how to detect and prevent
3494 fraud, abuse, and overpayment.

3495 (e) A description of the plan's procedures, including the
3496 appropriate due process provisions adopted by the department
3497 office for suspending or terminating from the school readiness
3498 program or the Voluntary Prekindergarten Education Program a
3499 recipient or provider who the early learning coalition believes
3500 has committed fraud.

3501 (9) A person who commits an act of fraud as defined in this
3502 section is subject to the penalties provided in s. 414.39(5) (a)
3503 and (b).

3504 Section 57. Subsections (1) and (2) and paragraphs (a),
3505 (c), and (d) of subsection (3) of section 1002.92, Florida
3506 Statutes, are amended to read:

3507 1002.92 Child care and early childhood resource and
3508 referral.—

3509 (1) As a part of the school readiness program, the

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3510 department office shall establish a statewide child care
3511 resource and referral network that is unbiased and provides
3512 referrals to families for child care and information on
3513 available community resources. Preference shall be given to
3514 using early learning coalitions as the child care resource and
3515 referral agencies. If an early learning coalition cannot comply
3516 with the requirements to offer the resource information
3517 component or does not want to offer that service, the early
3518 learning coalition shall select the resource and referral agency
3519 for its county or multicounty region based upon the procurement
3520 requirements of s. 1002.84(13) ~~s. 1002.84(12)~~.

3521 (2) At least one child care resource and referral agency
3522 must be established in each early learning coalition's county or
3523 multicounty region. The department office shall adopt rules
3524 regarding accessibility of child care resource and referral
3525 services offered through child care resource and referral
3526 agencies in each county or multicounty region which include, at
3527 a minimum, required hours of operation, methods by which parents
3528 may request services, and child care resource and referral staff
3529 training requirements.

3530 (3) Child care resource and referral agencies shall provide
3531 the following services:

3532 (a) Identification of existing public and private child
3533 care and early childhood education services, including child
3534 care services by public and private employers, and the
3535 development of an early learning provider performance profile ~~a~~
3536 ~~resource file~~ of those services through the single statewide
3537 information system developed by the department office under s.
3538 1002.82(2)(g) ~~s. 1002.82(2)(p)~~. These services may include

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3539 family day care, public and private child care programs, the
 3540 Voluntary Prekindergarten Education Program, Head Start, the
 3541 school readiness program, special education programs for
 3542 prekindergarten children with disabilities, services for
 3543 children with developmental disabilities, full-time and part-
 3544 time programs, before-school and after-school programs, and
 3545 ~~vacation care programs, parent education, the temporary cash~~
 3546 ~~assistance program, and related family support services.~~ The
 3547 early learning provider performance profile resource file shall
 3548 include, but not be limited to:
 3549 1. Type of program.
 3550 2. Hours of service.
 3551 3. Ages of children served.
 3552 4. Number of children served.
 3553 5. Program information.
 3554 6. Fees and eligibility for services.
 3555 7. Availability of transportation.
 3556 8. Participation in the Child Care Food Program, if
 3557 applicable.
 3558 9. A link to licensing inspection reports, if applicable.
 3559 10. The components of the Voluntary Prekindergarten
 3560 Education Program performance metric calculated under s. 1002.68
 3561 which must consist of the program assessment composite score,
 3562 learning gains score, achievement score, and its designations,
 3563 if applicable.
 3564 11. The school readiness program assessment composite score
 3565 and program assessment care level composite score results
 3566 delineated by infant classrooms, toddler classrooms, and
 3567 preschool classrooms results under s. 1002.82, if applicable.

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3568 12. Gold Seal Quality Care designation under s. 1002.945,
 3569 if applicable.
 3570 13. Indication of whether the provider implements a
 3571 curriculum approved by the department and the name of the
 3572 curriculum, if applicable.
 3573 14. Participation in the school readiness child assessment
 3574 under s. 1002.82.
 3575 (c) Maintenance of ongoing documentation of requests for
 3576 service tabulated through the internal referral process through
 3577 the single statewide information system. The following
 3578 documentation of requests for service shall be maintained by the
 3579 child care resource and referral network:
 3580 1. Number of calls and contacts to the child care resource
 3581 information and referral network component by type of service
 3582 requested.
 3583 2. Ages of children for whom service was requested.
 3584 3. Time category of child care requests for each child.
 3585 4. Special time category, such as nights, weekends, and
 3586 swing shift.
 3587 5. Reason that the child care is needed.
 3588 6. Customer service survey data required under s.
 3589 1002.82(3) Name of the employer and primary focus of the
 3590 business for an employer-based child care program.
 3591 (d) Assistance to families that connects them to parent
 3592 education opportunities, the temporary cash assistance program,
 3593 or social services programs that support families with children,
 3594 and related child development support services ~~Provision of~~
 3595 ~~technical assistance to existing and potential providers of~~
 3596 ~~child care services. This assistance may include:~~

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~~1. Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.~~

~~2. Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.~~

~~3. Information and incentives that may help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.~~

Section 58. Subsection (1) of section 1002.93, Florida Statutes, is amended to read:

1002.93 School readiness program transportation services.—

(1) The department office may authorize an early learning coalition to establish school readiness program transportation services for children at risk of abuse or neglect who are participating in the school readiness program, pursuant to chapter 427. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 59. Section 1002.94, Florida Statutes, is repealed.

Section 60. Section 1002.95, Florida Statutes, is amended to read:

1002.95 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The department office may contract for the administration of the Teacher Education and Compensation Helps

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(TEACH) scholarship program, 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.

(2) The State Board of Education office shall adopt rules as necessary to administer this section.

Section 61. Subsections (1) and (3) of section 1002.96, Florida Statutes, are amended to read:

1002.96 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriation, the department office shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The department office may adopt rules as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 62. Subsection (1) and paragraph (g) of subsection (3) of section 1002.97, Florida Statutes, are amended to read:

1002.97 Records of children in the school readiness program.—

(1) The individual records of children enrolled in the

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school readiness program provided under this part, held by an early learning coalition or the department office, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness program records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of the school readiness program, state agencies, and the department office for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness program records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parent by persons other than those authorized to receive the records.

Section 63. Subsections (1) and (3) of section 1002.995, Florida Statutes, are amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department office shall:

(a) Develop early learning professional development training and course standards to be utilized for school readiness program providers.

(b) Identify both formal and informal early learning career pathways with stackable credentials and certifications that

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allow early childhood teachers to access specialized professional development that:

1. Strengthens knowledge and teaching practices.

2. Aligns to established professional standards and core competencies.

3. Provides a progression of attainable, competency-based stackable credentials and certifications.

4. Improves outcomes for children to increase kindergarten readiness and early grade success.

(3) The State Board of Education office shall adopt rules to administer this section.

Section 64. Section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors; Articulation Coordinating Committee.—

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the Early Learning-20 ~~K-20~~ education system by building, sustaining, and strengthening relationships among Early Learning-20 ~~K-20~~ public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building, sustaining, and strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. The Legislature further intends that articulation policies and budget actions be implemented consistently in the practices of

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the Department of Education and postsecondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors.

(2) To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall collaboratively establish and adopt policies with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System and shall recommend the policies to the Legislature. The policies shall relate to:

(a) The alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee, which shall make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the educational ~~K-20~~ data warehouse, established pursuant to ss. 1001.10 and 1008.31, to the Higher Education

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Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The chair shall be elected from the membership. The Office of K-20 Articulation shall provide administrative support for the committee. The committee shall:

(a) Monitor the alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer and make recommendations for improvement.

(b) Propose guidelines for interinstitutional agreements between and among public schools, career and technical education centers, Florida College System institutions, state universities, and nonpublic postsecondary institutions.

(c) Annually recommend dual enrollment course and high school subject area equivalencies for approval by the State Board of Education and the Board of Governors.

(d) Annually review the statewide articulation agreement pursuant to s. 1007.23 and make recommendations for revisions.

(e) Annually review the statewide course numbering system, the levels of courses, and the application of transfer credit requirements among public and nonpublic institutions participating in the statewide course numbering system and identify instances of student transfer and admissions difficulties.

(f) Annually publish a list of courses that meet common general education and common degree program prerequisite

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3771 requirements at public postsecondary institutions identified
 3772 pursuant to s. 1007.25.
 3773 (g) Foster timely collection and reporting of statewide
 3774 education data to improve the Early Learning-20 K-20 education
 3775 performance accountability system pursuant to ss. 1001.10 and
 3776 1008.31, including, but not limited to, data quality,
 3777 accessibility, and protection of student records.
 3778 (h) Recommend roles and responsibilities of public
 3779 education entities in interfacing with the single, statewide
 3780 computer-assisted student advising system established pursuant
 3781 to s. 1006.735.
 3782 Section 65. Section 1008.2125, Florida Statutes, is created
 3783 to read:
 3784 1008.2125 Coordinated screening and progress monitoring
 3785 program for students in the Voluntary Prekindergarten Education
 3786 Program through grade 3.—
 3787 (1) The primary purpose of the coordinated screening and
 3788 progress monitoring program for students in the Voluntary
 3789 Prekindergarten Education Program through grade 3 is to provide
 3790 information on students' progress in mastering the appropriate
 3791 grade-level standards and to provide information on their
 3792 progress to parents, teachers, and school and program
 3793 administrators. Data shall be used by Voluntary Prekindergarten
 3794 Education Program providers and school districts to improve
 3795 instruction, by parents and teachers to guide learning
 3796 objectives and provide timely and appropriate supports and
 3797 interventions to students not meeting grade level expectations,
 3798 and by the public to assess the cost benefit of the expenditure
 3799 of taxpayer dollars. The coordinated screening and progress

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3800 monitoring program must:
 3801 (a) Assess the progress of students in the Voluntary
 3802 Prekindergarten Education Program through grade 3 in meeting the
 3803 appropriate expectations in emergent literacy and math skills
 3804 and in English Language Arts and mathematics, as required by ss.
 3805 1002.67(1)(a) and 1003.41.
 3806 (b) Provide data for accountability of the Voluntary
 3807 Prekindergarten Education Program, as required by s. 1002.68.
 3808 (c) Provide baseline data to the department of each
 3809 student's readiness for kindergarten, which must be based on
 3810 each kindergarten student's progress monitoring results within
 3811 the first 30 days of enrollment in accordance with paragraph
 3812 (2)(a). The methodology for determining a student's readiness
 3813 for kindergarten shall be developed by the same independent
 3814 expert identified in s. 1002.68(4)(d).
 3815 (d) Identify the educational strengths and needs of
 3816 students in the Voluntary Prekindergarten Education Program
 3817 through grade 3.
 3818 (e) Provide teachers with progress monitoring data to
 3819 provide timely interventions and supports pursuant to s.
 3820 1008.25(4).
 3821 (f) Assess how well educational goals and curricular
 3822 standards are met at the provider, school, district, and state
 3823 levels.
 3824 (g) Provide information to aid in the evaluation and
 3825 development of educational programs and policies.
 3826 (2) The Commissioner of Education shall design a statewide,
 3827 standardized coordinated screening and progress monitoring
 3828 program to assess early literacy and mathematics skills and the

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English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, respectively. The coordinated screening and progress monitoring program must provide interval level and norm-referenced data that measures equivalent levels of growth; be a developmentally appropriate, valid, and reliable direct assessment; be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays; accurately measure the core content in the applicable grade level standards; document learning gains for the achievement of these standards; and provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication. Participation in the coordinated screening and progress monitoring program is mandatory for all students in the Voluntary Prekindergarten Education Program and enrolled in a public school in kindergarten through grade 3. The coordinated screening and progress monitoring program shall be implemented beginning in the 2022-2023 school year for students in the Voluntary Prekindergarten Education Program and kindergarten students, as follows:

(a) The coordinated screening and progress monitoring program shall be administered within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year, in accordance with the rules adopted by the State Board of Education. The state board may adopt alternate timeframes to address nontraditional school year calendars or summer programs to ensure that the coordinated screening and progress monitoring program is administered a minimum of 3 times

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within a year or program.

(b) The results of the coordinated screening and progress monitoring program shall be reported to the department, in accordance with the rules adopted by the state board, and maintained in the department's educational data warehouse.

(3) The Commissioner of Education shall:

(a) Develop a plan, in coordination with the Council for Early Grade Success, for implementing the coordinated screening and progress monitoring program in consideration of timelines for implementing new early literacy and mathematics skills and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, as appropriate.

(b) Provide data, reports, and information as requested to the Council for Early Grade Success.

(4) The Council for Early Grade Success, a council defined in s. 20.03(7), is created within the Department of Education to oversee the coordinated screening and progress monitoring program and, except as otherwise provided in this section, shall operate consistent with s. 20.052.

(a) The council shall be responsible for reviewing the implementation of, training for, administration of, and outcomes from the coordinated screening and progress monitoring program to provide recommendations to the department that supports grade 3 students reading at or above grade level. The council, at a minimum, shall:

1. Provide recommendations on the implementation of the coordinated screening and progress monitoring program, including reviewing any procurement solicitation documents and criteria before being published.

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- 3887 2. Develop training plans and timelines for such training.
- 3888 3. Identify appropriate personnel, processes, and
- 3889 procedures required for the administration of the coordinated
- 3890 screening and progress monitoring program.
- 3891 4. Provide input on the methodology for calculating a
- 3892 provider's or school's performance metric and designations under
- 3893 s. 1002.68.
- 3894 5. Work with the department's independent expert under s.
- 3895 1002.68(4)(d) to review the methodology for determining a
- 3896 child's kindergarten readiness.
- 3897 6. Review data on age-appropriate learning gains by grade
- 3898 level that a student would need to attain in order to
- 3899 demonstrate proficiency in reading by grade 3.
- 3900 7. Continually review anonymized data from the results of
- 3901 the coordinated screening and progress monitoring program for
- 3902 students in the Voluntary Prekindergarten Education Program
- 3903 through grade 3 to help inform recommendations to the department
- 3904 that support practices that will enable grade 3 students to read
- 3905 at or above grade level.
- 3906 (b) The council shall be composed of 15 members who are
- 3907 residents of this state and appointed, notwithstanding any other
- 3908 provision of law, as follows:
- 3909 1. Two members appointed by the Governor, as follows:
- 3910 a. One representative from the Department of Education.
- 3911 b. One parent of a child who is 4 to 9 years of age.
- 3912 2. Thirteen members appointed jointly by the President of
- 3913 the Senate and Speaker of the House of Representatives, as
- 3914 follows:
- 3915 a. One representative of an urban school district.

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- 3916 b. One representative of a rural school district.
- 3917 c. One representative of an urban early learning coalition.
- 3918 d. One representative of a rural early learning coalition.
- 3919 e. One representative of an early learning provider.
- 3920 f. One representative of a faith-based early learning
- 3921 provider.
- 3922 g. One representative who is a kindergarten teacher who has
- 3923 at least 5 years of teaching experience.
- 3924 h. One representative who is a second grade teacher who has
- 3925 at least 5 years of teaching experience.
- 3926 i. One representative who is a school principal.
- 3927 j. Four representatives with subject matter expertise in
- 3928 early learning, early grade success, or child assessments. The
- 3929 four representatives with subject matter expertise may not be
- 3930 direct stakeholders within the early learning or public school
- 3931 systems or potential recipients of a contract resulting from the
- 3932 committee's recommendations.
- 3933 (5) The council shall elect a chair and a vice chair, one
- 3934 of whom must be a member who has subject matter expertise in
- 3935 early learning, early grade success, or child assessments. The
- 3936 vice chair must be a member appointed by the President of the
- 3937 Senate and the Speaker of the House of Representatives who is
- 3938 not one of the four members with subject matter expertise in
- 3939 early learning, early grade success, or child assessments
- 3940 appointed pursuant to sub-subparagraph (b)2.j. Members of the
- 3941 council shall serve without compensation but are entitled to
- 3942 reimbursement for per diem and travel expenses pursuant to s.
- 3943 112.061.
- 3944 (6) The council must meet at least biannually and may meet

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3945 by teleconference or other electronic means, if possible, to
 3946 reduce costs.

3947 (7) A majority of the members constitutes a quorum.

3948 Section 66. Present paragraphs (b) and (c) of subsection
 3949 (5) of section 1008.25, Florida Statutes, are redesignated as
 3950 paragraphs (c) and (d), respectively, a new paragraph (b) is
 3951 added to that subsection, and paragraph (b) of subsection (6),
 3952 subsection (7), and paragraph (a) of subsection (8) are amended,
 3953 to read:

3954 1008.25 Public school student progression; student support;
 3955 reporting requirements.—

3956 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3957 (b) A Voluntary Prekindergarten Education Program student
 3958 who exhibits a substantial deficiency in early literacy skills
 3959 in accordance with the standards under s. 1002.67(1)(a) and
 3960 based upon the results of the administration of the final
 3961 coordinated screening and progress monitoring under s. 1008.2125
 3962 shall be referred to the local school district and may be
 3963 eligible to receive intensive reading interventions before
 3964 participating in kindergarten. Such intensive reading
 3965 interventions shall be paid for using funds from the district's
 3966 research-based reading instruction allocation in accordance with
 3967 s. 1011.62(9).

3968 (6) ELIMINATION OF SOCIAL PROMOTION.—

3969 (b) The district school board may only exempt students from
 3970 mandatory retention, as provided in paragraph (5)(c) ~~(5)(b)~~, for
 3971 good cause. A student who is promoted to grade 4 with a good
 3972 cause exemption shall be provided intensive reading instruction
 3973 and intervention that include specialized diagnostic information

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3974 and specific reading strategies to meet the needs of each
 3975 student so promoted. The school district shall assist schools
 3976 and teachers with the implementation of explicit, systematic,
 3977 and multisensory reading instruction and intervention strategies
 3978 for students promoted with a good cause exemption which research
 3979 has shown to be successful in improving reading among students
 3980 who have reading difficulties. Good cause exemptions are limited
 3981 to the following:

3982 1. Limited English proficient students who have had less
 3983 than 2 years of instruction in an English for Speakers of Other
 3984 Languages program based on the initial date of entry into a
 3985 school in the United States.

3986 2. Students with disabilities whose individual education
 3987 plan indicates that participation in the statewide assessment
 3988 program is not appropriate, consistent with the requirements of
 3989 s. 1008.212.

3990 3. Students who demonstrate an acceptable level of
 3991 performance on an alternative standardized reading or English
 3992 Language Arts assessment approved by the State Board of
 3993 Education.

3994 4. A student who demonstrates through a student portfolio
 3995 that he or she is performing at least at Level 2 on the
 3996 statewide, standardized English Language Arts assessment.

3997 5. Students with disabilities who take the statewide,
 3998 standardized English Language Arts assessment and who have an
 3999 individual education plan or a Section 504 plan that reflects
 4000 that the student has received intensive instruction in reading
 4001 or English Language Arts for more than 2 years but still
 4002 demonstrates a deficiency and was previously retained in

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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 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.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under paragraph (5) (c) ~~(5) (b)~~ must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These interventions must include:

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.

2. Participation in the school district's summer reading camp, which must incorporate the instructional and intervention strategies under subparagraph 1.

3. A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instructional and intervention strategies under subparagraph 1. This instruction may include:

- a. Integration of content-rich texts in science and social studies within the 90-minute block.
- b. Small group instruction.
- c. Reduced teacher-student ratios.
- d. More frequent progress monitoring.
- e. Tutoring or mentoring.

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f. Transition classes containing 3rd and 4th grade students.

g. Extended school day, week, or year.

(b) Each school district shall:

1. Provide written notification to the parent of a student who is retained under paragraph (5) (c) ~~(5) (b)~~ that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (d) ~~(5) (e)~~ and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

2. Implement a policy for the midyear promotion of a student retained under paragraph (5) (c) ~~(5) (b)~~ who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

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4061 3. Provide students who are retained under paragraph (5) (c)
 4062 ~~(5) (b)~~, including students participating in the school
 4063 district's summer reading camp under subparagraph (a)2., with a
 4064 highly effective teacher as determined by the teacher's
 4065 performance evaluation under s. 1012.34, and, beginning July 1,
 4066 2020, the teacher must also be certified or endorsed in reading.

4067 4. Establish at each school, when applicable, an intensive
 4068 reading acceleration course for any student retained in grade 3
 4069 who was previously retained in kindergarten, grade 1, or grade
 4070 2. The intensive reading acceleration course must provide the
 4071 following:

4072 a. Uninterrupted reading instruction for the majority of
 4073 student contact time each day and opportunities to master the
 4074 grade 4 Next Generation Sunshine State Standards in other core
 4075 subject areas through content-rich texts.
 4076 b. Small group instruction.
 4077 c. Reduced teacher-student ratios.
 4078 d. The use of explicit, systematic, and multisensory
 4079 reading interventions, including intensive language, phonics,
 4080 and vocabulary instruction, and use of a speech-language
 4081 therapist if necessary, that have proven results in accelerating
 4082 student reading achievement within the same school year.

4083 e. A read-at-home plan.

4084 (8) ANNUAL REPORT.—

4085 (a) In addition to the requirements in paragraph (5) (c)
 4086 ~~(5) (b)~~, each district school board must annually report to the
 4087 parent of each student the progress of the student toward
 4088 achieving state and district expectations for proficiency in
 4089 English Language Arts, science, social studies, and mathematics.

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4090 The district school board must report to the parent the
 4091 student's results on each statewide, standardized assessment.
 4092 The evaluation of each student's progress must be based upon the
 4093 student's classroom work, observations, tests, district and
 4094 state assessments, response to intensive interventions provided
 4095 under paragraph (5) (a), and other relevant information. Progress
 4096 reporting must be provided to the parent in writing in a format
 4097 adopted by the district school board.

4098 Section 67. Section 1008.31, Florida Statutes, is amended
 4099 to read:

4100 1008.31 Florida's Early Learning-20 ~~K-20~~ education
 4101 performance accountability system; legislative intent; mission,
 4102 goals, and systemwide measures; data quality improvements.—

4103 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 4104 that:

4105 (a) The performance accountability system implemented to
 4106 assess the effectiveness of Florida's seamless Early Learning-20
 4107 ~~K-20~~ education delivery system provide answers to the following
 4108 questions in relation to its mission and goals:

4109 1. What is the public receiving in return for funds it
 4110 invests in education?

4111 2. How effectively is Florida's Early Learning-20 ~~K-20~~
 4112 education system educating its students?

4113 3. How effectively are the major delivery sectors promoting
 4114 student achievement?

4115 4. How are individual schools and postsecondary education
 4116 institutions performing their responsibility to educate their
 4117 students as measured by how students are performing and how much
 4118 they are learning?

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4119 (b) The Early Learning-20 K-20 education performance
 4120 accountability system be established as a single, unified
 4121 accountability system with multiple components, including, but
 4122 not limited to, student performance in public schools and school
 4123 and district grades.

4124 (c) The K-20 education performance accountability system
 4125 comply with the requirements of the "No Child Left Behind Act of
 4126 2001," Pub. L. No. 107-110, and the Individuals with
 4127 Disabilities Education Act (IDEA).

4128 (d) The early learning accountability system comply with
 4129 the requirements of part V and part VI of chapter 1002 and the
 4130 requirements of the Child Care and Development Block Grant Trust
 4131 Fund, pursuant to 45 C.F.R. parts 98 and 99.

4132 (e) ~~(d)~~ The State Board of Education and the Board of
 4133 Governors of the State University System recommend to the
 4134 Legislature systemwide performance standards; the Legislature
 4135 establish systemwide performance measures and standards; and the
 4136 systemwide measures and standards provide Floridians with
 4137 information on what the public is receiving in return for the
 4138 funds it invests in education and how well the Early Learning-20
 4139 K-20 system educates its students.

4140 (f) 1. (e) 1. The State Board of Education establish
 4141 performance measures and set performance standards for
 4142 individual public schools and Florida College System
 4143 institutions, with measures and standards based primarily on
 4144 student achievement.

4145 2. The Board of Governors of the State University System
 4146 establish performance measures and set performance standards for
 4147 individual state universities, including actual completion

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4148 rates.

4149 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

4150 (a) The mission of Florida's Early Learning-20 K-20
 4151 education system shall be to increase the proficiency of all
 4152 students within one seamless, efficient system, by allowing them
 4153 the opportunity to expand their knowledge and skills through
 4154 learning opportunities and research valued by students, parents,
 4155 and communities.

4156 (b) The process for establishing state and sector-specific
 4157 standards and measures must be:

- 4158 1. Focused on student success.
- 4159 2. Addressable through policy and program changes.
- 4160 3. Efficient and of high quality.
- 4161 4. Measurable over time.
- 4162 5. Simple to explain and display to the public.
- 4163 6. Aligned with other measures and other sectors to support
 4164 a coordinated Early Learning-20 K-20 education system.

4165 (c) The Department of Education shall maintain an
 4166 accountability system that measures student progress toward the
 4167 following goals:

- 4168 1. Highest student achievement, as indicated by evidence of
 4169 student learning gains at all levels.
- 4170 2. Seamless articulation and maximum access, as measured by
 4171 evidence of progression, readiness, and access by targeted
 4172 groups of students identified by the Commissioner of Education.
- 4173 3. Skilled workforce and economic development, as measured
 4174 by evidence of employment and earnings.
- 4175 4. Quality efficient services, as measured by evidence of
 4176 return on investment.

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4177 5. Other goals as identified by law or rule.

4178 (3) ~~K-20~~ EDUCATION DATA QUALITY IMPROVEMENTS.—To provide

4179 data required to implement education performance accountability

4180 measures in state and federal law, the Commissioner of Education

4181 shall initiate and maintain strategies to improve data quality

4182 and timeliness. The Board of Governors shall make available to

4183 the department all data within the State University Database

4184 System to be integrated into the educational ~~K-20~~ data

4185 warehouse. The commissioner shall have unlimited access to such

4186 data for the purposes of conducting studies, reporting annual

4187 and longitudinal student outcomes, and improving college

4188 readiness and articulation. All public educational institutions

4189 shall annually provide data from the prior year to the

4190 educational ~~K-20~~ data warehouse in a format based on data

4191 elements identified by the commissioner.

4192 (a) School districts and public postsecondary educational

4193 institutions shall maintain information systems that will

4194 provide the State Board of Education, the Board of Governors of

4195 the State University System, and the Legislature with

4196 information and reports necessary to address the specifications

4197 of the accountability system. The level of comprehensiveness and

4198 quality must be no less than that which was available as of June

4199 30, 2001.

4200 (b) Colleges and universities eligible to participate in

4201 the William L. Boyd, IV, Effective Access to Student Education

4202 Grant Program shall annually report student-level data from the

4203 prior year for each student who receives state funds in a format

4204 prescribed by the Department of Education. At a minimum, data

4205 from the prior year must include retention rates, transfer

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4206 rates, completion rates, graduation rates, employment and

4207 placement rates, and earnings of graduates. By October 1 of each

4208 year, the colleges and universities described in this paragraph

4209 shall report the data to the department.

4210 (c) The Commissioner of Education shall determine the

4211 standards for the required data, monitor data quality, and

4212 measure improvements. The commissioner shall report annually to

4213 the State Board of Education, the Board of Governors of the

4214 State University System, the President of the Senate, and the

4215 Speaker of the House of Representatives data quality indicators

4216 and ratings for all school districts and public postsecondary

4217 educational institutions.

4218 (d) Before establishing any new reporting or data

4219 collection requirements, the commissioner shall use existing

4220 data being collected to reduce duplication and minimize

4221 paperwork.

4222 (4) RULES.—The State Board of Education shall adopt rules

4223 pursuant to ss. 120.536(1) and 120.54 to implement the

4224 provisions of this section relating to the educational ~~K-20~~ data

4225 warehouse.

4226 Section 68. Section 1008.32, Florida Statutes, is amended

4227 to read:

4228 1008.32 State Board of Education oversight enforcement

4229 authority.—The State Board of Education shall oversee the

4230 performance of early learning coalitions, district school

4231 boards, and Florida College System institution boards of

4232 trustees in enforcement of all laws and rules. District school

4233 boards and Florida College System institution boards of trustees

4234 shall be primarily responsible for compliance with law and state

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board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from early learning coalitions, school districts, and Florida College System institutions. Early learning coalition chief executive officers or executive directors, district school superintendents, and Florida College System institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) (a) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the early learning coalition, district school board, or Florida College System institution board of trustees to document compliance with law or state board rule.

(b) The Commissioner of Education shall report to the State Board of Education any findings by the Auditor General that an early learning coalition, a district school board, or Florida College System institution is acting without statutory authority or contrary to general law. The State Board of Education shall require the early learning coalition, district school board, or Florida College System institution board of trustees to document compliance with such law.

(3) If the early learning coalition, district school board, or Florida College System institution board of trustees cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

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(4) If the State Board of Education determines that an early learning coalition, a district school board, or Florida College System institution board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the early learning coalition, school district, or Florida College System institution is unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning coalition, school district, or Florida College System institution complies with the law or state board rule.

(c) Declare the early learning coalition, school district, or Florida College System institution ineligible for competitive grants.

(d) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 69. Paragraph (a) of subsection (3) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(3) (a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art.

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4293 IX of the State Constitution, which prescribes the duty of the
 4294 State Board of Education to supervise Florida's public school
 4295 system, the state board shall equitably enforce the
 4296 accountability requirements of the state school system and may
 4297 impose state requirements on school districts in order to
 4298 improve the academic performance of all districts, schools, and
 4299 students based upon the provisions of the Florida Early
 4300 Learning-20 K-20 Education Code, chapters 1000-1013; the federal
 4301 ESEA and its implementing regulations; and the ESEA flexibility
 4302 waiver approved for Florida by the United States Secretary of
 4303 Education.

4304 Section 70. Subsection (9) of section 1011.62, Florida
 4305 Statutes, is amended to read:

4306 1011.62 Funds for operation of schools.—If the annual
 4307 allocation from the Florida Education Finance Program to each
 4308 district for operation of schools is not determined in the
 4309 annual appropriations act or the substantive bill implementing
 4310 the annual appropriations act, it shall be determined as
 4311 follows:

4312 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

4313 (a) The research-based reading instruction allocation is
 4314 created to provide comprehensive reading instruction to students
 4315 in kindergarten through grade 12, including certain students who
 4316 exhibit a substantial deficiency in early literacy and completed
 4317 the Voluntary Prekindergarten Education Program under s.
 4318 1008.25(5)(b). Each school district that has one or more of the
 4319 300 lowest-performing elementary schools based on a 3-year
 4320 average of the state reading assessment data must use the
 4321 school's portion of the allocation to provide an additional hour

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4322 per day of intensive reading instruction for the students in
 4323 each school. The additional hour may be provided within the
 4324 school day. Students enrolled in these schools who earned a
 4325 level 4 or level 5 score on the statewide, standardized English
 4326 Language Arts assessment for the previous school year may
 4327 participate in the additional hour of instruction. Exceptional
 4328 student education centers may not be included in the 300
 4329 schools. The intensive reading instruction delivered in this
 4330 additional hour shall include: research-based reading
 4331 instruction that has been proven to accelerate progress of
 4332 students exhibiting a reading deficiency; differentiated
 4333 instruction based on screening, diagnostic, progress monitoring,
 4334 or student assessment data to meet students' specific reading
 4335 needs; explicit and systematic reading strategies to develop
 4336 phonemic awareness, phonics, fluency, vocabulary, and
 4337 comprehension, with more extensive opportunities for guided
 4338 practice, error correction, and feedback; and the integration of
 4339 social studies, science, and mathematics-text reading, text
 4340 discussion, and writing in response to reading.

4341 (b) Funds for comprehensive, research-based reading
 4342 instruction shall be allocated annually to each school district
 4343 in the amount provided in the General Appropriations Act. Each
 4344 eligible school district shall receive the same minimum amount
 4345 as specified in the General Appropriations Act, and any
 4346 remaining funds shall be distributed to eligible school
 4347 districts based on each school district's proportionate share of
 4348 K-12 base funding.

4349 (c) Funds allocated under this subsection must be used to
 4350 provide a system of comprehensive reading instruction to

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students enrolled in the K-12 programs and certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b), which may include the following:

1. An additional hour per day of evidence-based intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).

2. Kindergarten through grade 5 evidence-based reading intervention teachers to provide intensive reading interventions provided by reading intervention teachers intervention during the school day and in the required extra hour for students identified as having a reading deficiency.

3. Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.

5. Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and

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students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment, and certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).

6. Scientifically researched and evidence-based supplemental instructional materials ~~that are grounded in scientifically based reading research~~ as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

7. Evidence-based intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment or for certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).

(d)1. Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a ~~K-12~~ comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading

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intervention through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall provide for intensive reading interventions through integrated curricula, provided that, beginning with the 2020-2021 school year, the interventions are delivered by a teacher who is certified or endorsed in reading. Such interventions must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8). No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

2. Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction. The term "reading intervention" includes evidence-based strategies frequently used to remediate reading

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deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.

Section 71. For the 2022-2023 fiscal year, the sum of \$3,088,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to implement the coordinated screening and progress monitoring program required by s. 1008.2125, Florida Statutes. Of these funds, \$3 million shall be placed in reserve. The department is authorized to submit budget amendments requesting the release of funds pursuant to chapter 216, Florida Statutes. The budget amendment shall include a detailed operational work plan and spending plan. The department shall submit quarterly updates to the plans and quarterly project status reports to the Office of Policy and Budget in the Executive Office of the Governor and the chairs of the Senate Committee on Appropriations and the House of Representatives Appropriations Committee. Each status report must include progress made to date for each project activity, planned and actual tasks and deliverable completion dates, planned and actual costs incurred, and any current issues and risks.

Section 72. For the 2021-2022 fiscal year, the sum of \$100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to issue a competitive solicitation to contract with an independent third

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4467 party consulting firm to conduct a review of the school
4468 readiness payment rates by county, provider type, and care
4469 level. The review shall include an evaluation of the current
4470 methodology for establishing the market rate schedule pursuant
4471 to s. 1002.895, Florida Statutes, the current school readiness
4472 payment rates, and the impact of the approved pay differentials
4473 authorized under part VI of chapter 1002, Florida Statutes, on
4474 the payment rates. The review shall include recommendations on a
4475 methodology for setting the payment rates by county, by provider
4476 type, and by care level that takes into consideration the impact
4477 that local ordinances may have on the market rate if such
4478 ordinances require more stringent staff-to-child ratios than
4479 required in s. 402.305(4), Florida Statutes, but may not
4480 consider school readiness wait lists as a factor. The department
4481 shall submit the results of the review and the recommendations
4482 to the Governor's Office of Policy and Budget and the chairs of
4483 the Senate Committee on Appropriations and the House of
4484 Representatives Appropriations Committee by January 1, 2022.

4485 Section 73. For the 2021-2022 fiscal year, the sum of
4486 \$677,759 in recurring funds is appropriated from the General
4487 Revenue Fund to the Department of Education to assist in the
4488 implementation of s. 1002.68(2), Florida Statutes.

4489 Section 74. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/21

Meeting Date

1282

Bill Number (if applicable)

Topic

Early Learning

Name

Dr. Danielle Thomas

Job Title

VP of Education

Address

1747 Orlando Central Pkwy

Street

Orlando

City

FL

State

32809

Zip

Phone

407 855 7604

Email

vp.education@floridapta.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida PTA

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

3/23/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1282

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Madeleine Thakor

Job Title Dir of Gov't Relations

Address _____
Street

Phone _____

City _____

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Children's Movement of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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3-23-21

Meeting Date

1282

Bill Number (if applicable)

Topic Early Learning + Early Grade Success

Name Evelio Torres

Amendment Barcode (if applicable)

Job Title President and CEO

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email etorres@elcndm.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Early Learning Coalition of Miami Dade + Monroe Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3-23-21

Meeting Date

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1282

Bill Number (if applicable)

Topic Early Learning & Grade Success

Name Erin Smeltzer

Amendment Barcode (if applicable)

Job Title Executive Director

Address 206 B South Monroe Street

Street

Phone (850) 577 1789

Tallahassee

FL

32301

City

State

Zip

Email esmeltzer@aelfi.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Association of Early Learning Coalitions

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3/23/21

Meeting Date

1282

Bill Number (if applicable)

Topic Early Learning & Early Grade Success

Name Michelle Watson

Amendment Barcode (if applicable)

Job Title CEO

Address 1124 Lee Avenue Suite B
Street

Phone 850-320-2388

Tall. FL
City State

32303 Email mwatson@floridacs.org
Zip

Speaking: ☒ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Children's Council

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2021

Meeting Date

SB 1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Michael Barrett

Job Title Associate for Education

Address 201 W. Park Ave.

Phone (850) 205-6823

Street

Tallahassee

FL

32301

City

State

Zip

Email mbarrett@flaccb.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

3/23/21

Meeting Date

SB 1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Chris Duggan

Job Title Executive Director

Address 3551 Blairstone Road, Suite 105-133

Phone 877-352-2392

Street

Tallahassee

FL

32301

City

State

Zip

Email cduggan@flaeyc.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of the Education for Young Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/23/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1282

Bill Number (if applicable)

Topic Early Learning & Early Grade Success Amendment Barcode (if applicable)

Name Angie Gault

Job Title Education Advocate

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email angie@all4schools.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Alliance for Public Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/23/2021

Meeting Date

1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Policy Director

Address 136 South Bronough St

Phone 5613863451

Street

Tallahassee

FL

32301

Email mchoy@flchamber.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-23-21

Meeting Date

1282

Bill Number (if applicable)

Topic EARLY LEARNING

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVE Phone 224-5081

Street

PLT

FL

32301

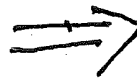
City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information



Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION FOR CHILD CARE MANAGEMENT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Committee on Education

Judge:

Started: 3/23/2021 12:33:37 PM

Ends: 3/23/2021 2:41:03 PM

Length: 02:07:27

12:33:36 PM Meeting called to order by Chair Gruters
12:33:42 PM Roll Call
12:33:44 PM Quorum announced
12:34:00 PM Tab 4 SB 2010 and Tab 9 SB 880 are TP'd
12:34:12 PM Opening comments by Chair
12:34:56 PM Tab 1 SB 98 by Senator Albritton -Workforce Related Programs and Services
12:35:01 PM Senator Albritton explains the bill
12:36:32 PM Marti Coley speaks for
12:37:40 PM Chris Carmody speaks for
12:37:55 PM Rindala Alajaji speaks against
12:38:35 PM James Mosteller in support
12:38:41 PM Senator Albritton closes on bill
12:38:50 PM Roll call
12:39:02 PM SB 98 is reported favorably
12:39:18 PM Tab 3 SB 1728 by Senator Baxley - Out-of-State Fee Waiver for Nonresident Students
12:39:29 PM Senator Baxley explains the bill
12:40:34 PM Substitute Amendment Barcode 173942 by Chair Gruters
12:40:56 PM Senator Gruters explains the amendment
12:41:43 PM Senator Berman with question
12:41:52 PM Chair Gruters responds
12:42:27 PM Senator Berman with follow-up
12:42:40 PM Chair Gruters responds
12:42:47 PM Senator Berman with question
12:42:53 PM Chair Gruters responds
12:43:33 PM Senator Thurston with question
12:43:39 PM Chair Gruters responds
12:44:16 PM Senator Thurston with question
12:44:26 PM Chair Gruters responds
12:44:37 PM Senator Baxley in debate
12:45:28 PM Chair Gruters closes on amendment
12:45:36 PM Amendment is adopted
12:46:07 PM Senator Berman on bill as amended
12:46:26 PM Senator Baxley responds
12:46:48 PM Senator Polsky with question
12:46:56 PM Senator Baxley responds
12:47:07 PM Senator Polsky with follow-up
12:47:21 PM Chair Gruters in debate
12:48:14 PM Senator Baxley closes on bill
12:48:38 PM Roll call
12:48:42 PM CS/SB 1728 is reported favorably
12:48:57 PM Tab 2 SB 1672 by Diaz- State University Free Seat Program
12:49:05 PM Senator Diaz explains the bill
12:50:10 PM Amendment Barcode 440644 by Senator Diaz
12:50:22 PM Senator Diaz explains the amendment
12:51:18 PM Senator Diaz waives close
12:51:24 PM Amendment is adopted
12:51:30 PM Senator Berman on bill as amended
12:51:48 PM Senator Diaz responds
12:52:34 PM Senator Diaz waives close
12:52:43 PM Roll call
12:52:49 PM CS/SB 1672 is reported favorably
12:53:01 PM Tab 6 SB 1094 by Senator Bean-Required Health Education Instruction

1:19:57 PM	Senator Stargel responds
1:20:00 PM	Senator Polsky with question
1:20:06 PM	Senator Stargel responds
1:20:17 PM	Senator Polsky with question
1:20:22 PM	Senator Stargel responds
1:20:42 PM	Senator Berman with question
1:20:49 PM	Senator Stargel responds
1:21:15 PM	Senator Berman with question
1:21:21 PM	Senator Stargel responds
1:21:40 PM	Senator Berman with question
1:21:46 PM	Senator Stargel responds
1:23:01 PM	Senator Berman with question
1:23:04 PM	Senator Stargel responds
1:23:44 PM	Senator Berman with question
1:23:50 PM	Senator Stargel responds
1:25:25 PM	Senator Berman with question
1:25:33 PM	Senator Stargel responds
1:26:32 PM	Denise Barber speaks against
1:27:54 PM	Jon Harris Maurer speaks against
1:29:19 PM	Ida Eskamani waives against
1:29:22 PM	Anthony Verdugo speaks for
1:30:26 PM	Senator Jones with question
1:30:33 PM	Mr. Verdugo responds
1:31:05 PM	Senator Jones responds
1:31:15 PM	Mr. Verdugo responds
1:31:36 PM	Senator Jones responds
1:31:42 PM	Senator Polsky with question
1:32:11 PM	Chair responds
1:32:18 PM	Lakey Love speaks against
1:34:13 PM	Annie Filkowski waives against
1:34:29 PM	Rindala Alajaji waives against
1:34:31 PM	Barbara Devane waiving against
1:34:35 PM	Devon Graham waiving against
1:34:39 PM	Armando Pomar waiving in support
1:34:44 PM	Carrie Boyd waiving against
1:34:50 PM	Angie Gallo called in error
1:35:09 PM	Anthony Demarco speaks against
1:35:43 PM	Paul Aron speaks against
1:36:20 PM	Rindala Alajaji sepaks against
1:38:01 PM	Danielle Thomas speaks against
1:38:41 PM	Senator Polsky in debate
1:43:01 PM	Senator Thurston in debate
1:47:19 PM	Senator Berman in debate
1:48:43 PM	Senator Jones in debate
1:54:48 PM	Senator Broxson in debate
1:55:51 PM	Senator Hutson in debate
1:58:25 PM	Senator Diaz in debate
2:00:37 PM	Senator Stargel closes on the bill
2:00:56 PM	Roll call
2:01:56 PM	SB 2012 is reported favorably
2:02:21 PM	Tab 10 SB 1028 by Senator Hutson-Charter Schools
2:02:28 PM	Senator Hutson explains the bill
2:02:40 PM	Strike -all Amendment Barcode 543250
2:02:45 PM	Senator Hutson explains the amendment
2:05:08 PM	Senator Jones with question
2:05:17 PM	Senator Diaz responds
2:05:47 PM	Senator Hutson responds
2:06:20 PM	Senator Jones with follow-up
2:06:26 PM	Senator Hutson responds
2:06:49 PM	Senator Diaz responds
2:07:17 PM	Adam Miller waives in support
2:07:22 PM	Stuart Brown waives in support

2:30:27 PM Anthony DeMarco speaks
2:31:12 PM Senator Berman in debate
2:31:56 PM Senator Rodrigues waives close
2:32:05 PM Roll call
2:32:08 PM CS/SB 582 is reported favorably
2:32:24 PM Tab 12 SB 1282 by Senator Harrell-Early Learning and Early Grade Success
2:32:30 PM Senator Harrell explains the bill
2:34:26 PM Senator Berman with question
2:34:32 PM Senator Harrell responds
2:35:09 PM Senator Passidomo with question
2:35:17 PM Senator Harrell responds
2:35:54 PM Dr. Danielle Thomas waives in support
2:35:59 PM Madelene Thaker Waives in support
2:36:04 PM Evelio Torres waives in support
2:36:10 PM Erin Smeltzer speaks in support
2:36:30 PM Michele Watson speaks in support
2:36:47 PM Michael Barrett waives in support
2:36:51 PM Chris Duggan waives in support
2:36:57 PM Angie Gallo waives in support
2:37:13 PM Senator Jones in debate
2:37:18 PM Senator Berman in debate
2:37:36 PM Senator Harrell closes on bill
2:37:45 PM Roll call
2:37:49 PM SB 1282 is reported favorably
2:38:13 PM Tab 11 SB 1656 by Senator Gruters-Lawton Chiles Endowment Fund
2:38:23 PM Chair Gruters explains the bill
2:39:46 PM Jim McGill speaks in support
2:40:02 PM Senator Gruters waives close
2:40:10 PM Roll Call
2:40:13 PM SB 1656 reported favorably
2:40:26 PM Senator Diaz with motion to vote yay on Tab 1-SB 98, motion adopted
2:40:47 PM Senator Diaz moves to adjourn
2:40:52 PM Meeting adjourned