<table>
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<th>Description</th>
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The Florida Senate
COMMITEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, January 27, 2020
TIME: 1:30—3:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
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<tbody>
<tr>
<td>1</td>
<td>SB 190 Montford (Identical H 81)</td>
<td>Medicaid School-based Services; Revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; deleting a requirement specifying the use of certified state and local education funds for school-based services; revising a requirement for the agency’s reimbursement of school-based services to certain charter and private schools; specifying the federal agency that may waive certain school-based provider qualifications, etc.</td>
<td>ED 01/27/2020 HP AP</td>
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<td>2</td>
<td>SB 738 Harrell (Identical H 393)</td>
<td>Jury Service; Requiring certain students actively enrolled in specified schools to be excused from jury service upon request, etc.</td>
<td>JU 12/10/2019 Favorable ED 01/27/2020 RC</td>
</tr>
<tr>
<td>3</td>
<td>SB 774 Diaz</td>
<td>Public Records and Meetings/Applicant for President/State University or Florida College System Institution; Providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or Florida College System institution; providing an exemption from public meeting requirements for any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and for any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.</td>
<td>ED 01/27/2020 GO RC</td>
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<tr>
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</tbody>
</table>
| 4   | SB 876   
   Gibson  
   (Identical H 383) | Historically Black Colleges and Universities Matching Endowment Scholarship Program; Establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; requiring a historically black college or university to provide a certain amount of matching funds by a specified date to participate in the program; providing that the interest will be used to provide scholarships to certain students, etc. | ED 01/27/2020  
   AED  
   AP |
| 5   | SB 946   
   Baxley  
   (Similar H 737) | Moments of Silence in Public Schools; Requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time, etc. | ED 01/27/2020  
   JU  
   RC |
| 6   | SB 1568  
   Hutson | Education; Providing that individuals enrolled in certain preapprenticeship programs are deemed to be employees of the state for purposes of workers' compensation coverage; providing for the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; requiring the apprenticeship or preapprenticeship program sponsors to be responsible for the selection and training of instructors, as approved by the department; revising criteria for apprenticeship occupations; revising the calculation of certain additional full-time equivalent membership relating to funding for the operation of schools, etc. | ED 01/27/2020  
   AED  
   AP |
<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
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</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>SB 1688</td>
<td>Early Learning and Early Grade Success; Adding the Division of Early Learning to the divisions of the Department of Education; revising the duties of the Early Learning Programs Estimating Conference; providing requirements for minimum child care licensing standards; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress-monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain child development programs operating on military installations to participate in the school readiness program, etc.</td>
<td>ED 01/27/2020</td>
</tr>
<tr>
<td></td>
<td>Harrell</td>
<td></td>
<td>AED</td>
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<td></td>
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<td>AP</td>
</tr>
<tr>
<td></td>
<td>(Similar H 1013, S 1616, Compare H 7039, S 1636)</td>
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<tr>
<td>8</td>
<td>SB 1696</td>
<td>Student Athletes; Revising requirements for the availability of automated external defibrillators on school grounds; delaying implementation of a requirement that certain school employees and volunteers complete specified training; requiring that a medical evaluation be performed before a student begins conditioning; applying requirements related to medical evaluations to activities occurring outside the school year, etc.</td>
<td>ED 01/27/2020</td>
</tr>
<tr>
<td></td>
<td>Perry</td>
<td></td>
<td>CF</td>
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<td>RC</td>
</tr>
<tr>
<td></td>
<td>(Similar H 7011)</td>
<td></td>
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</tr>
</tbody>
</table>
I. **Summary:**

SB 190 expands the eligible student population that qualifies for Medicaid eligible school-based health services from school districts and private and charter schools. The bill authorizes schools to certify for reimbursement eligible health services provided to any student enrolled in Medicaid, regardless of whether the student qualifies for Part B or H of the IDEA, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with federal regulations authorizing federal reimbursement of Medicaid-eligible school-based health services to students enrolled in Medicaid.

The bill does not require the additional appropriation of state funds.

The bill takes effect July 1, 2020.

II. **Present Situation:**

**The Medicaid Program**

Florida Medicaid is administered by the Agency for Health Care Administration (AHCA) and financed with federal and state funds.\(^1\) AHCA establishes and maintains a Medicaid state plan, which is approved by the Centers for Medicare & Medicaid Services (CMS) within the U.S. Department of Health and Human Services.\(^2\) The state plan outlines Medicaid eligibility standards, policies, and reimbursement methodologies.

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\(^1\) Section 409.902, F.S.

\(^2\) See 42 U.S.C. s. 1396a.
Eligibility for Medicaid is based on a person’s income relative to the federal poverty level.\(^3\) Eligibility for children in Florida varies depending on age, from family incomes of 133 to 206 percent of the federal poverty level.\(^4\) Federal Medicaid spending grew 3 percent to $597.4 billion in 2018.\(^5\) Over 3.7 million Floridians are currently enrolled in Medicaid, and approximately 2.1 million are children.\(^6\)

**Florida Medicaid Certified School Match Program**

**Certified Public Expenditures**

The Florida Medicaid Certified School Match Program governs the Medicaid reimbursement process for school districts.\(^7\) Each school district is authorized to provide students with a category of required Medicaid services termed “school-based services,” which are reimbursable under the federal Medicaid program.\(^8\) To qualify for reimbursement, school districts must provide a certified public expenditure to AHCA. The certified public expenditure certifies that state or local funds were expended for eligible school-based services.\(^9\) Medicaid then reimburses school districts at the federal Medicaid matching percentage rate, which is 61 percent for the fiscal year 2020.\(^10\)

**Eligible Services**

Florida law requires any state or local funds certified by school districts to be expended for children with specified disabilities who are eligible for Medicaid and either part B\(^11\) or part H\(^12\) of the Individuals with Disabilities Education Act (IDEA),\(^13\) the exceptional student education program, or an individualized educational plan (IEP).\(^14\)

Eligible services include physical, occupational, and speech therapy services, behavioral health services, mental health services, transportation services, administrative outreach for the purpose

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\(^4\) Id.


\(^7\) Rule 59G.4.035, F.A.C.

\(^8\) Section 1011.70, F.S. Formerly s. 236.0812, F.S., until renumbered in s. 662, ch. 2002-387, L.O.F.

\(^9\) Section 1011.70, F.S.


\(^11\) 20 U.S.C. s. 1411, et seq. Part B applies to children of the ages three through 21 with disabilities.

\(^12\) 20 U.S.C. s. 1431, et seq. Part H applies to infants and toddlers under the age of three with disabilities.

\(^13\) 20 U.S.C. s. 1400, et seq.

of determining eligibility for exceptional student education, and any other such services.\textsuperscript{15} Eligible services do not include family planning, immunizations, or prenatal care.\textsuperscript{16}

All 67 school districts participate in the Certified School Match Program.\textsuperscript{17} The Legislature allocated approximately $98 million from the Medical Care Trust Fund for Medicaid school refinancing for the 2019-2020 fiscal year.\textsuperscript{18}

**Private and Charter School Providers**

In 2016, the Legislature passed ch. 2016-65, L.O.F., which directed AHCA to enroll private and charter schools as Medicaid providers.\textsuperscript{19} Unlike school districts, private and charter schools do not use certified public expenditures or other local funds as a match to draw down federal Medicaid funding. Instead, the Legislature appropriates state general revenue funding to serve as matching funds. In every other respect, the program is the same for enrolled private and charter schools.\textsuperscript{20} One charter school is currently enrolled and delivering services in the Florida Medicaid program.\textsuperscript{21}

The Legislature appropriated $10.3 million for the 2019-2020 fiscal year for eligible school-based services provided by private schools or charter schools that are not participating in the school district’s certified match program.\textsuperscript{22}

**Centers for Medicare and Medicaid Services Policy**

CMS historically had a policy that precluded school districts from seeking payment for services not detailed on an IEP or an individualized family support plan (IFSP).\textsuperscript{23} In December 2014, CMS clarified its policy through a State Medicaid Director letter.\textsuperscript{24} The updated guidance clarified that school-based health services delivered to any students enrolled in Medicaid are eligible for reimbursement.\textsuperscript{25}

\textsuperscript{15} Section 1011.70, F.S.
\textsuperscript{16} Section 1011.70, F.S.
\textsuperscript{17} Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).
\textsuperscript{18} Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F.
\textsuperscript{19} Section 409.9072, F.S.
\textsuperscript{20} Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).
\textsuperscript{22} Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F. $4 million was appropriated from general revenue, and $6.3 million was appropriated from the Medical Care Trust Fund.
\textsuperscript{23} Id.
\textsuperscript{24} Id.
In response to this updated CMS guidance, AHCA received federal approval for a state plan amendment in October 2016 that authorizes reimbursement for eligible school-based services provided to any Medicaid recipients, regardless of whether the recipient has an IEP or IFSP.²⁶

III. Effect of Proposed Changes:

SB 190 expands the eligible student population that qualifies for Medicaid eligible school-based health services from school districts and private and charter schools. The bill authorizes schools to certify for reimbursement eligible health services provided to any student enrolled in Medicaid, regardless of whether the student qualifies for Part B or H of the IDEA, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with federal regulations authorizing federal reimbursement of Medicaid-eligible school-based health services to students enrolled in Medicaid.

The bill also modifies s. 409.908, F.S., to update the name of the federal agency authorized to waive qualifications for Medicaid providers as the United States Department of Health and Human Services.

The bill takes effect July 1, 2020.

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.

²⁶ Florida Agency for Health Care Administration, Legislative Bill Analysis for SB 190 (2020).
B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not require the additional appropriation of state funds. School districts may increase expenditures toward providing eligible school-based health services in order to generate additional federal Medicaid matching funds. This may result in an increase in federal Medicaid expenditures. The fiscal impact of the bill on Florida Medicaid is indeterminate.27

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 409.9071, 409.9072, and 409.908 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.

27 Florida Agency for Health Care Administration, Legislative Bill Analysis for SB 190 (2020).
By Senator Montford

A bill to be entitled
An act relating to Medicaid school-based services;
amending s. 409.9071, F.S.; revising applicable
provisions for the reimbursement of school-based
services by the Agency for Health Care Administration
to certain school districts; deleting a requirement
specifying the use of certified state and local
education funds for school-based services; conforming
a provision to changes made by the act; deleting an
obsolete provision; amending s. 409.9072, F.S.;
revising a requirement for the agency’s reimbursement
of school-based services to certain charter and
private schools; conforming a provision to changes
made by the act; amending s. 409.908, F.S.; specifying
the federal agency that may waive certain school-based
provider qualifications; providing an effective date.

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

Section 1. Subsection (1), paragraph (b) of subsection (2),
and subsection (6) of section 409.9071, Florida Statutes, are
amended to read:
409.9071 Medicaid provider agreements for school districts
certifying state match.—
(1) The agency shall reimburse school-based services as
provided in ss. 409.908(21) and 1011.70, former s. 236.0812
pursuant to the rehabilitative services option provided under 42
U.S.C. s. 1396d(a)(13). For purposes of this section, billing
agent consulting services are considered billing agent
services, as that term is used in s. 409.913(10), and, as such,
payments to such persons may not be based on amounts for
which they bill nor based on the amount a provider receives from
the Medicaid program. This provision may not restrict
privatization of Medicaid school-based services. Subject to any
limitations provided for in the General Appropriations Act, the
agency, in compliance with appropriate federal authorization,
shall develop policies and procedures and shall allow for
certification of state and local education funds that have been provided for school-based services as specified in s.
1011.70 and authorized by a physician’s order where required by
federal Medicaid law. Any state or local funds certified
pursuant to this section shall be for children with specified
disabilities who are eligible for both Medicaid and part B of
part H of the Individuals with Disabilities Education Act
(IDEA), or the exceptional student education program, or who
have an individualized educational plan.
(2) School districts that wish to enroll as Medicaid
providers and that certify state match in order to receive
federal Medicaid reimbursements for services, pursuant to
subsection (1), shall agree to:
(b) Develop and maintain the financial and other student
individual education plan records needed to document the
appropriate use of state and federal Medicaid funds.
(4) Retroactive reimbursements for services as specified in
former s. 236.0812 as of July 1, 1996, including reimbursement
for the 1995-1996 and 1996-1997 school years, are subject to
federal approval.

Section 2. Subsection (1) and paragraph (b) of subsection

Consider efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider’s rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. Provided the adjustment is consistent with legislative intent.

(21) The agency shall reimburse school districts that which certify the state match pursuant to ss. 409.9071 and 1011.70 for the federal portion of the school district’s allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 409.9071 and 1011.70 for which the state match will be certified. Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in...
42 C.F.R. s. 440.110, unless otherwise waived by the United States Department of Health and Human Services federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. Any employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines is shall be exempt from any agency requirements relating to criminal background checks.

Section 4. This act shall take effect July 1, 2020.
I. Summary:

SB 738 allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College System Institution, or career center.

The bill does not affect jury service for those students older than 21 years of age.

The bill takes effect July 1, 2020.

II. Present Situation:

Background on Jury Selection

Potential jurors are selected randomly from a list of names provided quarterly to the clerk of the circuit court by the Florida Department of Highway Safety and Motor Vehicles (DHSMV).\(^1\) Jurors must be 18 years of age or older, citizens of the United States, and legal residents of Florida and their respective counties, and have a driver license or identification card record on file with the DHSMV.\(^2\)

There are two ways in which a juror venire or pool may be selected. In the first, a clerk of court may use the names provided by the DHSMV to generate juror candidate lists as necessary to ensure a valid and consistent juror selection process.\(^3\) In the second, the chief judge of a circuit court or the clerk of the court may request that the Florida Supreme Court approve the use of an automated electronic system as the exclusive manner in which the names of prospective jurors are

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\(^1\) Section 40.011, F.S.
\(^2\) Section 40.01, F.S.
\(^3\) Section 40.011, F.S.
are randomly selected.\textsuperscript{4} A person who is selected for jury service who does not attend court when summoned may be fined up to $100, and his or her absence may be considered a contempt of the court.\textsuperscript{5}

The Legislature has adopted a “one day” or “one trial” rule for jury service, where a prospective juror must either participate in one trial or, at minimum, one day of initial reporting, for jury service.\textsuperscript{6} The average trial lasts about 3 days.\textsuperscript{7}

\textbf{Disqualification or Excusal from Jury Service}

Certain individuals may be disqualified from jury service based on Florida law. Others must be excused from service upon request, and still others may be excused at the discretion of a judge.\textsuperscript{8}

Persons disqualified from jury selection include:\textsuperscript{9}
\begin{itemize}
  \item A person who is under prosecution for a crime or has committed a felony, unless that person’s civil rights have been restored;
  \item The Governor, Lieutenant Governor, Cabinet officer, clerk of court, or judge;
  \item Any person interested in any issue to be tried;
  \item Any person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity, is permanently incapable of caring for himself or herself;
  \item Any person who is responsible for the care of a person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity, is incapable of caring for himself or herself; and
  \item Any person who does not possess sufficient knowledge of reading, writing, or arithmetic to understand a civil case, if the civil case requires such knowledge.\textsuperscript{10}
\end{itemize}

Individuals who must be excused upon request include:\textsuperscript{11}
\begin{itemize}
  \item Any full-time federal, state, local law enforcement officer, or investigative personnel, unless such persons choose to serve;
  \item A person who was summoned and who reported as a prospective juror in any court in that person’s county of residence within 1 year before the first day for which the person is being considered for jury service;
  \item Any expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age; and
  \item A person 70 years of age or older.
\end{itemize}

Persons who may be excused include:\textsuperscript{12}

\begin{itemize}
  \item Section 40.225, F.S.
  \item Section 40.23, F.S.
  \item Section 40.41, F.S.
  \item Fla. R. Crim. P. 3.300
  \item Section 40.013, F.S.
  \item Fla. R. Civ. P. 1.431(c)(3).
  \item Section 40.013, F.S.
  \item Id.
\end{itemize}
• A practicing attorney, a practicing physician, or a person who is physically infirm from jury service; and
• A person showing of hardship, extreme inconvenience, or public necessity.

Demographics of Students

The average age of a student enrolled in a state university in the 2017-2018 academic year was 22.13 In the fall of 2018, 91,530 students, or 21 percent of the total enrollment in Florida public college system institutions were 18 to 21 years of age and enrolled full-time.14 11,721 students who were 18 to 21 years of age were enrolled in a Florida career center.15

Students Selected for Jury Service

Selection for jury service is based upon the person’s county of residence as it is listed on his or her driver’s license.16 Many students attend college or a university outside of their county of residence and may request to postpone their jury summons due to their academic requirements. Florida law allows a person to request excusal on the basis of being a student; although, it is at the discretion of the judge. A person may postpone his or her jury summons for up to six months after the original summoning date.17

Some states, such as, Georgia18 North Carolina,19 Michigan,20 and South Carolina21 currently excuse students from jury selection during the period of time that the student is enrolled and taking classes or exams. Georgia, however, only excuses students who are enrolled out of the state. Texas allows students of public or private post-secondary institutions to be excused, without any age or full-time status requirement.22

III. Effect of Proposed Changes:

SB 738 allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College System Institution, or career center.

The bill does not affect jury service for those students older than 21 years of age.

The bill takes effect July 1, 2020.

14 Florida Department of Education, Florida College System, Fall 2018 Student Enrollments by Age (Jan. 2020) (On file with staff of the Education Committee).
16 Section 40.01, F.S.
17 Section 40.23, F.S.
19 N.C. Gen. Stat. § 9-6 (b)(1)
20 MSA § 600.1335
21 SC Code Ann. §14-7-845
22 Tex. Gov. Code § 62.106
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 40.013 of the Florida Statutes.
IX. Additional Information:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to jury service; amending s. 40.013,
F.S.; requiring certain students actively enrolled in
specified schools to be excused from jury service upon
request; providing an effective date.

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

Section 1. Subsection (11) is added to section 40.013,
Florida Statutes, to read:

40.013 Persons disqualified or excused from jury service.—
(11) A person between 18 and 21 years of age, inclusive,
who is actively enrolled as a full-time student in high school
or at any state university, private postsecondary educational
institution, Florida College System institution, or career
center shall be excused from jury service upon request.

Section 2. This act shall take effect July 1, 2020.
## WDIS Vocational Enrollment for Ages 18-21

**2018-19; Surveys 21, 22, & 23**

*Unduplicated by District and Student

*Note: Districts not listed had zero students reported for WDIS vocational enrollment for ages 18-21 ** To protect student identities, cells with fewer than 10 students have been

<table>
<thead>
<tr>
<th>District #</th>
<th>District Name</th>
<th>Dual Enrolled</th>
<th>Not Dual Enrolled</th>
</tr>
</thead>
<tbody>
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<td>FLORIDA</td>
<td>2,719</td>
<td>11,721</td>
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<tr>
<td>02</td>
<td>BAKER</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
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<td>BAY</td>
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<tr>
<td>04</td>
<td>BRADFORD</td>
<td>**</td>
<td>40</td>
</tr>
<tr>
<td>05</td>
<td>BREVARD</td>
<td>**</td>
<td>13</td>
</tr>
<tr>
<td>06</td>
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<td>1,630</td>
</tr>
<tr>
<td>08</td>
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<td>52</td>
<td>134</td>
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<td>09</td>
<td>CITRUS</td>
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<td>10</td>
<td>CLAY</td>
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<tr>
<td>15</td>
<td>DIXIE</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>17</td>
<td>ESCAMBIA</td>
<td>**</td>
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<tr>
<td>18</td>
<td>FLAGLER</td>
<td>**</td>
<td>26</td>
</tr>
<tr>
<td>20</td>
<td>GADSDEN</td>
<td>**</td>
<td>13</td>
</tr>
<tr>
<td>26</td>
<td>HENDRY</td>
<td>**</td>
<td>27</td>
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<tr>
<td>27</td>
<td>HERNANDO</td>
<td>**</td>
<td>40</td>
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<tr>
<td>29</td>
<td>HILLSBOROUGH</td>
<td>200</td>
<td>945</td>
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<tr>
<td>31</td>
<td>INDIAN RIVER</td>
<td>10</td>
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</tr>
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<td>35</td>
<td>LAKE</td>
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<tr>
<td>36</td>
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<td>21</td>
<td>735</td>
</tr>
<tr>
<td>37</td>
<td>LEON</td>
<td>88</td>
<td>305</td>
</tr>
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<td>41</td>
<td>MANATEE</td>
<td>56</td>
<td>520</td>
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<tr>
<td>42</td>
<td>MARION</td>
<td>**</td>
<td>213</td>
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<td>45</td>
<td>NASSAU</td>
<td>**</td>
<td>**</td>
</tr>
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<td>46</td>
<td>OKALOOSA</td>
<td>**</td>
<td>145</td>
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<td>48</td>
<td>ORANGE</td>
<td>727</td>
<td>1,018</td>
</tr>
<tr>
<td>49</td>
<td>OSCEOLA</td>
<td>118</td>
<td>271</td>
</tr>
<tr>
<td>50</td>
<td>PALM BEACH</td>
<td>**</td>
<td>76</td>
</tr>
<tr>
<td>51</td>
<td>PASCO</td>
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<tr>
<td>52</td>
<td>PINELLAS</td>
<td>37</td>
<td>716</td>
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<tr>
<td>53</td>
<td>POLK</td>
<td>**</td>
<td>550</td>
</tr>
<tr>
<td>55</td>
<td>ST. JOHNS</td>
<td>18</td>
<td>227</td>
</tr>
<tr>
<td>57</td>
<td>SANTA ROSA</td>
<td>61</td>
<td>107</td>
</tr>
<tr>
<td>58</td>
<td>SARASOTA</td>
<td>168</td>
<td>403</td>
</tr>
<tr>
<td>60</td>
<td>SUMTER</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>61</td>
<td>SUWANNEE</td>
<td>17</td>
<td>103</td>
</tr>
</tbody>
</table>
WDIS Vocational Enrollment for Ages 18-21
2018-19; Surveys 21, 22, & 23
*Unduplicated by District and Student
*Note: Districts not listed had zero students reported for WDIS vocational enrollment for ages 18-21 ** To protect student identities, cells with fewer than 10 students have been

<table>
<thead>
<tr>
<th>District #</th>
<th>District Name</th>
<th>Dual Enrolled</th>
<th>Not Dual Enrolled</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>FLORIDA</td>
<td>2,719</td>
<td>11,721</td>
</tr>
<tr>
<td>62</td>
<td>TAYLOR</td>
<td>36</td>
<td>84</td>
</tr>
<tr>
<td>66</td>
<td>WALTON</td>
<td>11</td>
<td>91</td>
</tr>
<tr>
<td>67</td>
<td>WASHINGTON</td>
<td>32</td>
<td>195</td>
</tr>
</tbody>
</table>
Table 1 identifies the Florida College System (FCS) fall 2018 student headcount by age and enrollment status (full-time or part-time). Age is calculated based on the Integrated Postsecondary Education Data System (IPEDS) October 15th cutoff date. Enrollments include FCS students enrolled in a postsecondary credit- or clock-hour program. Note, students may change their full- or part-time enrollment status between terms within a single reporting year.

Table 1. Florida College System fall 2018 student headcount by age and enrollment status (full-time or part-time).

<table>
<thead>
<tr>
<th>Enrollment Status</th>
<th>Age</th>
<th>Total</th>
<th>Percent of Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under 18</td>
<td>13,338</td>
<td>9%</td>
</tr>
<tr>
<td></td>
<td>18-21</td>
<td>91,530</td>
<td>59%</td>
</tr>
<tr>
<td></td>
<td>22-24</td>
<td>16,620</td>
<td>11%</td>
</tr>
<tr>
<td></td>
<td>25-29</td>
<td>15,084</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>30-34</td>
<td>7,633</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>35-39</td>
<td>4,488</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>40-49</td>
<td>4,470</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>50-64</td>
<td>1,759</td>
<td>1%</td>
</tr>
<tr>
<td></td>
<td>65 Over</td>
<td>78</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Age Unknown</td>
<td>16</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>155,016</strong></td>
<td><strong>100%</strong></td>
</tr>
<tr>
<td></td>
<td>Under 18</td>
<td>36,000</td>
<td>13%</td>
</tr>
<tr>
<td></td>
<td>18-21</td>
<td>97,278</td>
<td>34%</td>
</tr>
<tr>
<td></td>
<td>22-24</td>
<td>44,958</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>25-29</td>
<td>41,401</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>30-34</td>
<td>22,611</td>
<td>8%</td>
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<td></td>
<td>35-39</td>
<td>14,656</td>
<td>5%</td>
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<tr>
<td></td>
<td>40-49</td>
<td>17,821</td>
<td>6%</td>
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<tr>
<td></td>
<td>50-64</td>
<td>9,134</td>
<td>3%</td>
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<tr>
<td></td>
<td>65 Over</td>
<td>983</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Age Unknown</td>
<td>17</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>284,859</strong></td>
<td><strong>100%</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td><strong>439,875</strong></td>
<td></td>
</tr>
</tbody>
</table>


Notes. Data are based on 2018-19 fall beginning-of-term enrollments consistent with Federal IPEDS EF2 submission. Full-time and part-time students having unknown gender are not included. Age is based on the IPEDS October 15th cutoff date.
I. Summary:

SB 774 creates an exemption from public records and public meetings requirements for any personal identifying information associated with applicants for president of a state university or Florida College System institution.

The bill specifies that the proposed exemption does not apply once a final group of at least three applicants is established.

The bill provides that the exemption is subject to the Open Government Sunshine Review Act, and so is repealed on October 2, 2025, unless saved from repeal by the Legislature.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business. The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.

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1 Art. I, s. 24(a), Fla. Const.
2 Id.
Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.3 Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.4 Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.5

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.6 The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.7

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.8 A violation of the Public Records Act may result in civil or criminal liability.9

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.10 The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.11
General exemptions from the public records requirements are contained in the Public Records Act.\textsuperscript{12} Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.\textsuperscript{13}

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.\textsuperscript{14} Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.\textsuperscript{15}

**Open Government Sunset Review Act**

The Open Government Sunset Review Act\textsuperscript{16} (the Act) prescribes a legislative review process for newly created or substantially amended\textsuperscript{17} public records or open meetings exemptions, with specified exceptions.\textsuperscript{18} It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.\textsuperscript{19}

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.\textsuperscript{20} An exemption serves an identifiable purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;\textsuperscript{21}
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;\textsuperscript{22} or

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\textsuperscript{12} See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

\textsuperscript{13} See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

\textsuperscript{14} See Williams v. City of Minneola, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

\textsuperscript{15} WFTV, Inc. v. The School Board of Seminole, 874 So. 2d 48 (Fla. 5th DCA 2004).

\textsuperscript{16} Section 119.15, F.S.

\textsuperscript{17} An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

\textsuperscript{18} Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

\textsuperscript{19} Section 119.15(3), F.S.

\textsuperscript{20} Section 119.15(6)(b), F.S.

\textsuperscript{21} Section 119.15(6)(b)1., F.S.

\textsuperscript{22} Section 119.15(6)(b)2., F.S.
• It protects information of a confidential nature concerning entities, such as trade or business secrets.  

The Act also requires specified questions to be considered during the review process. In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.

State University System and Florida College System Governance

The State University System (SUS) is composed of all public state universities. The Board of Governors of the SUS (BOG) is required to operate, regulate, control, and be fully responsible for the management of the whole university system. Each state university is governed by a local board of trustees (BOT).

The Florida College System (FCS) is composed of all public community and state colleges. The State Board of Education (SBE) supervises the FCS as provided in law. A local BOT governs each FCS institution.

State University and Florida College System Presidential Searches

Each state university BOT selects its university president, subject to confirmation of the candidate by the BOG and in accordance with BOG Regulation. To locate qualified applicants, a presidential search committee is appointed to make recommendations to the full university BOT.

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23 Section 119.15(6)(b)3., F.S.
24 Section 119.15(6)(a), F.S. The specified questions are:
   • What specific records or meetings are affected by the exemption?
   • Whom does the exemption uniquely affect, as opposed to the general public?
   • What is the identifiable public purpose or goal of the exemption?
   • Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
   • Is the record or meeting protected by another exemption?
   • Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?
25 See generally s. 119.15, F.S.
26 Section 119.15(7), F.S.
27 Art. IX, s. 7(b), Fla. Const. The State University System is made up of 12 state universities, specified in s. 1000.21(6), F.S.
28 Art. IX, s. 7(d), Fla. Const. See also ss. 20.155(4)(a), 1001.70(3), 1001.705(2), and 1001.706(2)(a), F.S.
29 Art. IX, s. 7(b), Fla. Const. See also s. 1001.71(1), F.S.
30 Art. IX, s. 8(b), Fla. Const. The Florida College System is made up of 28 community and state colleges specified in s. 1000.21(3), F.S.
31 Art. IX, s. 8(d), Fla. Const. See also s. 1001.02(1), F.S.
32 Art. IX, s. 8(b), Fla. Const. See also ss. 1001.60(3) and 1001.64(2), F.S.
33 Board of Governors (BOG) Regulation 1.001(5)(c)
BOG regulation specifies criteria to ensure that the search process is transparent, robust, and designed to attract highly qualified individuals. Criteria include the requirements that a search committee be familiar, or demonstrate its ability to become familiar, with Florida’s Sunshine laws, and that the search committee maintain a webpage that includes search committee notices, agendas, and meetings; applicant lists; and means to provide input; for purposes of transparency.

Each FCS institution BOT is authorized to appoint the president of the FCS institution. The BOT is authorized to appoint a search committee to assist in the process. Each BOT is required to notify the SBE of the appointment of presidents immediately upon such action.

Each state university and FCS institution, and any entities providing services to assist the search process, must comply with requirements regarding public records and public meetings.

III. Effect of Proposed Changes:

SB 774 creates s. 1004.098, F.S., to establish an exemption from public records and public meetings requirements for personal identifying information regarding a presidential search at a state university or Florida College System (FCS) institution.

The bill specifies that any personal identifying information of an applicant for president of a state university or FCS institution is confidential and exempt from public records requirements, and does not define any circumstance in which such information may be released.

The bill includes in the exemption any meeting held for the purpose of identifying or vetting applicants for president of a state university or FCS institution. This exemption does not apply to a meeting held for the purpose of establishing qualifications of potential applicants or any compensation framework to be offered to potential applicants. However, the bill specifies that any portion of such a meeting which would disclose personal identifying information of an applicant or potential applicant is exempt from public meeting requirements.

The bill specifies that the exemption from public meetings requirements does not apply to any meeting or interview held after a final group of at least three applicants has been established, which is conducted for the purpose of making a final selection to fill the position of president of a state university or FCS institution. In such cases, the names of three or more applicants who comprise a final group of applicants must be released by the state university or FCS institution no later than 21 days before the date of the meeting at which final action or voting is to occur on the employment of the applicants. There is currently no policy that specifies the timeframe for release of applicants’ names prior to a final decision.

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34 BOG Regulation 1.002(1).
35 BOG Regulation 1.002(1)(b)ii.
36 BOG Regulation 1.002(1)(c)i.
37 Section 1001.64(19), F.S.
38 Rule 6A-14.026, F.A.C.
39 FCS institutions and state universities are considered state agencies, subject to Sunshine laws. See Wood v. Marston, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida's Sunshine Law); Rheu v. District Bd. Of Trustees of Santa Fe College, 2013 WL 950544 at 3, n. 1 (Fla. 1st DCA 2013) (noting that Santa Fe College, as part of the Florida College System, is a state agency having a duty to provide access to public records).
In addition, the bill specifies that the exemption from public records requirements does not apply to any personal identifying information of the three or more applicants who comprise a final group of applicants that are announced at a public meeting. The bill requires that the identifying information be released when the applicant’s names are released.

The exemption from public records and public meetings established in the bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Pursuant to a requirement in the State Constitution, the bill establishes the public necessity justifying the exemption.40 The bill asserts that applicants for president who are currently employed could jeopardize their current positions if it were known that they were seeking employment elsewhere. Further, the bill specifies that an exemption is necessary to allow an institution search committee to have the most experienced and desirable pool of qualified applicants from which to fill the position of president.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for personal identifying information about applicants for the position of president at a state university or Florida College System (FCS) institution, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section two of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect personal identifying information of applicants for the

40 Art. I, s. 24(c), Fla. Const.
position of president of a state university or FCS institution. This bill exempts only personal identifying information of such individuals, and portions of meetings where such information is discussed, from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The First Amendment Foundation has opposed the exemption established in the bill as contrary to the public interest.\textsuperscript{41}

VIII. Statutes Affected:

This bill creates section 1004.098 of the Florida Statutes. This bill creates an unnumbered section of law.

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.
A bill to be entitled
An act relating to public records and meetings; creating s. 1004.098, F.S.; providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or Florida College System institution; providing an exemption from public meeting requirements for any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and for any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant; requiring release of the names of specified applicants within a certain timeframe; providing for future legislative review and repeal of the exemptions; requiring a statement of public necessity; providing an effective date.

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

Section 1. Section 1004.098, Florida Statutes, is created to read:

1004.098 Information identifying applicants for president at state universities and Florida College System institutions; public records exemption; public meeting exemption.—

(1) Any personal identifying information of an applicant for president of a state university or Florida College System institution is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) Any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This exemption does not apply to a meeting held for the purpose of establishing qualifications of potential applicants or any compensation framework to be offered to potential applicants. However, any portion of such a meeting which would disclose personal identifying information of an applicant or potential applicant is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) Any meeting or interview held after a final group of at least three applicants has been established which is conducted for the purpose of making a final selection to fill the position of president of a state university or Florida College System institution is subject to s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) The names of the three or more applicants who comprise a final group of applicants pursuant to subsection (3) must be released by the state university or Florida College System institution no later than 21 days before the date of the meeting at which final action or voting is to occur on the employment of the applicants.

(5) Any personal identifying information of the three or more applicants who comprise a final group of applicants is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
Section 2. The Legislature finds that it is a public necessity that any personal identifying information of an applicant for president of a state university or Florida College System institution be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The task of filling the position of president of a state university or Florida College System institution is often conducted by an executive search committee. Many, if not most, applicants for such a position are currently employed at another job at the time they apply, and their current positions could be jeopardized if it were to become known that they were seeking employment elsewhere. These exemptions from public records and public meeting requirements are needed to ensure that an executive search committee can avail itself of the most experienced and desirable pool of qualified applicants from which to fill the position of president of a state university or Florida College System institution. If potential applicants fear the possibility of losing their current jobs as a consequence of attempting to further their careers or simply seeking different and more rewarding employment, failure to have these safeguards in place could have a chilling effect on the number and quality of applicants available to fill the position of president of a state university or Florida College System institution.

Section 3. This act shall take effect upon becoming a law.
I. Summary:

SB 876 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Program (program) to be administered by the Department of Education (DOE). The program provides funds to participating HBCUs to provide student scholarships.

The bill requires the Legislature to appropriate $2 million for deposit into the Student Financial Assistance Trust Fund for the program. In addition, the bill requires that, by June 30, 2021, each participating HBCU must contribute $500,000 in matching funds.

Additionally, the bill requires:

- The DOE to allocate interest accumulated in the trust fund equally to each participating HBCU, which must award scholarships based on a student’s unmet financial need.
- The State Board of Education to adopt rules to administer the program.

The bill takes effect July 1, 2020.

II. Present Situation:

The Higher Education Act of 1965, as amended, defines a historically black college and universities (HBCUs) as a: “historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.”

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Nationally, there are 107 HBCUs located in 20 States, the District of Columbia, and the U.S. Virgin Islands, serving more than 300,000 undergraduate, graduate, and professional students.

There are four HBCUs located in Florida:

- **Florida Agricultural and Mechanical University** (FAMU), which is a public university founded in 1887 and located in Tallahassee. FAMU is regionally accredited by Southern Association of Colleges and Schools (SACSCOC). FAMU’s fall 2018 enrollment was 9,583 students. Tuition and fees are $8,377.

- **Bethune-Cookman University** (B-CU), which is a private university founded in 1904 and located in Daytona Beach. B-CU is regionally accredited by the SACSCOC. B-CU’s fall 2019 enrollment was 2,901. Tuition and fees are $14,814.

- **Edward Waters College** (EWC), which is a private college established in 1866 and located in Jacksonville. EWC is regionally accredited by the SACSCOC. EWC’s fall 2018 enrollment was 968 students. Tuition and fees are $12,525.

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2 The four Florida HBCUs qualify for the federal Strengthening HBCU Program, which provides grants to HBCUs to assist these institutions in establishing and strengthening their physical plants, academic resources and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity. 34 C.F.R. s. 608.2.


5 Florida Agricultural and Mechanical University, History of Florida Agricultural and Mechanical University (FAMU), http://www.famu.edu/index.cfm?AboutFAMU&History (last visited Jan. 18, 2020).

6 Florida Agricultural and Mechanical University, Florida A&M University Southern Association of Colleges and Schools Commission on Colleges (FAMU SACSCOC) Office, http://www.famu.edu/index.cfm?sacs (last visited Jan. 18, 2020). The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states that award associate, baccalaureate, master’s, or doctoral degrees, to include Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia. Southern Association of Colleges and Schools (SACS), SACSCOC Commission on Colleges, http://www.sacscoc.org/ (last visited Jan. 18, 2020).


10 Id.


12 Id.


• **Florida Memorial University** (FMU), which is a private university founded in 1879 and located in Miami Gardens.\(^{17}\) FMU is regionally accredited by the SACSCOC.\(^{18}\) FMU’s fall 2018 enrollment was 1,189.\(^{19}\) Tuition and fees are $16,236.\(^{20}\)

Research comparing undergraduate students at HBCUs compared to non-HBCU peers at four-year public, private, and nonprofit institutions indicates that: \(^{21}\)

- A higher percentage of students attending HBCUs use federal loans to finance college compared to their non-HBCU peers.
- HBCU graduates borrow substantially greater amounts of federal loans than their non-HBCU peers.
- The percentage of HBCU graduates who borrow large amounts ($40,000 or more) of federal loans to finance their degrees is four times that of non-HBCU graduates.

**III. Effect of Proposed Changes:**

SB 876 creates the Historically Black Colleges and Universities (HBCU) Matching Endowment Scholarship Program (program) to be administered by the Department of Education (DOE). The program provides funds to participating HBCUs to provide student scholarships.

The bill requires the Legislature to appropriate $2 million to be transferred to the State Student Financial Assistance Trust Fund\(^{22}\) (trust fund) for the program. The bill also requires:

- No later than June 30, 2021, an HBCU that intends to participate in the program to contribute $500,000 in matching funds to the DOE for deposit into the trust fund.
- All funds transferred to the trust fund be invested in accordance with the law.\(^{23}\) Appropriated and matching funds remain in the trust fund,\(^{24}\) and only the interest from such funds be used for scholarships for students at participating HBCUs.

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\(^{17}\) Florida Memorial University, *FMU History*, [https://www.fmuniv.edu/history/](https://www.fmuniv.edu/history/) (last visited Jan. 18, 2020).

\(^{18}\) Florida Memorial University, *About the Lion Legacy*, [https://www.fmuniv.edu/about/](https://www.fmuniv.edu/about/) (last visited Jan. 2020).


\(^{22}\) The State Student Financial Assistance Trust Fund is administered by the DOE. Funds are credited to the trust fund as provided in the General Appropriations Act (GAA) or similar legislation, to be used for the purposes specified in the GAA or legislation. The DOE is authorized to transfer into the trust fund general revenue, private donations for the purpose of matching state funds, and federal receipts for scholarships and grant programs. Any balance in the trust fund at the end of any fiscal year remains in the trust fund to carry out the purposes of the trust fund. Section 1010.73, F.S.

\(^{23}\) Chapter 215, F.S.

\(^{24}\) Current law requires that that the undischbursed release balance of any authorized appropriation, except an appropriation for fixed capital outlay, for any given fiscal year, which remains undisbursed on June 30 may be carried forward, but on September 30 must revert to the fund from which appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(b), F.S. The bill, in comparison, requires that such funds remain in the trust fund, which supersedes the reversion requirement. Section 216.351, F.S.
- The DOE to allocate the interest accumulated in the trust fund equally to each participating HBCU, which must award scholarships to enrolled students with unmet financial need.

The bill also requires the State Board of Education to adopt rules to administer the program.

The program appears to be consistent with a recent federal initiative. The White House Initiative on Historically Black Colleges and Universities (initiative) specifies that the initiative will work with federal agencies, private-sector employers, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to an increasing number of students.

The creation of the HBCU Matching Endowment Scholarship Program may provide additional financial aid for students enrolled at the HBCUs participating in the program, may help to increase enrollment in Florida HBCUs, and may assist with improving performance outcomes for such students.

The bill takes effect July 1, 2020.

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.

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26 Id. at 1.
B. Private Sector Impact:

SB 876 provides for scholarships for students to attend historically black colleges and universities (HBCU). Such scholarships may reduce student costs to attend such colleges. Each HBCU must contribute $500,000 in matching funds.

C. Government Sector Impact:

The bill requires the Legislature to appropriate $2 million to transfer into the State Student Financial Assistance Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.895 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled

An act relating to the Historically Black Colleges and Universities Matching Endowment Scholarship Program; creating s. 1009.895, F.S.; establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; providing the purpose of the program; providing for an appropriation; requiring a historically black college or university to provide a certain amount of matching funds by a specified date to participate in the program; requiring certain funds to remain in the trust fund; providing that the interest will be used to provide scholarships to certain students; providing for annual disbursement of the interest; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Section 1009.895, Florida Statutes, is created to read:

1009.895 Historically Black Colleges and Universities Matching Endowment Scholarship Program.—

(1) There is established the Historically Black Colleges and Universities Matching Endowment Scholarship Program to be administered by the Department of Education. The program shall provide funds to participating historically black colleges and universities in this state to provide scholarships to students enrolled at these schools.

(2) The Legislature shall appropriate $2 million to be transferred to the State Student Financial Assistance Trust Fund for the program. No later than June 30, 2021, each historically black college and university in this state which wishes to participate in the program shall provide $500,000 in matching funds to the department. The department shall deposit such matching funds into the trust fund. All funds transferred to the trust fund for the program shall be invested in accordance with the provisions of chapter 215. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, the appropriated funds and all matching funds shall remain in the trust fund and the interest from such funds shall be used for scholarships for students enrolled at participating colleges and universities.

(3) Annually, the interest accumulated in the trust fund for the program shall be equally allocated by the department to each participating college and university to award scholarships. Each participating college and university shall award scholarships to enrolled students with unmet financial need.

(4) The State Board of Education shall adopt rules necessary to administer this section.

Section 2. This act shall take effect July 1, 2020.
I. **Summary:**

SB 946 requires a moment of silence to be set aside for students during each school day. The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students’ participation.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. **Present Situation:**

District school boards may set aside up to two minutes for silent prayer or meditation at the start of each school day or each school week in the public schools in the district.¹

Fifteen states require a moment of silence or a period for contemplation or prayer during each school day. An additional eighteen states authorize the school district, school, or classroom to observe a period of silence or prayer during each school day.²

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¹ Section 1003.45, F.S., added in s. 1, ch. 80-336, L.O.F.
² AL s. 16-1-20; AZ s. 15-342; AK s. 6-10-115; CT s. 10-16a; DE 14 s. 4101a; FL s. 1003.45, F.S.; GA s. 20-2-1050; IL 105 s. 20/1; IN s. 20-30-5-4,5; KS s. 72-9929; KY s. 158.175; LA s. 17:2115; MD s. 7-104; MA 71 s. 1A; ME 20 s. 4805; MI s. 380.1565; MN s. 121A.10; MS s. 37-13.4; MT s. 20-7-112; NV s. 388.075; NH s. 189:1-b; NM s. 22-27-3; NY s. 3029-a; NC s 115C-47; ND s. 15.1-19-03.1; OH s. 3313.601; OK 70 s. 11-101.1; PA s. 15-1516.1; RI s. 16-12-3.1; SC s. 59-1-443; TN s. 49-6-1004; TX s. 25.082; UT s. 536-7-207; VA s. 22.1-203.
III. **Effect of Proposed Changes:**

SB 946 amends s. 1003.45, F.S., to require a moment of silence be set aside for students during each school day and state legislative findings for the value of a moment of daily reflection.

The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students’ participation.

The bill provides that a teacher:
- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

The bill takes effect July 1, 2020.

IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**
   None.

B. **Public Records/Open Meetings Issues:**
   None.

C. **Trust Funds Restrictions:**
   None.

D. **State Tax or Fee Increases:**
   None.

E. **Other Constitutional Issues:**
   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**
   None.

B. **Private Sector Impact:**
   None.
C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.45 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled An act relating to moments of silence in public schools; amending s. 1003.45, F.S.; providing legislative findings; requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; specifying the duration of the required moment of silence; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time; providing an effective date.

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

Section 1. Section 1003.45, Florida Statutes, is amended to read:

1003.45 Permitting study of the Bible and religion; requiring a moment of silence permitting brief meditation period. —

(1) The district school board may install in the public schools in the district a secular program of education including, but not limited to, an objective study of the Bible and of religion.

(2) The Legislature finds that in the hectic society of today, too few persons are able to experience even a moment of quiet reflection before plunging headlong into the activities of daily life. Young persons are particularly affected by the absence of an opportunity for a moment of quiet reflection. The Legislature finds that our youth, and society as a whole, would be well served if students in the public schools were afforded a moment of silence at the beginning of each school day.

(3) The principal of each public school shall require teachers in first-period classrooms in all grades to set aside at least 1 minute, but district school board may provide that a brief period, not more than 2 minutes, daily, for a moment the purpose of silence, during which students may not interfere with other students’ participation. A teacher may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence silent prayer or meditation be set aside at the start of each school day or each school week in the public schools in the district.

(4) Each such teacher shall encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

Section 2. This act shall take effect July 1, 2020.
I. Summary:

SB 1568 modifies Florida’s career and technical education program to improve and expand apprenticeship and preapprenticeship programs, provide supports for students in work-based learning programs, specify career education requirements for middle school promotion and high school graduation, modify the funding incentive for industry certifications, and provide relevant mathematics pathways. Specifically, the bill:

- Broadens the scope of apprenticeship and preapprenticeship programs (programs) to additional apprenticeship program sponsors (sponsors) and occupations, and:
  - Specifies that programs lead toward occupations, rather than trades.
  - Clarifies that sponsors are responsible for program supervision, subject to uniform minimum standards developed by the Department of Education (DOE).
  - Clarifies the duties of the DOE regarding apprenticeship and preapprenticeship programs.
  - Revises the membership and scope of the State Apprenticeship Advisory Council.
  - Changes the selection criteria and use of funds for the Florida Pathways to Career Opportunities Grant Program.
- Specifies that students in a preapprenticeship program or courses with a work-based component are deemed to be employees of the state for workers’ compensation purposes.
- Modifies provisions related to elementary and secondary career education to:
  - Make optional the middle school course in career and education planning.
  - Authorize school districts and regional consortia to work with national providers to submit career-themed courses for approval.
  - Modify the requirement for computer science instruction in elementary school, and expand the use of computer science teacher incentive funds.
- Changes provisions related to Career and Professional Education (CAPE) industry certifications to clarify Commissioner of Education authority, appropriate CAPE scholarships, and also modify the award and use of CAPE industry certification bonus funds.
- Requires the Articulation Coordinating Committee to identify mathematics pathways aligned to programs, meta-majors, and careers.
The fiscal impact is discussed in section V.

The bill takes effect on July 1, 2020.

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:

Apprenticeship and Preapprenticeship Programs

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.¹

Present Situation

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.² 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.³

Apprenticeships and Preapprenticeships in Florida

Florida continues to promote apprenticeships in occupations throughout industry that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, the residents of this state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.⁴

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:⁵

- 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 or recognized with a positive view towards changing technology.
- 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.

¹ Chapter 446, F.S.
² 29 C.F.R. ss. 29.1 and 29.13.
³ 29 C.F.R. s. 29.2.
⁴ Section 446.011(1), F.S.
⁵ Section 446.092, F.S.
• It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.
• It involves the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.
• It does not fall into any of the following categories: selling, retailing, or similar occupations in the distributive field; managerial occupations; professional and scientific vocations for which entrance requirements customarily require an academic degree.

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.6

The key components of a Florida registered apprenticeship program are as follows:7
• Registration of program standards of apprenticeship with the DOE for federal purposes.
• Employers are the foundation of every Florida-registered apprenticeship program.
• Apprentices receive on-the-job training (OJT) from an experienced journeyworker or mentor.
• Apprentices combine OJT learning with technical instruction at Florida College System (FCS) institutions, school district technical colleges, apprenticeship training schools, union training facilities, or at the employer’s facility and can be delivered in a classroom, on-line, correspondence, or any combination thereof.
• Apprentices receive increases in wages as their skill levels and knowledge increase.
• The successful completion of a registered apprenticeship program results in a nationally recognized credential issued by the FDOE, which confirms for potential future employers that the apprentice is fully qualified for the job; and
• Apprentices who complete a Florida-registered apprenticeship program may be accepted by their respective industry as a journey worker.

Apprenticeship Program Sponsors

Registered apprenticeship program sponsors (sponsors) are responsible for the administration of all aspects of a registered apprenticeship program.8 Sponsors must be approved by the DOE, based upon a determination of need, if the sponsor meets all of the standards established by the DOE.9 The term “need” refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it is presumed that there is need for apprenticeship and preapprenticeship training in each county in this state. A local sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.10

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7 Id.
8 Id.
9 Section 446.071(1), F.S.
10 Section 446.071(2), F.S.
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. An apprentice agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards.

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

The sponsor operates and registers an agreed-upon apprenticeship program. 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.

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 institution. 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.

According to the DOE, there are currently 230 registered apprenticeship programs, and 12,765 registered apprentices.

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

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11 Section 446.021(2), F.S.
13 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.
14 Section 446.051(2), F.S.
15 Section 1009.25(1)(b), F.S.
16 Rule 65A-23.002(21), F.A.C.
17 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.
18 Section 446.051(1), F.S.
19 Section 446.051(2), F.S.
20 Email, Florida Department of Education (Jan. 23, 2020).
with the DOE. The program’s purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program. The program must be registered with the DOE and sponsored by a registered apprenticeship program. According to the DOE, there are currently 22 registered preapprenticeship programs, and 1,077 registered preapprentices.

The DOE is authorized to administer the law 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.

Department of Education Responsibilities

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

- Developing and encouraging apprenticeship programs.
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation, 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.
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE establishes uniform minimum standards and policies governing apprenticeship programs and agreements. 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, related instruction, and

21 Section 446.021(1), F.S.
22 Rule 6A-23.010(1), F.A.C.
23 Section 446.021(5), F.S.
24 Email, Florida Department of Education (Jan. 23, 2020).
25 Sections 446.011 to 446.092, F.S.
26 Section 446.052(2), F.S.
27 Section 446.041, F.S.
28 Apprenticeship programs may be in both non-union and union workplaces; sponsors may include employers, labor organizations, and joint labor-management organizations. United States Department of Labor, Frequently Asked Questions, "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program. Section 446.021(8), F.S.
30 Section 446.032(1), F.S.
on-the-job training. The DOE is also required to publish an annual report on apprenticeship and preapprenticeship programs, which must include:\(^{31}\)

- 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.
- 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.\(^{32}\) 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.\(^{33}\) The state director of the United States Department of Labor (USDOL) also serves ex officio as a nonvoting member of the council. The council is comprised of 10 voting members appointed by the Governor.\(^{34}\) 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.\(^{35}\)

**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.\(^{36}\)

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019\(^{37}\) 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.\(^{38}\)

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\(^{31}\) Section 446.032(2), F.S.

\(^{32}\) Section 446.045(2)(a), F.S.

\(^{33}\) Section 446.045(2)(b), F.S.

\(^{34}\) Id.

\(^{35}\) Section 446.045(2)(c), F.S.

\(^{36}\) Florida Office of the Governor, Executive Order 19-31, at 3.

\(^{37}\) Section 33, ch. 2019-119, L.O.F.

\(^{38}\) Section 1011.802, F.S.
The 2019 Legislature appropriated $10 million for the grant program.\textsuperscript{39} As of January 17, 2020, $7,222,392 has been awarded for 36 projects, including 12 new apprenticeship programs, 14 expansions of apprentices programs, 7 new preapprenticeship programs, and 3 expansions of preapprenticeship programs.\textsuperscript{40}

**Effect of Proposed Changes**

The bill make a number of changes that clarify apprenticeship and preapprenticeship program requirements and broaden the scope of such programs to occupations, not just trades. The bill also clarifies that standards are uniform minimum standards, which aligns with current practice.\textsuperscript{41} Finally, the bill removes outdated language related to job trainees, on-the-job training, and limitations to local sponsors, rather than statewide, regional, or national sponsors.

**Apprenticeships and Preapprenticeships in Florida**

The bill modifies s. 446.011, F.S., to broaden the scope of apprenticeship programs to remove the requirement that such programs be in occupations throughout industry that require physical manipulation skills. The change broadens the scope of programs to those occupations, such as information technology or healthcare, that do not rely on physical manipulation skills. Related to this change, the bill modifies s. 446.092, F.S., to remove from the description of an apprenticeship occupation that it is in a skilled trade.

The bill connects on-the-job training to academic related experiences, but removes the qualifier that these are classroom experiences. Related technical instruction is often conducted through online or correspondence courses. The bill also clarifies that the instruction includes both the related technical instruction and supplemental instruction, consistent with current practice.

**Apprenticeship Program Sponsors**

Consistent with the emphasis in the bill to broaden the scope of apprenticeship programs to more types of occupations, rather than be limited to the trades, the bill modifies s. 446.071, F.S. to expand the number of entities that may serve as a sponsor. The bill specifies that a sponsor may also be an educational institution, a local workforce board, a community or faith-based organization, an association, or any entity preapproved by the DOE.

**Apprenticeship Programs**

The bill modifies s. 446.021, F.S., to change a number of definitions to clarify intent and align with USDOL definitions for apprenticeship and preapprenticeship programs. The bill also modifies s. 446.051, F.S., to clarify that:

- The administration and supervision of DOE-approved programs is the responsibility of the apprenticeship or preapprenticeship sponsor, rather than the career education center.
- District school boards and FCS institutions are not obligated to cooperate with apprenticeship or preapprenticeship sponsors for the provision of programs.

\textsuperscript{39} Specific Appropriation 125A, ch. 2019-115, L.O.F.
\textsuperscript{40} Email, Florida Department of Education (Jan. 23, 2020).
\textsuperscript{41} Apprenticeship Standards” means the minimum requirements established uniformly for each craft under which an apprenticeship program is administered and includes standards of admission, training goals, training objectives, curriculum outlines, and objective standards to measure successful completion of the apprenticeship program. Rule 6A-23.002(5), F.A.C.
The bill also removes the definition in s. 446.021, F.S., and repeals s. 446.091, F.S., relating to on-the-job training. The term is outdated in relation to responsibilities of the DOE over apprenticeship and preapprenticeship programs.

Preapprenticeship Programs

The bill modifies s. 446.052, F.S., to encourage, but not require, district school boards and FCS institutions to cooperate and develop preapprenticeship programs. The bill also provides flexibility and preapprenticeship program sponsor discretion in the development of programs by clarifying that such programs include career education, but need not include general education courses required for a high school diploma.

Department of Education Responsibilities

The bill modifies s. 446.032, F.S., to make a number of technical changes relating to the general duties of the DOE for apprenticeships. The bill also modifies the timeframe for completers in the local education agency apprenticeship expenditure report submitted to the DOE. The intent of the metric is to track completers, but because program length varies widely among sponsors, it is not appropriate to track the time to completion. In addition, the report must include information about potential apprenticeship programs, rather than applications.

The bill also modifies s. 446.041, F.S., to recognize the requirement of the sponsor, not the DOE to develop and supervise programs. The bill also clarifies that the DOE does not administer the uniform standards, but has responsibility to review and evaluate the program standards. The bill also requires the DOE to register apprenticeship and preapprenticeship programs, regardless of affiliation, which includes a wide range of sponsors, both union and non-union. Finally, the bill removes the requirement to reach out to veterans about career education. Such outreach is beyond the scope of duties related to apprenticeship programs.

State Apprenticeship Advisory Council

The bill modifies s. 446.045, F.S. to change the scope, membership, and meetings of the State Apprenticeship Advisory Council (council). Specifically, the bill:

- Specifies that the council’s purpose is to advise the DOE on matters related to both apprenticeships and preapprenticeships.
- Changes membership from the state director of the of the Office of Apprenticeship (office) in the USDOL to a representative of the office. This is consistent with the current organizational structure of USDOL representation; there are currently regional, not state directors.
- Authorizes the council chair’s designee to call a meeting, and authorizes a voting majority of the council membership to request a meeting.

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Section 446.071, F.S., authorizes the DOE to grant a variance from the standards upon a showing of good cause for the variance by program sponsors in nonconstruction trades. This authorization recognizes the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the DOE to adapt the standards to the needs of the programs.
Florida Pathways to Career Opportunities Grant Program

The bill modifies s. 1011.802, F.S., to change the selection criteria and use of funds for the Florida Pathways to Career Opportunities Grant Program (grant program). The bill:

- Removes the competitive basis for grants and requires the DOE to establish grant program selection criteria.
- Authorizes grant recipients to use grant program funds for instructional costs, but prohibits recipients from using funds for administrative costs.
- Authorizes the DOE to use up to $200,000 of the total allocation to administer the grant program.

Such changes provides the DOE with more support and flexibility to administer the program, and clarifies the intent of the use of grant program funds.

Work-based Learning

Present Situation

Federal legislation defines work-based learning (WBL) as “sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.” Learning set in the real-world context of work not only makes academic learning more accessible to many students but also increases their engagement in schooling. WBL can play a crucial role in improving outcomes for at-risk students by increasing their engagement in learning, whether in or out of school.44

WBL takes many forms, such as internships, job shadowing, service learning or preapprenticeships, and is defined by activities and experiences that occur when a student or worker:45

- Goes to a workplace or works with an employer.
- Does meaningful job tasks that develop his or her skills, knowledge, and readiness for work and support entry or advancement in a particular career field.

WBL is comprised of identified courses that involve on-the-job training which is an instructional method whereby students acquire knowledge and skills exclusively on-site with a business or industry partner instead of a traditional classroom setting. WBL may also be delivered through utilization of the cooperative method of instruction which is delivered through formal classroom instruction and on-the-job learning, on-site, with a business or industry partner.46

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43 Perkins V (The Strengthening Career and Technical Education for the 21st Century Act) and other federal legislation reference and support work-based learning, including in the Every Student Succeeds Act of 2015 (ESSA), and the Workforce Innovation and Opportunity Act of 2014 (WIOA).
44 Email, Florida Department of Education (Jan. 23, 2020).
46 Email, Florida Department of Education (Jan. 23, 2020).
Recent research, policy literature, and federal legislation suggest that comprehensive WBL programs contain three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.47

In 2018-2019, there were 19,992 students enrolled in secondary on-the-job training, preapprenticeship, work experience, and other WBL courses.48

Workers’ Compensation
Workers’ compensation is a form of insurance designed to provide wage replacement and medical benefits for employees who are injured in the course of employment, in exchange for giving up the right to sue the employer for negligence. In Florida, workers’ compensation is governed by ch. 440, F.S., the “Workers’ Compensation Law.” The law prescribes coverage requirements, medical and indemnity benefits, the rights and responsibilities of employers, injured employees, medical providers, and carriers, as well as procedures for dispute resolution.

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.49 For such injuries, an employer is responsible for providing medical treatment,50 and compensation in the event of employee disability51 or death.52 Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.53

State Risk Management Program
The Division of Risk Management (DRM)54 located within the DFS is responsible for ensuring that state agencies and universities participating in the state’s self-insurance program receive quality coverage for workers’ compensation, general liability, federal civil rights, auto liability, and property insurance at reasonable rates. The DRM’s operations and the state’s insurance coverage are funded by annual agency assessments, which are deposited into the State Risk Management Trust Fund (SRMTF). The SRMTF provides coverage that protects state property and workforce members that are exposed to the risk of financial losses through damage, injuries, and alleged negligent or improper acts.55

Effect of Proposed Changes
The bill creates s. 446.541, F.S. to provide a definition of “work-based learning” as interactions with industry or community professionals in off-campus workplaces which foster in-depth,

48 Email, Florida Department of Education (Jan. 23, 2020).
49 Section 440.09(1), F.S.
50 Section 440.13, F.S.
51 Section 440.15, F.S.
52 Section 440.16, F.S.
54 Section 20.121(2)(h), F.S.
firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction. The bill encourages school districts to place students in paid work experiences for purposes of educational training and WBL.

The bill provides that:
- Individuals enrolled in a specified preapprenticeship program are deemed to be employees of the state for purposes of workers’ compensation coverage.
- Any students in grades 6 through 12 who are enrolled in a course identified in the Course Code Directory which may contain a work-based learning component or an activity that is unpaid are deemed to be employees of the state for purposes of workers’ compensation coverage.

Unpaid participants would be covered only for medical costs incurred, but participants in paid programs could be covered for both indemnity and medical benefits.\textsuperscript{56} The designation of preapprenticeship and WBL program students as employees of the state for the purposes of workers’ compensation may increase the financial liability of the state, but may encourage more employers, who otherwise would not participate due to concerns about assuming liability for a minor, to partner with school districts to sponsor such programs. The provisions in the bill may allow more students under 18 to participate in work-based learning opportunities.

**Elementary and Secondary Career Education**

**Present Situation**

**Middle Grades Promotion**

Florida law specifies the general requirements for middle grades promotion.\textsuperscript{57} In 2006, the Legislature revised middle grades promotion requirements to include a course in career exploration and planning.\textsuperscript{58} The course must be completed in grades 6, 7, or 8 and can be delivered as a stand-alone course or integrated into another course and be taught by any member of the instructional staff. The course must:\textsuperscript{59}
- Be internet-based and include research-based assessments to assist students in determining educational and career options and goals.
- Result in a completed personalized academic and career plan, to inform students of requirements related to standardized assessments, high school graduation and diploma designations, college entrance tests and admissions, and the Florida Bright Futures Scholarship Program, as well as opportunities to earn college credit in high school through academic and career-based options.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the Department of Economic Opportunity’s economic security report identified in law.\textsuperscript{60}

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\textsuperscript{56} Florida Department of Financial Services, *2020 Legislative Bill Analysis* (Jan. 22, 2020).
\textsuperscript{57} Section 1003.4156(1), F.S.
\textsuperscript{58} Section 21, ch. 2006-74, L.O.F.
\textsuperscript{59} Section 1003.4156(1)(e), F.S.
\textsuperscript{60} Section 445.07, F.S.
High School Graduation Requirements – Career-themed Courses

One of the options for a student to earn a standard high school diploma is to successfully complete 24 credits specified in law. The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including approved work-related internship.

The DOE is required to develop, for approval by the State Board of Education (SBE), additional career education courses or a series of courses that meet requirements for a career and professional academy and career-themed course, and allow students to earn credit in both the career education course and a course required for high school graduation. In addition:

- Each school district should take the initiative to work with local workforce boards, local business and industry leaders, and postsecondary institutions to establish partnerships for the purpose of creating career education courses or a series of courses to meet specified career education course requirements that students can take to earn high school course credits.
- Regional consortium service organizations must work with school districts, local workforce boards, postsecondary institutions, and local business and industry leaders to create career education courses that meet specified career education course requirements and that students can take to earn high school course credits.

Career-themed courses are identified and reported to the DOE by school districts. Currently, there are identified 1,111 career-themed course identified by 64 school districts.

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61 Section 1003.4282(1)(a), F.S.
62 Career education courses at the elementary, middle, and high school levels are exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. At the secondary level, such courses are for job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training. Section 1003.01(4), F.S.
63 Section 1003.4282(1)(b), F.S.
64 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 must be offered by public schools and school districts. A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. School districts must offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Section 1003.493(1), F.S. The requirements for a career and professional academy and career-themed course are listed in section 1003.493(4), F.S. All career courses offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or college credit. Section 1003.493(5), F.S.
65 Section 1003.4282(8), F.S.
66 Section 1003.4282(8)(b)-(c), F.S.
67 School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization to provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability. Section 1001.451, F.S.
68 Email, Florida Department of Education (Jan. 23. 2020).
Computer Science Instruction

Florida law defines computer science as the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society, and includes computer coding and computer programming.\(^{69}\)

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.\(^{70}\) Such opportunities may include coding instruction in elementary school and middle school and instruction to develop students’ computer usage and digital literacy skills in middle school, and must include courses in computer science in middle school and high school, including earning related industry certifications.\(^{71}\)

Computer science courses must be identified in the Course Code Directory and published on the DOE website.\(^{72}\) There are currently 66 secondary computer science courses identified on the DOE website.\(^{73}\)

A school district or a consortium of school districts may apply to the DOE for funding for:\(^{74}\)
- Training for classroom teachers to earn an educator certificate in computer science.
- Training that leads to an industry certification associated with a course identified in the Course Code Directory.
- Professional development for classroom teachers to provide instruction in computer science courses and content.

The DOE must establish a deadline for submitting applications. The DOE must award funding to school districts in a manner that allows for an equitable distribution of funding statewide based on student population.\(^{75}\)

Such funding shall only be used to provide training for classroom teachers, or to pay fees for examinations that lead to a credential, or to provide professional development.\(^{76}\)

Effect of Proposed Changes

Middle Grades Promotion

The bill modifies s. 1003.4156, F.S., to encourage students to complete one course in career and education planning in middle school, but makes the course optional. In addition, the bill makes

\(^{69}\) Section 1007.2616(1), F.S.
\(^{70}\) Section 1007.2616(2)(a), F.S.
\(^{71}\) Id.
\(^{72}\) Section 1007.2616(2)(b), F.S.
\(^{74}\) Section 1007.2616(4), F.S. The 2019 Legislature appropriated $10,000,000 for computer science certification and teacher bonuses. Specific Appropriation 108, ch. 2019-115, L.O.F. As of Jan. 17, 2020, approximately $7.1 million has been requested by school districts. Email, Florida Department of Education (Jan. 23, 2020).
\(^{75}\) Section 1007.2616(4)(b), F.S.
\(^{76}\) Section 1007.2616(4), F.S.
the course content optional. School districts may choose whether to offer the course and will have discretion over course topics.

**High School Graduation Requirements – Career-themed Courses**

The bill modifies s. 1003.4282, F.S., to authorize school districts or regional consortia to work with national providers to submit recommended career-themed courses to the DOE for SBE approval. The bill requires that recommended courses must meet the requirements for career and professional academies and career-themed courses that students can take and earn required high school course credits.

**Computer Science Courses**

The bill modifies s. 1007.2616, F.S., to specify that opportunities for learning computer science in elementary school must include computational thinking and foundational computer science skills.

The bill also modifies the use of funds that may be used by school districts or a consortium of school districts to assist teachers to earn educator certification in computer science, industry certifications in computer science, and for teacher professional development. The bill also authorizes that funds may be used for the purchase of technology, including hardware and software, directly related to computer science instruction and specifies that the DOE must award funding based on criteria developed by the DOE, rather than through a required competitive process.

**Career and Professional Education Industry Certifications**

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.77

**Present Situation**

In 2007, the Legislature passed the Career and Professional Education (CAPE) Act,78 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.79

An industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized.80 Industry certifications that generate bonus funds for school districts are included on the CAPE Industry

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77 Section 1004.92(1), F.S.
78 Chapter 2007-216, L.O.F.
79 Section 1003.491, F.S.
80 Rule 6A-6.0573(2)(e), F.A.C.
Certification Funding List,\textsuperscript{81} which also contains the industry certifications on the career pathways list approved for the Florida Gold Seal Vocational Scholars award.\textsuperscript{82}

The CAPE Act provides multiple options for students to attain digital skills through digital tools and industry certifications.\textsuperscript{83} Digital tools are certificates reflecting core computer skills. The DOE is required to annually identify, and the commissioner may recommend, up to 15 CAPE Digital Tool certificates for inclusion on a CAPE Industry Certification Funding List.\textsuperscript{84}

The commissioner may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades based on formal recommendations by providers of CAPE industry certifications and CAPE Digital Tool certificates.\textsuperscript{85}

School districts are eligible for bonus funds for student completion of specified career courses and certifications. In addition to full-time equivalent (FTE) bonus funding for CAPE Digital Tool Certificates, CAPE Innovation courses,\textsuperscript{86} and CAPE Acceleration certifications,\textsuperscript{87} the district may receive:

- A value of 0.1 or 0.2 FTE student membership\textsuperscript{88} for each student who completes a career-themed course\textsuperscript{89} or courses with embedded CAPE industry certifications and who earns a CAPE industry certification.
- A value of 0.2 FTE for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the SBE.
- A value of 0.1 FTE for each student who is issued a CAPE industry certifications that does not articulate for college credit.

Each district must allocate at least 80 percent of the bonus funds provided for CAPE industry certification to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.\textsuperscript{90}

\textsuperscript{81}The “CAPE Industry Certification Funding List” means a list of industry certifications, certificates, and courses adopted by the State Board of Education for implementation of the Florida CAPE Act. Rule 6A-6.0573(2)(b), F.A.C.
\textsuperscript{82}Section 1008.44(1)(a), F.S. See also s. 1009.536, F.S., for the requirements of a Florida Gold Seal Vocational Scholars award.
\textsuperscript{83}Section 1003.4203, F.S.
\textsuperscript{85}Section 1008.44(4)(b), F.S.
\textsuperscript{86}CAPE Innovation courses are up to five courses annually approved by the commissioner that combine academic and career content, and performance outcome expectations that, if achieved by a student, shall articulate for college credit and be eligible for additional full-time equivalent membership. Section 1003.4203(5)(a), F.S.
\textsuperscript{87}CAPE Acceleration are industry certifications, annually approved by the commissioner, that articulate for 15 or more college credit hours and, if successfully completed, are eligible for additional FTE bonus funds. Section 1003.4203(5)(b), F.S.
\textsuperscript{88}A 0.1 FTE bonus would equal $427.95, and a 0.2 FTE bonus would equal $855.90; based on the base student allocation of $4,279.49 in the Florida Education Finance Program, identified in Specific Appropriation 93 of the 2019 General Appropriations Act.
\textsuperscript{89}A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.
\textsuperscript{90}Section 1011.62(1)(o)2., F.S.
In 2018-2019, the estimated value of the FTE bonus for career-themed courses and industry certifications in all school districts was approximately $77.4 million.\footnote{Email, Florida Department of Education (Jan. 23, 2020).}

**Effect of Proposed Changes**

The bill modifies s. 1008.44, F.S., to provide greater authority to the commissioner to limit CAPE industry certifications and digital tools to certain grades. The bill specifies that such limits are for the purposes of calculating additional FTE membership for the industry certification bonus funding, not based on recommendations by CAPE providers.

The bill modifies the FTE bonus funding in s. 1011.62, F.S., for CAPE industry certifications with an articulation agreement for college credit. The bill awards a higher bonus to rigorous CAPE industry certifications that articulate for more college credit, and specifies that:

- A value of 0.2 FTE is calculated for a CAPE industry certification that has an articulation agreement of 4 to 14 college credits.
- A value of 0.2 FTE is calculated for a CAPE industry certification that has an articulation agreement of 1 to 3 college credits and is deemed by the department to be of sufficient rigor and to be linked to a high-skill occupation.
- A value of 0.1 FTE is calculated for all other CAPE industry certifications with an articulation agreement of 1 to 3 college credits.

According to information published on the DOE website, there are 115 industry certification articulation agreements that generate from 1 to 3 credits, and 25 articulation agreements that generate from 4 to 14 college credits.\footnote{Florida Department of Education, *Quick Reference Guide for Active Gold Standard Career Pathways Articulation Agreements* (May 2019), available at http://www.fldoe.org/core/fileparse.php/7525/urlt/active-articulation-summary.xls.} There are, however, four articulation agreements that generate 15 or more college credits;\footnote{Those agreements are: MSSC Certified Production Technician (CPT) (15 credits); FAA Aviation Mechanic Technician – Airframe and FAA Aviation Maintenance Technician – Powerplant (24 credits); FAA Aviation Maintenance Technician – Powerplant (24 credits); and FAA Aviation Mechanic Technician – Airframe (36 credits). Id.} it is not clear the funding levels for those agreements.

This modification will provide a lower bonus (0.1 from 0.2 FTE) for those CAPE industry certifications that generate from 1 to 3 colleges credits in an articulation agreement, but have not been identified by the DOE as rigorous or linked to a high-skill occupation.

The bill also specifies that the 20 percent of bonus funds that are not required to be allocated to the program that generated the bonus may be used for other CAPE program expenses, such as administrative costs and new industry certification programs. All such funds must be used for CAPE programs, and may not be used to supplant operations funds, such as teacher salaries and other costs that are funded with non-CAPE funds for other courses.

The bill also changes a reference from the Florida Gold Seal Vocational Scholars award to the Florida Gold Seal CAPE Scholars award for the identification of CAPE industry certifications on the career pathways list. This corrects the reference to the appropriate Bright Futures Scholarship Program award. The Florida Gold Seal Vocational Scholars award does not require completion of CAPE industry certifications. The Florida Gold Seal CAPE Scholars award requires a student...
to earn a minimum of five postsecondary credit hours through approved CAPE industry certifications approved which articulate for college credit.\textsuperscript{94}

**Mathematics Pathways**

*Present Situation*

**Statewide Articulation Agreement**

The SBE and the Board of Governors of the State University System (BOG) are required to enter into a statewide articulation agreement. The agreement must preserve Florida’s “2+2” system of articulation and facilitate the seamless articulation of student credit across and among Florida’s educational entities.\textsuperscript{95} The agreement requires state university BOT, FCS BOT, and district school boards to adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.\textsuperscript{96}

**Academic Pathways**

The SBE, in consultation with the BOG, is required to approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major.\textsuperscript{97} The purpose of meta-major academic pathways is to advise FCS system associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals. The meta-major academic pathways are established in the following areas:\textsuperscript{98}

- Arts, humanities, communication and design.
- Business.
- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.

In 2018, the Florida Student Success Center\textsuperscript{99} established three workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education systems. The charge to the workgroups was to explore complex issues surrounding mathematics pathways to prepare high school students for transition into FCS institutions, and FCS institution students for transition into four-year universities. More than 90 mathematics faculty, administrators and key stakeholders from Florida's K-12 system, the FCS, and the State University System served as members of the workgroups in 2018-19. Among the 12 recommendations, the workgroups recommended

\textsuperscript{94} Section 1009.536(2), F.S.  
\textsuperscript{95} Section 1007.23(1), F.S.  
\textsuperscript{96} Rule 6A-10.024(1), F.A.C.  
\textsuperscript{97} Section 1008.30(4), F.S.  
\textsuperscript{98} Rule 6A-14.065, F.A.C.  
\textsuperscript{99} The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, Florida Student Success Center, [https://www.floridacollegesystem.com/student_success_center.aspx](https://www.floridacollegesystem.com/student_success_center.aspx) (last visited Jan. 23, 2020).
creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.\textsuperscript{100}

**Effect of Proposed Changes**

The bill modifies s. 1007.23, F.S., to require the statewide articulation agreement to specify three mathematics pathways, which are aligned to programs, meta-majors, and careers, on which degree-seeking students must be placed. The bill specifies the purpose of the pathways is to facilitate seamless transfer, reduce excess credit hours, and ensure that students are taking the relevant courses needed for their future careers. To accomplish the identification of the mathematics pathways, the bill requires, by September 31, 2020, the Articulation Coordinating Committee (ACC)\textsuperscript{101} to convene a representative workgroup composed of academic affairs administrators and faculty from state universities and FCS institutions to identify the three pathways. The workgroup must report its recommendations to the ACC, BOG, and the SBE by March 31, 2021. The ACC must approve the mathematics pathways by May 31, 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.


\textsuperscript{101} The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education, in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies and issues. The ACC consists 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 Office of K-20 Articulation in the DOE provides administrative support for the ACC. Section 1007.01(3), F.S.
V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

School districts that pay workers’ compensation expenses for participants in work-based learning programs would likely see a reduction in workers’ compensation costs. The reduction in workers’ compensation costs is not known.\(^{102}\)

The changes to the award of CAPE industry certification bonus funds may affect the amount a school district annually receives, depending on the industry certifications completed by students in the district.

C. **Government Sector Impact:**

The Division of Risk Management (DRM) would incur additional claims costs for covering participants in preapprenticeship and work-based learning programs.\(^{103}\)

According to the Department of Education, approximately 885 students were enrolled in preapprenticeship programs, and approximately 30,000 students were enrolled in a course which may contain a work-based learning component or an activity that is unpaid. The fiscal analysis assumes all such participants could potentially be involved in programs with a work-based learning component.

Using a 2 percent annual claim rate seen in similar programs, and assuming most of the estimated 30,885 participants were working on a part-time basis, a total of 15,443 FTE participants could be added to the count for workers’ compensation coverage, with an additional 309 new claims per year, comprised of 25 lost-time claims and 284 medical-only claims. Such an increase in the number of claims would require a minimum of one (1) additional FTE in order to handle the increased workload. The estimated recurring cost of this FTE is $59,700.

Based on statistics for other programs, the DRM has paid an average of $3,176 per year, per claim, for medical, legal, and expense costs. For 309 new claims each year, the DRM estimates annual medical claim costs, legal costs and expenses of approximately $981,498 would be paid. In addition, some participants could be eligible for indemnity benefits. Based upon the DRM’s aggregate claim data, approximately eight percent of claims receive indemnity benefits. Assuming all participants are paid and eligible for indemnity benefits, roughly 25 of the anticipated annual claims will result in indemnity payments, though injury severity will affect the duration of indemnity payments. The DRM estimates $480,000 in indemnity payments will arise each year for the life of the claims.


\(^{103}\) *Id.*
Depending on the number and severity of future claims, the increase in workers’ compensation loss payments and operational costs to the Risk Management Trust Fund could result in a long-term need for additional premium to be charged to the state agencies to cover these losses.

VI. Technical Deficiencies:

Sections 446.041, 446.051, and 446.052, F.S., in the bill remove the description of apprenticeship and preapprenticeships programs as “registered” programs. Programs must still be registered with the Department of Education, and so the term should be reinstated.

Section 1007.2616(4), F.S., authorizes a school district or consortium of districts to apply for funds to assist teachers in earning an educator certificate in computer science, a computer science industry certification, or for professional development. The bill expands the use of funds to authorize the purchase of technology, including hardware and software, directly related to computer science instruction. However, the bill does not modify the requirement in that subsection that requires such funding to be used only to provide training for classroom teachers, or to pay fees for examinations that lead to a credential, or to provide professional development.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.032, 446.041, 446.045, 446.051, 446.052, 446.071, 446.081, 446.092, 1003.4156, 1003.4282, 1007.23, 1007.2616, 1008.44, 1011.62, and 1011.802.

This bill creates section 446.541 of the Florida Statutes.

This bill repeals section 446.091 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 Hutson

A bill to be entitled
An act relating to education; creating s. 446.541, F.S.; providing legislative intent; defining terms; providing that individuals enrolled in certain preapprenticeship programs are deemed to be employees of the state for purposes of workers’ compensation coverage; amending s. 446.011, F.S.; revising legislative intent related to apprenticeship training; amending s. 446.021, F.S.; defining and redefining terms; amending s. 446.032, F.S.; providing for the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; amending s. 446.041, F.S.; requiring the department to review and evaluate uniform minimum standards for apprenticeship programs; amending s. 446.045, F.S.; requiring that a representative of the Office of Apprenticeship of the United States Department of Labor serve ex officio as a nonvoting member of the State Apprenticeship Advisory Council; requiring the council to meet at the call of the chair or the chair’s designee; amending s. 446.051, F.S.; requiring the apprenticeship or preapprenticeship program sponsors to be responsible for the selection and training of instructors, as approved by the department; amending s. 446.052, F.S.; providing that apprenticeship program sponsors are encouraged to cooperate in developing and establishing registered preapprenticeship programs that include career instruction; amending s. 446.071, F.S.; providing that certain organizations may be apprenticeship sponsors; amending s. 446.081, F.S.; revising the applicability of a certain limitation; repealing s. 446.091, F.S., relating to an on-the-job training program; amending s. 446.092, F.S.; revising criteria for apprenticeship occupations; amending s. 1003.4156, F.S.; providing that students are encouraged to complete one course in career and educational planning for promotion to high school from middle school; amending s. 1003.4282, F.S.; authorizing school districts and regional consortia to work with national providers to submit to the department for approval recommended career-themed courses that satisfy high school credit requirements; amending s. 1007.23, F.S.; requiring a statewide articulation agreement contain three mathematics pathways; requiring the Articulation Coordinating Committee to convene a representative workgroup composed of academic affairs administrators and faculty from state universities and Florida College System institutions; requiring the workgroup to report its recommendations to the committee, the Board of Governors, and the State Board of Education by a certain date; requiring the Articulation Coordinating Committee to approve the mathematics pathways by a specified date; amending s. 1007.2616, F.S.; requiring public schools to include computational thinking and foundational computer science skills in instruction to students; deleting obsolete language; authorizing school districts to apply to the department for...
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 446.541, Florida Statutes, is created to read:

446.541 Work-based learning.—
(1) It is the intent of the Legislature that, to the extent possible, school districts place students in paid work experiences for purposes of educational training and work-based learning.

(2) For purposes of this section, the term "work-based learning" means interactions with industry or community professionals in off-campus workplaces which foster in-depth, firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction.

(3)(a) Individuals enrolled in a preapprenticeship program administered under ss. 446.011-446.092 are deemed to be employees of the state for purposes of workers’ compensation coverage.

(b) Any students in grades 6 through 12 who are enrolled in a course identified in the Course Code Directory which may contain a work-based learning component or an activity that is unpaid are deemed to be employees of the state for purposes of workers’ compensation coverage.

Section 2. Section 446.011, Florida Statutes, is amended to read:

446.011 Legislative intent regarding apprenticeship training.—
(1) It is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities. It is the intent of this act to promote the mode of training known as apprenticeship in occupations throughout industry in this the state that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, the residents of this state will benefit from the valuable training opportunities developed when on-the-job
training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

(2) It is the intent of the Legislature that the Department of Education have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable occupations trades and that the department have responsibility for assisting district school boards and Florida College System institution boards of trustees in developing preapprenticeship programs.

(3) It is the further intent of ss. 446.011-446.092 that the department ensure quality training through the adoption and enforcement of uniform minimum standards and that the department promote, register, monitor, and service apprenticeship and preapprenticeship training programs and ensure that the programs adhere to the standards.

(4) It is the intent of the Legislature that this act not require the use of apprentices on construction projects financed by the state or any county, municipality, town or township, public authority, special district, municipal service taxing unit, or other agency of state or local government. Notwithstanding this intent, whenever any government or agency of government employs, of its own choice, apprentices or employs contractors who employ apprentices, the behavior of the government and the contractors employed by the government shall be governed by the provisions of this act.

Section 3. Section 446.021, Florida Statutes, is amended to read:

(1) “Apprentice” means a person at least 16 years of age who has entered into an apprenticeship agreement with a registered apprenticeship program sponsor, is engaged in learning an apprenticeable occupation through actual work experience under the supervision of journeyworkers, and is enrolled in an organized and systematic form of instruction designed to provide theoretical and technical knowledge related to the occupation.

(2) “Apprenticeship program” means a program that is registered with the department on the basis of submission to the department of a plan that contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including requirements for a written apprenticeship agreement.

(3) “Cancellation” means the termination or deregistration of an apprenticeship program at the request of the program sponsor, or the termination of an apprenticeship agreement at the request of the apprentice.

(4) “Department” means the Department of Education.

(5) “Journeyworker” means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number...
of years required by established industry practices for the particular trade or occupation.

(6) “On-the-job training” means a structured system of work processes, under the supervision of a journeyworker, which provides the experience and knowledge necessary to meet the training objective of learning a specific skill, trade, or occupation.

(7) “Preapprentice” means a person at least 16 years of age who enters into a preapprenticeship agreement with a preapprenticeship program sponsor approved by the department and who is engaged in learning an apprenticeable occupation in any course of instruction in the public school system or elsewhere.

(8) “Preapprenticeship program” means a program sponsored by an apprenticeship program in the same occupation which is registered with the department on the basis of submission to the department of a plan that contains the terms and conditions of instruction in the public school system or elsewhere and is designed to prepare a registered preapprentice to become an apprentice in an apprenticeship program.

(9) “Related technical instruction” means an organized and systematic form of instruction designed to provide an apprentice or preapprentice with knowledge of the theoretical subjects related to a specific trade or occupation.

(10) “Uniform minimum standards” means the minimum requirements established for each occupation under which an apprenticeship or a preapprenticeship program is administered. 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 apprentices or preapprentices. Minimum requirements must be uniform across all occupations.

Section 4. Section 446.032, Florida Statutes, is amended to read:

a. 446.032 General duties of the department for apprenticeship training. The department shall:

1. Establish uniform minimum standards and policies governing apprenticeship programs and agreements. The standards and policies shall govern the terms and conditions of the apprentice’s employment and training, including the quality of training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeyworkers, safety, related technical instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department may adopt rules necessary to administer the standards and policies.

2. By September 1 of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department’s website and, at a minimum, include all of the following:

a. A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

b. A detailed summary of each local educational agency’s expenditure of funds for apprenticeship and preapprenticeship programs, including:
1. The total amount of funds received for apprenticeship and preapprenticeship programs;
2. The total amount of funds allocated to each trade or apprenticeable occupation;
3. The total amount of funds expended for administrative costs per apprenticeable trade or occupation; and
4. The total amount of funds expended for instructional costs per apprenticeable trade and occupation.
(c) The number of apprentices and preapprentices per apprenticeable 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 apprenticeship programs applicants.
(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.
(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report pursuant to s. 445.07.
4. Establish procedures to be used by the State Apprenticeship Advisory Council.
Section 5. Section 446.041, Florida Statutes, is amended to read:
446.041 Apprenticeship program, duties of the department.—
The department shall:
1. Administer ss. 446.011-446.092.
2. Review and evaluate administers the uniform minimum standards established by the department for apprenticeship and preapprenticeship programs.
3. Register, in accordance with this chapter, any apprenticeship or preapprenticeship program that, regardless of affiliation, which meets the uniform minimum standards established by the department.
4. Investigate complaints concerning the failure of any registered program to meet the uniform minimum standards established by the department.
5. Cancel the registration of any program that fails to comply with the uniform minimum standards and policies of the department or that unreasonably fails or refuses to cooperate with the department in monitoring and enforcing compliance with the uniform minimum standards.
6. Encourage potential sponsors to develop and encourage apprenticeship or preapprenticeship programs.
7. Lead and coordinate outreach efforts to educate veterans about apprenticeship programs and career opportunities.
8. Cooperate with and assist approved local apprenticeship sponsors in the development of their apprenticeship uniform minimum standards and their training requirements.
9. Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.
Section 446.051, Florida Statutes, is amended to read:

446.051 State Apprenticeship Advisory Council.—
(1) As used in this section, the term:
(a) "Joint organization" means an apprenticeship sponsor who participates in a collective bargaining agreement.
(b) "Nonjoint organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement.
(2)(a) There is created a State Apprenticeship Advisory Council to be composed of 10 voting members appointed by the Governor and two ex officio nonvoting members. The purpose of the advisory council is to advise the department on matters relating to apprenticeship and preapprenticeship. The advisory council may not establish policy, adopt rules, or consider whether particular apprenticeship or preapprenticeship programs should be approved by the department.
(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.

(c) The council shall meet at the call of the chair of the council or at the request of a majority of its voting membership, but at least twice a year. A majority of the voting members constitutes a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.
(d) The Governor may remove any member for cause.
(e) The council shall maintain minutes of each meeting. The department shall keep on file the minutes of each meeting and shall make the minutes available to any interested person.
(f) Members of the council shall serve without compensation and are not entitled to receive reimbursement for per diem and travel expenses under s. 112.061. Meetings may be held via teleconference or other electronic means.

Section 7. Section 446.051, Florida Statutes, is amended to read:

(c) The council shall meet at the call of the chair of the council or at the request of a majority of its voting membership, but at least twice a year. A majority of the voting members constitutes a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

(d) The Governor may remove any member for cause.
(e) The council shall maintain minutes of each meeting. The department shall keep on file the minutes of each meeting and shall make the minutes available to any interested person.
(f) Members of the council shall serve without compensation and are not entitled to receive reimbursement for per diem and travel expenses under s. 112.061. Meetings may be held via teleconference or other electronic means.
446.051 Related instruction for apprentices.—
(1) The administration and supervision of related and supplemental instruction for apprentices, the coordination of such instruction with job experiences, and the selection and training of teachers, instructors, and coordinators for such instruction, all as approved by the department, are registered program sponsors. shall be the responsibility of the apprenticeship or preapprenticeship program sponsor appropriate career education institution.

(2) District school boards and Florida College System institution boards of trustees are The appropriate career education institution shall be encouraged, but, notwithstanding this intent, are not obligated, to cooperate with and assist in providing to any registered program sponsor facilities, equipment and supplies, and instructors’ salaries for the performance of related and supplemental instruction associated with the apprenticeship or preapprenticeship registered program.

Section 8. Section 446.052, Florida Statutes, is amended to read:

446.052 Preapprenticeship program.—
(1) There is created and established a preapprenticeship education program, as defined in s. 446.021.

(2) The department, under regulations established by the State Board of Education, may administer the provisions of ss. 446.011-446.092 which relate to preapprenticeship programs in cooperation with district school boards and Florida College System institution boards of trustees. District school boards, Florida College System institution boards of trustees, and apprenticeship registered program sponsors are encouraged to cooperate in developing and establishing preapprenticeship programs that include career instruction and general education courses required to obtain a high school diploma.

(3) The department, the district school boards, and the Florida College System institution boards of trustees shall work together with existing registered apprenticeship programs in order that individuals completing the preapprenticeship programs may be able to receive credit toward completing an a registered apprenticeship program.

(4) Veterans who have received discharges other than dishonorable discharges shall, if qualified, shall receive the same priorities given to registered preapprentices.

Section 9. Section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—
(1) One or more local apprenticeship sponsors must shall be approved in any apprenticeable occupation trade or multiple apprenticeable occupations group of trades by the department, upon a determination of need, if the apprenticeship sponsor meets all of the uniform minimum standards established by the department. The term "need" refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it must shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.

(2) An local apprenticeship sponsor may be a committee, a group of employers, an employer, an group of employees, an educational institution, a local workforce board, a community or faith-based organization, an association, or any entity
The department may grant a variance from the uniform minimum standards upon a showing of good cause for the variance by program sponsors in nonconstruction trades. The purpose of this subsection is to recognize the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the department to adapt the standards to the needs of the programs.

Section 10. Section 446.081, Florida Statutes, is amended to read:

446.081 Limitation.—

(1) Nothing in ss. 446.011-446.092 or in any apprentice agreement approved under those sections invalidates may invalidate any apprenticeship provision in any collective agreement between employers and employees setting up higher apprenticeship standards.

(2) Any special provision for veterans, minority persons, or women in the standards, qualifications, or operation of the program that is not otherwise prohibited by law, executive order, or authorized regulation.

(3) A person may not institute any action for the enforcement of any apprentice agreement, or for damages for the breach of any apprentice agreement, made under ss. 446.011-446.092, unless he or she has first exhausted all administrative remedies provided by this section.

(3) Any person aggrieved by any determination or act of the department has the right to an administrative hearing.

CODING: Words stricken are deletions; words underlined are additions.
Section 13. Paragraph (e) of subsection (1) and subsection (2) of section 1003.4156, Florida Statutes, are amended to read:

1003.4156 General requirements for middle grades promotion.—

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

(2) [Repealed] Students are encouraged to complete one course in career and education planning which may be offered to be completed in grades 6, 7, or 8, and which may be taught by any member of the instructional staff. The course should 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 should 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. The required personalized academic and career plan should inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced

International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

(3) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section and may enforce this section pursuant to s. 1008.32.

Section 14. Paragraph (d) is added to subsection (8) of section 1003.4282, Florida Statutes, to read:

1003.4282 Requirements for a standard high school diploma.—

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(d) School districts or regional consortia may work with national providers to submit recommended career-themed courses to the department for state board approval. Recommended courses must meet the requirements set forth in s. 1003.493(2), (4), and (5) that students can take and earn required high school course credits.

Section 15. Present subsections (3) through (8) of section 1007.23, Florida Statutes, are redesignated as subsections (4) through (9), respectively, and a new subsection (3) is added to that section, to read:

1007.23 Statewide articulation agreement.—

(3) To facilitate seamless transfer, reduce excess credit hours, and ensure that students are taking the relevant courses needed for their future careers, the articulation agreement must...
specify three mathematics pathways, which are aligned to programs, meta-majors, and careers, on which degree students must be placed.

Section 16. By September 31, 2020, the Articulation Coordinating Committee shall convene a representative workgroup composed of academic affairs administrators and faculty from state universities and Florida College System institutions to identify the three pathways. The workgroup shall report its recommendations to the Articulation Coordinating Committee, the Board of Governors, and the State Board of Education by March 31, 2021. The Articulation Coordinating Committee shall approve the mathematics pathways by May 31, 2021.

Section 17. Subsections (2) and (4) of section 1007.2616, Florida Statutes, is amended to read:

1007.2616 Computer science and technology instruction.—

(2)(a) Public schools shall provide students in grades K-12 opportunities for learning computer science, including, but not limited to, computer coding and computer programming. Such opportunities must may include computational thinking and foundational computer science skills coding instruction in elementary school and middle school and instruction to develop students’ computer usage and digital literacy skills in middle school, and must include courses in computer science in middle school and high school, including earning-related industry certifications. Such courses must be integrated into each school district’s middle and high schools, including combination schools in which any of grades 6 through 12 are taught.

(b) Computer science courses must be identified in the Course Code Directory and published on the Department of

Education’s website no later than July 1, 2018. Additional computer science courses may be subsequently identified and posted on the department’s website.

(4)(a) Subject to legislative appropriation, a school district or a consortium of school districts may apply to the department, in a format prescribed by the department, for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science pursuant to s. 1012.56, or training that leads to an industry certification associated with a course identified in the Course Code Directory pursuant to paragraph (2)(b), or for professional development for classroom teachers to provide instruction in computer science courses and content for grades K-12, or for the purchase of technology, including hardware and software, directly related to computer science instruction. Such funding shall only be used to provide training for classroom teachers, or to pay fees for examinations that lead to a credential, or to provide professional development, pursuant to this paragraph.

(b) The department shall award funding to school districts or consortia using criteria developed by the department. Once the department has identified courses in the Course Code Directory pursuant to paragraph (2)(b), the department shall establish a deadline for submitting applications. The department shall award funding to school districts in a manner that allows for an equitable distribution of funding statewide based on student population.

Section 18. Paragraph (a) of subsection (1) and paragraph (b) of subsection (4) of section 1008.44, Florida Statutes, are amended to read:

CODING: Words **stricken** are deletions; words _underlined_ are additions.
Section 19. Paragraph (o) of subsection (1) of Section

1008.44, Florida Statutes, is amended to read:

1008.44 Funds for operation of schools.—If the annual
allocation from the Florida Education Finance Program to each
district for operation of schools is not determined in the
annual appropriations act or the substantive bill implementing
the annual appropriations act, it shall be determined as
follows:

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

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

1.a. A value of 0.025 full-time equivalent student
membership shall be calculated for CAPE Digital Tool
certificates earned by students in elementary and middle school
grades.

b. A value of 0.1 or 0.2 full-time equivalent student
membership shall be calculated for each student who completes a
course as defined in s. 1003.493(1)(b) or courses with embedded
CAPE industry certifications and who is issued an industry

(4)
Each district must allocate at least 80 percent of the

2. Each district must allocate at least 80 percent of the

2. Each district must allocate at least 80 percent of the
A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a Florida College System institution, and other entities authorized to sponsor an apprenticeship or a preapprenticeship.

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

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

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

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

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

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

Section 20. Section 1011.802, Florida Statutes, is amended to read:

1011.802 Florida Pathways to Career Opportunities Grant Program.—

(1) Subject to the appropriation of funds provided in the General Appropriations Act, the Florida Pathways to Career Opportunities Grant Program is created to provide grants to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or a preapprenticeship...
program, as defined in s. 446.021, for the creation or expansion of such on a competitive basis to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. The Department of Education shall administer the grant program and establish selection criteria.

(2) Applications must contain projected enrollment and projected costs for the new or expanded apprenticeship program.

(3) The department shall give priority to apprenticeship programs with demonstrated regional demand. Grant recipients may use 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 recipients may not use grant funds may not be used for administrative costs or recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

(4) Up to $200,000 of the total amount allocated may be used by the department to administer the grant program.

(5) The State Board of Education may adopt rules to administer this section.

Section 21. This act shall take effect July 1, 2020.
I. Summary:

SB 1688 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 expands accountability and assessment requirements for VPK providers. Specifically, the bill repeals the pre- and post-assessment and statewide kindergarten screening and readiness rate requirements for VPK providers and replaces them with:

- 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.
- 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 performance.

The bill creates the Council for Early Grade Success within the Department of Education (DOE) to oversee the CSPM and requires the new screenings and assessments to be administered by individuals meeting SBE requirements.

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 also removes authority for each Early Learning Coalition (ELC) to adopt a payment schedule for providers and requires the Early Learning Programs Estimating Conference to adopt the payment schedules to be used statewide in each county.

The fiscal impact of the bill is discussed in section V.
The bill takes effect July 1, 2020.

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.\(^2\) 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.\(^3\)

Department of Education

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.\(^4\) The commissioner is appointed by the SBE and serves as the executive director of the DOE.\(^5\) The DOE includes the Office of Early Learning (OEL), which is administered by an executive director who is fully accountable to the commissioner.\(^6\)

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 services\(^7\)—and an annual budget of $1.3 billion.\(^8\) The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).\(^9\) The OEL adopts rules as required for the establishment and operation of the school readiness program and the VPK program.\(^10\) The executive director of the OEL is responsible for administering early learning programs at the state level.

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

\(^1\) The State Board of Education is established as “a body corporate and 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.
\(^3\) Id.
\(^4\) Section 1001.20(1), F.S.
\(^5\) Section 20.15(2), F.S.
\(^6\) Section 20.15(3)(i), F.S.
\(^7\) Id.
\(^8\) Early Learning Services Program Total, s. 2, ch. 2019-115, L.O.F.
\(^9\) Section 1002.82(1), F.S.
\(^10\) 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.
\(^11\) Section 20.055(1), F.S.
measures, standards, and procedures employed by the OEL. The inspector general also maintains the duty to support the OEL by preventing and detecting fraud and abuse. The OEL annually processes approximately $2 million in repayments from early learning coalitions (ELCs) or individuals who have committed fraud.

**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) are responsible for delivering local services, including the VPK program and the school readiness program. Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. 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.

**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 professionally accepted standards. In 2004, the State established a free VPK program offered to eligible four-year-old children. Parents may choose either a school-year or summer program offered by either a public or private school. $402.3 million was appropriated from General Revenue for the VPK program in the 2019 General Appropriations Act. During the 2017-2018 academic year, 6,378 VPK providers served 169,076 students enrolled in a VPK program.

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. A local ELC must coordinate with the local school district in the

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12 Section 20.055(1), F.S.
15 Section 1002.83(3), F.S.
17 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.
18 Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const.
19 Section 1002.53(3), F.S.
20 Specific Appropriation 89, s. 2, ch. 2019-115, L.O.F.
ELC’s service area to develop procedures for enrolling children in public school VPK programs.23

The OEL adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for: 24

- 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. 25

**Early Learning Advisory Council**

The Florida Early Learning Advisory Council (ELAC) is required to submit recommendations to the OEL on best practices, including recommendations relating to the most effective administration of the VPK program and the school readiness program. The ELAC must also periodically analyze and provide recommendations to the OEL on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of coalition plans. 26

**VPK Instructor Requirements**

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with: 27

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23 Section 1002.53(4), F.S.
24 Section 1002.75(2), F.S.
25 Section 1002.67(3), F.S.; see also s. 1002.66, F.S.
26 Section 1002.77, F.S.
27 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* (2017), incorporated by reference in Rule 65C-22.001(7), F.A.C.
• 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.28 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.29

The OEL sets minimum standards for emergent literacy training courses for VPK instructors.30 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.31 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

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:

• 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. VPK providers may select or design the curriculum for their classrooms,

29 Sections 1002.55(3)(f) and 1002.63(7), F.S.
30 Section 1002.59(1), F.S.
31 Id.
32 Id.
33 Section 1002.59(2), F.S.
34 Section 1002.67, F.S.; Art. IX, s. 1(b), Fla. Const.
unless they are on probation as a result of their kindergarten readiness rates falling below the minimum rate.\textsuperscript{35}

\textbf{Statewide Kindergarten Readiness Screening}

The DOE has adopted a statewide kindergarten readiness screening, the Florida Kindergarten Readiness Screener (FLKRS),\textsuperscript{36} and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{39} The “Percent of Children Ready for Kindergarten” is calculated as the number of “Children Ready for Kindergarten” on the screening measure divided by the total number of “Children Screened.”\textsuperscript{40} For the fall 2018 administration of FLKRS, 97,652 out of 185,252 kindergarten students, or 53 percent, were designated as “ready for kindergarten”.\textsuperscript{41}

\textbf{Kindergarten Readiness Rate}

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.\textsuperscript{42} The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.\textsuperscript{43} The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK pre- and post-assessment, known as the “Florida VPK Assessment.”\textsuperscript{44} 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.\textsuperscript{45}

\begin{itemize}
\item \textsuperscript{35} Florida Department of Education, \textit{Agency Legislative Bill Analysis for HB 1013} (2020); Section 1002.67, F.S.
\item \textsuperscript{36} The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS) in 2017. Florida Department of Education Contract No. 17-651 (2017). \textit{See} rule 6M-8.602(3)(b)1., F.A.C. Rule 6M-8.601(3)(b)1., F.A.C.
\item \textsuperscript{37} \textit{See} s. 1002.67(1), F.S. \textit{See also} Florida’s Office of Early Learning, \textit{Early Learning and Developmental Standards: 4 Years Old to Kindergarten} (2017) at 1, \textit{incorporated by reference} in rule 6M-8.602, F.A.C.
\item \textsuperscript{38} Florida Department of Education, \textit{Agency Legislative Bill Analysis for HB 1013} (2020), at 15. Rule 6M-8.601, F.A.C.
\item \textsuperscript{40} \textit{Id.}
\item \textsuperscript{41} Florida Department of Education, \textit{Fall 2018 FLKRS Results by District} (2019), \textit{available at} http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall18FLKRSbyDistrict.xls.
\item \textsuperscript{42} Rule 6M-8.601(3)(b), F.A.C.
\item \textsuperscript{43} 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.
\item \textsuperscript{44} Section 1002.69(5), F.S.; Rule 6A-1.0943(1)(b), F.A.C.
\item \textsuperscript{45} Section 1002.69(5), F.S. The current readiness rate determined by the OEL is calculated by the results of the kindergarten screening only. Rule 6M-8.601(3)(b), F.A.C.
\end{itemize}
VPK Provider Readiness Rates are calculated based on the statewide kindergarten readiness screening in combination with learning gains from the Florida VPK Assessment counting ten percent toward a provider’s readiness rate.\textsuperscript{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.\textsuperscript{47} Providers that do not meet the minimum readiness rate are placed on probation.\textsuperscript{48} An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:\textsuperscript{49}

- Submit for approval and implement an improvement plan;
- Place the provider 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.

Based on the fall 2017 administration of FLKRS, 2,615 of the 6,026 rated VPK providers failed to meet the minimum rate.\textsuperscript{50}

**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.\textsuperscript{51} A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include:\textsuperscript{52}

- 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.\textsuperscript{53} 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.\textsuperscript{54}

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\textsuperscript{47} Rule 6M-8.601(3)(b), F.A.C.

\textsuperscript{48} Section 1002.67(4), F.S.

\textsuperscript{49} Section 1002.67(4)(c)1., F.S.

\textsuperscript{50} Email, Office of Early Learning (Mar. 29, 2019).

\textsuperscript{51} Section 1002.67(4)(c)3., F.S.

\textsuperscript{52} Section 1002.69(7)(b)-(c), F.S.

\textsuperscript{53} Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

\textsuperscript{54} Section 1002.69(7), F.S.
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.55 Additionally, if a provider refuses to comply with program requirements or engages 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.56

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.57 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.58 To participate in the school readiness program, a provider must execute a school readiness contract.59 During the 2017-2018 academic year, 7,668 school readiness providers served 201,474 children enrolled in a school readiness program.60

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 5 years.61 The OEL budgeted $6 million for the administration of the program assessment for the 2018-2019 fiscal year.62 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.63 In the 2017-2018 academic year, 11, or 0.3 percent, of providers failed to attain the minimum program assessment composite score required for contracting.64

The OEL has adopted a differential payment program based on quality measures of school readiness providers.65 The differential payment may not exceed a total of 15 percent for each provider.

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55 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.
56 Section 1002.67(4)(b), F.S.
57 Section 1002.87, F.S.
58 Section 1002.86, F.S.
61 Section 1002.82(2)(n), F.S.
63 Rule 6M-4.741, F.A.C.
64 Florida Department of Education, School Readiness Funding Model Allocation Methodology (Oct. 1, 2019) (On file with staff of the Education Committee).
65 Rule 6M04.500, F.A.C.
care level and unit of child care for a child care provider. 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.

**School Readiness Funding**

Funding for the school readiness program is allocated among the ELCs according to law and the General Appropriations Act. The school readiness program is funded primarily by the CCDF block grant. 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.

For Fiscal Year 2019-2020, a total of $760.8 million was appropriated for the school readiness program from state and federal funds.

**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:

- 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.

The market rate schedule must also differentiate rate by the type of child care services provided, including services provided for:

- Children with special needs or risk categories.
- Infants, toddlers, preschool-age children, and school-age children.
- Full-time and part-time child care.

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66 Section 1002.82(2)(o), F.S.
67 Id.
68 Section 1002.89(1), F.S.
70 Section 1002.89(5), F.S.
71 Specific Appropriation 86, s. 2, ch. 2019-115, L.O.F.
72 Section 1002.895, F.S.
73 Section 1002.895, F.S.
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. 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.

The 2017 market rate report, updated in 2019, 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 facilities was $195.72 for services provided to infants. The 75th percentile rate for the same services was $225. The reimbursement rate for providers was $156.76. For private child care facilities without a GSQC designation, the average market rate was $169.02 for services provided to infants, and the 75th percentile rate was $190, and the reimbursement rate was $131.93.

Early Learning Programs Estimating Conference

The Early Learning Programs Estimating Conference is required to develop estimates and forecasts of the unduplicated count of children eligible for the school readiness program and the VPK program. The OEL is required to provide information as requested by the Early Learning Programs Estimating Conference in a timely manner.

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. A school readiness child care slot is the number of school readiness paid child care slots filled during a month of service. 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.

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74 Rule 6M-4.500, F.A.C.
75 Section 1002.895, F.S.
77 Id.
78 Id.
79 Section 1002.87, F.S.
80 Section 216.136, F.S.
81 Section 216.136, F.S.
82 Section 1002.82(2)(m), F.S.
83 Rule 6M-4.740, F.A.C.
84 Rule 6M-4.610, F.A.C., Form OEL-SR 20 (July 2019).
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.\textsuperscript{85}

\textbf{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.\textsuperscript{86}

The DCF also adopts rules to administer the GSQC Program.\textsuperscript{87} A GSQC designation entitles a school readiness provider to a rate differential at 20 percent above the ELC’s approved reimbursement rate.\textsuperscript{88} 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.\textsuperscript{89}

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.\textsuperscript{90} A licensed or legally exempt child care facility that achieves GSQC status is an educational institution exempt from ad valorem tax.\textsuperscript{91}

Currently, 1,852 child care facilities, large family child care homes, and family day care homes possess a GSQC designation.\textsuperscript{92}

\textbf{Research-Based Reading Allocation}

The Florida Education Finance Program (FEFP), which is used to provide equalized funding for all school districts across the state, includes a research-based reading allocation for districts to provide a K-12 comprehensive system of research-based reading instruction. Authorized uses of funds allocated under the research-based reading allocation include the following:\textsuperscript{93}

- An additional hour per day of intensive reading instruction to students in the 300 lowest performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading.

\textsuperscript{85} Rule 6M-4.500, F.A.C.
\textsuperscript{86} 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.
\textsuperscript{87} Section 402.281, F.S.
\textsuperscript{88} Rule 6M-4.500, F.A.C.
\textsuperscript{89} 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.
\textsuperscript{90} Section 212.08, F.S.
\textsuperscript{91} Section 402.26, F.S.
\textsuperscript{93} Section 1011.62(9), F.S.
• Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.
• 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.
• 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.
• Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading, for 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.
• Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office.
• 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.

The Legislature appropriated $130 million for research-based reading instruction for the 2019-2020 fiscal year. 94

III. Effect of Proposed Changes:

SB 1688 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 expands accountability and assessment requirements for VPK providers. Specifically, the bill repeals the pre- and post-assessment and statewide kindergarten screening and readiness rate requirements for VPK providers and replaces them with:
• 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.
• 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 performance.

The bill creates the Council for Early Grade Success within the Department of Education (DOE) to oversee the CSPM and requires the new screenings and assessments to be administered by individuals meeting SBE requirements.

94 Specific Appropriations 6 and 93, s. 2, ch. 2019-115, L.O.F.
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 also removes authority for each Early Learning Coalition (ELC) to adopt a payment schedule for providers and requires the Early Learning Programs Estimating Conference to adopt the payment schedules to be used statewide in each county.

The fiscal impact of the bill is discussed in section V.

The bill takes effect July 1, 2020.

**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 Early Learning Advisory Council. 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 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 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 brings ELCs under SBE oversight authority. The bill also modifies the membership requirements of ELCs. Specifically, the bill:

- Reduces the number of authorized ELCs in the state to reflect the current total of 30.
- Removes the requirement that ELCs appoint a central agency administrator, where applicable.
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 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.\(^\text{95}\)
- 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.
- The completion by a prekindergarten instructor of a student performance standards training course is not required until July 1, 2021, and the bill requires the course to be provided for free or at a low cost and 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.
- 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, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining performance standards, 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.

\(^{95}\) 28 U.S.C. s. 2671.
- Removes the requirement that performance standards be tied to the statewide kindergarten screening.
- 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 3 years.

The bill repeals the existing statewide kindergarten readiness screening, but requires public schools to administer a statewide kindergarten screening in the 2020-2021 academic year within the first 30 school days and authorizes private schools to administer the statewide kindergarten screening.

**Coordinated Screening and Progress Monitoring Program**

The bill requires the Commissioner of Education (commissioner) to design a statewide, standardized coordinated screening and progress monitoring program (CSPM) to assess early literacy, dyslexia, and mathematics skills, and the English Language Arts and mathematics standards established in law. The bill repeals the minimum kindergarten readiness rate and the VPK pre- and post-assessment.

Beginning in the 2021-2022 academic year, the bill requires all VPK and public school students to participate in the CSPM within the first 30 days of enrollment, midyear, and within 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:
- Assess progress of students in VPK to grade 3 in meeting expectations in early literacy and math skills and English Language Arts and math.
- Provide data for VPK provider accountability.
- Provide baseline data to the DOE for each student’s readiness for kindergarten, and requires the kindergarten readiness to be based on progress monitoring results within the first 30 days of enrollment.
- Identify strengths and needs of students in VPK to grade 3.
- Assess achievement of educational goals and curricular standards at the provider, school, district, and state levels.
- Provide information to aid in the development of educational programs and policies.
- Measure equivalent levels of growth and be a developmentally appropriate valid and reliable direct assessment.
- Accurately measure core content in the applicable grade level standards.
- Document learning gains for the achievement of grade level standards.
- Provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication.
- Be able to capture students performing below grade or developmental level.

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 be referred to the local school district for 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.

**Council for Early Grade Success**

The bill creates the Council for Early Grades Success (Council) and requires the commissioner to coordinate with the Council to develop a plan for implementation of the CSPM in consideration of the timeline required for completion of the review of the Next Generation Sunshine State 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 3.
- 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 3.
- 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. The bill repeals the minimum kindergarten readiness rate and the pre- and post-assessment. For the 2019-2020 academic year, the DOE must calculate the performance metric 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 2020-2021 academic year. The performance metric must include:

- Program assessment scores weighted at approximately 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; however, the pre-and post-assessment are not authorized for the 2020-2021 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. Based on 2017-2018 data, the new methodology would result in an 11 percent decrease of children included in the performance metric.96

The methodology must also include a statistical latent profile analysis that is conducted by a contracted expert. The bill requires the contracted expert to:

- Have experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems.

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• Produce an analysis that includes a limited number of program performance metric profiles that summarize all programs’ profiles that inform the assignment of a letter grading system to include grades "A" through "F".
• Confer with the DOE and the Council in the development of the methodology.
• 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 2022-2023 academic year, the DOE must calculate each VPK provider’s performance metric and grade 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. 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 grade of "C" 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 requires the DOE to adopt a minimum performance metric or grade that would demonstrate satisfactory delivery of the VPK program. Beginning in the 2020-2021 academic year, if a VPK provider fails to meet the minimum performance metric or grade, the bill requires the applicable ELC or school district to place the VPK provider on probation and requires the VPK provider to:

• Submit an improvement plan for approval by the ELC or school district, as applicable, and implement the plan; and
• Implement a curriculum approved by the DOE; or
• Implement a staff development plan to strengthen instruction in emotional and behavioral support, engaged support for learning, classroom organization, 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 or school district.

The bill also prohibits a VPK provider from delivering a VPK program if the provider’s program assessment composite score falls below the minimum threshold for contracting or the provider’s license has been converted to a probation-status license by the Department of Children and Families (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 contracted expert.
- 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 II 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 or school district if an exemption is granted to a VPK provider that remains on probation for 2 consecutive years.

The bill requires each ELC or school district, as applicable, to verify VPK provider compliance with the statutory requirements for delivering the VPK. The DOE must require each applicable ELC or school district to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC or school district 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 School Readiness Program**

The bill modifies requirements for regulating the school readiness program. Specifically, the bill:

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97 Class I and Class II violations are defined in s. 402.281(4), F.S.
• 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 in implementing the statewide procedures.
• 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.

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.

**Contracted Slots**

The bill requires, by July 1, 2021, the DOE to develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children:
• In the custody of a homeless parent.
• In court-ordered, long-term custody or under the guardianship of a relative or nonrelative after termination of supervision by the DCF.
• 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.

**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 Gold Seal Quality Care (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.

Early Learning Estimating Conference

The bill removes the authority for ELCs to adopt payment schedules for providers and provides additional duties for the Early Learning Programs Estimating Conference related to the payment schedule and market rate for school readiness providers. Specifically, the bill requires the estimating conference to meet biannually to review:

• The data and procedures used by the DOE in the adoption of the market rate schedule.

• Base payment rates and the application of legislatively approved differentials.

• Reasonable access to quality early learning settings in each county.

• All data sources and calculations used to determine funding recommendations by county for the school readiness program and the VPK program before submission of any legislative budget request.

• Consider the market rate schedule in the adoption of a payment schedule.

Gold Seal Quality Care Program

The bill repeals the law providing for a GSQC Program within the DCF. The bill reestablishes the program within 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 a recognized accrediting association.98

• Meets or exceeds SBE standards.99

• Is a registered corporation with the Department of State.

• Demonstrates accreditation requirements that include clearly defined accreditation prerequisites and procedures for:

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98 This is an existing statutory requirement of the DCF GSQC Program.

99 This is an existing statutory requirement of the DCF GSQC Program.
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.
- Ongoing compliance to include an audit and filing of an annual report with the DOE.
- Renewal requiring onsite verification at least every three years.
- Verifying compliance upon transfer of ownership.
- Revoking accreditation.
- Communicating issues to state agencies with oversight.

The bill requires the DOE to remove the approval of an accrediting association that fails to comply with 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.

The bill prohibits minimum child care licensing standards developed by the DCF from exceeding standards expressly set forth in law and further provides that any licensing standards adopted by the DCF on or after July 1, 2020, must be ratified by the Legislature. The bill disqualifies child care providers from accreditation if they have received a specified number of Class I, II, or III violations of the minimum licensing standards for child care facilities. The bill disqualifies a child care provider from accreditation if, within the two-year period preceding its application, the accredited provider has received:

- Any class I violations.
- Three or more class II violations.
- Three or more class III violations that were not corrected within one year.

The bill adds an exemption from sales, rental, use, consumption, distribution, and storage tax for the purchase of educational curricula by a GSQC designee, which is in addition to existing exemptions for the purchase of certain other educational supplies.

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. The bill authorizes the Early Learning Estimating Conference to determine a rate differential of between 20 to 40 percent for school readiness program providers that maintain group size and teacher-to-child ratios in accordance with standards set by their accrediting associations.

The bill also makes conforming changes to law regarding the reorganization of the OEL within the DOE and removes the authority for the OEL to access records of the DCF concerning reports of child abandonment, abuse, or neglect, including records of reports made to the central abuse hotline.

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 revised assessment and screening requirements specified in the bill will likely result in additional state costs. Additional clarification may be needed to determine whether the required assessment must be custom-designed to fully align with new academic content standards in English language arts and mathematics. The Florida Department of Education estimates:100

- $6.8 million is required to implement the new program assessment required for Voluntary Prekindergarten Education Program providers.
- Annual expenditures of $15 million associated with the coordinated screening and progress monitoring program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

100 Id.
VIII. Statutes Affected:

The bill substantially amends ss. 20.055, 20.15, 39.202, 39.604, 212.08, 216.136, 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, 1001.213, 1001.215, 1001.23, 1001.70, 1002.32, 1002.34, 1002.36, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.67, 1002.68, 1002.69, 1002.71, 1002.72, 1002.73, 1002.75, 1002.77, 1002.79, 1002.81, 1002.82, 1002.83, 1002.84, 1002.85, 1002.88, 1002.89, 1002.895, 1002.91, 1002.92, 1002.93, 1002.94, 1002.945, 1002.95, 1002.96, 1002.97, 1002.995, 1003.575, 1007.01, 1008.2125, 1008.25, 1008.31, 1008.32, 1008.33, 1011.62, and 1002.22, of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to early learning and early grade
success; amending s. 20.055, F.S.; conforming
provisions to changes made by the act; amending s.
20.15, F.S.; adding the Division of Early Learning to
the divisions of the Department of Education; deleting
the Office of Early Learning from the Office of
Independent Education and Parental Choice of the
Department of Education; amending ss. 39.202 and
39.604, F.S.; conforming provisions and cross-
references to changes made by the act; amending s.
212.08, F.S.; providing that certain curricula are
exempt from specified taxes; amending s. 216.136,
F.S.; revising the duties of the Early Learning
Programs Estimating Conference; requiring the
department, rather than the Office of Early Learning,
to provide specified information to the conference;
amending ss. 383.14, 391.308, and 402.26, F.S.;
conforming provisions and cross-references to changes
made by the act; repealing s. 402.281, F.S., relating to
the Gold Seal Quality Care program; amending s.
402.305, F.S.; providing requirements for minimum
child care licensing standards; requiring standards
adopted after a specified date to be ratified by the
Legislature; revising requirements relating to staff
trained in cardiopulmonary resuscitation; amending s.
402.315, F.S.; conforming a cross-reference; amending
s. 402.56, F.S.; revising the membership of the
Children and Youth Cabinet; amending ss. 411.226,
1002.59, F.S.; revising requirements for emergent literacy and performance standards training courses for prekindergarten instructors; requiring the department to make certain courses available; amending s. 1002.61, F.S.; authorizing certain child development programs operating on military installations to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; revising the criteria for teachers to receive priority consideration from school districts in staffing the summer program; requiring child development programs operating on military installations to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider from eligibility under certain circumstances; amending s. 1002.63, F.S.; revoking the eligibility of certain public schools to participate in the program under certain circumstances; providing for the removal of public school program providers from the program under certain circumstances; amending s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review performance standards on a specified schedule; providing curriculum requirements for program providers; requiring the State Board of Education to adopt rules for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program; creating s. 1002.68, F.S.; requiring providers of the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such screening and progress-monitoring program; requiring certain portions of the screening and progress-monitoring program to be administered by individuals who meet specified criteria; requiring the results of specified assessments to be reported to the parents of participating students within a certain timeframe; providing requirements for such assessments; providing department duties and responsibilities relating to such assessments; providing requirements for a specified methodology used to calculate the results of such assessments; requiring the department to establish a grading system for program providers; providing for the adoption of a minimum performance metric or grade for program participation; providing procedures for providers whose score or grade falls below the minimum requirement; providing for the revocation of program eligibility for certain providers; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing department and provider requirements for such exemptions; repealing s. 1002.69, F.S., relating to statewide kindergarten screening and readiness rates; amending ss. 1002.71 and 1002.72, F.S.; conforming provisions to changes.
made by the act; amending s. 1002.73, F.S.; requiring
the department to adopt a specified standard statewide
provider contract; requiring such contract to be
published on the department’s website; providing
requirements for such contract; prohibiting providers
from offering services during an appeal of termination
from the program; providing applicability; requiring
the state board to adopt specified rules relating to
the Voluntary Prekindergarten Education Program;
revising duties of the department relating to the
program; repealing s. 1002.75, F.S., relating to the
powers and duties of the Office of Early Learning;
repealing s. 1002.77, F.S., relating to the Florida
Early Learning Advisory Council; amending ss. 1002.79
and 1002.81, F.S.; redefining a term; conforming
provisions and cross-references to changes made by the
act; amending s. 1002.82, F.S.; providing duties of
the department relating to early learning; exempting
certain child development programs operating on
military installations from specified inspection
requirements; requiring the department to monitor
specified standards and benchmarks for certain
purposes; requiring the department to provide
specified technical support; revising requirements for
a specified assessment program; requiring the
department to adopt requirements to make certain
contracted slots available to serve specified
populations by a specified date; requiring the state
board to adopt rules for merging early learning

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CODING: Words **stricken** are deletions; words *underlined* are additions.
certain taxes for qualifying providers; providing for certain child care facilities to receive a specified rate differential; authorizing the Early Learning Programs Estimating Conference to determine certain rate differentials for certain school readiness programs; requiring the state board to adopt rules; amending ss. 1002.95, 1002.96, 1002.97, 1002.995, 1003.575, and 1007.01, F.S.; conforming provisions to changes made by the act; creating s. 1008.2125, F.S.; creating the coordinated screening and progress-monitoring program within the department for specified purposes; requiring the Commissioner of Education to design the program; providing requirements for the administration of the program beginning in a specified school year; requiring results of the program to be reported to and maintained by the department; providing duties for the commissioner; creating the Council for Early Grade Success; providing duties of the council; providing membership of the council; requiring the council to elect a chair and a vice chair; providing for per diem for members of the council; providing meeting requirements for the council; providing for a quorum of the council; amending s. 1008.25, F.S.; authorizing certain students enrolled in the Voluntary Prekindergarten Education Program; amending ss. 1002.22 and 1002.53, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Paragraphs (a) and (d) of subsection (1) of section 20.055, Florida Statutes, are amended to read:

(a) "Agency head" means the Governor, a Cabinet officer, or a secretary or executive director as those terms are defined in s. 20.03, the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial 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

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Section 2. Present paragraphs (c) through (j) of subsection 20.15, Florida Statutes, are redesignated as paragraphs (d) through (k), respectively, a new paragraph (c) is added to subsection (3), 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) The Office of Independent Education and Parental Choice, which must include the following officials:

1. The Office of Early Learning, which shall be administered by an executive director who is fully accountable 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-261.

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Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

Section 4. Paragraph (b) of subsection (5) of section 318.04, Florida Statutes, is amended to read:

(5) EDUCATIONAL STABILITY.—Just as educational stability is important for school-age children, it is also important to minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care or subsequent changes in out-of-home placement.

(b) If it is not in the best interest of the child for him or her to remain in his or her child care or early education setting upon entry into out-of-home care, the caregiver must work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 1002.945, a provider participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and nonpublic schools.

Section 5. Paragraph (m) of subsection (5) of section 318.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(m) Educational materials purchased by certain child care facilities.—Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys, and curricula, purchased by a child care facility that meets the standards delineated in s. 402.305, is licensed under s. 402.308, holds a current Gold Seal Quality Care designation pursuant to s. 1002.945, and provides basic health insurance to all employees are exempt from the taxes imposed by this chapter. For purposes of this paragraph, the term "basic health insurance" shall be defined and promulgated in rules developed jointly by the Department of Education Children and Families, the Agency for Health Care Administration, and the Financial Services Commission.

Section 6. Subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(a) The Early Learning Programs Estimating Conference shall develop estimates and forecasts by county of the unduplicated count of children eligible for the school readiness program in accordance with the standards of eligibility established in s.
Screening for metabolic disorders, other hereditary conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) Postnatal screening.—A risk factor analysis using the department’s designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department’s Office of Vital Statistics for recording and other purposes provided for in this chapter. The department’s screening process for risk

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assessment shall include a scoring mechanism and procedures that
establish thresholds for notification, further assessment,
referral, and eligibility for services by professionals or
paraprofessionals consistent with the level of risk. Procedures
for developing and using the screening instrument, notification,
referral, and care coordination services, reporting
requirements, management information, and maintenance of a
computer-driven registry in the Office of Vital Statistics which
ensures privacy safeguards must be consistent with the
provisions and plans established under chapter 411, Pub. L. No.
99-457, and this chapter. Procedures established for reporting
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
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:

(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. 1002.945 (42), be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.

Section 10. Section 402.281, Florida Statutes, is repealed.

Section 11. Paragraph (c) of subsection (1) and paragraph (a) of subsection (7) of section 402.305, Florida Statutes, are amended to read:

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children. The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure. Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care and may not exceed standards expressly set forth in ss. 402.301-402.319. Licensing standards adopted by the department on or after July 1, 2020, must be ratified by the Legislature. After-school programs that otherwise meet the criteria for exclusion from licensure may provide snacks and meals through the federal Afterschool Meal Program (AMP) administered by the Department of Health in accordance with federal regulations and standards. The Department of Health shall consider meals to be provided through the AMP only if the program is actively participating in the AMP, is in good standing with the department, and the meals meet AMP requirements. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.

(7) SANITATION AND SAFETY.—

(a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards shall require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.
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 Quality Care program created pursuant to s. 1002.945 s. 402.381.

Section 13. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children’s cabinet; organization; responsibilities; annual report.—
(4) MEMBERS.—The cabinet shall consist of 16 members including the Governor and the following persons:
(a)1. The Secretary of Children and Families;
2. The Secretary of Juvenile Justice;
3. The director of the Agency for Persons with Disabilities;
4. A representative from the Division of Early Learning;
5. The State Surgeon General;
6. The Secretary of Health Care Administration;
7. The Commissioner of Education;
8. The director of the Statewide Guardian Ad Litem Office;
9. A representative of the Office of Adoption and Child Protection;
10. A superintendent of schools, appointed by the Governor; and
11. Five members who represent children and youth advocacy organizations and who are not service providers, appointed by the Governor.

Section 14. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—
(2) LEARNING GATEWAY STEERING COMMITTEE.—
(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Office of Early Learning, the Department of Children and Families, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 15. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

1. COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—
   (d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should
be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the Department of Education Office of Early Learning.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with the Office of Early Learning, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(c) The steering committee, in cooperation with the Department of Children and Families and the Department of Education, and the Office of Early Learning, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 16. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant’s family, or a participant’s family or household member, except for information identifying a parent who does not live in the same home as the child, which is held by the department, the Office of Early Learning, CareerSource Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a local workforce development board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(l) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act,
as amended, by the department, the Office of Early Learning, CareerSource Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a local workforce development board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state’s plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

c) An investigation, prosecution, or criminal, civil, or administrative proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, if such request is made pursuant to the proper exercise of that entity’s duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) An audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the reemployment assistance program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 17. Section 1000.01, Florida Statutes, is amended to read:

1000.01 The Florida Early Learning-20 Education system; technical provisions.—

(1) NAME.—Chapters 1000 through 1013 shall be known and cited as the “Florida Early Learning-20 Education Code.”

(2) LIBERAL CONSTRUCTION.—The provisions of the Florida Early Learning-20 Education Code shall be liberally construed to the end that its objectives may be effected. It is the legislative intent that if any section, subsection, sentence, clause, or provision of the Florida Early Learning-20 Education Code is held invalid, the remainder of the code shall not be affected.

(3) PURPOSE.—The purpose of the Florida Early Learning-20 Education Code is to provide by law for a state system of schools, courses, classes, and educational institutions and services adequate to allow, for all Florida’s students, the opportunity to obtain a high quality education. The Florida Early Learning-20 education system is established to accomplish this purpose; however, nothing in this code shall be construed to require the provision of free public education.
(e) A system that provides for local operational flexibility while promoting accountability for student achievement and improvement.

Section 19. Section 1000.03, Florida Statutes, is amended to read:

1000.03 Function, mission, and goals of the Florida Early Learning-20 education system.—

(1) Florida’s Early Learning-20 education system shall be a decentralized system without excess layers of bureaucracy. Florida’s Early Learning-20 education system shall maintain a systemwide technology plan based on a common set of data definitions.

(2)(a) The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources.

(b) With the exception of matters relating to the State University System, the State Board of Education shall oversee the enforcement of all laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(c) The Board of Governors shall oversee the enforcement of all state university laws and rules and regulations and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(3) Public education is a cooperative function of the state and local educational authorities. The state retains responsibility for establishing a system of public education through laws, standards, and rules to assure efficient operation of an Early Learning-20 system of public education and
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 aligns with student performance expectations at each level in the education system are aligned, and education financial resources are appropriately aligned with the skills required by the new global economy.

(5) The priorities of Florida’s Early Learning-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 education system are aligned, and education financial resources are aligned with student performance expectations at each level.

(e) Educational leadership. The quality of educational leadership at all levels of Early Learning-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 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 K-20 career and education planning. It is essential that Florida’s Early Learning-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.
while preparing them to enter postsecondary education or the workforce.

3. Recommended coursework and programs that prepare students for success in their areas of interest and ability. This information shall be provided to students and parents through websites, handbooks, manuals, or other regularly provided communications.

Section 20. Section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 education system.— Florida’s Early Learning-20 education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) EARLY LEARNING.—Early learning includes the Voluntary Prekindergarten Education Program and the school readiness program.

(2) PUBLIC K-12 SCHOOLS.—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of school boards; and lab schools operated under the control of district school boards; and lab schools operated under the control of district school boards.

(3) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.— Public postsecondary educational institutions include workforce education; Florida College System institutions; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.

(4) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The Florida School for the Deaf and the Blind is a component of the delivery of public education within Florida’s Early Learning-20 education system.

(5) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual School is a component of the delivery of public education within Florida’s Early Learning-20 education system.

Section 21. Section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida Early Learning-20 Education Code:

(1) “Articulation” is the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.

(2) “Commissioner” is the Commissioner of Education.

(3) “Florida College System institution” except as otherwise specifically provided, includes all of the following public postsecondary educational institutions in the Florida...
College System and any branch campuses, centers, or other affiliates of the institution:

(a) Eastern Florida State College, which serves Brevard County.
(b) Broward College, which serves Broward County.
(c) College of Central Florida, which serves Citrus, Levy, and Marion Counties.
(d) Chipola College, which serves Calhoun, Holmes, Jackson, Liberty, and Washington Counties.
(e) Daytona State College, which serves Flagler and Volusia Counties.
(f) Florida SouthWestern State College, which serves Charlotte, Collier, Glades, Hendry, and Lee Counties.
(g) Florida State College at Jacksonville, which serves Duval and Nassau Counties.
(h) The College of the Florida Keys, which serves Monroe County.
(i) Gulf Coast State College, which serves Bay, Franklin, and Gulf Counties.
(j) Hillsborough Community College, which serves Hillsborough County.
(k) Indian River State College, which serves Indian River, Martin, Okeechobee, and St. Lucie Counties.
(l) Florida Gateway College, which serves Baker, Columbia, Dixie, Gilchrist, and Union Counties.
(m) Lake-Sumter State College, which serves Lake and Sumter Counties.
(n) State College of Florida, Manatee-Sarasota, which serves Manatee and Sarasota Counties.

(o) Miami Dade College, which serves Miami-Dade County.
(p) North Florida College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
(q) Northwest Florida State College, which serves Okaloosa and Walton Counties.
(r) Palm Beach State College, which serves Palm Beach County.
(s) Pasco-Hernando State College, which serves Hernando and Pasco Counties.
(t) Pensacola State College, which serves Escambia and Santa Rosa Counties.
(u) Polk State College, which serves Polk County.
(v) St. Johns River State College, which serves Clay, Putnam, and St. Johns Counties.
(w) St. Petersburgh College, which serves Pinellas County.
(x) Santa Fe College, which serves Alachua and Bradford Counties.
(y) Seminole State College of Florida, which serves Seminole County.
(z) South Florida State College, which serves DeSoto, Hardee, and Highlands Counties.
(aa) Tallahassee Community College, which serves Gadsden, Leon, and Wakulla Counties.
(bb) Valencia College, which serves Orange and Osceola Counties.

(4) “Department” is the Department of Education.
(5) “Parent” is either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a
student in place of the parent.

(6) "State university," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

(a) The University of Florida.
(b) The Florida State University.
(c) The Florida Agricultural and Mechanical University.
(d) The University of South Florida.
(e) The Florida Atlantic University.
(f) The University of West Florida.
(g) The University of Central Florida.
(h) The University of North Florida.
(i) The Florida International University.
(j) The Florida Gulf Coast University.
(k) New College of Florida.
(l) The Florida Polytechnic University.

(7) "Next Generation Sunshine State Standards" means the state's public K-12 curricular standards adopted under s. 1003.41.

(8) "Board of Governors" is the Board of Governors of the State University System.

Section 22. Subsection (1) and paragraphs (e) and (s) of subsection (2) of section 1001.02, Florida Statutes, are amended to read:

1001.02 General powers of State Board of Education.—

(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida except for the State University System, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to

(2) The State Board of Education has the following duties:

(e) To adopt and submit to the Governor and Legislature, as provided in s. 216.023, a coordinated "Early Learning-2020" public education budget that estimates the expenditure requirements for the Board of Governors, as provided in s. 1001.706, the State Board of 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, as provided in s. 1001.706, or the State Board of Education for the ensuing fiscal year. The State Board of Education may not amend the budget request submitted by the Board of Governors. Any program recommended by the Board of Governors or the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(s) To establish a detailed procedure for the implementation and operation of a systemwide technology plan that is based on a common set of data definitions.

Section 23. Subsections (8) and (9) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

(8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education
The Commissioner of Education must independently

(1) The Commissioner of Education is the chief educational

duties.

(1) The Commissioner of Education is the chief educational

officer of the state and the sole custodian of the Educational

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 data warehouse.

(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 education budget that estimates the

expenditures for the Board of Governors, the State Board of

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

assistances to 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 25. 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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CODING: Words **stricken** are deletions; words **underlined** are additions.
Section 26. Section 1001.213, Florida Statutes, is amended to read:

Section 26. Developmental research (laboratory) schools.

(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 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 30. Subsections (3) and (10) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(3) MISSION.—The Mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a lab school shall embody the goals and standards established pursuant to ss. 1000.03(5) and 1001.23(1) and shall ensure an appropriate education for its students.

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each lab school shall provide sequential elementary and secondary instruction where appropriate. A lab school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education.
Board of Education. Each lab school shall develop and implement a school improvement plan pursuant to s. 1003.02(3).

(b) Research, demonstration, and evaluation conducted at a lab school may be generated by the college of education and other colleges within the university with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a lab school may be generated by the State Board of Education. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a lab school may consist of pilot projects to be generated by the affiliated college, the State Board of Education, or the Legislature.

(e) The exceptional education programs offered at a lab school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs.

The fact that a lab school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(10) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(1) — 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;

1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;

1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
The early learning coalition shall provide each parent a certified copy of the child’s birth certificate. The early learning coalition shall provide each parent a certified copy of the child’s birth certificate. The early learning coalition shall provide each parent a certified copy of the child’s birth certificate. The early learning coalition shall provide each parent a certified copy of the child’s birth certificate.

(a) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(1) The provider must submit an application to the department Office of Early Learning, including documentation of the provider’s qualifications and the provider’s readiness to deliver the prekindergarten program. The application must be submitted on forms prescribed by the department Office of Early Learning.

(2) The provider must provide a copy of the child’s birth certificate. The forms must include a certification, accompanied by a certified copy of the child’s birth certificate, that the child meets the eligibility criteria.

(3) The provider must provide a copy of the child’s birth certificate. The forms must include a certification, accompanied by a certified copy of the child’s birth certificate, that the child meets the eligibility criteria.

(4) The provider must provide a copy of the child’s birth certificate. The forms must include a certification, accompanied by a certified copy of the child’s birth certificate, that the child meets the eligibility criteria.

(5) The provider must provide a copy of the child’s birth certificate. The forms must include a certification, accompanied by a certified copy of the child’s birth certificate, that the child meets the eligibility criteria.

(6) The provider must provide a copy of the child’s birth certificate. The forms must include a certification, accompanied by a certified copy of the child’s birth certificate, that the child meets the eligibility criteria.

(b) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(c) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(d) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(e) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(f) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(g) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(h) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(i) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(j) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(k) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(l) The application must be submitted on forms prescribed by the department Office of Early Learning and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department Office of Early Learning may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(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 approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(b) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(c) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(d) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(e) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(f) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(g) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(h) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(i) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(j) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(k) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:

(l) The private prekindergarten provider must be a child care facility approved by the department Office of Early Learning. To be eligible to deliver the prekindergarten program, the provider must meet each of the following requirements:
care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), faith-based child care provider exempt from licensure under s. 402.316, child development program that is operating on a military installation that is certified by the United States Department of Defense and accredited by a national accrediting body, or a private prekindergarten provider who has been issued a provisional license pursuant to s. 402.309. A private prekindergarten provider may not deliver the program while its license has been converted to a probation-status license pursuant to 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; 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).

(c) The private prekindergarten provider must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:
1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:
   a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or
   b. A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Families may adopt rules under ss. 120.536(1) and 120.545 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete at least three emergent literacy training courses and a student performance standards training course approved by the department office as meeting or exceeding the minimum standards adopted under s. 1002.59. The requirement for
(e) A private 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 paragraph (l) of subsection (h) of section 435.04, Florida Statutes, and as meeting the early learning coalitions’ policies and procedures for prekindergarten classroom personnel. The prekindergarten provider must maintain written evidence of general liability insurance and provide the coalition with a copy of the certificate of insurance at least 45 days prior to the assignment of the substitute instructor.

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the Department of Education as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the Department of Early Learning.

(i) The private prekindergarten provider must notify the early learning coalition in writing before employing any substitute instructor. The provider must notify the coalition of any additions to or subtractions from its substitute list. The provider must notify the coalition within 24 hours of any substitute instructor hired or released. Each substitution must be for a continuous period of time not to exceed 10 days in length. The provider must maintain written evidence of general liability insurance and provide the coalition with a copy of the certificate of insurance at least 45 days prior to the assignment of the substitute instructor.

(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 of Early Learning 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 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.

(k) 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 (k), for a child development program operating on a military installation that is certified by the United States
(5) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a Class I violation, as defined by rule by the Child Care Services Program, by the Office of the Department of Children and Families, the coalition may refuse to contract with the provider.

(6) Each early learning coalition must verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county or multicounty region complies with this part. If a private prekindergarten provider fails or refuses to comply with this part or if a provider engages in misconduct, the department shall require the early learning coalition to remove the provider from eligibility to deliver the program and receive state funds under this part for a period of at least 2 years but not more than 5 years.

Section 35. Present paragraphs (b) and (c) of subsection (2) of section 1002.57, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and subsection (1) of that section is amended, to read:

1002.57 Prekindergarten director credential.—

(1) The department, in consultation with the Department of Children and Families, shall adopt minimum standards for a credential for prekindergarten directors of private prekindergarten providers delivering the Voluntary Prekindergarten Education Program. The credential must encompass requirements for education and on-site experience.

(2) The educational requirements must include training in the following:

(a) Professionally accepted standards for prekindergarten education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor’s or higher degree in early childhood education, or
(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) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a Class I violation, as defined by rule by the Child Care Services Program, by the Office of the Department of Children and Families, the coalition may refuse to contract with the provider.

(6) Each early learning coalition must verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county or multicounty region complies with this part. If a private prekindergarten provider fails or refuses to comply with this part or if a provider engages in misconduct, the department shall require the early learning coalition to remove the provider from eligibility to deliver the program and receive state funds under this part for a period of at least 2 years but not more than 5 years.
Section 36. Section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The department office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

(2) The department office shall adopt minimum standards for one or more training courses on the performance standards adopted under s. 1002.67(1). Each course must consist of one or more training courses in emergent literacy and performance standards and address age-appropriate progress of each child in attaining the standards, and be available online.

(3) The department shall make available online professional development and training courses consisting of at least 8 clock hours that support prekindergarten instructors in increasing the competency of teacher-child interactions.

Section 37. Present subsections (6) through (8) of section 1002.61, Florida Statutes, are redesignated as subsections (7) through (9), respectively, new subsections (6) and (10) are added to that section, and paragraph (b) of subsection (1), paragraph (b) of subsection (3), subsection (4), and present subsections (6) and (8) of that section are amended, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(1)

(b) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a private prekindergarten provider. A child development program operating on a military installation that is certified by the United States Department of Defense and accredited by a national...
(7)(6) A public school or private prekindergarten provider in this section.

(3)

(b) Each public school delivering the summer prekindergarten program must execute the statewide provider contract prescribed under ss. 1002.73 and 1002.76, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

(4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4), each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds one of the educational credentials specified in s. 1002.55(4)(a) or (b). As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education and have completed emergent literacy and performance standards courses, as defined in s. 1002.55(3)(c)2.

(6) A child development program operating on a military installation that is certified by the United States Department of Defense and accredited by a national accrediting body shall comply with the requirements of a private prekindergarten provider in this section.

(7) A public school or private 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 or private prekindergarten provider may assign a substitute instructor.

(9) 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 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 department shall require the early learning coalition to remove the provider or require the
(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 district school board shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the school district complies with this part.

(b) If a public school fails or refuses to comply with this part, or if a school engages in misconduct, the department shall 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 at least 2 years but not more than 5 years.

Section 39. 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 s. 1002.67 for the statewide kindergarten screening administered under s. 1002.68 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 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)(c). The 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. 1002.68.

(c) The State Board of Education office shall adopt rules for the review and approval of approved curricula for use by private prekindergarten providers and public schools that are placed on probation under s. 1002.68 paragraph (4)(c). 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.

(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.

(4) 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 the use of a curriculum approved by the office under paragraph (2)(a) 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.

Section 40. Section 1002.68, Florida Statutes, is created to read:

1002.68 Voluntary Prekindergarten Education Program accountability.—

(1) (a) Beginning with the 2021-2022 program year, each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must participate in the coordinated screening and progress-monitoring program in accordance with s. 1008.2125. The coordinated screening and progress-monitoring program results shall be used by the department to identify student learning gains, index development learning outcomes upon program completion relative to current Florida Standards assessment results and to identify areas in which improvements must be made.

The office shall develop a psychoeducational screening and progress-monitoring program in accordance with s. 1008.2125 and shall require each provider to coordinate the screening and progress-monitoring program with the school district to ensure the coordination of initiatives and to preserve the integrity of the program.

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) 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.

(4) 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 Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.
to the performance standards established under s. 1002.67 and representative norms, and inform a provider’s performance metric.

(b) At a minimum, the initial and final progress-monitoring or screening must be administered by individuals meeting requirements adopted by the department pursuant to s. 1008.2125.

(c) Each private prekindergarten provider and public school must provide a student’s performance results to the student’s parents no later than 7 days after the administration of such screening and progress monitoring.

(2) Beginning with the 2020-2021 program year, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must participate in a program assessment of each voluntary prekindergarten education classroom. The program assessment shall measure 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. Each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program shall receive the results of the program assessment for each classroom within 14 days of the observation.

The program assessment and screening and progress-monitoring must be administered by individuals meeting requirements established by rule of the State Board of Education.

(3)(a) For the 2019-2020 program year, the department shall calculate a performance metric for each provider based upon learning gains and the program assessment, which shall be weighted at a minimum of approximately 50 percent of a provider’s performance metric and administered pursuant to this section.

(b) For the 2020-2021 program year, the department shall calculate a program performance metric for each provider based upon learning gains and the program assessment, which shall be weighted at a minimum of approximately 50 percent of a program’s performance metric and administered pursuant to this section.

(c) For purposes of this subsection, learning gains shall be determined using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment in use before the 2021-2022 program year.

(d) Any provider who fails to meet the minimum voluntary prekindergarten readiness rate or program performance metric during the 2020-2021 program year shall be subject to the probation requirements of subsection (5).

(4)(a) Beginning with the 2021-2022 program year, the department shall adopt a methodology for calculating each provider’s performance metric, which must be based on a combination of the following:

1. Program assessment scores under subsection (2), which shall be weighted at approximately 50 percent.

2. Learning gains expressed as the change in ability scores from the initial and final progress-monitoring results described...
in subsection (l).

3. Norm-referenced developmental learning outcomes described in subsection (l).

(b) For purposes of this subsection, the methodology for calculation 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 methodology must include a statistical latent profile analysis that is conducted by a contracted independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems. Such expert must be able to produce a limited number of program performance metric profiles that summarize all programs’ profiles that inform the assignment of a letter grading system to include grades “A” through “F.” The contracted 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 systems within the last 5 years.

(d) The grading system must provide for a differential payment to a private prekindergarten provider and public school based on program performance. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent as defined in s. 1002.71. A private prekindergarten provider or public school may not receive a differential if it is assigned a grade of “C” or below. Before the adoption of a methodology, the department and the contracted expert shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval for the final recommendations on the grading system and differential payments.

(e) The department shall adopt procedures to annually calculate each private prekindergarten provider’s and public school’s program performance metric and grade based on the methodology adopted in paragraphs (a) and (b). Beginning with the 2022-2023 program year, each private prekindergarten provider or public school shall be assigned a grade within 45 days of the conclusion of the school year Voluntary Prekindergarten Education Program delivered by all participating private prekindergarten providers or public schools.

(f) The department shall adopt a minimum program performance metric or grade that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider’s or school’s satisfactory delivery of the Voluntary Prekindergarten Education Program.

(5)(a) If a public school’s or private prekindergarten provider’s program assessment composite score for its prekindergarten classrooms fails to meet the minimum threshold for contracting established by the department pursuant to s. 1002.82(2)(n), then the public school or private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program beginning in the subsequent program year and thereafter until the public school or private prekindergarten provider meets the minimum threshold for contracting.

(b) If a private prekindergarten provider’s or public school’s or school’s program performance metric and grade based on the methodology adopted in paragraphs (a) and (b) is assigned a grade of “C” or below, the department shall adopt procedures to annually calculate each private prekindergarten provider’s and public school’s program performance metric and grade based on the methodology adopted in paragraphs (a) and (b).
(b) A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under paragraph (a) until the provider or school meets the minimum program performance metric or grade adopted by the department. Failure to meet the requirements of subparagraphs (b)1. and 3. shall result in the termination of the provider’s or school’s contract to deliver the Voluntary Prekindergarten Education Program for a period of at least 2 years but no more than 5 years.

(d) If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum program performance metric or grade, or is not granted a good cause exemption by the department, the department shall require the early learning coalition or the school district to revoke the provider’s or school’s eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of at least 2 years but no more than 5 years.

(6) (a) The department, upon the request of a private prekindergarten provider or public school that remains on probation for at least 2 consecutive years and subsequently fails to meet the minimum program performance metric or grade adopted pursuant to paragraph (5)(c), and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider’s or public school’s request for a good cause exemption, or renewal of such an exemption, must be submitted to the department in the manner and within the timeframes prescribed by the department and must include the following:

1. Data from the private prekindergarten provider or public school which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

2. Data from the program assessment required under s. 1002.55 which demonstrates effective teaching practices as recognized by the contracted expert.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and...
Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider’s or public school’s compliance with state and local health and safety standards.

(c) The department shall adopt criteria for granting good cause exemptions. Such criteria must include, but are not limited to, all of the following:

1. Child demographic data that evidences a private prekindergarten provider or public school 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 students’ individual education plans.

2. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school on an alternative measure that has comparable validity and reliability of the screening and progress-monitoring program in accordance with s. 1008.2125.

3. Program assessment data under subsection (2) which demonstrates effective teaching practices as recognized by the contracted expert.

4. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider or public school that has any Class I violations or two or more Class II violations within the 2 years preceding the provider’s or school’s request for the exemption. For purposes of this paragraph, Class I and Class II violations have the same meaning as provided in s. 1002.945.

(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 program 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, the department shall notify the early learning coalition or school district of the good cause exemption and direct that the coalition or school district not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program if the provider meets all other applicable requirements of this part.

(g) The department shall report the number of Voluntary Prekindergarten Education Program 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(5).

(7) Representatives from the school districts and early learning coalitions must annually develop strategies to transition students from the Voluntary Prekindergarten Education Program to kindergarten.

Section 41. Section 1002.69, Florida Statutes, is repealed.

Section 42. 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) The initial allocation shall be based on estimated student enrollment in each coalition service area. The department 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.
The department Office of Early Learning shall adopt procedures for early learning coalitions and school 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...
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 43. 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 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 section.

Section 44. Section 1002.73, Florida Statutes, is amended to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(i) 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 those actions or inactions of a provider that 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 that is inconsistent with, or prohibited by, law is void and unenforceable administers the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.
(2) The department shall adopt procedures for:

(a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.

(b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.

(c) Annually notifying providers placed on probation for not meeting the minimum performance metric as required by s. 1002.68 of the free and low-cost, high-quality professional development opportunities developed or supported by the department.

(3) The department shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children 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.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) 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.

(e) Verifying the compliance of private prekindergarten programs and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider’s or school district’s attendance policy under s. 1002.71.

(4) The department shall administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.

(5) The department shall adopt rules governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.68.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.68.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider’s or school’s remaining on probation beyond the time permitted under s. 1002.68. Notwithstanding any other law, if a...
(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

(f) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.66.

(g) Implementation of, and determination of costs associated with, the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the department, and determination of the learning gains of students who complete the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the department.

(1) Approving the approval of specialized instructional services providers under s. 1002.66.

(2) Annual reporting of the percentage of kindergarten students who meet all state readiness measures.

(3) Granting of a private prekindergarten provider’s or public school’s request for a good cause exemption under s. 1002.69(7).

(4) The department shall adopt procedures for the

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enhancement services for families and children may include supports for providers, parent training and involvement activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in s. 1002.89(5)(b)

1002.82(6)(b).

(12) "Office" means the Office of Early Learning of the Department of Education.

Section 48. Subsections (1) through (5) of section 1002.82, Florida Statutes, are amended to read:

1002.82 Department of Education Office of Early Learning;

powers and duties.—

(1) For purposes of administration of the Child Care and Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts 98 and 99, the Department of Education Office of Early Learning is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law. The Department Office may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any provision of ss. 411.223 and 1003.54 if the waiver is necessary for implementation of the school readiness program. Section 125.901(2)(a)3. does not apply to the school readiness program.

(2) The Department Office shall:

(a) Focus on improving the educational quality delivered by all providers participating in the school readiness program.

(b) Preserve parental choice by permitting parents to choose from a variety of child care categories, including center-based care, family child care, and informal child care to

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(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 program, including:
      a. Rating and improvement systems.
      b. Warm-Line services.
      c. Anti-fraud plans.
      d. School readiness program standards.
      e. Child screening and assessments.
      f. Training and support for parental involvement in children's early education.
      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 operating on a military installation that is certified by the United States Department of Defense and accredited by a national accrediting body is exempt from the inspection requirements under s. 1002.88.

(j) Monitor the alignment and consistency of the Department's 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 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 criterion-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 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 (q).

(l) 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 a standard statewide provider contract 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 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 by the State Board of Education:
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 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 threshold for contracting purposes are ineligible for such payment.
   (p) No later than July 1, 2021, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve an at-risk child, as defined in s. 1002.81(1)(d) and (f), and to serve children at the greatest risk of school failure as determined by the 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)(f).

3. Monitor and evaluate the performance of each early childhood education 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.

4. 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.

5. Administer a statewide toll-free Warm-Line to 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 to measure child growth over time, program impact, and quality improvement and investment decisions.

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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.

(a) Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law.

(3) If the department office determines during the review of school readiness program plans, or through monitoring and performance evaluations conducted under s. 1002.85, that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the department office, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the department office may temporarily contract with a qualified entity to continue school readiness program and prekindergarten services in the coalition’s county or multicounty region until the department office reestablishes the coalition and a new school readiness program plan is approved in accordance with the rules adopted by the State Board of Education office. (4) The department office may request the Governor to apply for a waiver to allow a coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

(5) By January 1 of each year, the department office shall annually publish on its website a report of its activities conducted under this section. The report must include a summary of the coalitions’ annual reports, a statewide summary, and the following:

(a) An analysis of early learning activities throughout the
The total number of provider contracts revoked and the reasons for revocation.

(b) A summary of the activities and detailed expenditures related to the Child Care Executive Partnership Program.

Section 49. Subsections (1), (2), and (3), paragraph (m) of subsection (4), and subsections (5), (11), and (13) of section 1002.83, Florida Statutes, are amended to read:

1002.83 Early learning coalitions.—

(1) Thirty or fewer early learning coalitions are established and shall maintain direct enhancement services at the local level and provide access to such services in all 67 counties. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program and the Voluntary Prekindergarten Education Program.

(2) Each early learning coalition shall be composed of at least 15 members but not more than 30 members.

(3) The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as a private sector business member appointed by the coalition under subsection (5).

(4) Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

(a) A central agency administrator, where applicable.

(b) Including the Members appointed by the Governor under...
subsection (3), more than one-third of the members of each early
learning coalition must be private sector business members,
either for-profit or nonprofit, who do not have, and none of
whose relatives as defined in s. 112.3143 has, a substantial
financial interest in the design or delivery of the Voluntary
Prekindergarten Education Program created under part V of this
chapter or the school readiness program. To meet this
requirement, an early learning coalition must appoint additional
members. The department office shall establish criteria for
appointing private sector business members. These criteria must
include standards for determining whether a member or relative
has a substantial financial interest in the design or delivery
of the Voluntary Prekindergarten Education Program or the school
readiness program.

(11) Each early learning coalition shall establish terms
for all appointed members of the coalition. The terms must be
staggered and must be a uniform length that does not exceed 4
years per term. Coalition chairs shall be appointed for 4 years
in conjunction with their membership on the Early Learning
Advisory Council pursuant to s. 20.052. Appointed members may
serve a maximum of two consecutive terms. When a vacancy occurs
in an appointed position, the coalition must advertise the
vacancy.

(13) Each early learning coalition shall 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 office.

Section 50. Subsections (17) through (20) of section
1002.84, Florida Statutes, are renumbered as subsections (16)
through (19), respectively, and subsections (1), (2), (4), (7),
(8), (15), and (16) and present subsections (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 State Board of Education
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
department office pursuant to s. 1002.82(2)(u) and s. 1002.82(2)(l).
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) 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.
(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 an Early Head Start program or Head Start Program. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

(15) Monitor school readiness program providers in accordance with its plan, or in response to a parental complaint, to verify that the standards prescribed in ss. 1002.82 and 1002.88 are being met using a standard monitoring tool adopted by the department office. Providers determined to be high-risk by the coalition, as demonstrated by substantial findings of violations of federal law or the general or local laws of the state, shall be monitored more frequently. Providers with 3 consecutive years of compliance may be monitored biennially.

(16) Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the average market rate, include the projected number of children to be served, and be submitted for approval by the office. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(16) Implement an anti-fraud plan addressing the detection, reporting, 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, as required by s. 1002.91.

(17) By October 1 of each year, submit an annual report to the department office. The report must conform to the format adopted by the department office and must include:

(a) Segregation of school readiness program funds, Voluntary Prekindergarten Education Program funds, Child Care Executive Partnership Program funds, and other local revenues available to the coalition.

(b) Details of expenditures by fund source, including total expenditures for administrative activities, quality activities, nondirect services, and direct services for children.

(c) The total number of coalition staff and the related expenditures for salaries and benefits. For any subcontracts, the total number of contracted staff and the related expenditures for salaries and benefits must be included.

(d) The number of children served in the school readiness program, by provider type, enumerated by age and eligibility priority category, reported as the number of children served...
2669 during the month, the average participation throughout the
2670 month, and the number of children served during the month.
2671 (e) The total number of children disenrolled during the
2672 year and the reasons for disenrollment.
2673 (f) The total number of providers by provider type.
2674 (g) A listing of any school readiness program provider, by
2675 type, whose eligibility to deliver the school readiness program
2676 is revoked, including a brief description of the state or
2677 federal violation that resulted in the revocation.
2678 (h) An evaluation of its direct enhancement services.
2679 (i) The total number of children served in each provider
2680 facility.
2681 (19) (a) (20). To increase transparency and accountability,
2682 comply with the requirements of this section before contracting
2683 with one or more of the following persons or business entities
2684 which employs, has a contractual relationship with, or is owned
2685 by the following persons:
2686 1. A member of the coalition appointed pursuant to s.
2687 1002.83(4);
2688 2. A board member of any other early learning subrecipient
2689 entity;
2690 3. A coalition employee; or
2691 4. A relative, as defined in s. 112.3143(1)(c), of any
2692 person identified in subparagraphs 1.-3 a coalition member or of
2693 an employee of the coalition.
2694 (b) Such contracts may not be executed without the approval
2695 of the department office. Such contracts, as well as
2696 documentation demonstrating adherence to this section by the
2697 coalition, must be approved by a two-thirds vote of the
2698 department office. A coalition may not implement any
2699 revision to its school readiness program plan until the
2700 department office.
2701 If a contract cannot be approved by the department office, a
2702 review of the decision to disapprove the contract may be
2703 requested by the early learning coalition or other parties to
2704 the disapproved contract.
2705 Section 51. Section 1002.85, Florida Statutes, is amended
2706 to read:
2707 1002.85 Early learning coalition plans.—
2708 (1) The department office shall adopt rules prescribing the
2709 standardized format and required content of school readiness
2710 program plans as necessary for a coalition or other qualified
2711 entity to administer the school readiness program as provided in
2712 this part.
2713 (2) Each early learning coalition must biennially submit a
2714 school readiness program plan to the department office before
2715 the expenditure of funds. A coalition may not implement its
2716 school readiness program plan until it receives approval from
2717 the department office. A coalition may not implement any
2718 revision to its school readiness program plan until the
2719 department office. A coalition may not implement any
coalition submits the revised plan to and receives approval from the department office. If the department office rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

(a) The coalition’s operations, including its membership and business organization, and the coalition’s articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent.

(b) The minimum number of children to be served by care level.

(c) The coalition’s procedures for implementing the requirements of this part, including:

1. Single point of entry.
2. Uniform waiting list.
3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.
4. Parent access and choice.
5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(8).
6. Use of reassessments and postassessments, as applicable.
7. Payment rate schedule.
8. Use of contracted slots, as applicable, based on the results of the assessment required under paragraph (j).

(d) A detailed description of the coalition’s quality activities and services, including, but not limited to:

- A detailed description of the coalition’s quality activities and services, including, but not limited to:
  - A description of the procedures for implementing the requirements of this part, including:
    - A detailed description of the coalition’s quality activities and services, including, but not limited to:
      - A detailed description of the coalition’s quality activities and services, including, but not limited to:

1. Resource referral and school-age child care.
2. Infant and toddler early learning.
3. Inclusive early learning programs.
4. Quality improvement strategies that strengthen teaching practices and increase child outcomes.

(e) A detailed budget that outlines estimated expenditures for state, federal, and local matching funds at the lowest level of detail available by other-cost-accumulator code number; all estimated sources of revenue with identifiable descriptions; a listing of full-time equivalent positions; contracted subcontractor costs with related annual compensation amount or hourly rate of compensation; and a capital improvements plan outlining existing fixed capital outlay projects and proposed capital outlay projects that will begin during the budget year.

(f) A detailed accounting, in the format prescribed by the department office, of all revenues and expenditures during the previous state fiscal year. Revenue sources should be identifiable, and expenditures should be reported by three categories: state and federal funds, local matching funds, and Child Care Executive Partnership Program funds.

(g) Updated policies and procedures, including those governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.

(h) A description of the procedures for monitoring school readiness program providers, including in response to a parental complaint, to determine that the standards prescribed in ss. 1002.82 and 1002.88 are met using a standard monitoring tool adopted by the department office. Providers determined to be
high risk by the coalition as demonstrated by substantial findings of violations of law shall be monitored more frequently.

(i) Documentation that the coalition has solicited and considered comments regarding the proposed school readiness program plan from the local community.

(j) An assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.

(3) The coalition may periodically amend its plan as necessary. An amended plan must be submitted to and approved by the department before any expenditures are incurred on the new activities proposed in the amendment.

(4) The department shall publish a copy of the standardized format and required content of school readiness program plans on its website.

(5) The department shall collect and report data on coalition delivery of early learning programs. Elements must include, but need not be 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

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(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 facilities and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program.

1. For a provider that is licensed, compliance with s. 402.305, s. 402.3131, or s. 402.313 and this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

2. For a provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families, compliance with this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

Upon verification pursuant to s. 402.311, the provider shall annually post the health and safety checklist adopted by the department office prominently on its premises in plain sight for visitors and parents and shall annually submit the checklist to its local early learning coalition.

1. For a child development program operating on a military installation that is certified by the United States Department of Defense and accredited by a national accrediting body, the installation that is certified by the United States Department of Defense and accredited by a national accrediting body, the United States Department of Defense Instructions 6060.2 and 1402.05 satisfy this requirement.

(e) Employ child care personnel, as defined in s. 402.302(3), who have satisfied the screening requirements of chapter 402 and fulfilled the training requirements of the department office.

(f) Implement one of the curricula approved by the department office that meets the child development standards.

(m) For a provider that is not an informal provider, maintain general liability insurance and provide the coalition with written evidence of general liability insurance coverage, including coverage for transportation of children if school readiness program children 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.

(n) For a provider that is an informal provider, comply with the provisions of paragraph (m) or maintain homeowner’s liability insurance and, if applicable, a business rider. If an informal provider chooses to maintain a homeowner’s policy, the
The department office and the coalitions may not:

(a) Impose any requirement on a child care provider or
(b) Impose any requirement on a school readiness program
provider that exceeds the authority provided under this part or
part V of this chapter or rules adopted pursuant to this part or
part V of this chapter; or
(c) Require a provider to administer a preassessment or
postassessment or, after its implementation, the program

Section 53. Subsections (3) through (7) of section 1002.89,
Florida Statutes, are renumbered as subsections (2) through (6),
respectively, and subsections (2), (3), and (6) of that section
are amended, to read:

1002.89 School readiness program; funding.—
(2) The office shall administer school readiness program
funds and prepare and submit a unified budget request for the
school readiness program in accordance with chapter 216.

(3) All instructions to early learning coalitions for
administering this section shall emanate from the department
office in accordance with the policies of the Legislature.
(4)(5) Costs shall be kept to the minimum necessary for the
efficient and effective administration of the school readiness
program with the highest priority of expenditure being direct
services for eligible children. However, no more than 5 percent
of the funds described in subsection (4) subsection (5) may be
used for administrative costs and no more than 22 percent of the
funds described in subsection (4) subsection (5) may be used in
any fiscal year for any combination of administrative costs,
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quality activities, and nondirect services as follows:

(a) Administrative costs as described in 45 C.F.R. s. 98.52, which shall include monitoring providers using the standard methodology adopted under s. 1002.82 to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract adopted under s. 1002.82(2)(m).

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.51, which shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33.

2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment required under s. 1002.82(2)(n), child care performance standards, implementing 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 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 54. 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 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 rates for child care providers that hold a Gold Seal Quality Care designation under s. 1002.945 and adhere to its accrediting association’s teacher-to-child ratios and group size requirements; — 402.381.

(b) The market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(2) The market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 1002.945 and adheres to its accrediting association’s teacher-to-child ratios and group size requirements; — 402.381, a child care facility licensed under s. 402.305, a public or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care facility exempt from licensure under s. 402.316 that does not hold a Gold Seal

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commission of such an act. The term includes any act that constitutes fraud under applicable federal or state law.

(2) To recover state, federal, and local matching funds,

the department office shall investigate early learning coalitions, recipients, and providers of the school readiness program and the Voluntary Prekindergarten Education Program to determine possible fraud or overpayment. If by its own inquiries, or as a result of a complaint, the department office has reason to believe that a person, coalition, or provider has engaged in, or is engaging in, a fraudulent act, it shall investigate and determine whether any overpayment has occurred due to the fraudulent act. During the investigation, the department office may examine all records, including electronic benefits transfer records, and make inquiry of all persons who may have knowledge as to any irregularity incidental to the 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 State Board of Education 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 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 reasonable to believe that the provider has committed fraud.

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(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 State Board of Education office shall adopt rules establishing criteria for the anti-fraud plan, including appropriate due process provisions. The anti-fraud plan must include, at a minimum:

(a) A written description or chart outlining the organizational structure of the plan’s personnel who are responsible for the investigation and reporting of possible overpayment, abuse, or fraud.

(b) A description of the plan’s procedures for detecting and investigating possible acts of fraud, abuse, or overpayment.

(c) A description of the plan’s procedures for the mandatory reporting of possible overpayment, abuse, or fraud to the Office of Inspector General within the department office.

(d) A description of the plan’s program and procedures for educating and training personnel on how to detect and prevent fraud, abuse, and overpayment.

(e) A description of the plan’s procedures, including the appropriate due process provisions adopted by the department office for suspending or terminating from the school readiness program or the Voluntary Prekindergarten Education Program a recipient or provider who the early learning coalition believes has committed fraud.

(9) A person who commits an act of fraud as defined in this section is subject to the penalties provided in s. 414.39(5)(a) and (b).

Section 56. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 1002.92, Florida Statutes, are amended to read:

1002.92 Child care and early childhood resource and referral.—

(1) As a part of the school readiness program, the department office shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care and information on available community resources. Preference shall be given to using early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon the procurement requirements of s. 1002.84(12).

(2) At least one child care resource and referral agency must be established in each early learning coalition’s county or region.
multicounty region. The State Board of Education office shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the department office under s. 1002.82(2)(q). These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the temporary cash assistance program, and related family support services. The resource file shall include, but not be limited to:

1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Program information.

6. Fees and eligibility for services.

7. Availability of transportation.

Section 57. 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 58. Subsection (2), paragraphs (b) and (c) of subsection (3), and subsection (4) of section 1002.94, Florida Statutes, are amended to read:

1002.94 Child Care Executive Partnership Program.—
(2) The Child Care Executive Partnership, staffed by the department office, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given
(3) The department, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the department must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis.

2. Expanding only those public funds that are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the early learning coalition’s school readiness program sliding fee scale.

(4) The State Board of Education may adopt any rules necessary for the implementation and administration of this section.

Section 59. Section 1002.945, Florida Statutes, is created to read:

1002.945 Gold Seal Quality Care Program.— The Gold Seal Quality Care Program is established within the department.

(1) 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 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 shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards as well as input from accrediting associations.

(3)(a) In order to be approved by the department 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 under subsection (2).
3. Is a registered corporation with the Department of State.
4. Can provide evidence that the process for accreditation has, at a minimum, the following components:
   a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process;
   b. Procedures for completion of a self-study and a 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 to include completion of an audit and filing of an annual report with the department;
   e. Accreditation renewal procedures that include onsite verification at least every 3 years;
   f. A process for verifying continued accreditation compliance in the event of a transfer of ownership of facilities;

(b) Any accrediting association that does not comply with the processes and procedures submitted and approved by the department must be removed as a recognized accrediting association 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 has up to 1 year to obtain a new accreditation from the remaining department approved accreditation associations.

(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 may not have had any Class I violations, as defined by rule by 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 is grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has not had any Class I violations for a period of 2 years.

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(b) The child care provider may not have had three or more Class II violations, as defined by rule by 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 is grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has not had any Class II violations for a period of 1 year.

(c) The child care provider may not have been cited for the same Class III violation, as defined by rule by the Department of Children and Families, three or more times and 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 is grounds for termination of the designation until the provider has not had any Class III violations for a period of 1 year.

(5) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing under s. 402.316 that achieves Gold Seal Quality Care status pursuant to this section is 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 under s. 402.316 that achieves Gold Seal Quality Care status pursuant to this section and that participates in the school readiness program must receive a minimum of a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care, except as provided in section 25-01577A-20. The Early Learning Programs Estimating Conference under s. 216.136(8) may determine a higher rate differential above 20 percent for a school readiness program that maintains group size and teacher-to-child ratios in accordance with its accrediting body standards as a function of setting payment rates, but the rate differential may not exceed 40 percent for each enrolled school readiness child by care level and unit of child care.

(7) The State Board of Education shall adopt rules under ss. 120.53(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting associations for participation in the Gold Seal Quality Care Program, and conferring and revoking Gold Seal Quality Care provider designations.

Section 60. Section 1002.95, Florida Statutes, is amended to read:

1002.95 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The department of education may contract for the administration of the Teacher Education and Compensation Helps (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 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 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 State Board of Education 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 school readiness program provided under this part, held by an early learning coalition or the department, 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

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(3) The State Board of Education shall adopt rules to administer this section.

Section 64. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, from school to employment or independent living, and from school to home and community. If an individual education plan team makes a recommendation in accordance with State Board of Education rule for a student with a disability, as defined in s. 1003.01(3), to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team’s recommendation. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, individualized plan for employment, or individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Office of Early Learning.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with

disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postsecondary education.

Section 65. 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 K-20 education system by building, sustaining, and strengthening relationships among Early Learning-20 education 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 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 education data warehouse, established
pursuant to s. 1001.10 and 1008.31, to the Higher Education
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
requirements at public postsecondary institutions identified
pursuant to s. 1007.25.
(g) Foster timely collection and reporting of statewide
education data to improve the Early Learning-K-20 education
(b) Provide data for accountability of the Voluntary Prekindergarten Education Program, as required by s. 1002.68.

(c) Provide baseline data to the department of each student’s readiness for kindergarten, which must be based on each kindergarten student’s progress-monitoring results within the first 30 days of enrollment in accordance with paragraph (2)(a).

(d) Identify the educational strengths and needs of students in the Voluntary Prekindergarten Education Program through grade 3.

(e) Provide teachers with progress-monitoring data to provide timely interventions and supports pursuant to s. 1008.25(5).

(f) Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels.

(g) Provide information to aid in the evaluation and development of educational programs and policies.

(2) The Commissioner of Education shall design a statewide, standardized screening and progress-monitoring program to assess early literacy, dyslexia, mathematics skills, and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, respectively. The screening and progress-monitoring program must provide interval level and criterion-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; accurately measure the core content in the applicable grade level standards for students in the Voluntary Prekindergarten Education Program.

The Commissioner of Education shall design a statewide, standardized screening and progress-monitoring program to assess early literacy, dyslexia, mathematics skills, and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, respectively. The screening and progress-monitoring program must provide interval level and criterion-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; accurately measure the core content in the applicable grade level standards for students in the Voluntary Prekindergarten Education Program.
and 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 screening and
progress-monitoring program is mandatory for all students in the
Voluntary Prekindergarten Education Program and in public
schools. The coordinated screening and progress-monitoring
program must be implemented beginning in the 2021-2022 school
year, as follows:

(a) The Voluntary Prekindergarten Education Program through
grade 3 screening and progress-monitoring program must 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 of Education may adopt alternate
timeframes to address nontraditional school year calendars or
summer programs to ensure that of the Voluntary Prekindergarten
Education Program through grade 3 screening and progress-
monitoring is administered at least 3 times within a year or the
duration of a program.

(b) The results of the Voluntary Prekindergarten Education
Program through grade 3 screening and progress-monitoring
program must be reported to the department in accordance with
rule of the State Board of Education, and maintained in the
department’s Education Data Warehouse.

(c) The Commissioner of Education shall:

(a) Develop a plan, in coordination with the Council for
Early Grade Success, for implementing the Voluntary
Prekindergarten Education Program through grade 3 screening and
progress-monitoring program in consideration of the timelines
required for the completion of the review of the Next Generation
Sunshine State Standards and the Voluntary Prekindergarten
Education Program standards.

(b) Include a request for funding in the agency’s 2021-2022
legislative budget request, and each succeeding budget request,
for procurement and the provision of training to Voluntary
Prekindergarten Education Program providers, early learning
coalitions, and school districts.

(c) Provide any requested data, reports, and information to
the Council for Early Grade Success.

(4) The Council for Early Grade Success, a council as
defined in s. 20.03, 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 review the implementation of,
training for, and outcomes from the coordinated screening and
progress-monitoring program to provide recommendations to the
department that support the state’s grade 3 students in reading
at or above grade level. At a minimum, the council shall:

1. Provide recommendations on the implementation of the
coordinated screening and progress-monitoring program, including
reviewing any procurement solicitation documents and criteria
prior to being published.

2. Develop training plans and timelines.

1. Identify appropriate personnel, processes, and
procedures required for the administration of the coordinated
screening and progress-monitoring program.
4. Provide input on the methodology for calculating a provider’s or school’s performance metric and the grading system pursuant to s. 1002.67.

5. Work with the department to identify a methodology for determining a child’s kindergarten readiness.

6. Review data on age-appropriate learning gains by grade level that a student would need to attain in order to demonstrate proficiency in reading by grade 3.

7. Continually review anonymized data from the results of the coordinated screening and progress-monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 to help inform recommendations to the department that support practices that will enable grade 3 students to read at or above grade level.

(b) The council shall be composed of 15 members, all of whom must be residents of the state, appointed as follows:

1. One representative of the Department of Education and one parent of a child who is within the range of 4 to 9 years of age, both appointed by the Governor.

2. Thirteen members jointly appointed by the President of the Senate and the Speaker of the House of Representatives, as follows:
   a. One representative of an urban school district.
   b. One representative of a rural school district.
   c. One representative of an urban early learning coalition.
   d. One representative of a rural early learning coalition.
   e. One representative of an early learning provider.
   f. One representative of a faith-based early learning provider.
   g. One representative who is a kindergarten teacher who has at least 5 years of teaching experience.
   h. One representative who is a grade 2 teacher who has at least 5 years of teaching experience.
   i. One representative who is a school principal.
   j. Four representatives with subject matter expertise in early learning, early grade success, or child assessments, none of whom may be a direct stakeholder within the 67 early learning or public school systems or a potential recipient of a contract negotiated at the recommendation of the council.

(5) The council shall elect a chair and a vice chair. The chair must be one of the four members with subject matter expertise in early learning, early grade success, or child assessments. The vice chair must be a member appointed by the President of the Senate and the Speaker of the House of Representatives who is not one of the four members who are subject matter experts in early learning, early grade success, or child assessments. Members of the council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The council must meet at least biannually and may meet by teleconference or other electronic means, as possible, to reduce costs.

(7) A majority of the members constitutes a quorum.

Section 67. Paragraphs (b) and (c) of subsection (5) of section 1008.25, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) are amended, and a new paragraph (b) is added to subsection...
(6) ELIMINATION OF SOCIAL PROMOTION.—
(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:
1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.
2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.
4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.
5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in 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) shall
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.
   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) paragraph (5)(d) 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) paragraph (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) paragraph (5)(d) 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.

3. Provide students who are retained under paragraph (5)(c) paragraph (5)(d), including students participating in the school district’s summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher’s performance evaluation under s. 1012.34, and, beginning July 1, 2020, the teacher must also be certified or endorsed in reading.

4. Establish at each school, when applicable, an intensive reading acceleration course for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade
2. The intensive reading acceleration course must provide the following:
   a. Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas through content-rich texts.
   b. Small group instruction.
   c. Reduced teacher-student ratios.
   d. The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.
   e. A read-at-home plan.

(8) ANNUAL REPORT.—
(8) In addition to the requirements in paragraph (5)(c) paragraph (5)(e), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student’s results on each statewide, standardized assessment. The evaluation of each student’s progress must be based upon the student’s classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5)(a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.
Individuals with Disabilities Education Act (IDEA).

(d) The early learning accountability system comply with the requirements of Part V and Part VI of chapter 1002 and the requirements of the Child Care and Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts 98 and 99.

(e) The State Board of Education and the Board of Governors of the State University System recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the Early Learning-20 system educates its students.

(f) The State Board of Education establish performance measures and set performance standards for individual public schools and Florida College System institutions, with measures and standards based primarily on student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

2. MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(a) The mission of Florida’s Early Learning-20 education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.

(b) The process for establishing state and sector-specific standards and measures must be:

1. Focused on student success.
2. Addressable through policy and program changes.
3. Efficient and of high quality.
4. Measurable over time.
5. Simple to explain and display to the public.
6. Aligned with other measures and other sectors to support a coordinated Early Learning-20 education system.

(c) The Department of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as indicated by evidence of student learning gains at all levels.
2. Seamless articulation and maximum access, as measured by evidence of progression, readiness, and access by targeted groups of students identified by the Commissioner of Education.
3. Skilled workforce and economic development, as measured by evidence of employment and earnings.
4. Quality efficient services, as measured by evidence of return on investment.
5. Other goals as identified by law or rule.

(3) EDUCATION DATA QUALITY IMPROVEMENTS.—To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. The Board of Governors shall make available to the department all data within the State University Database System to be integrated into the education data warehouse.
The commissioner shall have unlimited access to such data for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall annually provide data from the prior year to the education data warehouse in a format based on data elements identified by the commissioner.

(a) School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, and the Legislature with information and reports necessary to address the specifications of the accountability system. The level of comprehensiveness and quality must be no less than that which was available as of June 30, 2001.

(b) Colleges and universities eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program shall annually report student-level data from the prior year for each student who receives state funds in a format prescribed by the Department of Education. At a minimum, data from the prior year must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. By October 1 of each year, the colleges and universities described in this paragraph shall report the data to the department.

(c) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

(d) Before establishing any new reporting or data collection requirements, the commissioner shall use existing data being collected to reduce duplication and minimize paperwork.

(4) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.53(1) and 120.54 to implement the provisions of this section relating to the education data warehouse.

Section 69. Section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of early learning coalitions, district school boards, and Florida College System institution boards of trustees in enforcement of all laws and rules. District school boards and Florida College System institution boards of trustees shall be primarily responsible for compliance with law and state 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 a 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.

(4) If the State Board of Education determines that an early learning coalition, a district school board, or a 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 70. 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. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida’s public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida Early Learning-20 K-20 Education Code, chapters 1000-1013; the federal...
1. The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12, including certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b). Each school district that has one or more of the 300 lowest-performing elementary schools based on a 3-year average of the state reading assessment data must use the school’s portion of the allocation to provide an additional hour per day of intensive reading instruction for the students in each school. The additional hour may be provided within the school day. Students enrolled in these schools who earned a level 4 or level 5 score on the statewide, standardized English Language Arts assessment for the previous school year may participate in the additional hour of instruction. Exceptional student education centers may not be included in the 300 schools. The intensive reading instruction delivered in this additional hour shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students’ specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading.

2. If the annual appropriations act based reading instruction allocation is determined by the United States Secretary of Education, it shall be based on the average of the state reading assessment data and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading.
2. Kindergarten through grade 5 reading intervention teachers to provide intensive 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 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 pursuant to s. 1008.25(5)(b).

6. 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. 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 pursuant to 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 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 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 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 deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

Section 72. 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 system under s. 1000.04(2), (4), and (5).

Section 73. Paragraph (b) of subsection (5) of section 1002.53, Florida Statutes, is amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Office of Early Learning. The profiles must include, at a minimum, the following information about each provider and school:

(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.

Section 74. This act shall take effect July 1, 2020.
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The 175th percentile is the rate identified by the U.S. Department of Health and Human Services as the goal to ensure equitable access for low-income children to high-quality child care.
3. The Conceptual Framework for SR Funding Methodology is a model similar to which the VPK Program is funded. The model would need to consider the following factors in order to equitably distribute funding across the 30 coalitions and RCMA:
   - Statewide reimbursement rates by care level and provider type
   - FTE by county
   - FPLI or DCD
   - Local Quality initiatives
   - Non-direct services
   - Administrative costs
   - Quality Performance Incentives (Payment Differentials)

Additional Recommendations — Based on the review of the potential impact of recent initiatives to improve the quality of SR programs, the impact on the 2018-2019 SR data given the migration issues from the legacy data system to EFS Mod, and the anticipation of a new FPLI calculation from the Office of Economic and Demographic Research, it is recommended that OEL:
1. Recalibrate reimbursement rates in 2020-2021 using the anticipated additional CCDF funds (approximately $140 million). This should be accomplished by targeting specific care levels (i.e., infant, toddler and preschool) and coalitions where the reimbursement rates are low. The goal of the recalibration of rates would be to reach the 75th percentile.
2. Consider statutory authority to establish statewide child care reimbursement rates to reduce the variance and resulting inequities across coalitions.
3. Review the impact of SR program improvement initiatives for 2019-2020 and 2020-2021 including the use of contracted slots, as discussed in Section III, which gives high-quality providers a stable revenue source to maintain services.
4. Determine the impact of the three methodologies, described in Section V, based on SR data and feedback from stakeholders.
insurance expenditures. The Social Security Act requires the Secretary of Health and Human Services to calculate and ... the allowable activities within each category.

Legislative Requirement • Federal share of expenditures in the State IV-A child care programs (AFDC, JOBS, Section 2 - ... 2019-115, Laws of Florida (LO.F.) requires that, Transitional, At-Risk) in 1994 or 1995 (whichever is greater); or
— TANF Block Grant funds are designed to help needy families achieve self-sufficiency. In Florida, the Department of Children and Families (DCF) is the federal recipient of these funds. Additionally, states may transfer up to 30-percent of their TANF funding to CCDF. DCF transfers TANF funds to OEL through an interagency agreement.

— SSBG funds are awarded directly to states to provide essential social services that help achieve a myriad of goals to reduce dependency and promote self-sufficiency; protect children and adults from neglect, abuse and exploitation; and help individuals who are unable to take care of themselves to stay in their homes or to find the best institutional arrangements. Each state has the flexibility to determine which services will be provided, who is eligible to receive services and how funds are distributed among various services. Historically, there is an annual allocation of these funds for the SR Program. In Florida, the Department of Children and Families (DCF) is the federal recipient of these funds. DCF transfers SSBG funds to OEL through an interagency agreement.

C. State Funding and Requirements

Florida's requirements for the SR Program are codified at Chapter 1002, Florida Statutes (F.S.), and address state and local governance; program eligibility, priorities and enrollment; and market rates for child care and program funding.

— State and local governance – At the state level, OEL:
  • Is designated as the lead to administer the state and federally funded SR Program.
  • Is responsible for implementing the state's Voluntary Prekindergarten (VPK) Education Program.
  • Partners with 30 early learning coalitions (coalitions), Redlands Christian Migrant Association (RCMA) and others to deliver comprehensive, statewide early learning services.
  • Is accountable to the Commissioner of Education.

Florida’s 30 coalitions and RCMA deliver early learning services at the local level. As not-for-profit corporations, coalitions have governing boards made up of members of the local community. The board chair and two members are appointed by the Governor. OEL has contractual agreements with coalitions and RCMA for the provision of early learning services. Coalitions submit SR coalition plans along with other requirements to OEL for review and approval.

— Program eligibility, priorities and enrollment – These are delineated at § 1002.87(1)(a), F.S. A family's eligibility for SR services is redetermined annually. Priority is given first to children under the age of 13 from families that include a parent who is receiving Temporary Cash Assistance (TCA) and is subject to the federal work requirements. The second priority of children to be served are at-risk, as defined in § 1002.81(3), F.S., and under the age of 9 years old. Subsequent priorities are based on the coalition's local priorities for children meeting the following criteria:

1. Ages birth to 5 (eligible for admission to public school kindergarten) from a working family that is economically disadvantaged and may include the child’s eligible siblings.
2. Ages birth to 5 with a parent who transitions from a work program to employment.
3. Ages 9 to 13 who are at-risk. [These children are given priority for enrollment if their sibling is enrolled in the program under the first or second priority.]
4. Under the age of 13 with a parent who transitions from a work program to employment.
5. Ages 3 to 5 who have been identified as having a disability and has a current individual educational plan.
6. Ages 4 to 5 who otherwise meet one of the first four priorities and is currently enrolled in VPK or the federal Head Start Program.

— Market rate schedules for child care – A biennial market rate survey report is required by CCDF. This requirement is also found at § 1002.895, F.S., and includes:
  • Minimum and maximum rates for child care providers with and without a Gold Seal Quality Care designation (§ 402.281, F.S.).
  • Differentiated rates by provider type – licensed child care providers, licensed exempt public or nonpublic schools, licensed exempt faith-based child care facilities and licensed or registered family day care homes.
  • Differentiated rates by type of child care services – infants, toddlers, preschool-aged, school-aged and children with special needs or at-risk.
  • Differentiated rates by full-time and part-time units of care.

Market rates for child care, adopted by each state, are required to be sufficient to ensure that eligible children have equal access to quality child care services comparable to children who are not eligible for the SR Program. The U.S. Department of Health and Human Services has indicated that the state child care reimbursement rates should be at the 75th percentile or higher to ensure that eligible children have access to high quality services. Market rates are required to be considered by coalitions in their adoption of a payment/reimbursement schedule. The 2017 Market Rates for Full-Time Gold Seal and Non Gold Seal Providers are included in Appendix 1.

— Program funding - State requirements for SR funds are established in compliance with federal regulations and are specified at § 1002.89, F.S. Requirements related to expenditures are as follows:
  • Administration costs are currently limited to no more than 5-percent.
  • Administrative costs, quality activities (as defined in § 1002.891(10), F.S.) and non-direct services (as defined in § 1002.891(16), F.S.) are limited to a combined total of no more than 22 percent.
  • Direct services for child care must be at least 78 percent in Florida. Gold Seal payments rates are included in this category for coalition reporting.
The one model that was implemented in the 2012-2013 fiscal year included a reallocation of 10-
percent of the total prior funding using an "equity-based" allocation which was based on the
eligible population served by each coalition. This action resulted in ELCs either losing or gaining
funding based upon the historical allocation from the 2012-2013 fiscal year which was prorated
to funds available for the 2012-2013 fiscal year. However, the very next year the Legislature
restored the approximately $5 million in reductions that 14 coalitions received for the 2012-
2013 fiscal year due to the implementation of the equity formula.

Each year since 2014-2015, the legislature has allocated increased CCDF funding to coalitions
based on a combination of the prior year’s allocations and the number of children on the waitlist
for services in each coalition.

<table>
<thead>
<tr>
<th>Year</th>
<th>General Revenue</th>
<th>CCEP*</th>
<th>SLES</th>
<th>TANF</th>
<th>ARRA-<del>Budget</del></th>
<th>TOTAL SR Funding</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-2005</td>
<td>$1,757,675,342</td>
<td>$1,984,226,960</td>
<td>$1,100,000</td>
<td>$1,188,085,384</td>
<td>$1,000</td>
<td>$1,853,312,627</td>
<td>$1,000</td>
</tr>
<tr>
<td>2005-2006</td>
<td>$1,747,136,881</td>
<td>$1,984,153,789</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2006-2007</td>
<td>$1,747,337,667</td>
<td>$1,984,176,805</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2007-2008</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2008-2009</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2009-2010</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2010-2011</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2011-2012</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2012-2013</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
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<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2014-2015</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2016-2017</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2017-2018</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2018-2019</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
<tr>
<td>2019-2020</td>
<td>$1,747,015,837</td>
<td>$1,984,096,743</td>
<td>$1,100,000</td>
<td>$1,189,772,724</td>
<td>$1,000</td>
<td>$1,852,150,554</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

*Includes CCEP, Pay for Performance, and Fraud Restitution and mid-year LBC supplemental budget increases
**American Recovery and Reinvestment Act of 2009 (ARRA)

B. Trends in Methodologies
The factors most often recommended in the proposed equity models over the years since 1999:

- Total population of birth- to 5-year-olds.
- Number of birth- to 5-year-olds at less than 150-percent of the Federal Poverty Level.
- Number of TANF families with children, ages birth to 13 years old.
- Number of at-risk children.
- Number of children in foster care.
- Total number of children served by provider type and care level.
- Equalization by county using the Florida Price Level Index (FPLI) or District Cost Differential (DCC)

III. Initiatives to improve the SR Program

A. Gold Seal Quality Care Program
In 1999, the Florida Legislature established the Gold Seal Quality Care program to acknowledge
child care facilities and family day care homes that have gone above the required minimum
licensing standards to become accredited by recognized agencies whose standard reflect quality
in the level of care and supervision provided to children (s. 402.281, F.S.).
The Gold Seal Quality Care Program is not an accreditation, but a designation which is voluntary
with potential benefits to those that participate including, but not limited to:
- A positive marketing tool for prospective parents.
- Tax exemptions on certain educational materials, and property taxes.
- Higher reimbursement for SR providers.
- Eligible to participate in the VFK Program.

Participation is available to all provider types that meet the definition of child care with the
exception of certain license-exempt school-age programs identified in administrative rule (see
Rule 65C-22.008(3), F.A.C.). SR providers that have a Gold Seal designation are eligible to receive
a differential payment up to 20-percentage above the coalition’s reimbursement rate.

B. 2018 Quality Initiatives
In 2018, the Florida Legislature passed legislation (HB 1091) affecting SR providers, which
included requirements for implementing a program assessment, child assessments and
differential payments (s. 402.282(2)(b)(g), F.S.).

1. Program Assessments
OEL selected the Classroom Assessment Scoring System (CLASS®) as the program assessment
tool because it met the statutory requirements to, "...measure[s] 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
CLASS® tool also has a strong evidence-based effect on child outcomes. CLASS® is an
observation-based program assessment instrument that measures teacher-child
interactions in three broad areas—emotional support, classroom organization and
instructional support. It describes multiple teaching components linked to student
achievement and social development.

OEL was also required to specify a minimum threshold for contracting purpose and program
improvement through an improvement plan. With a few exceptions, providers had to meet
the minimum threshold in order to be eligible for a SR contract. Additionally, a threshold
was set at to score, would require the provider to develop and implement an
improvement plan.

For 2019-2020, these minimum thresholds were established as displayed below and included
in the applicable administrative rule (Rule 65M-4.751, Florida Administrative Code
As of September 1, 2018, 250 million has been awarded to coaches and for these coaches:

- Current participation in direct assessment (differential payment increase at 25%)
- Current participation in direct assessment (differential payment increase at 50%)
- Potential for differential assessment score (differential payment increase at all levels)
- Revenue from QIP services
- For 2018-2020, 250 million was approved for QC offices to contract to coaches and for these coaches:

- QIP of coaches
- QIP of coaches
- QIP of coaches
- QIP of coaches
- QIP of coaches

To receive the maximum possible points, coaches must

- 10.0 - 79.9 points: 0 points to 25% of the maximum points
- 80.0 - 99.9 points: 25% to 50% of the maximum points
- 100.0 - 124.9 points: 50% to 75% of the maximum points

The threshold results were specified for 2018-2020 on the QIP's "proctor score."
D. Preschool Development Grant Birth through Five (PDG B-5)

In 2018, OEL was awarded the PDG B-5, which includes specific activities related to identifying the cost of providing quality child care. OEL contracted with the University of Florida Lastinger Center to complete an updated cost modeling analysis which combines a county-by-county assessment of capacity, enrollment, and payment rates, in order to support important strategic planning that focuses on a number of critical aspects of quality and accessibility of early care and education programs. This grant also required the development of a cost modeling tool to analyze SR provider reimbursement rates against the true cost of child care.

To design and develop the protocols and automated models, extensive data collection and analysis was completed. A statewide case study was developed that allows the user to model county-level variations, and numerous capacity and quality scenarios were completed to document the full impact of program differentiations on child care provider operations. Data on current base reimbursement rates for all 67 counties was also analyzed, as was the impact of quality performance incentive payment differentials.

The Lastinger Center, in partnership with OEL, completed comprehensive data collection and analysis to validate the current cost of child care by county, as well as the impact of current base payment rates and differentials. The cost models and calculation assumptions created will be used to develop an informative interactive calculator. The automated calculator will include all basic operational expenses and revenues of child care providers, as well as the current policy levers for increasing payment rates in alignment with quality.

The automation and functionality of the calculator will provide utility at the provider level, community and regional level, and state system level to inform the need for potential modifications to payment rates, targeted investments in quality, and considerations for funding efficiencies to maximize SR funding.

For the initial analysis, a workbook was developed that provides a side-by-side analysis of the current rates for the following:

- 75th percentile rate of each county’s 2017 market rate for each care level based on the data within the Non-Gold Seal Private Center distribution table.
- Daily payment-rate schedule for licensed or exempt providers that is approved by OEL for each early learning coalition and/or county.

The workbooks will allow OEL to model payment rate scenarios on the current approved base payment rate schedule, as well as scenarios that include funding the Gold Seal differential at the percentages currently approved for each coalition, the impact of the CLASS® payment differential and the 5-percent differential for child assessment.

OEL may also use the analysis capabilities of the side-by-side rate workbook to conduct ongoing analysis of both payment rates against the 75th percentile and the differential impacts on funding, as well as determine counties and/or care levels that the state and/or an early learning coalition may want to focus on as a part of ensuring funding is sufficient to access quality early learning opportunities.

Using the current market rate survey and existing base reimbursement rate schedules, in the examples displayed in the table below, most counties (61 total) fall well below the 75th percentile rate for all care levels as illustrated for Duval, Escambia and Hillsborough counties. Even with maximum differentials applied, the total weekly reimbursement rates for each care level in Duval and Hillsborough counties are still below the 75th percentile rate. Whereas, in Escambia County with maximum differentials applied, the reimbursement rates in some care codes exceed the 75th percentile rate by more than 20-percent.

**Example 1: 2017 Market Rate Survey and 75th Percentile Analysis**

<table>
<thead>
<tr>
<th>County</th>
<th>Care Level</th>
<th>75th Percentile Rate</th>
<th>State Funded Rate</th>
<th>SR Payment Rates Compared to 75th Percentile Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duval</td>
<td>(INF)</td>
<td>$199.00</td>
<td>$120.00</td>
<td>Under</td>
</tr>
<tr>
<td>Duval</td>
<td>(2YR)</td>
<td>$167.50</td>
<td>$115.00</td>
<td>Under</td>
</tr>
<tr>
<td>Duval</td>
<td>(FPR)</td>
<td>$145.00</td>
<td>$100.00</td>
<td>Under</td>
</tr>
<tr>
<td>Duval</td>
<td>(FPR)</td>
<td>$145.00</td>
<td>$80.00</td>
<td>Under</td>
</tr>
<tr>
<td>Duval</td>
<td>(BM)</td>
<td>$120.00</td>
<td>$62.00</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(INF)</td>
<td>$157.50</td>
<td>$139.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(TOD)</td>
<td>$138.13</td>
<td>$128.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(2YR)</td>
<td>$138.13</td>
<td>$117.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(FPR)</td>
<td>$126.67</td>
<td>$110.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(BM)</td>
<td>$126.67</td>
<td>$107.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(FPR)</td>
<td>$126.67</td>
<td>$107.50</td>
<td>Under</td>
</tr>
<tr>
<td>Escambia</td>
<td>(BM)</td>
<td>$110.00</td>
<td>$97.50</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(INF)</td>
<td>$207.25</td>
<td>$153.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(TOD)</td>
<td>$167.50</td>
<td>$130.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(2YR)</td>
<td>$147.50</td>
<td>$99.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(FPR)</td>
<td>$148.33</td>
<td>$92.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(BM)</td>
<td>$148.33</td>
<td>$94.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(FPR)</td>
<td>$148.33</td>
<td>$94.00</td>
<td>Under</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>(BM)</td>
<td>$123.00</td>
<td>$80.00</td>
<td>Under</td>
</tr>
</tbody>
</table>
The Enhanced Field System Modernization (EPS Mod) system is required to accommodate for HB 1091 requirements. S. 1002.82(2HdI. F.S.. established that by July 1, 2019 EES Mod must:

- Enhance the system's accuracy, reliability, and transparency.
- Improve system performance and user experience.
- Allow for easy and accurate determination of cost estimates in real-time.
- Enhance field support, training, and documentation.
- Ensure compliance with HB 1091 requirements.

The implementation of EES Mod Modernization is ongoing and will be completed by July 1, 2019, to ensure full compliance with HB 1091 requirements. EES Mod Modernization is expected to improve the system's overall performance and efficiency.
IV. Future Quality Initiatives

A. Minimum CLASS® Threshold
Administrative rules specify the minimum CLASS® score that is required for SR providers to be eligible for a contract to provide these services. It is proposed that the minimum threshold, currently at 2.51 for 2019-2020, be raised to 3.50 for 2020-2021 and to 4.00 for 2021-2022.

B. Gold Seal Differential Payment
Consideration is being given to require all coalitions to pay Gold Seal providers the full 20-percent differential payment.

C. Contracted Slots
Consideration is also being given to expanding the use of contracted slots in high-need communities that will be impacted by raising the minimum quality threshold (CLASS®) as presented above.

V. Summary of Prior Work and the Identification of Key Issues

As indicated in Section II, there have been multiple attempts to change the SR Funding Model. All of these proposed models have attempted to achieve the following:

1. Establish equitable funding across Florida’s diverse counties to meet the needs of their unique communities.
2. Reflect local economic conditions through the inclusion of a factor such as the PPLI or the DCD.
3. Provide stable funding for communities affected by changes in the funding model to ensure continuity of services by minimizing the gains and losses over a multi-year implementation period.

Also noteworthy, was the practice of targeting the allocation of any additional or new SR funds to coalitions with waiting lists. This practice had the unintended effect of creating further inequities across counties and coalitions. Most recently, a study funded by the PDG B-5, showcased the instability of the child care reimbursement rates in many counties.

VI. Funding Methodology Recommendations

Below are descriptions of three funding methodologies that have been proposed: one, in section "A" by a work group in 2014 and the other, in section "B" most recently by an independent contractor. The third, outlined in section "C", is a conceptual framework for consideration.

A. 2014 SR Funding Model Work Group Methodology
In December 2012, Governor Rick Scott directed OEL to convene a work group to identify an allocation model for SR based on equity. The workgroup consisted of stakeholders representing coalitions, child care providers, early learning advocates, government entities and OEL. The workgroup considered seven models and indicated their preferences, via rankings, on two models. Both models:

1. Used the average funding rate per full-time equivalent (FTE) child for the past three years, with the most recent year weighted 50-percent, and the second year weighted 30-percent, and the third weighted 20-percent. (Other models only used the current year funding rate).
2. Reflected variations in local economic conditions through the use of the District Cost Differential.
3. Limited any decreases in funding to 5-percent per year.

The models varied on two factors:

1. The relative influence of the formula driven by statutory priority group numbers versus the total eligible population of children ages birth through 5 under 150-percent of the Federal Poverty Level. One model split the influence 50/50 and the other used a 60/40 split.
2. The limitations of increases for any single coalition.

Neither of the 2014 SR Funding Model work group recommendations, for which the formula calculations for each are depicted below, were implemented.

```
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(50% priority groupings and 50% eligible population)</td>
<td>(60% priority groupings and 40% eligible population)</td>
</tr>
</tbody>
</table>
```

```
<table>
<thead>
<tr>
<th>3 year Average SR Funding Rate per FTE (weighted as described above)</th>
<th>County DCD</th>
<th>X OR X</th>
<th>Adjustment to limit reduction to 5% or increase to 8.3%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model 1: Adjustment to limit reduction to 5% or increase to 8.3%</td>
<td>County DCD</td>
<td>X OR X</td>
<td>Adjustment to limit reduction to 5% or increase to 5.2%</td>
</tr>
</tbody>
</table>

*For multi-county coalitions, each county’s allocation would be added together prior to the adjustment to limit a coalition’s increases or decreases.
```
Zone 3: Counties whose FPLI rate was between 97.00 - 100.38. It is proposed that this zone is funded using $170 a week for toddler care.

<table>
<thead>
<tr>
<th>ZONE 3</th>
<th>FLORIDA PRICE LEVEL INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALACHUA</td>
<td>97.51%</td>
</tr>
<tr>
<td>Leon</td>
<td>96.78%</td>
</tr>
<tr>
<td>BREVARD</td>
<td>98.59%</td>
</tr>
<tr>
<td>Clay</td>
<td>98.84%</td>
</tr>
<tr>
<td>Nassau</td>
<td>98.88%</td>
</tr>
<tr>
<td>ESCAMBIA</td>
<td>96.92%</td>
</tr>
<tr>
<td>Charlotte</td>
<td>98.53%</td>
</tr>
<tr>
<td>HILLSBOROUGH</td>
<td>100.38%</td>
</tr>
<tr>
<td>Indian River</td>
<td>100.11%</td>
</tr>
<tr>
<td>LAKE</td>
<td>97.62%</td>
</tr>
<tr>
<td>MANATEE</td>
<td>98.45%</td>
</tr>
<tr>
<td>Okaloosa</td>
<td>99.23%</td>
</tr>
<tr>
<td>Walton</td>
<td>98.01%</td>
</tr>
<tr>
<td>OSEOLA</td>
<td>98.53%</td>
</tr>
<tr>
<td>Pasco</td>
<td>97.76%</td>
</tr>
<tr>
<td>PINELLAS</td>
<td>96.61%</td>
</tr>
<tr>
<td>SEMINOLE</td>
<td>99.30%</td>
</tr>
<tr>
<td>ST. LUCIE</td>
<td>100.29%</td>
</tr>
<tr>
<td>Glades</td>
<td>98.61%</td>
</tr>
<tr>
<td>Hendry</td>
<td>100.09%</td>
</tr>
</tbody>
</table>

Zone 2: Counties whose FPLI rate was between 94.00 - 96.99. It is proposed that this zone is funded using $150 a week for toddler care.

<table>
<thead>
<tr>
<th>ZONE 2</th>
<th>FLORIDA PRICE LEVEL INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gadsden</td>
<td>94.26%</td>
</tr>
<tr>
<td>Jefferson</td>
<td>94.00%</td>
</tr>
<tr>
<td>Wakulla</td>
<td>94.38%</td>
</tr>
<tr>
<td>Baker</td>
<td>96.91%</td>
</tr>
<tr>
<td>Bradford</td>
<td>98.28%</td>
</tr>
<tr>
<td>Putnam</td>
<td>95.07%</td>
</tr>
<tr>
<td>Flagler</td>
<td>95.59%</td>
</tr>
<tr>
<td>Volusia</td>
<td>95.73%</td>
</tr>
<tr>
<td>Columbia</td>
<td>93.82%</td>
</tr>
<tr>
<td>Union</td>
<td>95.06%</td>
</tr>
<tr>
<td>Deltona</td>
<td>97.08%</td>
</tr>
<tr>
<td>Hardee</td>
<td>95.37%</td>
</tr>
<tr>
<td>Highlands</td>
<td>94.50%</td>
</tr>
<tr>
<td>Okeechobee</td>
<td>97.59%</td>
</tr>
<tr>
<td>Glades</td>
<td>94.40%</td>
</tr>
<tr>
<td>Levy</td>
<td>94.34%</td>
</tr>
<tr>
<td>Sumter</td>
<td>96.49%</td>
</tr>
<tr>
<td>Bay</td>
<td>96.59%</td>
</tr>
<tr>
<td>Hernando</td>
<td>95.76%</td>
</tr>
<tr>
<td>POLK</td>
<td>96.02%</td>
</tr>
<tr>
<td>SANTA ROSA</td>
<td>96.92%</td>
</tr>
</tbody>
</table>

Zone 1: Counties whose FPLI rate was between the lowest rate and - 93.99. It is proposed that this zone is funded using $140 a week for toddler care.

<table>
<thead>
<tr>
<th>ZONE 1</th>
<th>FLORIDA PRICE LEVEL INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty</td>
<td>92.17%</td>
</tr>
<tr>
<td>Madison</td>
<td>91.44%</td>
</tr>
<tr>
<td>Taylor</td>
<td>91.18%</td>
</tr>
<tr>
<td>Hamilton</td>
<td>90.64%</td>
</tr>
<tr>
<td>Lafayette</td>
<td>90.80%</td>
</tr>
<tr>
<td>Suvanee</td>
<td>92.40%</td>
</tr>
<tr>
<td>MARION</td>
<td>93.59%</td>
</tr>
<tr>
<td>Citrus</td>
<td>93.67%</td>
</tr>
<tr>
<td>Dale</td>
<td>92.59%</td>
</tr>
<tr>
<td>Calhoun</td>
<td>92.10%</td>
</tr>
<tr>
<td>Franklin</td>
<td>92.09%</td>
</tr>
<tr>
<td>Gulf</td>
<td>93.15%</td>
</tr>
<tr>
<td>Holmes</td>
<td>92.74%</td>
</tr>
<tr>
<td>Jackson</td>
<td>92.24%</td>
</tr>
<tr>
<td>Washington</td>
<td>92.81%</td>
</tr>
</tbody>
</table>

Please note for calculation purposes the weekly rate times the FPLI should then be multiplied by 52 weeks to account for a full-time equivalent (FTE) before being multiplied by the population.

C. Conceptual Framework for SR Funding Methodology

In an effort to provide equitable funding based on actual children served and the percentage of the eligible population in each county, a model could be developed that is similar to the way in which the VPI Program is funded. The model would need to consider the following data components in order to equitably distribute SR Program funding across the 30 coalitions and RCMA and ensure a relatively equal level of funding per child served.

Statewide reimbursement rates by care level and provider type: Due to the significant variability of reimbursement rates across the state, and in an effort to achieve the federal goal of payments at the 75th percentile of the market rate, the state could set reimbursement rates for all counties and coalitions. Because each care level and provider type has remarkably different costs, a reimbursement rate table by care level and provider type could be established in the General Appropriations Act or by OEL, for use at the local level.

Estimated Full-Time Equivalent (FTE) by county: Each child served in the SR Program should be funded at relatively the same reimbursement rate regardless of the location in which they are served. Including factors for growth and for the percentage of eligible population served in each county, as well as the unmet need based on the total eligible population in each county, as determined by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), F.S., will provide funding not only for children currently receiving care but also for eligible children who have not yet accessed services.
<table>
<thead>
<tr>
<th>Car Level</th>
<th>Number of Projects</th>
<th>Market Rate (Avg)</th>
<th>Market Rate (Median)</th>
<th>Market Rate (Max)</th>
<th>% of 3rd Quartile</th>
<th>Average St Rate</th>
<th>Significance of Rate</th>
<th>Average St Rates</th>
<th>% of 3rd Quartile</th>
<th>Significance of Rate</th>
<th>Average St Rates</th>
<th>% of 3rd Quartile</th>
<th>Significance of Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>2</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>50.00%</td>
</tr>
<tr>
<td>Private</td>
<td>10</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>50.00%</td>
<td>$5,000.00</td>
<td>50.00%</td>
</tr>
</tbody>
</table>
## Gold Seal Private Centers

<table>
<thead>
<tr>
<th>Care Level</th>
<th>Number of Providers</th>
<th>Market Rate (Private Pay Rate)</th>
<th>School Readiness Reimbursement Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates Included</td>
<td>Rates Excluded</td>
<td>Average Minimum</td>
</tr>
<tr>
<td>Infants</td>
<td>1,031</td>
<td>27</td>
<td>$136.35 $209.00</td>
</tr>
<tr>
<td>Toddlers</td>
<td>1,388</td>
<td>10</td>
<td>$131.75 $207.00</td>
</tr>
<tr>
<td>Preschool</td>
<td>1,422</td>
<td>32</td>
<td>$133.75 $207.00</td>
</tr>
<tr>
<td>School age</td>
<td>1,132</td>
<td>19</td>
<td>$132.75 $200.00</td>
</tr>
</tbody>
</table>

## Large Family Child Care Homes (PCHC)

<table>
<thead>
<tr>
<th>Care Level</th>
<th>Number of Providers</th>
<th>Market Rate (Private Pay Rate)</th>
<th>School Readiness Reimbursement Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates Included</td>
<td>Rates Excluded</td>
<td>Average Minimum</td>
</tr>
<tr>
<td>Infants</td>
<td>67</td>
<td>0</td>
<td>$170.64 $275.00</td>
</tr>
<tr>
<td>Toddlers</td>
<td>69</td>
<td>0</td>
<td>$155.25 $275.00</td>
</tr>
<tr>
<td>Preschool</td>
<td>69</td>
<td>0</td>
<td>$136.75 $250.00</td>
</tr>
<tr>
<td>School age</td>
<td>64</td>
<td>0</td>
<td>$133.75 $200.00</td>
</tr>
</tbody>
</table>

## Family Child Care Homes (FCCH)

<table>
<thead>
<tr>
<th>Care Level</th>
<th>Number of Providers</th>
<th>Market Rate (Private Pay Rate)</th>
<th>School Readiness Reimbursement Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates Included</td>
<td>Rates Excluded</td>
<td>Average Minimum</td>
</tr>
<tr>
<td>Infants</td>
<td>69</td>
<td>2</td>
<td>$139.64 $235.00</td>
</tr>
<tr>
<td>Toddlers</td>
<td>71</td>
<td>2</td>
<td>$154.08 $250.00</td>
</tr>
<tr>
<td>Preschool</td>
<td>71</td>
<td>2</td>
<td>$144.04 $283.75</td>
</tr>
<tr>
<td>School age</td>
<td>71</td>
<td>2</td>
<td>$138.75 $250.00</td>
</tr>
</tbody>
</table>

## Public School

<table>
<thead>
<tr>
<th>Care Level</th>
<th>Number of Providers</th>
<th>Market Rate (Private Pay Rate)</th>
<th>School Readiness Reimbursement Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rates Included</td>
<td>Rates Excluded</td>
<td>Average Minimum</td>
</tr>
<tr>
<td>Pre-School</td>
<td>65</td>
<td>5</td>
<td>$160.38 $250.00</td>
</tr>
<tr>
<td>School age</td>
<td>96</td>
<td>0</td>
<td>$137.00 $250.00</td>
</tr>
</tbody>
</table>

The rates provided have been converted to weekly rates. For quality assurance purposes, the following rates have been excluded: full time or part time rates above $300.00, full time rates less than $50.00, and part time rates less than $25.00.

**Note:** This display is shown when the number of Private Rates Included at the county level is less than 4. Refer to the state level data in these instances.

Providers not included in the rate calculation include: Head Start Only, Playgroup, Summer Camp/Recreational Programs, Sick Care Agency, Name/Spot Pair Agency, and Family Friends and Neighbor providers.

Data reflects revised 2017 Private Pay rates from Pinellas County incorporated on March 15, 2019.
Appendix 2 – History of School Readiness Funding Formula

History of School Readiness Allocation Methodology

Prior to 1996-1997

Prior to 1996, the responsibility for early care and education programs was divided among the state departments of Education and Children and Families and the Florida Head Start Program. The Florida Department of Education (DOE) administered and funded school-based readiness programs such as the Prekindergarten Early Intervention Program, Prekindergarten Program for Children with Disabilities, Florida First Start, and Migrant Prekindergarten. The Department of Children and Family Services (DCF) administered the Subsidized Child Care Program, which provided child care services to low-income economically disadvantaged children since 1975.

Funding was allocated to the 18 DOE districts across the state, which were then contracted with 26 community-based child-care coordinating agencies to administer the program. Subsidized child care within DCF accounted for approximately 60% of total early care and education program funding. The Federal Head Start Program also provided Head Start services in local communities through funding provided directly to individual grantees. These programs functioned independently across various interagency coordination efforts required by law.

1996-2006

In 1996, the legislature authorized the School Readiness Act (Ch. 96-107, Laws of Florida), creating the Florida Partnership for School Readiness (Partnership), a state-level governing body to coordinate statewide program efforts and ensuring that School Readiness coalitions plan and implement a comprehensive program of readiness services. To staff the Partnership, the legislature transferred Subsidized Child Care Program funding from DCF and the Migrant Prekindergarten Early Intervention (MPEI) Program within DCF to the Partnership, which was assigned to the Executive Office of the Governor for administrative purposes.

The intent of the School Readiness Act was to create a more cohesive, efficient, and integrated school readiness system and increase children’s chances of achieving higher educational success and becoming productive members of society. The legislation created three major components:

A state-level governing body with responsibility for coordinating statewide efforts.

- Local school readiness coalitions to increase services.

- An estimating conference for school readiness programs.

For the first time, Florida’s early care and education programs (apart from programs for students with disabilities and Head Start) were subject to the priorities and direction of a single entity: the state and local levels. The bill required coalitions to receive funding from each of the previously separate early education and child care programs that were funded with state, federal, interstate or local funds including Florida First Start programs, library readiness programs, prekindergarten early intervention programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title IV programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for those purposes. These programs and their funding streams became the components of the Coalition’s Integrated School Readiness Program, with the goal of preparing children for success in school.

2006-2020

In 2006, the legislature further revised funding requirements for the Partnership to provide for funding for coalitions (Ch. 2006-149, Laws of Florida). The biggest change was the removal of funding that was previously allocated to school districts by the Commissioner of Education for the Prekindergarten Early Intervention Program (PKIEIP) & Head Start. This revenue, specific appropriation of $175,000,000 (Laws of Florida) to be allocated by the Partnership to the newly formed school readiness coalitions. The allotment and a maximum amount plus an additional allocation based on an allocation factor equal to one-quarter of each coalition’s percentage share of the state’s third grade reading levels.

For each of the programs incorporated into the new School Readiness Program, overseen by the Partnership, the following allocation factors for coalitions were applied for the 2006-2007 fiscal year:

<table>
<thead>
<tr>
<th>Program</th>
<th>Allocation Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-kindergarten Intervention</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Migrant Pre-kindergarten Early Intervention</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Wages</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Subsidized Agencies</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Working Poor</td>
<td>$7,200,000</td>
</tr>
</tbody>
</table>

In 2006, the legislature transferred administrative support for the Partnership from the Executive Office of the Governor to the Agency for Education Innovation (AEB) (Ch. 2006-149, Laws of Florida). The legislation also repealed the statutory authority for the individual school-based readiness programs, thereby creating a single readiness program under the direction of the Partnership and local coalitions. The AEB assumed direct responsibility for certain administrative aspects such as budget development and allocation. As the local level, school readiness coalitions were given direct authority. Although local school boards were no longer directly involved in administering the program, they can still provide program services and support through contractual arrangements with readiness coalitions.

During the first two years of the program (i.e., through June 2007), only seven coalitions signed contracts with the Partnership and assumed responsibility for funding and services. Thus, during this period, funding for the 50 remaining coalitions went directly to the school districts and community-wide coordinating agencies, and the local coalitions did not assume control of the program. The bulk of the centralized funding source during the first 24 months of the program’s existence flowed program and created a major barrier to program implementation at the local level. Centralized funding is now one of the major elements of the School Readiness Program and enables coalitions to unify planning and local control of readiness programs.

Because funding was not centralized until 2007, coalitions were unable to assume control of the program. The original School Readiness legislation required the Partnership to present to the legislature, by February 1, 2008, a plan for combining the different funding streams into a School Readiness Trust Fund. This...
null
In 2011, the legislature reorganized A41 (CH, 2011–12, Laws of Florida) and effective October 1, 2011, it was renamed the department of economic opportunity. As part of this reorganization, the Family Services division of A41 became a separate budget entity within the OSE with a direct report to the Governor, and was renamed the Florida Office of Early Learning (OLE). In 2013, the new office convened a state-wide panel of select OSE executive directors who agreed upon a methodology with which to fund the 21 OLEs and Florida’s Migrant Children Association (FMA). OLE submitted an allocation formula based upon the results of the group’s work. The OLE proposed the agreed upon equity-based allocation formula that began the process of implementing an “equity-based” allocation formula as recommended by the auditor general and prescribed in HB 520 from the 2012 legislative session (the bill was subsequently vetoed by the Governor).

The 2013-2014 division (CH, 2014-15, Laws of Florida) redistributed 1/6 of the prior year’s funding allocation using the “equity-based” allocation which was based on the eligible population served by each coalition. This resulted in OLE either losing or gaining funding based upon the total enrollment from the 2012-2013 fiscal year which was prepared to funds available for the 2013-2014 fiscal year.

Equity Methodology proposed to OLE: each of the factors listed below the percentage for each county was calculated; the result was multiplied by the total enrollment and the weight was applied; the four resulting allocations are summed and multiplied by the OSE. The percentage of the adjusted allocation was determined and multiplied by 50% and the result was the initial allocation. This factor was added to the remaining 50% of the funding.

<table>
<thead>
<tr>
<th>Factors</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Birth through 5</td>
<td>30%</td>
</tr>
<tr>
<td>Child Birth through 5 under 12MRT</td>
<td>30%</td>
</tr>
<tr>
<td>Child Birth through 5 under 23MRT-2FL</td>
<td>25%</td>
</tr>
<tr>
<td>Child Birth through 12 under 23MRT-FL</td>
<td>20%</td>
</tr>
</tbody>
</table>

For the 2013-2014 fiscal year, OLE, as directed by the Governor, processed a funding formula that mirrored what was implemented the prior year which would have resulted in no additional loss or gain incurred by OLE from the funding in the 2012-2013 fiscal year. While the legislature acted upon that recommendation and maintained the same allocation amounts for the 2013-2014 fiscal year, they also retained and sustained the reductions that coalitions received for the 2012-2013 fiscal year due to the formula used by OLE. The OSE specifically allocated funding to each coalition that included approximately $5 million to restore the funding loss of any coalition which was a result of the use of the allocation formula used in the 2012-2013 fiscal year (specific Appropriations 79, CH, 2013-14, Laws of Florida).

In 2011, the legislature reorganized A41 (CH, 2011-12, Laws of Florida) and effective October 1, 2011, it was renamed the department of economic opportunity. As part of this reorganization, the Family Services division of A41 became a separate budget entity within the OSE with a direct report to the Governor, and was renamed the Florida Office of Early Learning (OLE). In 2013, the new office convened a state-wide panel of select OSE executive directors who agreed upon a methodology with which to fund the 21 OLEs and Florida’s Migrant Children Association (FMA). OLE submitted an allocation formula based upon the results of the group’s work. The OLE proposed the agreed upon equity-based allocation formula that began the process of implementing an “equity-based” allocation formula as recommended by the auditor general and prescribed in HB 520 from the 2012 legislative session (the bill was subsequently vetoed by the Governor).

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</tr>
<tr>
<td>Child Birth through 12 under 23MRT-FL</td>
<td>20%</td>
</tr>
</tbody>
</table>
I. Summary:

SB 1696 adds requirements to protect students participating in extracurricular activities and athletics. Specifically, the bill requires:

- Each Florida High School Athletic Association (FHSAA) member public school to make its automated external defibrillator (AED) available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session.
- A school employee or volunteer with current training in cardiopulmonary resuscitation and use of an AED, beginning June 1, 2021, to be present at each athletic event, practice, workout, or conditioning session during and outside of the school year.
- All employees or volunteers expected to use an AED to complete the training and be notified annually of the location of each AED on school grounds.
- The FHSAA to make training and resources to monitor heat stress using WetBulb Globe Temperature (WBGT) and heat index levels available to each member school.
- Each school’s emergency action plan to include a procedure for onsite cooling using cold-water immersion.
- Athletic coaches and sponsors of outdoor extracurricular activities to complete annual exertional heat illness training, including administration of cooling zones.
- Students involved in interscholastic athletics to pass a medical evaluation prior to participating in relevant activities outside of the school year.

The bill takes effect July 1, 2020.
II. Present Situation:

Exertional Heat Stroke (EHS)

Exertional heat stroke (EHS), the most severe form of heat illness, is associated with sustained high body temperature resulting from dehydration, strenuous exercise, and environmental heat exposure. If not promptly recognized and treated, EHS can progress to multi-organ system failure and death. EHS remains one of the leading causes of sudden death in athletics despite evidence showing a 100 percent survival rate when an athlete is cooled down to an appropriate core body temperature within the first 10 minutes of collapsing. Research shows that the best practice for rapid cooling treatment is cold water immersion, preferably in a cooling zone, in a tub that is filled with water and ice to lower the athlete’s core body temperature. High school athletic associations in states such as Arkansas, Georgia, Hawaii, Idaho, Kentucky, Mississippi, New Jersey, North Carolina, Utah, and Vermont require schools to have cold water immersion tubs for onsite cooling for all practices that take place in warm weather.

Since 1995, 64 football players have died nationally from EHS, 47 of which occurred at the high school level. Ninety percent of recorded EHS deaths have occurred during practice. From 2014-2018, there was an average of 2.2 EHS deaths per year associated with football.

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1 University of Connecticut, Korey Stringer Institute, Heat Illnesses, https://ksi.uconn.edu/emergency-conditions/heat-illnesses (last visited Dec. 4, 2019). Heat illnesses are a spectrum of illnesses that occur due to heat exposure. This heat exposure can come from either environmental heat (air temperature) or intense exercise. Such conditions include heat cramps, heat exhaustion, and heat syncope (orthostatic dizziness).


3 Id.


5 OPPAGA Presentation, supra note 2, at 17.

6 Florida High School Athletic Association, Administrative Policies of the Florida High School Athletic Association (April 29, 2019), at 107, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1920_handbook_policies_website_116.pdf [hereinafter Administrative Policies of the Florida High School Athletic Association]. A cooling zone is an area identified for rest out of direct sunlight. It should include ice sponges and towels, cold water immersion tubs, tarp that can be filled with ice and wrapped around an athlete, and other cooling alternatives to facilitate the cooling process.

7 OPPAGA Presentation, supra note 2, at 17; Exertional Heat Stroke within Secondary School Athletics, supra note 4.


10 Id.

11 Id.
Florida leads the nation in high school student athlete deaths from EHS, with four since 2011.\(^{12}\) Over 460 student athletes were treated for exertional heat illness during the 2017-2018 school year.\(^{13}\)

**Environmental Monitoring and Hydration**

The National Federation of State High School Associations Sports Medicine Advisory Committee has published a position statement regarding best practices for maintaining hydration and minimizing risk for EHS.\(^{14}\) These include drinking water regularly throughout all athletic activity and weighing athletes before and after hot weather athletic activities to assess the change in hydration status of each athlete.\(^ {15}\)

Adjusting and modifying athletic activity levels based on environmental conditions is a best practice for preventing EHS in athletes.\(^ {16}\) The FHSAA requires:\(^ {17}\)

- Member schools to follow a preseason acclimatization and recovery model for all sports;
- Individual schools or districts to select and promote a method of environmental monitoring for use outside the acclimatization period; and
- Staff to comply with standard recommendations for practice modifications.

**WetBulb Thermometer**

The WetBulb Globe Temperature (WBGT), an on-site measure of ambient temperature, humidity, sun angle, wind, and cloud cover, is commonly used to monitor environmental conditions during exercise.\(^ {18}\) This differs from the heat index, which takes into consideration temperature and humidity for shady areas.\(^ {19}\) Other states such as Hawaii, New Jersey, and North Carolina, require environmental monitoring and activity modification for high school athletics based on WBGT or heat index levels.\(^ {20}\)

**Automated External Defibrillators (AEDs)**

Florida law requires each public school member of the FHSAA to have an operational automated external defibrillator (AED) on school grounds.\(^ {21}\) Each school must ensure that all employees or volunteers who are reasonably expected to use the device obtain appropriate training, including completion of a course in cardiopulmonary resuscitation (CPR) or a basic first aid course that

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\(^{13}\) **OPPAGA Presentation, supra** note 2, at 23.


\(^{15}\) *Id.; Annual Survey of Football Injury Research, supra* note 9, at 18.

\(^{16}\) *Id.; Annual Survey of Football Injury Research, supra* note 9, at 17; *Exertional Heat Stroke within Secondary School Athletics, supra* note 4.

\(^{17}\) Administrative Policies of the Florida High School Athletic Association, *supra* note 6, at 105 and 107.

\(^{18}\) **OPPAGA Presentation, supra** note 2, at 20.


\(^{21}\) Section 1006.165, F.S.
includes CPR training, and demonstrated proficiency in the use of an AED. The location of each AED must be registered with a local emergency medical services medical director.

The Florida High School Athletic Association (FHSAA)

The FHSAA is designated by Florida law as the governing nonprofit organization of athletics in Florida public schools. The FHSAA is tasked with adopting bylaws that establish eligibility requirements for all students who participate in high school athletic competition in FHSAA member schools. The FHSAA requires all student athletes to satisfactorily pass a medical evaluation each year before participating in interscholastic athletic activity.

The FHSAA does not require its member schools to have devices and equipment available to effectively respond to and prevent EHS in student athletes. Current FHSAA policies also do not require member schools to:

- Regulate summer athletic activity, with the exception of football;
- Establish or adopt hydration guidelines;
- Have cooling zones with cold water immersion tubs or other cooling materials;
- Have an individual trained in CPR and AED present at athletic activities; or
- Ensure an AED is present at all athletic activities, preseason or regular.

Sports Medicine Advisory Committee (SMAC)

The FHSAA’s Sports Medicine Advisory Committee (SMAC) is composed of physicians and athletic trainers and functions as a resource for issues of health and safety in high school athletics. The SMAC has recommended that the FHSAA Board of Directors require all schools to use WBGT thermometer devices for environmental monitoring, require all schools to have cold water immersion tubs with ice and water available, and require athletic coaches to receive training on when to use an AED or cold water immersion. These recommendations are not reflected in current FHSAA policies.

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22 Id.
23 Id.
24 Section 1006.20(1), F.S.
25 Section 1006.20(2)(a), F.S.
26 Section 1006.20(2)(c), F.S.
27 OPPAGA Presentation, supra note 2, at 12.
28 Administrative Policies of the Florida High School Athletic Association, supra note 6, at 105 and 107-108.
29 See FHSAA, Heat Acclimatization and Football Contact Procedures, https://www.fhsaa.org/sites/default/files/orig_uploads/sports/football/archives/2018-19/heat_acclimatization_and_football_contact_procedures.pdf (last visited Jan. 21, 2020). Recommendations are also included for individuals participating in cross country or in sports utilizing helmets. Id. FHSAA recommendations are not requirements under Florida law.
30 Section 1006.20(2)(m), F.S.; Florida High School Athletic Association, Who we are, https://www.fhsaa.org/about (last visited Nov. 26, 2019).
33 Id.
III. Effect of Proposed Changes:

SB 1696 adds requirements to protect students participating in extracurricular activities and athletics. Specifically, the bill requires:

- Each Florida High School Athletic Association (FHSAA) member public school to make its automated external defibrillator (AED) available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session.
- A school employee or volunteer with current training in cardiopulmonary resuscitation and use of an AED, beginning June 1, 2021, to be present at each athletic event, practice, workout, or conditioning session during and outside of the school year.
- All employees or volunteers expected to use an AED to complete the training and be notified annually of the location of each AED on school grounds.
- The FHSAA to make training and resources to monitor heat stress using WetBulb Globe Temperature (WBGT) and heat index levels available to each member school.
- Each school’s emergency action plan to include a procedure for onsite cooling using cold-water immersion.
- Athletic coaches and sponsors of outdoor extracurricular activities to complete annual exertional heat illness training, including administration of cooling zones.
- Students involved in interscholastic athletics to pass a medical evaluation prior to participating in relevant activities outside of the school year.

The bill requires the FHSAA to put measures in place to protect student athletes year round. These measures include:

- Making training and resources for the effective monitoring of heat stress using WBGT and heat index levels available to each member.
- Establishing WBGT and heat index levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session.
- Requiring member schools to monitor heat stress using WBGT and heat index levels and modify athletic activities accordingly, including suspending or moving activities.
- Establishing hydration guidelines, including appropriate introduction of electrolytes after extended activities or when a student participates in multiple athletic activities in a day.
- Establishing requirements for cooling zones, including, at a minimum, the immediate availability of cold-water immersion tubs or equivalent means to rapidly cool internal body temperature when a student exhibits symptoms of exertional heat stroke, and for the presence at athletic activities of an employee or volunteer trained to implement and administer the cooling zones.
- Requiring each school’s emergency action plan to include a procedure for onsite cooling using cold-water immersion or equivalent means before a student is transported to a hospital for exertional heat stroke.

The bill requires all athletic coaches and sponsors of extracurricular activities involving outdoor practices or events to complete annual training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.

The board of directors for the FHSAA must notify each member school of any policy change the Sports Medicine Advisory Committee recommends, which it considers at a board meeting but
does not adopt. The notification must include the board’s rationale for not adopting the committee recommendation and must be provided in writing to each member school within 30 days after the board meeting.

The bill expands FHSAA bylaws to require all students participating in or who are candidates for interscholastic athletic involvement to satisfactorily pass a medical evaluation yearly prior to participating in conditioning or activities that occur outside of the school year.

These safeguards may protect student athletes and prevent heat-related illness or death.

The bill takes effect July 1, 2020.

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 has an indeterminate fiscal impact on Florida High School Athletic Association member schools for costs associated with the purchase of automated external defibrillators (AEDs), cold water immersion tubs, or WetBulb Globe Temperature...
thermometers, as necessary, and having an individual with current cardiopulmonary
resuscitation and AED training at each athletic activity, including those that take place in
the non-school year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.165 and
1006.20.

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.
The Committee on Education (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 60-97 and insert:

1. Make training and resources available to each member school for the effective monitoring of heat stress.

2. Establish guidelines for monitoring heat stress and identify heat stress levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session. Heat stress must be determined by measuring the ambient temperature, humidity, wind...
speed, sun angle, and cloud cover at the site of the athletic activity.

3. Require member schools to monitor heat stress and modify athletic activities, including suspending or moving activities, based on the heat stress guidelines.

4. Establish hydration guidelines, including appropriate introduction of electrolytes after extended activities or when a student participates in multiple activities in a day.

5. Establish requirements for cooling zones, including, at a minimum, the immediate availability of cold-water immersion tubs or equivalent means to rapidly cool internal body temperature when a student exhibits symptoms of exertional heatstroke and the presence of an employee or volunteer trained to administer cold-water immersion.

6. Require each school’s emergency action plan, as required by the Florida High School Athletic Association, to include a procedure for onsite cooling using cold-water immersion or equivalent means before a student is transported to a hospital for exertional heatstroke.

The requirements of this paragraph apply year round.

(b) Each athletic coach and sponsor of extracurricular activities involving outdoor practices or events shall annually complete training in exertional heat illness identification, prevention, and response, including the effective administration of cooling zones.

And the title is amended as follows:
Delete lines 12 - 14

and insert:

relating to student athlete safety; amending s. 1006.20, F.S.; requiring that
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1006.165, Florida Statutes, is amended to read:

1006.165 Well-being of students participating in extracurricular activities. Automated external defibrillator; training.—

(1) (a) Each public school that is a member of the Florida High School Athletic Association must have an operational automated external defibrillator on the school grounds. The location of each automated external defibrillator must be available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session, including those conducted outside of the school year. Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the defibrillator and training in the use of the defibrillator.

(b) Beginning June 1, 2021, a school employee or volunteer with current training in cardiopulmonary resuscitation and use of a defibrillator must be present at each athletic event during and outside of the school year, including practices, workouts, and conditioning sessions. The training received by the employee or volunteer must include:

1. Each school must ensure that all employees or volunteers who are reasonably expected to use the device obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator.

2. All employees or volunteers who may be reasonably expected to use a defibrillator must complete the training.

(c) The location of each automated external defibrillator must be registered with a local emergency medical services medical director. Each individual required to complete the training under paragraph (b) must be notified annually of the location of each defibrillator on the school grounds.

(2) (a) In order to better protect student athletes participating in athletics during hot weather and to avoid preventable injury or death, the Florida High School Athletic Association must have an operational automated external defibrillator on the school grounds. The training under paragraph (b) must be present at certain athletic activities, by a specified date; requiring the Florida High School Athletic Association to notify member schools of certain training.

Each school employee or volunteer who has received the training be present at certain athletic activities, by a specified date; requiring the Florida High School Athletic Association to establish certain requirements relating to student athlete safety; requiring the association to notify member schools of certain information; amending s. 1006.20, F.S.; requiring that each school be notified of the training.

Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the defibrillator and training in the use of the defibrillator.

By Senator Perry
8-01383-20  20201696
Association shall:

1. Make available to each member school training and
   resources for the effective monitoring of heat stress using
   WetBulb Globe Temperature (WBG) and heat index levels.

2. Establish WBG and heat index levels at which a school
   must make a cooling zone available for each outdoor athletic
   contest, practice, workout, or conditioning session.

3. Require member schools to monitor heat stress using WBG
   and heat index levels and modify athletic activities
   accordingly, including suspending or moving activities.

4. Establish hydration guidelines, including appropriate
   introduction of electrolytes after extended activities or when a
   student participates in multiple athletic activities in a day.

5. Establish requirements for cooling zones, including, at
   a minimum, the immediate availability of cold-water immersion
   tubs or equivalent means to rapidly cool internal body
   temperature when a student exhibits symptoms of exertional heat
   stroke, and for the presence at athletic activities of an
   employee or volunteer trained to implement and administer the
   cooling zones.

6. Require each school’s emergency action plan to include a
   procedure for onsite cooling using cold-water immersion or
   equivalent means before a student is transported to a hospital
   for exertional heat stroke.

The requirements of this paragraph apply year round.

(b) All athletic coaches and sponsors of extracurricular
activities involving outdoor practices or events shall complete
annual training in exertional heat illness identification,

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prevention, and response, including effective administration of
cooling zones.

(3) The board of directors for the Florida High School
Athletic Association shall notify each member school of any
policy change recommended by the Sports Medicine Advisory
Committee which it considers at a board meeting, but does not
adopt. The notification must include the board’s rationale for
not adopting the committee recommendation and must be provided
in writing to each member school within 30 days after the board
meeting.

(4) The use of automated external defibrillators by
employees and volunteers is covered under ss. 768.13 and
768.1325.

Section 2. Paragraph (c) of subsection (2) of section
1006.20, Florida Statutes, is amended to read:
1006.20 Athletics in public K-12 schools.—
1006.20 (c) The FHSAA shall adopt bylaws that require all students
participating in interscholastic athletic competition or who are
candidates for an interscholastic athletic team to
satisfactorily pass a medical evaluation each year prior to
participating in interscholastic athletic competition or
engaging in any practice, tryout, workout, conditioning, or
other physical activity associated with the student’s candidacy
for an interscholastic athletic team, including activities that
occur outside of the school year. Such medical evaluation may be
administered only by a practitioner licensed under chapter 458,
chapter 459, chapter 460, or s. 464.012, and in good standing
with the practitioner’s regulatory board. The bylaws shall...
establish requirements for eliciting a student’s medical history and performing the medical evaluation required under this paragraph, which must include a physical assessment of the student’s physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form must incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also must contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form must provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form must advise students to complete a cardiovascular assessment and must include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. A student is not eligible to participate, as provided in s. 1006.15(3), in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student’s candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

Section 3. This act shall take effect July 1, 2020.