<table>
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<tr>
<th>Tab 14</th>
<th>SB 1320 by Cruz; (Similar to H 00819) Postsecondary Fee Waivers</th>
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<th>Tab 15</th>
<th>SB 1402 by Diaz; (Similar to CS/H 00613) Higher Education</th>
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<tr>
<th>Tab 16</th>
<th>SB 1438 by Harrell (CO-INTRODUCERS) Perry; (Identical to H 01411) Dyslexia</th>
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<tr>
<th>Tab 17</th>
<th>SB 1578 by Hutson; (Compare to H 00953) Education</th>
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<th>Tab 18</th>
<th>SB 1746 by Stargel; (Similar to H 01335) Florida Virtual Education</th>
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<tr>
<th>Tab 19</th>
<th>SB 1784 by Gainer; (Compare to CS/H 00901) Vocational Rehabilitation Services</th>
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<tr>
<th>Tab 20</th>
<th>SB 7000 by CF; Reporting Abuse, Abandonment, and Neglect</th>
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</table>
# The Florida Senate
## COMMITTEE MEETING EXPANDED AGENDA
### EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

**MEETING DATE:** Monday, February 3, 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

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<tr>
<th>TAB</th>
<th>OFFICE and APPOINTMENT (HOME CITY)</th>
<th>FOR TERM ENDING</th>
<th>COMMITTEE ACTION</th>
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<tbody>
<tr>
<td>Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.</td>
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</table>

### Board of Governors of the State University System
1. **Lamb, Brian D.** (Mason) 01/06/2026
2. **Scott, Steven M.** (Boca Raton) 01/06/2026
3. **Silagy, Eric E.** (Palm Beach Gardens) 01/06/2026
4. **Stermon, Kent** (Jacksonville) 01/06/2026

### Board of Trustees, Florida A & M University
2. **Harper, Kristin R.** (Lewis Center) 01/06/2021

### Board of Trustees, Florida Atlantic University
3. **Dennis, Michael T.B.** (Palm Beach) 01/06/2025
4. **Morris, Elycia** (Boca Raton) 01/06/2025

### Board of Trustees, University of Central Florida
4. **McAlpin, Caryl C.** (Orlando) 01/06/2025
5. **Mills, Harold F.** (Windermere) 01/06/2021
6. **Okaty, Michael A.** (Maitland) 01/06/2025

### Board of Trustees, Florida State University
5. **Sasser, Bobby L.** (Virginia Beach) 01/06/2025
6. **Thiel, John William** (Clearwater) 01/06/2025

### Board of Trustees, Florida Gulf Coast University
6. **Coone, Ashley** (Arcadia) 01/06/2021
7. **Morton, Edward Allen** (Naples) 01/06/2025
8. **Semrod, Jaye** (Naples) 01/06/2025

### Board of Trustees, Florida International University
7. **Lowell, Natasha** (Coral Gables) 01/06/2025

### Board of Trustees, New College of Florida
8. **Christaldi, Ronald A.** (Tampa) 01/06/2025
9. **Ruiz, Mary** (Bradenton) 01/06/2021
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<td>Sasser, W. Earl, Jr. (Winter Park)</td>
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<td>Brandon, David Lee (Palm Harbor)</td>
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<td>Zucker, Anita G. (Charleston)</td>
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<td>Davis, Jill Smith (Jacksonville)</td>
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<td>Patel, Nikul (Jacksonville)</td>
<td>01/06/2025</td>
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<td>Callahan, Sandra W. (St. Petersburg)</td>
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<td>Griffin, Michael E. (Tampa)</td>
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<td>Scott, Alonzie III (Philadelphia)</td>
<td>01/06/2023</td>
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<td>Singer, Jill Anne (Reston)</td>
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<td>White, Stephanie S. (Pensacola)</td>
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<tr>
<td>14</td>
<td>SB 1320 Cruz (Similar H 819)</td>
<td>Postsecondary Fee Waivers; Providing specified fee waivers for graduate students who meet certain requirements, etc.</td>
<td>ED 02/03/2020 AED AP</td>
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<td>15</td>
<td>SB 1402 Diaz (Similar CS/H 613, Compare S 72)</td>
<td>Higher Education; Revising standards for the preeminent state research universities program; requiring the Board of Governors to establish standards and measures for specific state university competencies; revising the performance-based metrics for state universities to include specific data beginning in a certain fiscal year; requiring innovative pricing techniques and payment options to include an opt-out provision; prohibiting the growth rate of administrators at a state university from exceeding the growth rate of faculty at such university, etc.</td>
<td>ED 02/03/2020 AED AP</td>
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<td>TAB</td>
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<td>16</td>
<td>SB 1438</td>
<td>Dyslexia; Requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring public schools to have at least one person on staff trained in the instruction of students with dyslexia; creating the Dyslexia Task Force within the Department of Education, etc.</td>
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<td>Harrell</td>
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<tr>
<td>17</td>
<td>SB 1578</td>
<td>Education; Requiring the Department of Education to collect certain information about career preparation and placement in this state; authorizing state universities designated by the State Board of Education to sponsor a charter school; providing that charter schools operated by a municipality, a public entity, or a private, not-for-profit organization are eligible for a 15-year charter if approved by the sponsor; requiring that any arrangement entered into to borrow or otherwise secure funds for a charter school from certain sources indemnify the sponsor, rather than the school district; authorizing charter schools to offer career and professional academies, etc.</td>
<td>ED 02/03/2020</td>
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<td></td>
<td>Hutson</td>
<td>(Compare H 953)</td>
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<tr>
<td>18</td>
<td>SB 1746</td>
<td>Florida Virtual Education; Providing that certain employees of the Florida Virtual School are entitled to sovereign immunity; revising the students given priority by the Florida Virtual School; authorizing the Florida Virtual School to accrue supplemental revenue from a specified organization; providing that all Florida Virtual School employees are subject to specified policies; deleting a requirement that certain school districts provide a specified number of virtual instruction options, etc.</td>
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<td>Stargel</td>
<td>(Similar H 1335)</td>
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<td>19</td>
<td>SB 1784</td>
<td>Vocational Rehabilitation Services; Revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; requiring the division to provide preemployment transition services to certain eligible persons with disabilities; providing eligibility requirements for the provision of preemployment transition services; revising the composition of the Florida Rehabilitation Council, etc.</td>
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<td>Gainer</td>
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<td>20</td>
<td>SB 7000</td>
<td>Reporting Abuse, Abandonment, and Neglect; Relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; revising when a person is required to report to the central abuse hotline; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing responsibilities for child protective investigators relating to animal abuse and neglect; requiring the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse, etc.</td>
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<td>Children, Families, and Elder Affairs</td>
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Other Related Meeting Documents
I. Summary:

SB 1320 requires each state university to waive specified fees for a graduate student who has a 0.25 full-time equivalent appointment or greater as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate.

The Board of Governors of the State University System estimates the fiscal impact to the state universities to be between $14 million and $28 million annually.

The bill takes effect on July 1, 2020.

II. Present Situation:

State University Student Fees

Florida law provides that all students enrolled in college credit programs at state universities will be charged fees, except students that are exempt or those whose fees are waived. In addition to tuition charges, the law specifically allows a state university to assess fees, which include:

1. A financial aid fee that cannot exceed five percent of the tuition and out-of-state fee.
2. A Capital Improvement Trust Fund fee as established in law.
3. A student activity and service fee.

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1 Section 1009.24(1) and (2), F.S.
3 Section 1009.24(8)(a), F.S. The SUS average graduate student Capital Improvement Trust Fund fee is $6.32. Fees, supra note 2.
4 Section 1009.24(10)(a). The SUS average graduate student per credit hour activity & service fee is $14.67. Fees, supra note 2.
A student health fee on the main campus and on any branch campus or center.\(^5\)

A separate athletic fee on the main campus and on any branch campus or center.\(^6\)

A technology fee of up to 5 percent of the tuition per credit hour.\(^7\)

A per-credit-hour distance learning course fee, for students who enroll in a course listed in the statewide distance learning catalog.\(^8\) The distance learning course fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course.\(^9\)

Additional miscellaneous fees that may not exceed an amount established in law, including an application fee, orientation fee; a fee for security, access or identification cards; registration fees for audit and zero-hours registration; a service charge for installment payments; a late registration fee; a late-payment fee; fees for transcript and diploma replacements; and an admissions deposit for undergraduate, graduate, and professional degree programs.\(^10\)

Additional miscellaneous fees that may not exceed reasonable costs of services: health-related charges for services provided at cost by the university health center that are not covered by the health fee; materials and supplies fees for consumables; housing rental rates and miscellaneous housing charges; a charge for the reasonable cost of efforts to collect overdue payments; a service charge on university loans in lieu of interest and administrative handling charges; certain fees for off-campus course offerings; fees for duplicating, photocopying, binding, microfilming, copyright services, and standardized tests; fees and fines related to the use, late return and loss and damage of facilities and equipment; a returned check fee; traffic and parking fines, charges for parking decals, and transportation access fees; an educational research center for child development fee for child care and services offered by the center; and a transient student fee.\(^11\)

**Fee Waivers**

Florida law provides for waivers from specified fees to certain students who meet identified criteria.\(^12\) Some waivers are mandatory,\(^13\) while others are permissive.\(^14\) Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by the university board of trustees pursuant to Board of Governors regulations.\(^15\)

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\(^5\) Section 1009.24(11), F.S. The SUS average graduate student per credit hour health fee is $8.44. Fees, *supra* note 2.

\(^6\) Section 1009.24(12), F.S. The SUS average graduate student per credit hour athletic fee is $11.97. Fees, *supra* note 2. Law provides that that the sum of the activity and service, health, and athletic fees a student is required to pay to register for a course may not exceed 40 percent of the tuition established in law or by the Legislature in the General Appropriations Act. Section 1009.24(4)(d), F.S.

\(^7\) Section 1009.24(13), F.S. The SUS average graduate student technology fee is $12.69. Fees, *supra* note 2.

\(^8\) Section 1009.24(17)(a), F.S.

\(^9\) Section 1009.24(17)(b), F.S.

\(^10\) Section 1009.24(14)(a)-(g), F.S.

\(^11\) Section 1009.24(14)(h)-(t), F.S.

\(^12\) Section 1009.26, F.S.

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

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

\(^15\) Section 1009.26(9), F.S.
Typically, graduate assistants receive tuition waivers and some form of compensation from universities, but fees associated with enrollment are not necessarily waived.16

III. **Effect of Proposed Changes:**

The bill requires each state university to waive specified fees for a graduate student who has a 0.25 full-time equivalent appointment or greater as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate. The waiver includes the:

- Financial aid fee;
- Capital Improvement Trust Fund fee;
- Student activity and service fee;
- Student health fee;
- Athletic fee;
- Technology fee;
- Distance learning course fee; and
- Specified miscellaneous fees.

The required fee waiver may decrease the student fees that certain graduate students are required to pay and may incentivize additional graduate students to seek appointments for which these fees are waived.

The bill takes effect on 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.

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V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Florida university graduate students with a 0.25 full-time equivalent appointment to a position specified in the bill would not be required to pay certain fees, resulting in a lower cost of education for such students.

C. Government Sector Impact:

Graduate student fees as specified in subsections 1009.24(7)-(13), F.S., average approximately $72 per credit hour across the State University System. For a full-time graduate student, that means the average fees per academic year are around $1,728; a half-time graduate student would pay approximately $864 per year. With just under 16,300 graduate students across the system with 0.25 or greater full-time equivalent appointments as graduate assistants, graduate research assistants, graduate teaching assistants, graduate research associates, or graduate teaching associates, the fiscal impact to the state universities is estimated to be between $14 million and $28 million annually.\(^\text{17}\)

Fees as specified in subsections 1009.24(14) and (17), F.S., are established by statute or a state university board of trustees, and are not collected by the Board of Governors office. Therefore, the impact of a fee waiver for these fees is not known. However, it should be noted that subsection 1009.24(14), F.S., includes fees charged for housing and parking which would negatively impact revenue collections pledged in support of debt service and repair and replacement reserves for certain outstanding auxiliary facility bonds issued for the construction of university parking garages and student dormitories.\(^\text{18}\)

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires a waiver from specified fees, including miscellaneous fees in s. 1009.24(14), F.S. Many of these fees are for specified services, such as for transcripts, materials and supplies, photocopying, or housing rentals; or for penalties, such as late payments, returned checks, library fines, fines for damaged or lost equipment, or traffic and parking fines. Because these fees do not apply to all graduate students included in the bill, and because they are directly linked to specified services or penalties incurred by the student, the sponsor may want to consider excluding these fees from the waiver.

\(^{17}\) Board of Governors, 2020 Legislative Bill Analysis (Jan. 9, 2020), at 2.

\(^{18}\) Id.
VIII. Statutes Affected:

This bill substantially amends section 1009.26 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.
The Committee on Education (Cruz) recommended the following:

**Senate Amendment**

1. Delete line 14
2. and insert:
3. s. 1009.24(7)-(13) for a graduate student who has a
A bill to be entitled
An act relating to postsecondary fee waivers; amending
s. 1009.26, F.S.; providing specified fee waivers for
graduate students who meet certain requirements;
providing an effective date.

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

Section 1. Present subsection (16) of section 1009.26,
Florida Statutes, is redesignated as subsection (17), and a new
subsection (16) is added to that section, to read:

1009.26 Fee waivers.—
(16) Each state university shall waive the cost of fees in
s. 1009.24(7)-(14) and (17) for a graduate student who has a
0.25 full-time equivalent appointment or greater as a graduate
assistant, graduate research assistant, graduate teaching
assistant, graduate research associate, or graduate teaching
associate.

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

SB 1402 modifies postsecondary education policies, primarily those policies related to the state university performance and recognition. Specifically, the bill:

- Modifies the preeminent state research universities program by changing the sources of data for associated metrics and removing the emerging preeminent state research university designation.
- Replaces the State University Programs of Excellence program with the State Universities of Distinction program, and establishes requirements.
- Requires the State University System (SUS) Performance-Based Incentive metrics regarding graduation rates to include specific metrics for Florida College System (FCS) transfer students and Pell Grant recipients.
- Authorizes FCS institution and state university policies relating to the provision of digital materials for students may include either an opt-in or opt-out provision.
- Requires the SUS legislative budget request to include specified data about the number of university administrators and faculty, and requires the Board of Governors of the SUS to define administrator and faculty classifications.
- Authorizes that a member of the Phosphate Research and Activities Board may serve more than 180 days after the expiration of his or her term.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020, unless otherwise specified.
II. Present Situation:

The State University System (SUS) is comprised of 12 public universities. The Board of Governors (BOG) of the SUS is required to operate, regulate, control, and be fully responsible for the management of the whole university system.

Preeminent State Research Universities Program

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida. Academic and research excellence standards are established in law, which include:

- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 4-year graduation rate of 60 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS. However, for the 2018 determination of a state university’s preeminence designation and the related distribution of the 2018-2019 fiscal year appropriation associated with preeminence and emerging preeminence, a university is considered to have satisfied this graduation rate measure by attaining a 6-year graduation rate of 70 percent or higher by October 1, 2017, for full-time, first-time-in-college students, as reported to the IPEDS and confirmed by the BOG.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report or the official membership directories maintained by each national academy.
- Total annual research expenditures, including federal research expenditures, of $200 million or more, as reported annually by the National Science Foundation (NSF).
- Total annual research expenditures in diversified nonmedical sciences of $150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the BOG Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

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1 Art. IX, s. 7(b), Fla. Const. The state universities are defined in s. 1000.21(6), F.S.
2 Art. IX, s. 7(d), Fla. Const.
3 Section 1001.7065(1), F.S.
4 Section 1001.7065(2), F.S.
• An endowment of $500 million or more, as reported in the BOG Annual Accountability Report.

A state university that meets 11 of the 12 academic and research excellent standards specified in law based on data from specified sources is designated a “preeminent state research university.” Currently, the University of Florida, Florida State University, and the University of South Florida (Tampa) are designated as preeminent state research universities.

A state university that meets at least 6 of the 12 academic and research excellence standards is identified as an “emerging preeminent state research university.” Currently, Florida International University and the University of Central Florida are designated as emerging preeminent state research universities.

State University System Programs of Excellence

In 2018, the BOG was required to establish standards and measures whereby individual degree programs that objectively reflect national excellence in state universities could be identified, and make recommendations to the Legislature by September 1, 2018, regarding the enhancement and promotion of such programs.

The goal of this initiative was to achieve and improve upon world-class, nationally recognized university programs of excellence within the SUS. The BOG approved a framework to identify programs of excellence that:

• Provide opportunities for all 12 SUS institutions to participate.
• Allow for universities to elevate both research and academic programs that are nationally recognized.
• Allow for programs across disciplines and degree levels to be recognized.
• Encourage institution collaboration.
• Address key areas important to Florida.
• Provide for flexibility in implementation.

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7 Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.
8 Section 1001.7065(3)(a), F.S.
10 Section 1001.7065(3)(b), F.S.
12 Section 3, ch. 2018-4, L.O.F.
13 Section 1001.7065(7), F.S.
The BOG requested $30 million for this initiative in its 2019-2020 legislative budget request.\textsuperscript{15} This request was not funded by the 2019 Legislature.

**State University System Performance-Based Incentive**

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics that are identified in law\textsuperscript{16} and adopted by the BOG.\textsuperscript{17} The BOG model contains ten performance metrics that evaluate each state university on the following:\textsuperscript{18}

- Percent of bachelor's graduates employed (earning $25,000+) or continuing their education.
- Median wages of bachelor’s graduates employed full-time.
- Average cost to the student (net tuition per 120 credit hours).
- Four-year graduation rate (Full-time, first-time-in-college students).
- Academic progress rate (2nd year retention with GPA above 2.0).
- Bachelor's degrees awarded in areas of strategic emphasis.
- University access rate (percent of undergraduate students with a Pell-grant).
- Graduate degrees awarded in areas of strategic emphasis – all institutions but New College of Florida (NCF).
- Freshman in the top 10 percent of graduating high school class – for NCF only.
- BOG choice - percent of bachelor’s degrees without excess hours.
- University board of trustees (BOT) choice.\textsuperscript{19}

The BOG must adopt benchmarks to evaluate each state university’s performance on the metrics to measure institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding.\textsuperscript{20}

Each fiscal year, the amount of funds available for allocation to the state universities based on the performance-based funding model consists of the state’s investment in performance funding plus institutional investments, which include funds deducted from the base funding of each state university in an amount provided in the General Appropriations Act (GAA).\textsuperscript{21}

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\textsuperscript{16} Section 1001.92(1), F.S.

\textsuperscript{17} Id. Florida law specifies metrics, and authorizes the BOG to approve other metrics in a formally noticed meeting. *Id.*


\textsuperscript{19} For the 2019 performance calculation, the BOT choice metrics include research and development funded from external sources; bachelor’s degrees awarded to minority students; national ranking; participation in research course; bachelor’s degrees awarded annually; ranking of annual number of licenses/options executed; participation in online courses; postdoctoral appointees; and adult undergraduates enrolled. Board of Governors, *2019 Performance-Based Funding Model, Final Metric Score Sheet*, available at https://www.flbog.edu/wp-content/uploads/2019-20-PBF-Final-Metric-Score-Sheet.pdf, at 4-5.

\textsuperscript{20} Section 1001.92(1), F.S.

\textsuperscript{21} Section 1001.92(2), F.S.
Textbook and Instructional Materials Affordability

Present Situation

In 2008, the federal government and Florida Legislature addressed measures to reduce costs and make textbooks more affordable for needy students. Since 2016, each FCS institution and state university BOT has been authorized to adopt policies in consultation with textbook and instructional materials providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such policies are authorized to include bulk pricing arrangements that enable students to purchase course materials or texts that are delivered digitally; delivered through other technologies that are, or the licenses of which are, required for use within a course; or delivered in a print format.

FCS institution and state university BOT innovative pricing techniques and payment options policies may only be approved if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course and if the policy includes an opt-in provision for students. An institution may not automatically enroll students in services that provide textbooks or other materials electronically, students must opt in to such programs.

State University Administration and Faculty

A 2010 study of higher education costs at 198 leading public and private colleges and universities found a 39 percent increase between 1993 and 2007 in instructional spending per student, but a 61 percent increase in administrative spending per student. Data from the National Center for Education Statistics show that doctoral research universities spend about 17 cents on administration for every dollar spent on instruction.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reports that from 2010 to 2016, the number of state university staff with administrative duties increased at a

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22 The Higher Education Opportunity Act (Public Law 110-315).
23 Section 1004.0085, F.S.
24 Section 3, ch. 2016-236, L.O.F.
25 Section 1004.085(4), F.S. Such policies are often called “inclusive access.” Where previously students might have been assigned textbooks individually, now many institutions are signing up whole classes of students to automatically receive digital course materials at a discounted rate, rather than purchasing individually. Every student has the same materials on the first day of class, with the charge included as part of their tuition. Many institutions automatically sign up students for such services, requiring students to opt-out if they do not wish to receive such digital materials or services. Inside Higher Education, ‘Inclusive Access ’ Takes Off, https://www.insidehighered.com/news/2017/11/07/inclusive-access-takes-model -college-textbook-sales (last visited Jan. 2, 2020). For federal financial assistance, an institution may include the cost of textbooks and supplies as part of tuition and fees if the institution has an arrangement with a publisher or other entity that makes books or supplies cheaper, provides a way for students to get timely access to materials, and includes a student opt out provision. Section 668.164(c) (2)(i), C.F.R.
26 Section 1004.085(4), F.S.
27 American Council of Trustees and Alumni, Institute for Effective Governance, How Much is Too Much? Controlling Administrative Costs through Effective Oversight (July 2017), available at https://www.goacta.org/images/download/controlling-administrative-costs.pdf, at 2. The report attributed part of the growth on rising compliance costs; the number of federal requirements placed on colleges and universities grew by 56 percent between 1997 and 2012. Id.
28 Id. at 7. At similar private universities the figure was about 25 cents spent on administration for each dollar spent for instruction.
faster rate than that of faculty.\textsuperscript{29} Most of growth was due to the increase in non-faculty administrators, which includes coordinators, directors, managers, and associate and assistant vice-presidents.\textsuperscript{30} During that time the percentage of staff with administrative duties ranged from 29 percent to 34 percent of the total university staff.\textsuperscript{31}

The BOG defines in regulation\textsuperscript{32} the position of university president, university administrative employees, and university teaching faculty or medical school faculty for the purpose of regulating remuneration for such employees.

**Phosphate Research and Activities Board**

The Florida Industrial and Phosphate Research Institute is housed within Florida Polytechnic University (FPU)\textsuperscript{33} and the Phosphate Research and Activities Board is tasked with monitoring the expenditure of funds appropriated to FPU from the Phosphate Research Trust Fund.\textsuperscript{34} The board consists of five members.\textsuperscript{35} The Governor is required to appoint two persons representing the phosphate mining or processing industry and one member representing a major environmental conservation group in the state.\textsuperscript{36} The Secretary of Environmental Protection or his or her designee and the president of FPU are required to serve as board members.\textsuperscript{37}

Members of the board appointed by the Governor are appointed to 3-year terms.\textsuperscript{38} A board member may continue to serve until a successor is appointed, but not more than 180 days after the expiration of his or her term.\textsuperscript{39} A board member is eligible for reappointment to subsequent terms.\textsuperscript{40}

### III. Effect of Proposed Changes:

The bill modifies postsecondary education policies, primarily those policies related to the state university performance and recognition. Specifically, the bill:

- Modifies the preeminent state research universities program by changing the sources of data for associated metrics and removing the emerging preeminent state research university designation.

\textsuperscript{29} Office of Program Policy and Government Accountability, *OPPAGA Research on State University System Administrative Positions and Salaries*, Presentation to House Higher Education Appropriations Subcommittee (Mar. 14, 2017). During that time, the increase in administrators (which includes executive positions, faculty with administrative duties, and other administrators) was 12 percent, and the increase in faculty with no administrative duties was 6 percent. Id.

\textsuperscript{30} Id.

\textsuperscript{31} Id. The percentage of administrative staff reached a high of 34 percent of total university staff in 2014, but then decreased to 30 percent in 2016. Between 2010 and 2016, the percentage of administrative staff relative to other types of positions has remained about the same (29 percent compared to 30 percent). Id.

\textsuperscript{32} Board of Governors Regulation 9.006.

\textsuperscript{33} Section 1004.346(1), F.S.

\textsuperscript{34} Section 1004.346(2), F.S.

\textsuperscript{35} Section 1004.346(2)(b), F.S.

\textsuperscript{36} Id.

\textsuperscript{37} Id.

\textsuperscript{38} Section 1004.346(2)(c), F.S.

\textsuperscript{39} Id.

\textsuperscript{40} Id.
• Replaces the State University Programs of Excellence program with the State Universities of Distinction program, and establishes requirements.
• Requires the State University System (SUS) Performance-Based Incentive metrics regarding graduation rates to include specific metrics for Florida College System (FCS) transfer students and Pell Grant recipients.
• Authorizes FCS institution and state university policies relating to the provision of digital materials for students may include either an opt-in or opt-out provision.
• Requires the SUS legislative budget request (LBR) to include specified data about the number of university administrators and faculty, and requires the Board of Governors of the SUS to define administrator and faculty classifications.
• Authorizes that a member of the Phosphate Research and Activities Board may serve more than 180 days after the expiration of his or her term.

Preeminent State Research Universities Program

The bill amends s. 1001.7065, F.S., to change the data sources for specified metrics to the BOG Accountability Plan from the BOG Annual Accountability Report, the Integrated Postsecondary Education Data System (IPEDS), or the Top American Research Universities (TARU) report. Therefore, the bill requires that data reported annually in the BOG Accountability Plan, which is more timely than IPEDS or other sources, be used to determine whether an institution is designated as a preeminent state research university. The bill also repeals the emerging preeminent state research university designation and associated requirements.

The provisions relating to metrics for the designation of preeminent state research universities are effective upon becoming a law.

State University System Programs of Excellence

The bill modifies s. 1001.7065, F.S., to replace the SUS Programs of Excellence with a State Universities of Distinction program, which requires the BOG to establish standards and measures to identify state universities that focus on one core competency unique to the SUS that:
• Achieves excellence at the national or state level;
• Meets state workforce needs; and
• Fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management.

The bill requires the BOG to annually submit such programs to the Legislature by January 1 for funding.

41 Board of Governors Regulation 2.002 requires the BOG to institute a planning and performance monitoring system for state universities designed to inform strategic planning, budgeting, and other policy decisions for the State University System; the BOG must annually submit the university accountability plans and the system summary of the university plans to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Board of Governors 2019 System Accountability Plan is available at https://www.flbog.edu/wp-content/uploads/2019_System_Accountability_Plan__FINAL_2019-10-30.pdf.
This bill provision aligns with a recent BOG initiative targeting Universities of Distinction as a path towards excellence that will produce high-quality talent to diversify Florida’s economy, stimulate innovation, and provide a return on investment to the state. In its 2020-2021 legislative budget request (LBR), the BOG has requested $67,000,000 for the Universities of Distinction program.

The provisions relating to the State Universities of Distinction program are effective upon becoming a law.

**State University System Performance-Based Incentive**

The bill amends s. 1001.92, to modify the performance-based metrics that determine each university’s performance rating and distribution of the annual appropriation by, beginning in the 2021-2022 fiscal year:

- Clarifying that the 4-year graduation rate is for first-time-in-college students, and adding to the metric a 2-year graduation rate for full-time 2+2 associate in arts degree transfer students from FCS institutions.
- Adding an additional metric relating to students who receive a Pell Grant, to require a metric for the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The bill authorizes the BOG to approve other metrics in a publicly noticed meeting, and specifies that benchmarks and data may not be adjusted after the BOG receives university performance data.

Such changes to the performance metrics may prompt state universities to increase their focus on encouraging FCS transfer students to complete their degree programs in two years. Universities may also increase their focus on encouraging Pell Grant students to complete their degree programs within six years.

**Textbook and Instructional Materials Affordability**

The bill modifies s. 1004.085, F.S., to require that each FCS institution and state university BOT that adopts innovative pricing techniques and payment options policies include either an opt-in or opt-out provision for students. Therefore, if an institution adopts such a policy, the institution may automatically assign all students in a course to receive digital materials or other pricing payment options unless the student opts out of the policy.

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44 The changes to this metric do not distinguish between full-time or part-time students. Institutions that serve a large part-time population of students may find it difficult to be compared to those serving the traditional, full-time student. Additionally, institutions such as New College of Florida and Florida Polytechnic University may have a cohort size that may be currently too small to fully participate in this metric. Board of Governors, *2020 Legislative Bill Analysis* (Jan. 30, 2020).
State University Administration and Faculty

The BOG is required to prepare an LBR for the SUS for inclusion in the K-20 LBR. The bill amends s. 1011.90, F.S., to require that the BOG LBR must also include 5-year trend information on the number of faculty and administrators at each state university and the proportion of full-time equivalent (FTE) membership is dedicated to instruction and research compared to administration. The bill specifies that the growth rate of administrators at any state university may not exceed the growth rate of faculty. The bill also provides, consistent with current BOG regulation, that the BOG must define faculty and administer classifications, and must also report the definitions in the LBR. The requirement to define personnel classifications provides the authority for the BOG to establish in regulation pay schedules for the various personnel classifications.

Phosphate Research and Activities Board

The bill modifies s. 1004.346, F.S., to remove the limitation that a board member may not serve more than 180 days after the expiration of his or her term, which prevents vacancies on the board by allowing that member to serve on the board until a replacement is appointed or that member is reappointed.

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.

45 Section 1001.706(4)(b), F.S.
B. Private Sector Impact:

None.

C. Government Sector Impact:

The modifications to the metrics in the State University System Performance-Based Incentive program may affect a state university’s excellence and improvement scores, which may affect the distribution of performance funds to that university.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.7065, 1001.92, 1004.085, 1004.346, and 1011.90.

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 (Diaz) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 97 - 144 and insert:

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM

SUPPORT.—

(a) A state university that is designated as a preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university’s meeting the benchmark plan
goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(b) A state university designated as an emerging preeminent state research university shall submit for approval to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university’s meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(c) The award of funds under this subsection is contingent upon funding provided by the Legislature to support the preeminent state research universities program created under this section. Funding increases appropriated beyond the amounts funded in the previous fiscal year shall be distributed as determined annually by the Legislature to as follows:

1. Each designated preeminent state research university that meets the criteria in paragraph (a) shall receive an equal amount of funding.

2. Each designated emerging preeminent state research university that meets the criteria in paragraph (b) shall, beginning in the 2018-2019 fiscal year, receive an amount of funding that is equal to one-fourth of the total increased amount awarded to each designated preeminent state research university.
And the directory clause is amended as follows:

Delete lines 41 - 43 and insert:

Section 1. Effective upon this act becoming a law, subsections (2), (5), and (7) of section 1001.7065, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete lines 6 - 9 and insert:

removing funding provisions for emerging preeminent state research universities; deleting the programs of excellence designation
By Senator Diaz

A bill to be entitled a 27
An act relating to higher education; amending s. 1001.7065, F.S.; revising standards for the preeminent state research universities program; requiring such standards to be reported annually in a specified plan; deleting the "emerging preeminent state research university" designation within the State University System; conforming provisions to changes made by the act; deleting the programs of excellence designation within the State University System; creating the "state universities of distinction" designation within the State University System; requiring the Board of Governors to establish standards and measures for specific state university competencies; providing requirements for such standards and measures; authorizing the Board of Governors to annually submit such programs to the Legislature for funding by a specified date; amending s. 1001.92, F.S.; revising the performance-based metrics for state universities to include specific data beginning in a certain fiscal year; authorizing the Board of Governors to approve other metrics; prohibiting the adjustment of such metrics and benchmarks once specified data has been received; amending s. 1004.085, F.S.; requiring innovative pricing techniques and payment options to include an opt-out provision; amending s. 1004.346, F.S.; removing a limitation on the length of time a Phosphate Research and Activities Board member may serve after expiration of his or her term; amending s. 1011.90, F.S.; providing requirements for a specified legislative budget request; requiring the Board of Governors to define specified classifications in regulation and provide such classifications in specified budget requests; prohibiting the growth rate of administrators at a state university from exceeding the growth rate of faculty at such university; providing effective dates.

Section 1. Effective upon this act becoming a law, subsections (2), (3), (5), (6), and (7) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—
(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors Accountability Plan:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher on a 2400-point scale or 1200 or higher on a 1600-point scale for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, including, but not limited to, the U.S. News and World Report rankings, reflecting national preeminence, using most recent rankings.

(c) A freshman retention rate of 90 percent or higher for
(d) A 4-year graduation rate of 60 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).

(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report or the official membership directories maintained by each national academy.

(f) Total annual research expenditures, including federal research expenditures, of $200 million or more, as reported annually by the National Science Foundation (NSF).

(g) Total annual research expenditures in diversified nonmedical sciences of $150 million or more, based on data reported annually by the NSF.

(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.

(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

(j) Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the Board of Governors Annual Accountability Report.

(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

(1) An endowment of $500 million or more, as reported in the Board of Governors Annual Accountability Report.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The Board of Governors shall designate each state university that annually meets at least 11 of the 12 academic and research excellence standards identified in subsection (2) as a “preeminent state research university.”

(b) The Board of Governors shall designate each state university that annually meets at least 6 of the 12 academic and research excellence standards identified in subsection (2) as an “emerging preeminent state research university.”

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM SUPPORT.—

(a) A state university that is designated as a preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university’s meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(b) A state university designated as an emerging preeminent...
a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university’s meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section. The award of funds under this subsection is contingent upon funding provided by the Legislature to support the preeminent state research universities program created under this section. Funding increases appropriated beyond the amounts funded in the previous fiscal year shall be distributed equally to each designated preeminent state research university that meets the criteria in paragraph (a) shall receive an equal amount of funding.

2. Each designated emerging preeminent state research university that meets the criteria in paragraph (b) shall, beginning in the 2018-2019 fiscal year, receive an amount of funding that is equal to one fourth of the total increased amount awarded to each designated preeminent state research university.

(6) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY AUTHORITY.—The Board of Governors is encouraged to identify and grant all reasonable, feasible authority and flexibility to ensure that each designated preeminent state research university and each designated emerging preeminent state research university is free from unnecessary restrictions.

(7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE

THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors shall establish standards and measures whereby state universities that focus on one core competency unique to the State University System which achieves excellence at the national or state level, meets state workforce needs, and fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management, individual undergraduate, graduate, and professional degree programs in state universities which objectively reflect national excellence can be identified. The Board of Governors may annually submit such programs and make recommendations to the Legislature by January 1, 2018, as to how any such programs could be enhanced and promoted.

Section 2. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors’ determination of each university’s performance improvement and achievement ratings for 2019, and the related distribution of annual the 2018-2019 fiscal year appropriation, the performance-based metrics must include:

(a) Beginning in fiscal year 2021-2022, a single graduation rate metric comprised of 4-year graduation rates for first-time-in-college students and 2-year graduation rates for Florida
Section 3. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

(g) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and

(h) Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve other metrics approved by the board in a publicly formally noticed meeting. The board shall adopt benchmarks to evaluate each state university’s performance on the metrics to measure the state university’s achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors. Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state universities; however, the scoring system may not include bonus points.

Section 3. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

CODING: Words underlined are additions; words stricken are deletions; words italicized are additions.
Section 5. Subsection (4) of section 1011.90, Florida Statutes, is amended to read:

1011.90 State university funding.—

(4) The Board of Governors shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The legislative budget request must also include 5-year trend information on the number of faculty and administrators at each university and the proportion of FTE dedicated to instruction and research compared to administration. The Board of Governors, by regulation, shall define faculty and administrator classifications and shall also report the definitions in the legislative budget request. The growth rate of administrators at a state university may not exceed the growth rate of faculty at such university. Expenditure analysis, operating budgets, and annual financial statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the Board of Governors. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The Board of Governors shall continue to collect and maintain at a minimum management information existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 6. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.
I. Summary:

SB 1438 establishes dyslexia diagnostic assessment screening requirements for students in kindergarten through grade 3 and intensive remedial intervention requirements for every student in those grades who exhibits a substantial reading deficiency.

The bill also establishes the Dyslexia Task Force to develop a dyslexia handbook with required recommendations concerning dyslexia, dysgraphia, and dyscalculia.

The fiscal impact is discussed in section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Public School Student Progression

Each district school board is required by law to establish a comprehensive plan for student progression,¹ which must provide for a student’s progression from one grade to another based on the student’s mastery of standards,² including those in English Language Arts (ELA).³ The plan must:⁴

- Include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in ELA. The results of evaluations used to monitor a student’s progress in grades K-12 must be provided in a timely manner to the student’s teacher and, thereafter, to the student’s parent.

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¹ Section 1008.25(1), F.S.
² See s. 1003.41, F.S.
³ Section 1008.25(2), F.S.
⁴ Id.
• List the student eligibility and procedural requirements established by the school district for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school.\(^5\)
• Notify parents and students of the school district’s process by which a parent may request student participation in promotion or acceleration that would result in a student attending a different school.\(^6\)
• Advise parents and students that additional options may be available at the student’s school.\(^7\)

**Student English Language Arts Assessment**

Students in grade 3 through grade 10 are required by law to participate in the statewide, standardized assessment program.\(^8\) Each student who does not achieve a Level 3 or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.\(^9\)

A student not meeting the school district or state requirements for satisfactory performance must be covered by one of the following plans:\(^10\)
• A federally required student plan such as an individual education plan (IEP);
• A schoolwide system of progress monitoring for all students; or
• An individualized progress monitoring plan.

**Reading Deficiencies and Parental Notification**

District school boards must provide intensive, explicit, systematic, and multisensory reading interventions to students in kindergarten through grade 3 with a demonstrated deficiency in reading.\(^11\) A school may not wait until the end of a grading period to identify a student as having a substantial reading deficiency and begin intensive reading interventions.\(^12\) The student’s reading proficiency must be monitored, and the intensive interventions must continue, until the student demonstrates grade level proficiency in a manner determined by the district.\(^13\)

The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the following:\(^14\)
• That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation of the student’s difficulty.
• A description of the current services provided to the child.
• A description of the proposed intensive interventions and supports to be provided to the child to remediate the identified area of reading deficiency.

\(^5\) See s. 1002.3105(2)(b), F.S.
\(^6\) See s. 1002.3105(4)(b)2, F.S.
\(^7\) See s. 1002.3105, F.S.
\(^8\) See s. 1008.22, F.S.
\(^9\) Section 1008.25(4)(a), F.S.
\(^10\) Section 1008.25(4)(b), F.S.
\(^11\) Section 1008.25(3)(a), F.S.
\(^12\) Id.
\(^13\) Id.
\(^14\) Section 1008.25(5)(c), F.S.
• That if the child’s reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
• Strategies, including multisensory strategies, through a read-at-home plan the parent can use in helping his or her child succeed in reading.
• That the statewide, standardized ELA assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.
• The district’s specific criteria and policies for a portfolio and the evidence required for a student to demonstrate mastery of standards for ELA.
• The district’s specific criteria and policies for midyear promotion.\textsuperscript{15}

In addition, 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 of specified subjects, including ELA. The district school board must report to the parent the student’s results on each statewide, standardized assessment.\textsuperscript{16}

If a student’s reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required by law\textsuperscript{17} for grade 3, the student must be retained.\textsuperscript{18}

**Specific Learning Disabilities**

According to the Individuals with Disabilities Education Act (IDEA), conditions such as dyslexia classify as specific learning disabilities.\textsuperscript{19} State Board of Education (SBE) rule\textsuperscript{20} defines a specific learning disability as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. SBE rule references dyslexia as a condition associated with a specific learning disability.

\textsuperscript{15} Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level. \textit{Id.}
\textsuperscript{16} Section 1008.25(8)(a), F.S.
\textsuperscript{17} See \textit{s. 1008.22}, F.S.
\textsuperscript{18} Section 1008.25(5)(b), F.S. The district school board may only exempt students from mandatory retention for a good cause, limited to the following: students with limited English proficiency 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; students whose IEP indicates that participation in the statewide assessment program is not appropriate; students who demonstrate an acceptable level of performance on an alternative standardized SBE-approved reading or ELA assessment; students who demonstrate through a student portfolio active performance at least at Level 2 on the statewide, standardized ELA assessment; students who take the statewide, standardized ELA assessment and who have an IEP or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in a relevant grade; or 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 a relevant grade for a total of 2 years. Section 1008.25(6)(b), F.S.
\textsuperscript{19} 20 U.S.C. s. 1401(30)(B).
\textsuperscript{20} Rule 6A-6.03018(1), F.A.C. A specific learning disability is a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. \textit{Id.}
SBE rule also requires a school district to request, prior to conducting an evaluation for a specific learning disability, parental or legal guardian consent to conduct an evaluation to determine if a student needs specially designed instruction in circumstances in which the student does not make adequate progress, including:  

- Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
- Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services.

III. Effect of Proposed Changes:

SB 1438 establishes dyslexia diagnostic assessment screening requirements for students in kindergarten through grade 3 and intensive remedial intervention requirements for every student in those grades who exhibits a substantial reading deficiency.

The bill also establishes the Dyslexia Task Force to develop a dyslexia handbook with required recommendations concerning dyslexia, dysgraphia, and dyscalculia.

Dyslexia Diagnostic Assessment

The bill requires the State Board of Education (SBE) to approve and develop a dyslexia diagnostic assessment screener (screener). Each public school must screen each student in kindergarten through grade 3 for dyslexia using the approved screener within the first 30 days of the school year. Each public school student kindergarten through grade 3 who exhibits a substantial deficiency in reading at any time, as demonstrated through performance on an approved screener, must be placed in an intensive remedial intervention program.

Parental Notification

The parent of any student kindergarten through grade 3 who exhibits dyslexia must be:

- Immediately notified by the student’s school of the student’s deficiency.
- Provided a progress report issued at two week intervals while the child continues to exhibit dyslexia. The parent must be notified in writing by the school of the process to request a special education evaluation.

Repeated Assessment and Remedial Intervention

The screener may be repeated at midyear and at the end of the school year to determine student progression in reading. The student must be provided with continued intensive remedial intervention by the school district if it is determined the student continues to exhibit a reading deficiency.

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21 Rule 6A-6.03018(3)(a), F.A.C.
22 See s. 1008.25(5), F.S.
**Additional Requirements**

The bill establishes requirements for district school boards to assist students with dyslexia. Specifically, the bill requires:

- Every public school to employ at least one person trained in the instruction of students with dyslexia.
- Each school district to have an intensive remedial intervention program, which must:
  - Include effective instructional strategies and appropriate teaching methodologies to assist the student in becoming a successful reader able to read at or above grade level and ready for promotion to next grade.
  - Be continued until the student can maintain grade level performance, without continued supportive intervention and services, in decoding, encoding, reading fluency, and reading comprehension.

The SBE is required adopt rules that require students to be evaluated for phonological awareness to determine whether the students has a specific learning disability.

**Specific Learning Disabilities**

The bill defines dyscalculia, dysgraphia, and dyslexia as specific learning disabilities that are neurological in origin and often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Dyscalculia, dysgraphia, and dyslexia are further defined as follows:

- **Dyscalculia** is characterized by difficulties with learning and comprehending arithmetic, understanding numbers, performing mathematical calculations, and learning mathematics.
- **Dysgraphia** is characterized by difficulties with accurate writing abilities, spelling, handwriting, and putting thoughts on paper.
- **Dyslexia** is characterized by difficulties with accurate and fluent word recognition, spelling, and decoding, which typically result from a deficit in the phonological component of language. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

**The Dyslexia Task Force**

The bill establishes the Dyslexia Task Force, within the Department of Education, to develop a dyslexia handbook. The dyslexia handbook must include, but is not limited to, recommendations concerning:

- How to identify dyslexia, dysgraphia, and dyscalculia;
- Appropriate goal writing for individual education plans (IEPs) for students with dyslexia, dysgraphia, or dyscalculia;
- Interventions for dyslexia, dysgraphia, and dyscalculia;
- Provision of assistive technology guidelines; and
- The creation of a parent handbook regarding dyslexia, dysgraphia, and dyscalculia.

The bill requires the task force to recommend amendments to uniform IEP documents, such that they require a drop down menu under specific learning disabilities that allows child study teams
to check all learning disabilities that are exhibited by the student, including dyslexia, dysgraphia, and dyscalculia.

The task force must consist of the following five members appointed by the Commissioner of Education:

- A member of an organization focused on dyslexia.
- A member of an organization focused on dysgraphia.
- A member of an organization focused on dyscalculia.
- A public school teacher.
- A public school principal.

Within 90 days after the bill becoming law, a majority of the members of the task force must be appointed, and the task force must have its first meeting. The task force is required to elect one of its members to serve as chair, and members of the task force serve for the duration of the existence of the task force. Any vacancy that occurs must be filled in the same manner as the original appointment. Task force members are to serve without compensation, but are entitled to reimbursement for per diem and travel expenses.  

The bill conforms cross-references in numerous statutes based on the addition of definitions for dyslexia, dysgraphia, and dyscalculia to s. 1003.01, F.S.

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.

23 See s. 112.061, F.S.
V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the state. The cost for the State Board of Education to develop and approve a dyslexia diagnostic assessment screener, as well as the cost of administering the screener to every public school student in kindergarten through grade 3, is not known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.01, 11.45, 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105, 1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21, 1003.26, 1003.4282, 1003.52, 1003.575, 1006.07, 1008.24, and 1012.2315.

This bill creates the section 1001.2151 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.
A bill to be entitled An act relating to dyslexia; creating s. 1001.2151, F.S.; providing legislative intent; requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring parental notification of dyslexia diagnoses and bi-weekly progress reports; providing for subsequent diagnostic assessment; requiring that intensive remedial intervention meet certain requirements; requiring remedial intervention to continue until the student can perform at a certain level; requiring public schools to have at least one person on staff trained in the instruction of students with dyslexia; requiring the State Board of Education to adopt rules; amending s. 1003.01, F.S.; defining the terms “dyscalculia,” “dysgraphia,” and “dyslexia”; creating the Dyslexia Task Force within the Department of Education; specifying the purpose and membership of the task force; requiring the task force to be appointed and to hold its first meeting within a certain timeframe; providing that task force members serve without compensation, but may receive reimbursement for certain expenses; amending ss. 11.45, 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105, 1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21, 1003.26, 1003.4282, 1003.52, 1003.575, 1006.07, 1008.24, and 1012.2315, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 1001.2151, Florida Statutes, is created to read:

1001.2151 LITERACY-BASED PROMOTION.—It is the intent of the Legislature to ensure that each student’s progression in kindergarten through grade 3 is determined in part upon the student’s proficiency in reading. Local school board policies shall facilitate this proficiency, and each student and the student’s parent or legal guardian shall be informed of the student’s academic progress.

(1) Within the first 30 days of the school year, each public school shall screen each student in kindergarten through grade 3 for dyslexia using a dyslexia diagnostic assessment screener.

(2) Each public school student in kindergarten through grade 3 who exhibits a substantial deficiency in reading at any time, as demonstrated through his or her performance on a dyslexia diagnostic assessment screener approved and developed by the State Board of Education, must be placed in an intensive remedial intervention program.

(3) The parent of any student in kindergarten through grade 3 who exhibits dyslexia shall be immediately notified by the student’s school of the student’s deficiency pursuant to s. 1008.25(5) and the parent shall be provided a progress report issued at 2 week intervals while the child continues to exhibit...
Section 2. Section 1003.01, Florida Statutes, is amended to require students to be evaluated for phonological awareness to determine whether the student has a specific learning disability. Every public school must provide intensive interventions for every student in kindergarten through grade 3 identified with a deficiency in reading or with dyslexia to ameliorate the student’s specific deficiency.

The intensive remedial intervention program must include effective instructional strategies and appropriate teaching methodologies to assist the student in becoming a successful reader able to read at or above grade level and ready for promotion to the next grade. The intensive remedial intervention program must be continued until the student can maintain grade level performance in decoding, encoding, reading fluency, and reading comprehension without continued supportive intervention and services.

The State Board of Education shall adopt rules that require students to be evaluated for phonological awareness to determine whether the student has a specific learning disability.

Section 2. Section 1003.01, Florida Statutes, is amended to define specific learning disabilities, including dyslexia, dysgraphia, dyscalculia, and dyspraxia.
(b) Characterized by difficulties with accurate and fluent word recognition, spelling, and decoding which typically result from a deficit in the phonological component of language; and

(c) Often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(ii) (a) "Exceptional student" means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech or language impairment; an orthopedic impairment; any health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. 1003.21(1)(e).

(b) "Special education services" means specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; services provided by a certified listening and spoken language specialist; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the state board.

(2) "Career education" means education that provides instruction for the following purposes:

(a) At the elementary, middle, and high school levels, 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. Career education provided before high school completion must be designed to strengthen both occupational awareness and academic skills integrated throughout all academic instruction.

(b) At the secondary school level, 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.

(c) At the postsecondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

(iii) (a) "Suspension," also referred to as out-of-school
suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.

(b) “In-school suspension” means the temporary removal of a student from the student’s regular school program and placement in an alternative program, such as that provided in s. 1003.53, under the supervision of district school board personnel, for a period not to exceed 10 school days.

(12) “Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

(5) “Corporal punishment” means the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term “corporal punishment” does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

(14) “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 984.

(7) “Dropout” means a student who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student’s whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any career, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or
(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district’s policy.

The State Board of Education may adopt rules to implement the provisions of this subsection.

(1) "Alternative measures for students with special needs" or "special programs" means measures designed to meet the special needs of a student that cannot be met by regular school curricula.

(15) (a) "Juvenile justice education programs or schools" means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over 12 months. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

(b) "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

(3) "Children and youths who are experiencing homelessness," for programs authorized under subtitle B, (12) mean:

- (a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

- (b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

- (c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings.

- (d) Migratory children who are living in circumstances described in paragraphs (a)-(c).

(17) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by attendance in:

- (a) A public school supported by public funds;

- (b) A parochial, religious, or denominational school;

- (c) A private school supported in whole or in part by tuition charges or by endowments or gifts.
“Extracurricular courses” means all courses that exclude extracurricular courses pursuant to subsection (13);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (13);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to subsection (13);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and 1003.499.

“Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

(16) “Physical education” means the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance; the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.

Section 3. The Dyslexia Task Force, a task force as defined in s. 20.03, Florida Statutes, is established within the Department of Education.

(1) The task force shall develop a dyslexia handbook that must include, but is not limited to, the following:

(a) Recommendations on how to identify dyslexia, dysgraphia, and dyscalculia;

(b) Recommendations for appropriate goal writing for individual education plans (IEPs) for students with dyslexia, dysgraphia, or dyscalculia;

(c) Recommendations for interventions for dyslexia, dysgraphia, and dyscalculia;

(d) Recommendations for provision of assistive technology guidelines; and
(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s. 1003.01(11)(a) s. 1003.01(3), when:

a. After reasonable efforts, no parent can be located; or

b. 1. The district school board fails to comply with the Auditor General’s request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

c. The district school board fails to respond to the Auditor General’s request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

(3) The task force shall consist of the following five members appointed by the Commissioner of Education:

(a) A member of an organization focused on dyslexia.

(b) A member of an organization focused on dysgraphia.

(c) A member of an organization focused on dyscalculia.

(d) A public school teacher.

(e) A public school principal.

(4) Within 90 days after the effective date of this act, a majority of the members of the task force must be appointed and the task force shall hold its first meeting. The task force shall elect one of its members to serve as chair. Members of the task force shall serve for the duration of the existence of the task force. Any vacancy that occurs shall be filled in the same manner as the original appointment. Task force members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

Section 4. Paragraph (k) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s. 1003.01(11)(a) s. 1003.01(3), when:

a. After reasonable efforts, no parent can be located; or

b. 1. The district school board fails to respond to the Auditor General’s request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

c. The district school board fails to respond to the Auditor General’s request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.
b. A court of competent jurisdiction over a child under this chapter has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as the educational decisionmaker for the child without judicial action.

2. A surrogate parent appointed by the district school superintendent or the court must be at least 18 years old and have no personal or professional interest that conflicts with the interests of the student to be represented. Neither the district school superintendent nor the court may appoint an employee of the Department of Education, the local school district, a community-based care provider, the Department of Children and Families, or any other public or private agency involved in the education or care of the child as appointment of those persons is prohibited by federal law. This prohibition includes group home staff and therapeutic foster parents.

However, a person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process. The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child’s life regardless of whether that person has physical custody of the child. Each person appointed as a surrogate parent must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the Department of Education and skills acquired by successfully completing training using materials developed and approved by the Department of Education.

6. The surrogate parent shall continue in the appointed role until one of the following occurs:

3. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child’s guardian ad litem when appointing a surrogate parent.

The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent. Similarly, the court must accept a surrogate parent duly appointed by a district school superintendent.

4. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody. Nothing in this paragraph or in rule shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student’s educational placement moves among and between public and private agencies.

5. For a child known to the department, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child’s school.

At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decisionmaking purposes for that child.

6. The surrogate parent shall continue in the appointed role until one of the following occurs:

CODING: Words underlined are deletions; words underlined are additions.
a. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

b. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of the department.

c. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

d. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.

e. The superintendent of the school district in which the child is attending school, the Department of Education contract designee, or the court that appointed the surrogate determines that the appointed surrogate parent no longer adequately represents the child.

f. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.

7. The appointment and termination of appointment of a surrogate under this paragraph shall be entered as an order of the court with a copy of the order provided to the child’s school as soon as practicable.

8. The person appointed as a surrogate parent under this paragraph must:

a. Be acquainted with the child and become knowledgeable about his or her disability and educational needs.

b. Represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child.

c. Represent the interests and safeguard the rights of the child or eligible teenage participant has been identified either specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

10. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

11. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.

Section 6. Subsection (1) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant’s eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01, or a dropout, pursuant to s. 1003.01. For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child’s attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the
student enrolls in a public school, receives a high school
diploma or its equivalency, enrolls in preparation for the high
school equivalency examination, or enrolls in other educational
activities approved by the district school board. Good cause
exemptions from the rule of unexcused absences include the
following:
   (a) The student is expelled from school and alternative
schooling is not available.
   (b) No licensed day care is available for a child of teen
parents subject to Learnfare.
   (c) Prohibitive transportation problems exist (e.g., to and
from day care).

Within 10 days after sanction notification, the participant
parent of a dependent child or the teenage participant may file
an internal fair hearings process review procedure appeal, and
no sanction shall be imposed until the appeal is resolved.

Section 7. Section 1002.01, Florida Statutes, is amended to
read:
1002.01 Definitions.—
(1) A “home education program” means the sequentially
progressive instruction of a student directed by his or her
parent in order to satisfy the attendance requirements of ss.
1002.41, 1003.01(17), 1003.01(121), and 1003.21(1).
(2) A “private school” is a nonpublic school defined as an
individual, association, copartnership, or corporation, or
department, division, or section of such organizations, that
designates itself as an educational center that includes
kindergarten or a higher grade or as an elementary, secondary,
Section 9. Paragraph (d) of subsection (3) of section 1002.3105, Florida Statutes, is amended to read:

1002.3105 Academically Challenging Curriculum to Enhance Learning (ACCEL) options.—

(3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing student eligibility requirements, principals and school districts must consider, at a minimum:

(a) Recommendations from one or more of the student’s teachers in core-curricula courses as defined in s. 1003.01—

1003.01(14)(a)

(b) Evidence of academic achievement.

(c) Recommendations from the student’s current teacher or teachers.

(d) Recommendations from one or more of the student’s teachers in career and technical education courses as defined in s. 1003.01—

1003.01(14)(a)

(e) Recommendations from one or more of the student’s teachers in core-curricula courses as defined in s. 1003.01—

1003.01(14)(a)

Section 10. Paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

1. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01—

1003.01(13)

the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment
of at least one school district in the state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider

for management of school operations.

(III) Enrollment of up to and including 250 students in a

virtual charter school.

b. Up to 2 percent for enrollment of up to and including

250 students in a high-performing charter school as defined in

s. 1002.331.

3. A sponsor may not charge charter schools any additional

fees or surcharges for administrative and educational services

in addition to the maximum percentage of administrative fees

withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September

15 of each year the total amount of funding withheld from

charter schools pursuant to this subsection for the prior fiscal

year. The department must include the information in the report

required under sub-sub-subparagraph (5)(b)1.k.(III).

Section 11. Paragraph (h) of subsection (5) and paragraph

(a) of subsection (11) of section 1002.385, Florida Statutes,

are amended to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be

used to meet the individual educational needs of an eligible

student and may be spent for the following purposes:

(a) Tuition and fees for part-time tutoring services

provided by a person who holds a valid Florida educator’s

certificate pursuant to s. 1012.56; a person who holds an

adjunct teaching certificate pursuant to s. 1012.57; a person

who has a bachelor’s degree or a graduate degree in the subject

area in which instruction is given; or a person who has

demonstrated a mastery of subject area knowledge pursuant to s.

1012.56(5). As used in this paragraph, the term “part-time

tutoring services” does not qualify as regular school attendance

as defined in s. 1003.01 — 1003.01(13)(e).

A provider of any services receiving payments pursuant to this

subsection may not share, refund, or rebate any moneys from the

Gardiner Scholarship with the parent or participating student in

any manner. A parent, student, or provider of any services may

not bill an insurance company, Medicaid, or any other agency for

the same services that are paid for using Gardiner Scholarship

funds.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

PARTICIPATION.—A parent who applies for program participation

under this section is exercising his or her parental option to

determine the appropriate placement or the services that best

meet the needs of his or her child. The scholarship award for a

student is based on a matrix that assigns the student to support

Level III services. If a parent receives an IEP and a matrix of

services from the school district pursuant to subsection (7),

the amount of the payment shall be adjusted as needed, when the

school district completes the matrix.

(a) To satisfy or maintain program eligibility, including

eligibility to receive and spend program payments, the parent

must sign an agreement with the organization and annually submit

a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that

CODING: Words **stricken** are deletions; words **underlined** are additions.
25-01543C-20

Florida Senate - 2020 SB 1438

20201438

Page 25 of 35

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

2. Affirm that the program funds are used only for authorized purposes serving the student’s educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:
   a. Requiring the student to take an assessment in accordance with paragraph (8)(b);
   b. Providing an annual evaluation in accordance with s. 1002.41(1)(f); or
   c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student’s scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 12. Subsection (7) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a private, parochial, religious, or denominational school meets regular school attendance requirements as provided in s.

1003.01(17)(b)-(d) and s. 1003.01(13)(b)-(d).

Section 13. Subsection (1) of section 1002.43, Florida Statutes, is amended to read:

1002.43 Private tutoring programs.—

(1) Regular school attendance as defined in s. 1003.01(7) may be achieved by attendance in a private tutoring program if the person tutoring the student meets the following requirements:
   a. Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.
   b. Keeps all records and makes all reports required by the state and district school board and makes regular reports on the attendance of students in accordance with the provisions of s. 1003.23(2).
   c. Requires students to be in actual attendance for the minimum length of time prescribed by s. 1011.60(2).

Section 14. Subsection (6) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(4) and 1003.01(14), the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this subsection, if necessary.

Section 15. Subsection (4) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—
(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child who is being enrolled in public school and who the district school superintendent believes to be within the limits of compulsory attendance as provided for by law; however, the district school superintendent may not require evidence from any child who meets regular attendance requirements by attending a school or program listed in s. 1003.01(17)(b)-(e). If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(a) A duly attested transcript of the child’s birth record filed according to law with a public officer charged with the duty of recording births;

(b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

(c) An insurance policy on the child’s life that has been in force for at least 2 years;

(d) A bona fide contemporary religious record of the child’s birth accompanied by an affidavit sworn to by the parent;

(e) A passport or certificate of arrival in the United States showing the age of the child;

(f) A transcript of record of age shown in the child’s school record of at least 4 years prior to application, stating date of birth; or

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given temporary exemption from this section for 30 school days. Section 16. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school attendance policies.
board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

1. CONTACT, REFER, AND ENFORCE. –

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district’s regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of “regular school attendance” under s. 1003.01(17)(a), (b), (c), or (e) within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

Section 17. Paragraph (b) of subsection (1) of section 1003.4282, Florida Statutes, is amended to read:

(1) TWENTY-FOUR CREDITS REQUIRED.—

(b) The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in s. 1003.01, including work-related...
interagency agreements. Accessibility, utilization, and

Section 18. Subsection (4) of section 1003.52, Florida
Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile
Justice programs.—

(4) Educational services shall be provided at times of the
day most appropriate for the juvenile justice program. School
programing in juvenile justice detention, prevention, day
treatment, and residential programs shall be made available by
the local school district during the juvenile justice school
year, as provided in s. 1003.01(15) —1003.01(11). In addition,
students in juvenile justice education programs shall have
access to courses offered pursuant to ss. 1002.37, 1002.45, and
1003.498. The Department of Education and the school districts
shall adopt policies necessary to provide such access.

Section 19. Section 1003.575, Florida Statutes, is amended
to read:

1003.575 Assistive technology devices; findings;
interagency agreements.—Accessibility, utilization, and
An explanation of the responsibilities of each activity.

Section 21. Subsection (5) of section 1008.24, Florida Statutes, is amended to read:

2. Any student who violates the dress policy described in subparagraph 1 is subject to the following disciplinary actions:

a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5). For a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

Section 21. Subsection (5) of section 1008.24, Florida Statutes, is amended to read:
8.24 Test administration and security; public records exemption.—

(5) Exceptional students with disabilities, as defined in s. 1003.01(3), shall have access to testing sites. The Department of Education and each school district shall adopt policies that are necessary to ensure such access.

Section 22. Paragraph (c) of subsection (6) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE EVALUATIONS.—

(c) For a student enrolling in an extracurricular course as defined in s. 1003.01(15), a parent may choose to have the student taught by a teacher who received a performance evaluation of "needs improvement" or "unsatisfactory" in the preceding school year if the student and the student's parent receive an explanation of the impact of teacher effectiveness on student learning and the principal receives written consent from the parent.

Section 23. This act shall take effect July 1, 2020.
I. Summary:

SB 1578 expands the availability of college and career information for public high school students, adds provisions for public postsecondary institutions to serve as a charter school sponsor, provides additional flexibility for school district construction, and modifies facility requirements for charter schools. Specifically, the bill:

- Requires the Department of Education (DOE) to collect and annually distribute information about career preparation and placement to school guidance counselors and students at each public high school in the state.
- Authorizes state universities and Florida College System (FCS) institutions designated by the State Board of Education (SBE) to sponsor an application for a charter school and:
  - Provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purposes of receiving federal funds.
  - Establishes operational and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.
- Requires the DOE to collaborate to develop a charter school sponsor evaluation framework.
- Removes the timeframe requirement for an initial charter school startup and modifies various other deadline provisions.
- Authorizes charter schools to offer career and professional academies.
- Modifies charter school facility requirements, reporting requirements for underused and vacant facilities, and provides for exceptions from educational facilities requirements available to district school boards.

The fiscal impact of the bill 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:**

**Economic Security Reporting**

*Present Situation*

The Department of Economic Opportunity, in consultation with the Department of Education (DOE), annually prepares, or contracts with an entity to prepare, an economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions.\(^1\) The report is made available online and is required to include, by educational sector:\(^2\)

- Data relating to the employment, earnings, continued education, and receipt of public assistance by graduates of a degree or certificate program from a public postsecondary educational institution.
- The average student loan debt of a graduate of a degree or certificate program from a public postsecondary educational institution.
- Data on the employment of graduates of a degree or certificate program from a public postsecondary educational institution the year after the degree or certificate is earned.
- Data on the earnings of graduates of a degree or certificate program from a public postsecondary educational institution the year after earning the degree or certificate.

*Effect of Proposed Changes*

The bill requires the DOE to annually collect and compile career landscape information, which must be distributed to high school guidance counselors at each public high school in the state and made available to students no later than October 15 of each year. Specifically, the DOE must collect and compile the following information:

- The jobs in this state for which there is the highest demand for employees, including the starting salary and the required level of education for such jobs.
- The average cost of attendance, including in-state tuition, fees, and, if applicable, room and board, for career and technical education programs, Florida College System (FCS) institutions, and state universities.
- The respective average monthly student loan payments of students upon graduation from such programs, institutions, and universities.
- The respective average three-year student loan default rates for such programs, institutions, and universities.
- The respective average graduation rates for such programs, institutions, and universities.
- The completion rates for apprenticeship programs, educational credential programs, career and technical education programs, and first-term military enlisted personnel.

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\(^1\) Section 445.07(1), F.S.

\(^2\) Beyond posting this information online, there is no provision in law to require this information to be distributed to school districts, public schools, or students. Section 445.07(2), F.S.
The percentage of college graduates working in occupations that do not require a college degree, listed by major.

The average starting salaries for individuals graduating from career and technical education programs in this state, FCS institutions, and state universities.

The DOE may execute a memorandum of understanding with any state agency, or department or division thereof, to gain access to the information required to be collected.

Authorizing the DOE to collect and share information on the average cost and value-for-money of relevant programs, degrees, and jobs may help students to assess and choose programs, degrees, or career paths appropriate to the students’ educational and career goals. However, providing some of the required data may be problematic in that it currently may not exist as specified in the bill.3

Charter Schools

Present Situation

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.4 Forty-four states and the District of Columbia have enacted charter school laws as of January 2018.5 Between the 2000-2001 and 2016-2017 school years, the percentage of all public schools that were charter schools increased from two to seven percent, and the total number of charter schools increased from 2,000 to 7,000. The percentage of public school students nationwide attending public charter schools increased from one to six percent between fall 2000 and fall 2016.6

All charter schools in Florida are public schools and are part of the state’s public education system.7 During the 2018-2019 school year, over 313,000 students were enrolled in 658 charter schools in Florida.8 Sixty-nine percent of the students attending charter schools in the 2018-2019 school year were minorities. Hispanic students comprised 43 percent of Florida’s charter school enrollment, and 20 percent were African-American students.9

Charter School Sponsors

Under current Florida law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.10 Additionally, a state university may

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7 Section 1002.33(1), F.S.
9 Id.
10 Section 1002.33(5)(a)1., F.S.
sponsor a charter developmental research school (charter lab school).\textsuperscript{11} FCS institutions may work with school districts to develop charter schools as provided for in law, but may not sponsor a K-12 charter school.\textsuperscript{12}

A charter school sponsor has several responsibilities, including:\textsuperscript{13}
- Approving or denying charter school applications.
- Overseeing each sponsored school’s progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state’s education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative services and may withhold a fee of up to five percent of each charter school’s total operating funds.\textsuperscript{14}

**Charter School Sponsor Reporting**

A charter school sponsor must submit an annual report to the DOE summarizing the following:\textsuperscript{15}
- The number of draft applications received on or before May 1 and each applicant’s contact information;
- The number of final applications received on or before August 1 and each applicant’s contact information;
- The date each application was approved, denied, or withdrawn; and
- The date each final contract was executed.

The DOE must compile the reported sponsor information into an annual report, by district, and post the information on its website by November 1 each year.\textsuperscript{16}

**Establishing a Charter School**

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.\textsuperscript{17} All charter applicants must prepare and submit a standard application, which:\textsuperscript{18}

\textsuperscript{11} Section 1002.33(5)(a)2., F.S.
\textsuperscript{12} FCS institutions may only sponsor a charter technical career center. Section 1002.33(5)(b)4., F.S. and Section 1002.34(3)(b), F.S.
\textsuperscript{13} Section 1002.33(5)(b), F.S.
\textsuperscript{14} Administrative services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program. Section 1002.33(20)(a)2., F.S.
\textsuperscript{15} Section 1002.33(5)(b)1.k.(I)-(II), F.S.
\textsuperscript{17} Section 1002.33(3)(a), F.S.
\textsuperscript{18} Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.
• Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
• Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
• Contains goals and objectives for improving student learning and measuring that improvement.
• Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
• Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
• Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
• Contains additional information a sponsor may require.
• Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.\(^{19}\)

A sponsor receives and reviews all charter school applications\(^{20}\) and, within 90 calendar days of receipt, must by majority vote approve or deny the application.\(^{21}\) A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district’s school year, or to be opened at a time determined by the applicant.\(^{22}\)

**Non-renewing or Terminating a Charter**

A sponsor may choose not to renew or may terminate the charter if the sponsor finds clear and convincing evidence of one of the following:
• Failure to participate in the state’s education accountability system as required.
• Failure to meet generally accepted standards of fiscal management.
• Material violation of law.
• Other good cause shown.

**Charter School Students**

A charter school may be exempt from specific enrollment requirements if the school is open to any student covered in an inter-district agreement and any student residing in the school district

\(^{19}\) Section 1002.45(1)(d), F.S.
\(^{20}\) Section 1002.33(6)(b), F.S.
\(^{21}\) Section 1002.33(6)(b)3.a., F.S.
\(^{22}\) A sponsor may receive and consider applications after February 1, if it chooses. Section 1002.33(6)(b), F.S.
in which the charter school is located. A charter school may limit the enrollment process only to target the following student populations:

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least $5 million.

Florida College System and State University Charter Schools

FCS institutions may work with school districts in the FCS institution’s designated service area to develop charter schools that offer secondary education, including an option for students to receive an associate degree upon high school graduation. If a FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through grade 12 and must implement innovative blended learning instructional models for students in kindergarten through grade 8.

There are 11 FCS institution-operated charter schools in Florida:

- Florida SouthWestern Collegiate High School in Charlotte County operated by Florida SouthWestern State College.
- Florida SouthWestern Collegiate High School in Lee County operated by Florida SouthWestern State College.
- State College of Florida Collegiate School in Manatee County operated by State College of Florida Manatee-Sarasota.
- Clark Advanced Learning Center in Martin County operated by Indian River State College.
- Collegiate High School at Northwest Florida State College in Okaloosa County operated by Northwest Florida State College.
- Polk State College Collegiate High School in Polk County operated by Polk State College.
- Chain of Lakes Collegiate High School in Polk County operated by Polk State College.
- Polk State Lakeland Gateway to College Charter High School in Polk County operated by Polk State College.
- St. Petersburg Collegiate High School in Pinellas County operated by St. Petersburg College.
- St. Petersburg Collegiate High School North Pinellas in Pinellas County operated by St. Petersburg College.
- State College of Florida Collegiate School-Venice in Sarasota County operated by State College of Florida Manatee-Sarasota.

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23 Section 1002.33(10)(a), F.S.
24 Section 1002.33(10)(e), F.S.
25 Section 1002.33(15), F.S.
26 Section 1002.33(5)(b)4., F.S.
27 Email, Department of Education (Jan. 23, 2020).
There are six existing university developmental research (laboratory schools). Of these, three are charter lab schools. Charter lab schools are not required to be established by the nearest state university. In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university denies or does not act on the application, the applicant may appeal such decision to the State Board of Education (SBE).

The three charter lab schools operating in Florida, are:

- Florida State University (FSU) School in Leon County sponsored by FSU.
- The Pembroke Pines Florida School in Broward County sponsored by FSU.
- Florida Atlantic University (FAU)/Saint Lucie Public Schools Palm Pointe Research School in St. Lucie County sponsored by FAU.

Charters School Facilities

A startup charter school must utilize facilities which comply with the Florida Building code pursuant to law except for the State Requirements for Educational Facilities (SREF). Conversion charter schools must comply with the SREF provided that the school district and the charter school have entered into a plan for the reasonable maintenance of such facilities. Charter schools may choose to comply with the SREF. The local governing authority may not adopt or impose any local building requirements or site development restrictions, such as parking and site-size criteria, student enrollment, occupant load, that are addressed by and more stringent than those found in the SREF and must treat charter school equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public school that are not charter schools.

Effect of Proposed Changes

To address changing needs relating to educational capacity, workforce qualifications, and career education opportunities, the bill:

- Authorizes state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the SBE. A state university or FCS institution may deny an application for a charter school.
  - A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands, and the charter’s racial/ethnic balance must reflect that of nearby public schools rather than public schools located geographically within the district.
  - An FCS-sponsored charter may exist in any county within its service area to meet workforce demands; however, a charter school currently operated by an FCS institution is

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28 Board of Governors, 2020 Agency Analysis of SB 1578 (Jan. 27, 2020), at 2. Developmental research (laboratory) schools (lab schools) are public schools. Each lab school must be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued is known as a charter lab school. Section 1002.32(2), F.S.
29 Section 1002.32(2), F.S.
30 Section 1002.33(6)(g), F.S.
31 Email, Department of Education (Jan. 23, 2020).
32 Section 1002.33(18), F.S.
not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. An FCS-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.

- Modifies annual reporting requirements and deadlines for sponsors.
- Removes the requirements that an FCS institution that operates an approved teacher preparation program:
  - May operate no more than one charter school; and
  - Implement an innovative blended learning instructional model for students in kindergarten through grade 8 at a charter school it operates.
- Clarifies that a student enrolled in a charter school sponsored by a state university or FCS institution may not be included in the calculation of the school district’s grade.
- Removes the requirement that upon approval, the charter school initial startup commences with the beginning of the public school calendar for the district where the charter is granted.
- Modifies the terms under which a sponsor can terminate a charter to include demonstrating that an immediate and serious danger is likely to continue, and that termination is necessary.
- Expands eligible students to include students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools, facilities and related property in an amount equal to or having a total appraised value of at least $5 million.
- Clarifies procedures for challenged charter school facility requirements, restrictions and site planning to include:
  - Requiring the local governing authority to provide written justification for any challenged requirements, restrictions, and site planning processes.
  - Requiring the court to award attorney fees and court costs to the charter school if the court finds the local governing board failed to treat the charter school equitably.
- Specifies that, for charter schools housed within libraries, community organizations, museums, performing arts organizations, theaters, cinemas, churches and other places of worship, and Florida College System institutions:
  - Local governing authorities may not impose any additional requirements, including, without limitation, a special exception, rezoning, or land use changes or other site-specific or use requirements or processes.
  - The educational occupant load for charter schools within these facilities is based solely on the criteria set forth in the Florida Building Code and the Florida Fire Prevention Code and that no other restrictions on the number of students in the facility apply.
- Allows for a school district to enter into an agreement to plan, design, and construct a charter school and be the financial agent, lienholder, or lessor of the building and property.

The changes provide additional opportunities for charter school sponsorship, expanded student eligibility, and flexibility in construction and facility management that may increase the number of charter schools available to Florida students.

To ensure charter school sponsor accountability, the bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework that must address, at a minimum:

- The sponsor’s strategic vision for charter school authorizing and progress towards that vision;
• Alignment of the sponsor’s policies and practices to best practices for charter school authorizing;
• Academic and financial performance of all operating charter schools overseen by the sponsor; and
• The status of charter schools authorized by the sponsor, including approved, operating and closed schools.

The bill requires the DOE to compile the results of the evaluation framework, by sponsor, and add them to its annual charter school sponsor report.

The bill replaces the terms “public school district” with “public school system” and “school district” with “sponsor” to conform to the establishment of FCS institutions and state universities as authorized charter school sponsors.

Charter School Funding

Present Situation

Charter school operations, like other public schools, are funded through the Florida Education Finance Program (FEFP). Each charter school reports student enrollment to its sponsor for inclusion in the district’s report of student enrollment for FEFP funding. Operating funds from the FEFP are distributed to the charter school by the sponsor. A charter school is entitled to receive its proportionate share of categorical funds included in the FEFP for qualifying students. Categorical funds must be spent for specified purposes, such as student transportation, safe schools, and supplemental academic instruction.

Charter schools are eligible to receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA), Title I programs for disadvantaged students, and Title II programs for improving teaching and leadership in the same manner as district school board-operated public schools and must be included in requests for federal funding by the school district or the DOE. A high performing charter school system governing board may be designated as a local educational agency for the purpose of receiving federal funds, the same as if the charter school system were in the school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the DOE.

33 Section 1002.33(17)(a) and (b), F.S.
34 Section 1002.33(17)(b), F.S.
35 Section 1002.33(17)(c), F.S.
36 A high-performing charter school system is an entity that operated at least three high-performing charter schools in the state during each of the previous 3 school years; operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of “D” or “F”, and did not receive a financial audit that revealed one or more of the financial emergency conditions. Section 1002.332 (1)(b), F.S.
37 Section, 1002.33(25), F.S.
Capital outlay funding for charter schools consists of state funds when appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary millage authorized in law. To be eligible to receive capital outlay funds, a charter school must:

- Have operated for two or more years and meet specified requirements.
- Have an annual audit that does not reveal any financial emergency conditions.
- Have satisfactory student achievement based on state accountability standards.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school’s sponsor.

While each university receives additional state capital funding, unlike local school districts, university lab schools are dependent on funding from the Legislature for both operational and capital needs.

**Effect of Proposed Changes**

The bill provides that students enrolled in a charter school sponsored by a state university or FCS institution be funded as if they are in a basic program or special program in the school district. The bill establishes the basis for funding these students as the sum of the total operating funds for the school district in which the school is located as provided from the FEFP and the GAA, including gross state and local funds, discretionary lottery funds, and funds from each school district’s current operating discretionary millage levy; divided by total funded weighted FTE students in the school district; and multiplied by the FTE membership of the charter school.

The bill specifies that a board of trustees of a sponsoring state university or FCS institution is the local education agency for the charter schools it sponsors. As the local education agency, the sponsor may receive federal funds and accepts full responsibility for the schools it oversees, including local education agency requirements.

The DOE is required to develop a tool that each state university or FCS institution sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total obtained by the calculation must be appropriated to the charter school from state funds in the GAA.

In addition, the bill requires capital outlay funding for state university or FCS-sponsored charter schools to be determined in accordance with the requirements established in law for other charter schools.

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38 Section 10013.62, F.S.
39 Section 10013.62(1)(a), F.S.
40 Specified requirements include being governed by a governing board established in the state for two or more years which operates both charter schools and conversion charter schools within the state; being an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; having been accredited by a regional accrediting association as defined by State Board of Education rule; or serving students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s.1002.33(15)(b). Section 1013.62(1)(a), F.S.
41 Board of Governors, 2020 Agency Analysis of SB 1578 (Jan. 27, 2020), at 3.
Persistently Low Performing Schools

Present Situation
A persistently low-performing school is a school that has earned three grades lower than a “C” in at least three of the previous five years and has not earned a grade of “B” or higher in the most recent two school years, and a school that was closed pursuant to the school’s turnaround option plan within two years after the submission of a notice of intent. The SBE is required to publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with a public school that meets accountability standards.

Schools of Hope
A hope operator, designated by the SBE based on criteria established in law, is a nonprofit organization with tax-exempt status under the Internal Revenue Code which operates three or more charter schools that serve students in grades K-12 in Florida or other states and has a record of serving students from low-income families. An entity’s initial status as a hope operator is valid for five years from the opening of a school of hope.

A school of hope is a charter school operated by a hope operator, which:
- Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;
- Is located in a Florida Opportunity Zone, in the attendance zone of a persistently low-performing school, or within a five-mile radius of such school; and
- Is a Title I eligible school.

A school of hope can also be a school operated by an outside entity, such as school turnaround organization, selected by the school district with a record of improving similar schools.

There are currently four Florida designated hope operators: Democracy Prep Public Schools, Inc., IDEA Public Schools, KIPP New Jersey, and Somerset Academy, Inc.

A school of hope must use facilities that comply with the Florida Building Code, except for the SREF. A school of hope that uses school district facilities must comply with SREF only if the

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42 Section 1002.333(1)(b), F.S.
43 Section 1002.333(1)(a), F.S.
44 Section 1002.333(11)(d), F.S.
45 Section 1002.333(1)(c), F.S.
46 Section 1002.333(2), F.S.
47 Section 1002.333(3), F.S.
48 Section 1002.333(1)(c), F.S.
51 Section 1002.333(7)(a), F.S.
school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.  

The Schools of Hope Program is created within the DOE for a school of hope to receive additional funding for certain expenses specified in law. Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to five years. In 2019, $40 million was appropriated for the Schools of Hope Program. Since the program’s inception in the 2017-2018 fiscal year, $320 million has been appropriated for the Schools of Hope Program and $33.8 million has been expended. As of January 2020, the Schools of Hope Program has a $286.2 million remaining balance.

**Effect of Proposed Changes**

The bill clarifies facility reporting requirements for identifying educational facilities that may be used by a school of hope. The bill requires the DOE to provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses, by January 1 each year. A school district has the option to provide evidence to the DOE within 30 days after the list is provided if it contains errors or omissions. By April 1 of each year, the DOE must update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based on the updated information provided.

The bill also extends from five years to seven years, the authorization for undispersed Schools of Hope Program funds to be carried forward.

**Educational Facilities**

**Present Situation**

**School District Construction Flexibility**

All public educational and ancillary plants constructed by a district school board must conform to the Florida Building Code, the Florida Fire Prevention Code, and the SREF. A district school board may, with a majority vote, adopt a resolution to implement exceptions to the educational facilities construction requirements. An adopted resolution may propose to implement exceptions

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52 Id.
53 Section 1002.333(10), F.S.
54 Section 2, ch. 2019-115, L.O.F.
56 Section 1013.371, F.S. The State Requirements for Educational Facilities (SREF) are incorporated in Rule 6A-2.0010, F.A.C., and are available at http://www.flrules.org/Gateway/reference.asp?No=Ref-04664 (last visited Jan. 13, 2020). The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. Id.
to the requirements of the uniform statewide building code\textsuperscript{57} for the planning and construction of public educational and ancillary plants relating to:\textsuperscript{58}
\begin{itemize}
  \item Interior non-load-bearing walls.
  \item Walkways, roadways, driveways, and parking areas.
  \item Standards for relocatables used as classroom space.
  \item Site lighting.
  \item Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to law so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.\textsuperscript{59}
\end{itemize}

**Charter School Construction Flexibility**

Facilities for charter schools must meet the requirements of the uniform statewide building code, except for the SREF\textsuperscript{60} and must comply with the Florida Fire Prevention Code.\textsuperscript{61} Charter school facilities that are specifically created to mitigate the educational impact created by the development of new residential dwelling units and are constructed with educational impact fees required to be paid in connection with the new residential dwelling units are required to be built to the SREF.\textsuperscript{62}

**Effect of Proposed Changes**

The bill modifies s. 1013.385, F.S., to authorize a district school board to adopt any exceptions to provisions of the Florida Building Code that limit the ability of a school to operate in a facility on the same basis as a charter school. The bill maintains the existing requirement that the regional planning council determine there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan as a prerequisite to the adoption of such exceptions.

**Career and Professional Academies**

**Present Situation**

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.\textsuperscript{63} The primary purpose of the CAPE Act is to:\textsuperscript{64}
\begin{itemize}
  \item Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
\end{itemize}

\textsuperscript{57} Sections 553.73 and 1013.37, F.S.
\textsuperscript{58} Section 1013.385, F.S.
\textsuperscript{59} See Section. 252.385(2)(b), F.S.
\textsuperscript{60} Section 1002.33(18)(a), F.S. Conversion charter schools must use facilities that comply with the SREF. Section 1002.33(18)(a), F.S.
\textsuperscript{61} Sections 633.208 and 1002.33(18)(b), F.S.
\textsuperscript{62} Section 1002.33(18)(f), F.S.
\textsuperscript{63} Section 1003.491, F.S.
\textsuperscript{64} Id. at (1).
• Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
• Support local and regional economic development;
• Respond to Florida’s critical workforce needs; and
• Provide state residents with access to high-wage and high-demand careers.

Each school board must offer career and professional academies\(^{65}\) and include plans to implement a career and professional academy or career-themed course in at least one middle school in the district as part of its three-year strategic plan.\(^{66}\) 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.\(^{67}\) During the 2017-18 school year, 58 school districts and the Florida State University School registered 1,786 high school and 246 middle school career and professional academies with 233,124 participating students.\(^{68}\)

Current law does not expressly authorize charter schools to offer career and professional academies.

**Effect of Proposed Changes**

The bill modifies s. 1003.493 F.S. to authorize charter schools to provide career and professional academies. This may increase the number of charter middle and high schools offering career and professional academies to better meet career and workforce needs.

The bill reenacts ss. 11.40, 163.3180, 196.1983, 218.39, 381.0056, 409.1664, 409.9072, 944.801, 951.176, 1006.15, 1008.33, and 1011.61, F.S., for the purpose of incorporating the amendments made by the bill to s. 1002.33, F.S., in reference to that statute.

The bill takes effect on July 1, 2020.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

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\(^{65}\) Section 1003.493(1)(a), F.S.

\(^{66}\) Section 1003.4935(1), F.S.

\(^{67}\) Section 1003.493(1)(a), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires that the funds for eligible university- or Florida College System (FCS) institution-sponsored charter school students must be appropriated from state funds in the General Appropriations Act (GAA) to the school. Currently full-time equivalent students funded in the Florida Education Finance Program are funded with a combination of state and local funds. Since the eligible university-or FCS institution-sponsored charter school students will only be funded from state funds provided in the GAA, there may need to be additional state funds provided to offset the potential loss of local funds; however, at this time the individual amounts cannot be determined and would vary based upon the school district and its total amount of local funds.69

The bill provides operational funding for a charter school sponsored by a state university of FCS institution based on a calculation of state funds and student FTE calculations. Neither the number of charter schools sponsored by a state university or FCS institution that will be established nor the number of students who will enroll in these is known; therefore, the fiscal impact is indeterminate.70

VI. Technical Deficiencies:

The bill amends s. 1002.33(5), F.S., to authorize a state university to solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts, upon approval by the State Board of Education (SBE). However, the Board of Governors of the State University System (BOG) is constitutionally required to oversee all university operations. Perhaps this should be amended to also require a state university to receive approval from the BOG prior to approval by the SBE.71

70 Id.
VII. Related Issues:

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.333, 1003.493, and 1013.385.

This bill creates section 1002.24 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 11.40, 163.3180, 196.1983, 218.39, 381.0056, 409.1664, 409.9072, 944.801, 951.176, 1006.15, 1008.33, and 1011.61.

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 (Hutson) recommended the following:

**Senate Amendment**

Delete lines 1102 - 1108 and insert:

site-specific or use requirements or processes. The educational occupant load for the charter school within these facilities shall be based solely on the criteria set forth in the Florida Building Code and the Florida Fire Prevention Code. No other restrictions on the number of students in the facility apply change.
A bill to be entitled An act relating to education; creating s. 1002.24, F.S.; providing legislative findings and intent; requiring the Department of Education to collect certain information about career preparation and placement in this state; requiring the department to annually distribute such information to school guidance counselors at each public high school in this state; requiring such career preparation and placement information to be distributed to students by a certain date each year; authorizing the department to enter into a memorandum of understanding to share the career preparation and placement information with other state agencies; amending s. 1002.33, F.S.; authorizing state universities designated by the State Board of Education to sponsor a charter school; authorizing a Florida College System institution designated by the state board to sponsor a charter school under certain circumstances; authorizing a state university or Florida College System institution to deny an application for a charter school; revising requirements for the report made by sponsors to the Department of Education; eliminating a requirement that a charter school working with a Florida College System institution must implement a blended learning instructional model; providing that the board of trustees of a sponsoring state university or Florida College System institution is the local educational agency for purposes of receiving federal funds for sponsored charter schools; providing that a student enrolled in a charter school that is sponsored by a state university or a Florida College System institution may not be included in the calculation of a school district’s grade; requiring the department, in collaboration with charter school sponsors and charter school operators, to develop a sponsor evaluation framework that must address certain requirements; deleting a provision related to acceptance and consideration of charter school applications; deleting a provision requiring that initial startup of a charter school commence within a specified timeframe; providing that charter schools operated by a municipality, a public entity, or a private, not-for-profit organization are eligible for a 15-year charter if approved by the sponsor; requiring sponsors to report a charter school that closes as part of a consolidation; clarifying the circumstances under which a charter may be terminated immediately; providing for certain property, improvements, furnishings, and equipment to revert to the sponsor upon dissolution of a charter school; providing that a sponsor may not assume charter school debt except under certain circumstances; authorizing charter schools to limit the enrollment process to target certain additional student populations; requiring that any arrangement entered into to borrow or otherwise secure funds for a charter school from certain sources indemnify the sponsor, rather than the
school district; specifying funding requirements for
students enrolled in a charter school sponsored by a
state university or a Florida College System
institution; requiring a local governing authority to
provide a written justification for any challenged
requirements, restrictions, and site planning
processes, under certain circumstances; requiring
courts to award attorney fees and court costs to a
charter school if they determine that a local
governing authority failed to treat a charter school
equitably; providing that places of worship, rather
than only specifically churches, may provide space to
charter schools in their facilities; prohibiting local
governing authorities from imposing additional
requirements on such facilities; requiring that the
educational occupant load for a charter school within
such facilities be based solely on the criteria set
forth in the Florida Building Code and the Florida
Fire Prevention Code; authorizing a school district to
enter into an agreement to plan, design, and construct
a charter school and to serve as the financial agent,
lienholder, or lessor; requiring a sponsor to provide
access to the sponsor’s student information systems
and student performance data in certain circumstances;
amending s. 1002.333, F.S.; requiring the department
to annually provide to school districts a list of
certain facilities; requiring the department to update
and publish a final list of such facilities owned or
operated by each school district by a certain date;

authorizing allocated funds that are not disbursed by
a certain date to be carried forward for up to 7 years
after the date of the original appropriation; amending
s. 1003.493, F.S.; authorizing charter schools to
offer career and professional academies; amending s.
1013.385, F.S.; deleting provisions authorizing
certain resolutions to propose the implementation of
specified exceptions to certain building code
requirements; providing that resolutions may implement
exceptions to certain sections of the Florida Building
Code that limit the ability of a school district to
design and construct a facility in the same manner as
a charter school; reenacting ss. 11.40(c)(2),
163.3180(6)(b), 196.1983, 218.39(1)(e),
381.0056(4)(a), 409.1664(1)(b), 409.9072(1),
944.801(7), 951.176(1), 1006.15(3)(d), 1008.33(3)(c),
and 1011.61(1)(c), F.S., relating to the Legislative
Auditing Committee, concurrency, the charter school
exemption from ad valorem taxes, annual financial
audit reports, the school health services program,
adoptive benefits for qualifying adoptive employees of
state agencies, Medicaid provider agreements for
charter schools and private schools, education for
state prisoners, provision of education, student
standards for participation in interscholastic and
intrascholastic extracurricular student activities,
authority to enforce public school improvement, and
definitions for the Florida Education Finance Program,
respectively, to incorporate the amendment made to s.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective January 1, 2021, section 1002.24, Florida Statutes, is created to read:

1002.24 Career landscape information.—The Legislature finds that high school students should be provided the information necessary to make informed decisions about their futures and to ensure that they are aware of the costs of attending a postsecondary institution. The Legislature also finds that high school students should be provided with information regarding alternative career paths.

(2) CAREER LANDSCAPE INFORMATION COLLECTION.—The Department of Education shall collect and compile all of the following information annually:

(a) The jobs in this state for which there is the highest demand for employees, including the starting salary and the required level of education for such jobs.

(b) The average cost of attendance, including in-state tuition, fees, and, if applicable, room and board, for career and technical education programs, Florida College System institutions, and state universities.

(c) The respective average monthly student loan payments of students upon graduation from such programs, institutions, and universities.

(d) The respective average 3-year student loan default rates for such programs, institutions, and universities.

(e) The respective average graduation rates for such programs, institutions, and universities.

(f) The completion rates for apprenticeship programs.

(g) The percentage of college graduates working in occupations that do not require a college degree, listed by major.

(h) The average starting salaries for individuals graduating from career and technical education programs in this state, Florida College System institutions, and state universities, respectively.

(3) INFORMATION DISTRIBUTION.—The information collected by the Department of Education under subsection (2) must be distributed to school guidance counselors at each public high school in this state and made available to students by no later than October 15 of each year.

(4) DATA SHARING.—The Department of Education may execute a memorandum of understanding with any state agency, or a department or division thereof, to gain access to the information required to be collected under subsection (2).

Section 2. Paragraph (c) of subsection (2), subsection (5), paragraph (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (c), (d), and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraph (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), paragraphs (a), (b), and (e) of subsection (17),
A state university, upon receiving approval from the State Board of Education, may solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution, upon receiving approval from the State Board of Education, may solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school developed under subparagraph (b)4. is not eligible to be sponsored by a Florida College System institution until its existing charter with the school district expires, as provided in subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or a Florida College System institution may deny an application for a charter school, at which point provisions outlined in subsection (6)(c)1. are not applicable.

(b) Sponsor duties.—
1. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the
The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined.

CODING: Words underlined are additions; words stricken are deletions.
Florida Senate - 2020 SB 1578

CODING: Words **underlined** are additions; words **stricken** are deletions; words **underlined and stricken** are both additions and deletions.

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Page 11 of 62

CODING: Words **underlined** are additions; words **underlined and stricken** are both additions and deletions.

Florida Senate - 2020 SB 1578

CODING: Words **underlined** are additions; words **underlined and stricken** are both additions and deletions.

Page 12 of 62
application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind.

Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline.

In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application submitted before February 1 of each calendar year for charter schools to be opened at a time agreed to by the applicant and the sponsor.

Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications submitted on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district’s next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.
application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school’s educational program does not substantially replicate that of the applicant or one of the applicant’s high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact.

during the application process; or

(V) The proposed charter school’s educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant’s high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor’s denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department
1. The school's mission, the students to be served, and the ages and grades to be included.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

7. CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school’s mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

   a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

   b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a), Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school
students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

   a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

   b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

   c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing

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Page 20 of 62

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application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives.
(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(c) A charter may be terminated immediately if the sponsor
sets forth in writing the particular facts and circumstances
demonstrating indicating that an immediate and serious danger to
the health, safety, or welfare of the charter school’s students
exists, that the immediate and serious danger is likely to
continue, and that an immediate termination of the charter is
necessary. The sponsor’s determination is subject to the
procedures set forth in paragraph (b), except that the hearing
may take place after the charter has been terminated. The
sponsor shall notify in writing the charter school’s governing
board, the charter school principal, and the department of the
facts and circumstances supporting the emergency termination of
a charter is terminated immediately. The sponsor shall clearly
identify the specific issues that resulted in the immediate
termination and provide evidence of prior notification of issues
resulting in the immediate termination, if applicable when
appropriate. Upon receiving written notice from the sponsor, the
charter school’s governing board has 10 calendar days to request
a hearing. A requested hearing must be expedited and the final
order must be issued within 60 days after the date of request.
The sponsor shall assume operation of the charter school
throughout the pendency of the hearing under paragraph (b)
unless the continued operation of the charter school would
materially threaten the health, safety, or welfare of the
students. Failure by the sponsor to assume and continue
operation of the charter school shall result in the awarding of
reasonable costs and attorney’s fees to the charter school if
the charter school prevails on appeal.
(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor district school board’s request, until any appeal status is resolved. 

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor district may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor district.
Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a

The sponsor may annually waive a corrective action if it demonstrates record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve to a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school’s continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the
existing corrective action. Notwithstanding this sub-
paragraph, a charter school that earns a second consecutive
grade of “F” while implementing a corrective action is subject
to subparagraph 3.

3. A charter school’s charter contract is automatically
terminated if the school earns two consecutive grades of “F”
after all school grade appeals are final unless:
   a. The charter school is established to turn around the
performance of a district public school pursuant to s.
1008.33(4)(b)2. Such charter schools shall be governed by s.
1008.33;
   b. The charter school serves a student population the
majority of which resides in a school zone served by a district
public school subject to s. 1008.33(4) and the charter school
earns at least a grade of “D” in its third year of operation.
The exception provided under this sub-subparagraph does not
apply to a charter school in its fourth year of operation and
thereafter; or
   c. The state board grants the charter school a waiver of
termination. The charter school must request the waiver within
15 days after the department’s official release of school
grades. The state board may waive termination if the charter
school demonstrates that the Learning Gains of its students on
statewide assessments are comparable to or better than the
Learning Gains of similarly situated students enrolled in nearby
district public schools. The waiver is valid for 1 year and may
only be granted once. Charter schools that have been in
operation for more than 5 years are not eligible for a waiver
under this sub-subparagraph.

The sponsor shall notify the charter school’s governing board,
the charter school principal, and the department in writing when
a charter contract is terminated under this subparagraph. A
charter terminated under this subparagraph must follow the
procedures for dissolution and reversion of public funds
pursuant to paragraphs (8)(d)–(f) and (9)(o).

4. The director and a representative of the governing board
of a graded charter school that has implemented a school
improvement plan under this paragraph shall appear before the
sponsor at least once a year to present information regarding
the progress of intervention and support strategies implemented
by the school pursuant to the school improvement plan and
corrective actions, if applicable. The sponsor shall communicate
at the meeting, and in writing to the director, the services
provided to the school to help the school address its
deficiencies.

5. Notwithstanding any provision of this paragraph except
sub-subparagraphs 3.a.–c., the sponsor may terminate the charter
at any time pursuant to subsection (8).

   (10) ELIGIBLE STUDENTS.—
   (e) A charter school may limit the enrollment process only
to target the following student populations:
1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or
academic failure. Such students shall include exceptional
education students.
3. Students enrolling in a charter school-in-the-workplace
or charter school-in-a-municipality established pursuant to
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school’s mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to no more than 50 percent of the student stations in the charter school.

The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor school district shall indemnify the state and the sponsor school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor school district shall not be pledged and no debts are shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor district school board pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the
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children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subsection (7)(a). When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor district school board, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(a) Each charter school shall report its student enrollment to the sponsor as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school’s enrollment in the sponsor’s district’s report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education’s guidelines for electronic data formats for such data, and all sponsors districts shall accept electronic data that complies with the Department of Education’s electronic format.

(b) The basis for the agreement for funding students

2.a. Students enrolled in a charter school sponsored by a

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enrolled in a charter school shall be the sum of the school district’s operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school’s annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a
pursuant to paragraph (5)(a) must be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district’s current operating discretionary millage levy; divided by the total funded weighted full-time equivalent students in the district; and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution that sponsors a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained on the basis of the calculation must be appropriated to the charter school from state funds in the General Appropriations Act.

b. Capital outlay funding for a charter school sponsored by a state university or a Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act. (e) Sponsors [District school boards] shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor’s district school

Page 35 of 62
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charter school of any portion of the funds provided in paragraph
(b) based on the timing of receipt of local funds by the
district school board.

(18) FACILITIES.—
(a) A startup charter school shall utilize facilities which
comply with the Florida Building Code pursuant to chapter 553
except for the State Requirements for Educational Facilities.
Conversion charter schools shall utilize facilities that comply
with the State Requirements for Educational Facilities provided
that the school district and the charter school have entered
into a mutual management plan for the reasonable maintenance of
such facilities. The mutual management plan shall contain a
provision by which the district school board agrees to maintain
charter school facilities in the same manner as its other public
schools within the district. Charter schools, with the exception
of conversion charter schools, are not required to comply, but
may choose to comply, with the State Requirements for
Educational Facilities of the Florida Building Code adopted
pursuant to s. 1013.37. The local governing authority shall not
adopt or impose any local building requirements or site-
development restrictions, such as parking and site-size
criteria, student enrollment, and occupant load, that are
addressed by and more stringent than those found in the State
Requirements for Educational Facilities of the Florida Building
Code. A local governing authority must treat charter schools
equitably in comparison to similar requirements, restrictions,
and site planning processes imposed upon public schools that are
not charter schools. Within 14 days after receiving a request
from a charter school, the local governing authority for that

school shall provide a written justification for any challenged
requirements, restrictions, and site planning processes. The
agency having jurisdiction for inspection of a facility and
issuance of a certificate of occupancy or use shall be the local
municipality or, if in an unincorporated area, the county
governing authority. If an official or employee of the local
governing authority refuses to comply with this paragraph, the
aggrieved school or entity has an immediate right to bring an
action in circuit court to enforce its rights by injunction. If
the court finds that the local governing authority failed to
treat the charter school equitably, the court shall award
attorney fees and court costs to the charter school. An
aggrieved party that receives injunctive relief may be awarded
attorney fees and court costs.

(c) Any facility, or portion thereof, used to house a
charter school whose charter has been approved by the sponsor
and the governing board, pursuant to subsection (7), is exempt from ad valorem taxes pursuant to s. 196.183. Libraries, community organizations, museums, performing arts organizations, theaters, cinemas, churches and other places of worship, and Florida College System institutions library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations. Local
governing authorities may not impose any additional
requirements, including, without limitation, without obtaining a
special exception, rezoning, or a land use changes, or other
site-specific or use requirements or processes.
3. The lessor.

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor's portfolio of charter schools in the same manner under the National School Lunch Program. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school. A school district may enter into an agreement to plan, design, and construct a charter school and may serve as one or more of the following with regard to the property and building:

1. The financial agent.
2. The lienholder.
manner provided to other public schools in the district or, if the sponsor is not a school district, by schools in the sponsor's portfolio of charter schools.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

   (I) Enrollment of up to and including 250 students in a charter school as defined in this section.
   (II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:
   (A) Includes conversion charter schools and nonconversion charter schools.
   (B) Has all of its schools located in the same county.
   (C) Has a total enrollment exceeding the total enrollment of at least one school district in the state.
   (D) Has the same governing board for all of its schools.
   (E) Does not contract with a for-profit service provider for management of school operations.
   (III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.
of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the sponsor district in accordance with this section. The department shall compile the results, by sponsor district, and include the results in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors school districts and charter schools before implementation. The charter and charter renewal contracts shall be used by charter school sponsors.

(b)1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34, or a school improvement rating pursuant to s. 1008.341 the school’s student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school, the sponsor district in which the charter school is located, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—

(a) A charter school system’s governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsor sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;

2. Has a total enrollment exceeding the total enrollment of at least one school district in the state; and

3. Has the same governing board.

Such designation does not apply to other provisions unless specifically provided in law.
(28) RULEMAKING.—The Department of Education, after consultation with sponsors, school districts, and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 3. Paragraph (d) of subsection (7) and paragraph (b) of subsection (10) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

(7) FACILITIES.—

(d) No later than January 1 of each year, the Department of Education shall provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses. A school district may provide evidence to the department within 30 days after the list is provided that it contains errors or omissions. No later than April 1 of each year, the department shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon the updated information provided by each school district. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed $600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term "underused, vacant, or surplus facility" means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 2 years after the effective date of the original appropriation.

Section 4. Paragraph (a) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1)(a) A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies must be offered by public schools and school districts and may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as
applicable. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state. Section 5. Section 1013.385, Florida Statutes, is amended to read:

1013.385 School district construction flexibility.—

(1) Upon a majority vote at a public meeting that begins no earlier than 5 p.m., a district school board may, with a majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement exceptions to s. 453 of the Florida Building Code which are or are of the exceptions to the educational facilities construction requirements provided in this section.

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform state building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 453.73 and 1013.37 relating to:

(a) Interior non-load-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load-bearing wall assemblies that will not be exposed to water or located in wet areas.

(b) Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

(c) Standards for relocatables used as classroom space, as specified in s. 1013.20, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

(d) Site lighting, by approving construction specifications regarding site lighting that:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.

3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 foot-candle.

(e) Any other provisions that limit the ability of a school district to design and construct a facility in the same manner as a charter school, or to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18), so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 6. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 11.40, Florida Statutes, is reenacted to read:

11.40 Legislative Auditing Committee.—
7-01330A-20 20201578__

(2) Following notification by the Auditor General, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, the Governor or his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.

Section 7. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, is reenacted to read:

163.3180 Concurrency.—

(6)...

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

2. If a local government applies school concurrency, it may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-

subparagraph a. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s.
a. Appropriate mitigation options include the contribution
of land; the construction, expansion, or payment for land
acquisition or construction of a public school facility; the
construction of a charter school that complies with the
requirements of s. 1002.33(18); or the creation of mitigation
banking based on the construction of a public school facility in
exchange for the right to sell capacity credits. Such options
must include execution by the applicant and the local government
of a development agreement that constitutes a legally binding
commitment to pay proportionate-share mitigation for the
additional residential units approved by the local government in
a development order and actually developed on the property,
taking into account residential density allowed on the property
prior to the plan amendment that increased the overall
residential density. The district school board must be a party
to such an agreement. As a condition of its entry into such a
development agreement, the local government may require the
landowner to agree to continuing renewal of the agreement upon
its expiration.

b. If the interlocal agreement and the local government
comprehensive plan authorize a contribution of land; the
construction, expansion, or payment for land acquisition; the
construction or expansion of a public school facility, or a
portion thereof; or the construction of a charter school that
complies with the requirements of s. 1002.33(18), as
proportionate-share mitigation, the local government shall
credit such a contribution, construction, expansion, or payment
toward any other impact fee or exaction imposed by local

CODING: Words **underlined** are additions; words **stricken** are deletions; words **italicized** are deletions; words **italicized** are additions.
Section 9. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (e) of subsection (1) of section 218.39, Florida Statutes, is reenacted to read:

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(e) Each charter school established under s. 1002.33.

Section 10. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 381.0056, Florida Statutes, is reenacted to read:

(4) (a) Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan. The plan must include, at a minimum, provisions for all of the following:

1. Health appraisal;
2. Records review;
3. Nurse assessment;
4. Nutrition assessment;
5. A preventive dental program;
6. Vision screening;
7. Hearing screening;
8. Scoliosis screening;
9. Growth and development screening;
10. Health counseling;
11. Referral and followup of suspected or confirmed health problems by the local county health department;
12. Meeting emergency health needs in each school;
13. County health department personnel to assist school personnel in health education curriculum development;
14. Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;
15. Consultation with a student’s parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;
16. Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22;
17. Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs;
18. Notification to the local nonpublic schools of the school health services program and the opportunity for benefit derived from the exemption.
7-01330A-20 20201578__

representatives of the local nonpublic schools to participate in the development of the cooperative health services plan; and

19. Immediate notification to a student’s parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, including the requirements established under ss. 1002.20(3) and 1002.33(9), as applicable.

Section 11. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 409.1664, Florida Statutes, is reenacted to read:

409.1664 Adoption benefits for qualifying adoptive employees of state agencies.—

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

(b) "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school established under s. 1002.33, or the Florida Virtual School established under s. 1002.37 who is paid from regular salary appropriations, or otherwise meets his or her employer’s definition of a regular rather than temporary employee, and who adopts a child within the child welfare system pursuant to chapter 63 or after July 1, 2015. The term excludes instructional personnel, as defined in s. 1012.01, who are employed by the Florida School for the Deaf and the Blind.

Section 12. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (1) of section 409.9072, Florida Statutes, is reenacted to read:

909.9072 Medicaid provider agreements for charter schools and private schools.—

(1) Subject to a specific appropriation by the Legislature, the agency shall reimburse private schools as defined in s. 1002.01 and schools designated as charter schools under s. 1002.33 which are Medicaid providers for school-based services pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age with specified disabilities who are eligible for both Medicaid and part B or part H of the Individuals with Disabilities Education Act (IDEA) or the exceptional student education program, or who have an individualized educational plan.

Section 13. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (?) of section 944.801, Florida Statutes, is reenacted to read:

944.801 Education for state prisoners.—

(7) The department may contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services in the Correctional Education Program. The education services may include any educational, career, or vocational training that is authorized by the department.

Section 14. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (1) of section 951.176, Florida Statutes, is reenacted to read:

951.176 Provision of education.—

(1) Each county may contract with a district school board,
the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services for inmates at county detention facilities. The education services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee.

Section 15. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (d) of subsection (3) of section 1006.15, Florida Statutes, is reenacted to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could attend in any interscholastic extracurricular activity of that school, unless such activity is provided by the student’s charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

Section 16. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 1008.33, Florida Statutes, is reenacted to read:

1008.33 Authority to enforce public school improvement.—
A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in subsection (1) of section 1011.61, Florida Statutes, is reenacted to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

   (I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in a special program and shall be recorded as time in the appropriate basic program.

   (II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

   (III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses.

   (IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3.
Credit completions may be a combination of full-credit courses or half-credit courses.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection.

(VIII) For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.;
I. Summary:

SB 1746 modifies the operations and governance of Florida Virtual School (FLVS), expands access to virtual charter schools, and provides school districts flexibility in implementing Virtual Instruction Program (VIP) options for the purpose of improving virtual education for students. Specifically the bill:

- Establishes FLVS as a state agency and modifies a number of school operation and governance provisions.
- Expands upon the populations FLVS must prioritize for enrollment.
- Authorizes virtual charter schools to provide part-time virtual instruction.
- Removes the requirement for certain school districts to provide three VIP options.
- Expands the conditional approval of a VIP provider to two years.

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

The bill takes effect on July 1, 2020.

II. Present Situation:

Virtual learning is a rapidly growing space in education policy, seeking to maximize potential for instructional innovation, prepare students for life in the digital age and meet students’ unique needs. Virtual learning takes a variety of forms, including full-time virtual schools, supplemental course offerings and blended learning programs. Virtual schools, including charters, single-district schools and statewide programs, have emerged as educational options for students and parents seeking flexibility and individualized learning. Full-time virtual schools

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enrolled nearly 300,000 students across 35 states in the 2017-2018 school year, with a majority of those students enrolled in virtual charter schools.\(^2\)

During the 2016-2017 fiscal year, state virtual schools in 23 states collectively served over 420,000 students with nearly 1 million supplemental online course enrollments.\(^3\) State virtual schools are entities created by legislation or by state-level agencies. Most state virtual schools do not grant diplomas and are not responsible for many of the functions generally performed by schools (such as administration of state assessments, state and federal reporting, counseling, etc.). Instead, they supply online courses and related services to schools and students are usually enrolled with district approval. State virtual schools may be administered by a state education agency, or may be separate nonprofit organizations, charter schools, higher education institutions, or regional service agencies contracted by the state education agency.\(^4\) For example:

- Georgia Virtual School, Oregon Academy of Online Learning, and Virtual Virginia, are part of their state departments of education.
- Idaho Digital Learning is a governmental entity separate from the state education agency, and was created by legislation with a Board of Directors responsible for oversight.
- Montana Digital Academy is administered by the state university system.
- Michigan Virtual receives legislative funding, but is a nonprofit organization with a Board of Directors providing oversight.
- Illinois Virtual School is administered through the Peoria County Regional Office of Education, which was awarded the Illinois State Board of Education contract to manage and operate the state virtual school.
- New Hampshire’s state virtual school, Virtual Learning Academy Charter School, was created through charter school rules.

Although state virtual schools have different organizational and governance structures, most share similar characteristics.\(^5\) They provide teacher-led online courses, have administrative staff, enroll students, hire and train teachers, and maintain technology infrastructure to deliver and support online courses. They may create their own online course content, license content from vendors, use open educational resources, or combine content from various sources.\(^6\)

**Digital Learning Now Act**

In 2011, the Florida Legislature created the Digital Learning Now Act to provide all kindergarten through grade 12 students with access to multiple high quality part-time and full-time digital learning options, including:\(^7\)
- Full-time virtual charter school instruction.

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\(^4\) Id.

\(^5\) Id.

\(^6\) Id.

\(^7\) Section 1002.321(4) and Section 1002.455, F.S.
- Florida Virtual School (FLVS).
- School district operated part-time and full-time virtual instruction program (VIP) options.
- Other online and blended courses.

**Virtual Charter Schools**

Virtual charter schools are charter schools that are full-time public virtual schools. Students access the curriculum and instruction, and interact with teachers, outside of a traditional school setting, usually from home. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application to become a virtual charter school. An approved virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 by:
- Contracting with FLVS.
- Contracting with an approved provider.
- Entering into a VIP agreement with a school district.

Virtual charter schools enrolled 3,456 students in the 2018-2019 school year, and currently 4,374 students are enrolled in seven virtual charter schools for the 2019-2020 school year.

**Florida Virtual School (FLVS)**

FLVS was established to develop and deliver online and distance learning education, and is part of the Florida public school system. The Commissioner of Education (commissioner) is charged with monitoring FLVS. Current law requires FLVS to serve any student in the state who meets the profile for success, giving priority to:
- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools.
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.
- Students who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

During the 2018-2019 school year, FLVS served more than 215,000 students in Florida through full- and part-time instruction, including 5,540 full-time students and 209,965 part-time students, who completed a total of 518,045 semester courses.

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9 Section 1002.33(1), F.S.
10 Section 1002.45(1), F.S.
12 Email, Florida Department of Education (Jan. 22, 2020).
13 Section 1002.37(1), F.S.
14 Section 1000.04(4), F.S.
15 Section 1002.37(1)(a), F.S.
16 Id.
FLVS Global

FLVS Global provides instruction courseware, training, and expertise to online and blended programs for schools, districts, states, and international agencies. FLVS Global School serves middle and high school students around the nation and world through tuition-based instruction. During the 2018-2019 school year, FLVS Global School served 3,316 students in 50 states and over 100 countries and territories, who completed 6,832 semester courses.

FLVS Governance

FLVS is governed by a Board of Trustees (BOT), comprised of seven members appointed by the Governor to four-year staggered terms that must:

- Meet at least four times each year.
- Be responsible for the development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and self-sufficient.
- Aggressively seek avenues to generate revenue to support future endeavors. Any funds realized must be used to support the school’s marketing and research and development activities in order to improve courseware and services to students.
- Be responsible for the administration and control of all local school funds.
- Administer and maintain personnel programs for all employees.
- Establish priorities for student enrollment.
- Establish and distribute to school districts and high schools procedures for enrollment.
- Establish criteria defining the elements of an approved franchise.
- Submit to the State Board of Education (SBE) enrollment and course completion data.
- Provide for the content and custody of student and employee personnel records.
- Maintain financial records and accounts.

The BOT must submit an annual report to the Governor, the Legislature, the commissioner, and the SBE that addresses:

- The operations and accomplishments of FLVS and FLVS Global;
- The marketing and operational plan for FLVS and FLVS Global;
- The assets and liabilities of FLVS and FLVS Global at the end of the fiscal year;
- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global; and
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by FLVS and FLVS Global.

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20 Section 1002.37(6), F.S.
Recent operational and governance related issues at FLVS prompted a temporary change in governance in ch. 2019-116, L.O.F., the implementing bill for the 2019 General Appropriations Act, while the condition of FLVS could be assessed. Identified issues include:

- A data breach in 2018;
- Leadership instability;
- Questionable hiring practices;
- Perceptions of “self-dealing” behaviors;
- Inappropriate work climate;
- Improper purchasing and contracting;
- Employees conducting work on FLVS time unrelated to FLVS; and
- Billing FLVS for travel unrelated to FLVS.

Ch. 2019-116, L.O.F., requires the SBE to serve as the BOT of FLVS. The SBE sitting as the BOT of FLVS must appoint an executive director, who reports directly to the commissioner. The executive director must competitively award a contract for an independent third-party consulting firm to conduct financial, operational, or performance audits, and the Office of the Inspector General of the DOE must oversee the audit. The DOE must provide recommendations regarding the governance, operation, and organization of FLVS to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2019.

The DOE submitted its required recommendations on November 1, 2019. These recommendations were developed around the following three goals:

- Ensuring stakeholders’ confidence – FLVS needs to operate ethically, with efficacy and transparency.
- Setting the bar for excellence – FLVS should be the model for accessible and high-quality virtual education.
- Giving students the best possible conditions for success – virtual education in Florida should be a competitive marketplace that is held accountable by ensuring that parents and students have consumable information to make great choices.

**Virtual Instruction Program (VIP)**

A VIP is defined as a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both. Each VIP is required to:

- Align virtual course curriculum and course content to the state standards.
- Offer instruction designed to enable a student to gain proficiency in each course of study.
- Provide each student enrolled with all necessary instructional materials.

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21 Section 12, ch. 2019-116, L.O.F.
23 Id.
24 Id.
25 Section 1002.45(1)(a)2., F.S.
26 Section 1002.45(3), F.S.
• Provide qualified full-time students with equipment and internet access.
• Not require tuition or student registration fees.

Smaller school districts receiving the sparsity supplement are required to offer at least one full-time and part-time VIP option and schools districts not receiving the sparsity supplement are required to offer at least three options.

In order to provide students the opportunity to participate in VIP options, a school district may:
• Contract with FLVS or establish an FLVS franchise.
• Contract with an approved provider.
• Enter into an agreement with other school districts.
• Establish school district operated part-time or full-time VIP options.
• Enter into an agreement with a virtual charter school.

The DOE is tasked with annually publishing a list of providers approved to offer VIP options. To be approved, a provider must document that the provider possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by student learning gains in each grade level subject provided for consideration.

Once approved, a VIP provider retains its status for three years. However, for a provider without sufficient prior, successful experience offering online courses, the DOE may conditionally approve the provider to offer courses for one school year.

More than 11,000 students participated in school district VIP options during the 2018-2019 school year.

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27 Any student who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home. Section 1002.45 (3)(d), F.S.
28 School districts with a student population between 17,000 and 24,000 full-time equivalent students may receive additional funding through the sparsity supplement as determined through a statutory formula and provided in the General Appropriations Act. Florida Department of Education, 2019-20 Funding for Florida School Districts (2019), available at http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf at 18.
30 Section 1002.45(1)(b), F.S.
31 Section 1002.45(1)(c), F.S.
33 Approved providers include a provider that is approved by the DOE, FLVS, a franchise of FLVS, or a Florida College System institution. Section 1002.45(1)(a)1., F.S. and Rule 6A-6.0981, F.A.C.
34 Section 1002.45(2)(a), F.S.
35 Section 1002.45(2)(a)5., F.S.
36 Section 1002.45(2)(b), F.S.
37 Id.
III. Effect of Proposed Changes:

The bill modifies the operations and governance of Florida Virtual School (FLVS), expands access to virtual charter schools, and provides school districts flexibility in implementing Virtual Instruction Program (VIP) options for the purpose of improving virtual education for students. Specifically the bill:

- Establishes FLVS as a state agency and modifies a number of school operation and governance provisions such as:
  - Reducing the number of Board of Trustees (BOT) members from seven to five.
  - Requiring term limits for BOT members.
  - Requiring the BOT to establish an Office of the Inspector General (OIG).
  - Expanding upon the populations FLVS must prioritize for enrollment.
- Authorizes virtual charter schools to provide part-time virtual instruction.
- Removes the requirement for certain districts to provide three VIP options.
- Expands the conditional approval of a VIP provider to two years.

Florida Virtual School (FLVS)

The bill modifies the governance and operations of FLVS in a number of ways.

The bill adds new requirements to establish FLVS as a state agency and require the BOT to establish an OIG within the school just like other state agencies. The OIG provides a central point of coordination and is responsible for activities that promote accountability, integrity and efficiency in state government. The OIG is required to investigate allegations or reports of possible fraud or abuse against the school, staff or students.

The bill modifies a number of requirements that may bring greater accountability and transparency to the school such as, reducing the number of BOT members to five, limiting members to two consecutive four-year terms, and restricting a BOT member from having any business relations or pecuniary interest in FLVS while serving on the board or for six years after leaving the board.

The bill expands the mission of the FLVS by adding English language learners, students with exceptionalities including gifted students, and students who are in an alternative setting or a Department of Juvenile Justice program as priority populations for enrollment. Expanding the mission may provide more students opportunities to enroll in FLVS courses.

Finally, bill removes the requirement that FLVS market its services in Florida, removes the annual reporting requirements for marketing FLVS and FLVS Global, and removes the requirement for FLVS Global to include its operational plan in the annual report. This change may remove competitive barriers for FLVS and other approved virtual instruction providers in Florida.

**Virtual Charter Schools**

The bill authorizes virtual charter schools to offer part-time virtual instruction if the school has provided full-time instruction for at least one year. This change may provide more options to students and increase competition between virtual instruction providers.

**Virtual Instruction Program (VIP)**

The bill modifies s. 1002.45, F.S., to remove the requirement for school districts not eligible for the sparsity supplement to offer at least three part-time and full-time VIP options. The proposed bill requires all school districts to offer part-time and full-time VIP options without specifying a number. Removing the requirement may provide school districts flexibility to customize virtual instruction options based on student need.

The bill authorizes the DOE to conditionally approve a VIP provider for two school years based on the provider’s success in other states, which may create more competition between virtual instruction providers and provide additional options for students.

The bill takes effect on 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 the following sections of the Florida Statutes: 1002.33, 1002.37, and 1002.45.

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.
A bill to be entitled
An act relating to Florida virtual education; amending
s. 1002.33, F.S.; conforming provisions to changes
made by the act; amending s. 1002.37, F.S.; providing
that certain employees of the Florida Virtual School
are entitled to sovereign immunity; revising the
students given priority by the Florida Virtual School;
revising the number of members appointed to the board
of trustees of the Florida Virtual School; providing
term limits for members of the board; providing that
the board members are governed by a specified code of
ethics; prohibiting members of the board and any
member of a governing body for a direct-support
organization or supplemental support organization
associated with the Florida Virtual School from having
specified business relationships or interest in the
Florida Virtual School; requiring the board to appoint
an executive director; providing duties of the
executive director; requiring the board of trustees to
meet at the call of the executive director;
authorizing, rather than requiring, the board of
trustees to participate in specified marketing
activities; requiring the board of trustees to be
responsible for all internal funds of the school;
authorizing the Florida Virtual School to accrue
supplemental revenue from a specified organization;
requiring the executive director of the Florida
Virtual School to review and approve specified
expenditures; deleting a provision authorizing the
executive director to override such expenditures under
certain circumstances; deleting provisions authorizing
the board of trustees to adopt certain rules and
procedures; providing that all Florida Virtual School
employees are subject to specified policies; requiring
all the employees to receive a specified contract;
deleting a requirement that the board of trustees
distribute certain procedures to high schools in this
state; requiring student records held by the school to
meet specified provisions; providing requirements for
meetings of the board of trustees; revising the
requirements for a specified plan; deleting a
requirement that the Florida Virtual School board of
trustees submit specified information to certain
entities for the Florida Virtual School Global;
requiring the board to establish an Office of
Inspector General within the school; providing duties
and responsibilities of the office; amending s.
1002.45, F.S.; deleting a requirement that certain
school districts provide a specified number of virtual
instruction options; authorizing a virtual charter
school to provide part-time instruction under certain
circumstances; authorizing the Department of Education
to conditionally approve a virtual instruction
provider for 2 years, rather than 1 year; providing an
effective date.

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

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Subsection (1) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be subject to the state’s program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide full-time or part-time online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c).l.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

Section 2. Paragraphs (a) and (b) of subsection (1), subsections (2) and (4), and paragraph (b) of subsection (7) of section 1002.37, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

1002.37 The Florida Virtual School.—

(a) The Florida Virtual School is an agency of the state established for the development and delivery of world-class student achievement that reflect the school's statutory mission.

(b) The mission of the Florida Virtual School is to provide online and distance learning education. The Florida Virtual School, its board of trustees, officers, and employees are entitled to sovereign immunity pursuant to s. 768.28. The Commissioner of Education shall monitor the school’s performance and report its performance to the State Board of Education and the Legislature.

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students, and students in inner-city and rural areas high schools who do not have access to higher-level courses, English language learners, students with exceptionalities who currently do not have access to higher-level courses, including gifted students.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

3. Students who are children of an active duty member of the United States Armed Forces who is not stationed in this state and whose home of record or state of legal residence is Florida.

4. Students who are in an alternative setting or a Department of Juvenile Justice program.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school’s statutory mission.
and priorities, and shall implement an accountability system for 117
doing that includes assessment of its effectiveness and 118
efficiency in providing quality services that encourage high 119
student achievement, seamless articulation, and maximum access. 120
(2)(a) The Florida Virtual School shall be governed by a 121
board of trustees comprised of five seven members appointed by 122
the Governor to 4-year staggered terms. A member may not serve 123
more than two consecutive 4-year terms on the board. The board 124
of trustees shall be a public agency entitled to sovereign 125
immunity pursuant to s. 768.28, and board members shall be 126
public officers who shall bear fiduciary responsibility for the 127
Florida Virtual School. The board of trustees shall be governed 128
by the code of ethics for public officers and employees as set 129
forth in part III of chapter 112. A member of the board of 130
trustees may not have any business relationship with or 131
pecuniary interest in the Florida Virtual School while serving 132
on the board or for 6 years after serving on the board. 133
(b) The board of trustees shall have the following powers 134
and duties:
1. The board of trustees shall appoint an executive 135
director. The executive director is responsible for executing 136
the Florida Virtual School’s mission, vision, and goals; for 137
proposing policies and policy revisions to the board of 138
trustees; and for the day-to-day operations of the Florida 139
Virtual School.
2.a.(a) The board of trustees shall meet at least 4 times 140
each year, upon the call of the chair or executive director, or 141
at the request of a majority of the board membership. 142
b.(b) The fiscal year for the Florida Virtual School shall 143
be the state fiscal year as provided in s. 216.011(1)(o).
1. The board of trustees shall be responsible for the 146
Florida Virtual School’s development of a state-of-the-art 147
technology-based education delivery system that is cost- 148
effective, educationally sound, marketable, and capable of 149
sustaining a self-sufficient delivery system through the Florida 150
Education Finance Program.
4. The board of trustees shall aggressively seek avenues 153
to generate revenue to support its future endeavors, and shall 154
enter into agreements with distance learning providers. The 155
board of trustees may acquire, enjoy, use, and dispose of 156
patents, copyrights, and trademarks and any licenses and other 157
rights or interests thereunder or therein. Ownership of all such 158
patents, copyrights, trademarks, licenses, and rights or 159
interests thereunder or therein shall vest in the state, with 160
the board of trustees having full right of use and full right to 161
retain the revenues derived therefrom. Any funds realized from 162
patents, copyrights, trademarks, or licenses shall be considered 163
internal funds as provided in s. 1011.02. Such funds shall be 164
used to support the school’s marketing, if the school chooses to 165
participate in any marketing, and research and development 166
activities in order to improve coursework and services to its 167
students.
5. The board of trustees shall be responsible for the 169
administration and control of all internal and local school 170
funds derived from all activities or sources and shall prescribe 171
the principles and procedures to be followed in administering 172
these funds.
6. The Florida Virtual School may accrue supplemental 174
funds derived from all activities or sources and shall prescribe 175
the principles and procedures to be followed in administering 176
these funds.
revenue from a direct-support organization in accordance with s. 1001.453. The Florida Virtual School may also accrue supplemental revenue from supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. However, a member of the governing body of such an organization may not have a business relationship with or pecuniary interest in the Florida Virtual School. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected or generated by it the organization for the benefit of the school. Such expenditures shall be contingent upon the review and approval of the executive director of the Florida Virtual School. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.

7.44 In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

a. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

b. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

c. The employment of all Florida Virtual School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration; subject to and such other conditions of employment as the board of trustees deems necessary and proper, and consistent, not inconsistent with law, including s. 1001.42(5), (6), and (7).

d. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to an annual, written contract as provided by policies rules of the board of trustees.
The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of §1002.22, 1002.221, and 1002.222. Employee records shall be subject to the provisions of §1012.31.

The financial records and accounts of the Florida Virtual School shall be maintained under the direction of the board of trustees and under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The meetings of the board of trustees shall be conducted and noticed pursuant to §1001.372(1), (3), and (4).

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to §112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School.

The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.
(4) School districts operating a virtual school that is an approved franchise of the Florida Virtual School may count full-time equivalent students, as provided in paragraph (3)(a), if such school has been certified as an approved franchise by the Commissioner of Education based on criteria established by the board of trustees pursuant to subparagraph (2)(b)10. Paragraph (2)(1).

(7) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of digital education through the Internet and other distance learning technology.

(12) The board of trustees shall establish an Office of the Inspector General within the school using existing resources and funds. The office is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within the school. If there are substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school, the office shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against the school or its staff or students. The office shall have access to all information and personnel necessary to perform its duties.
(d) A virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 authorizing full-time virtual instruction. A virtual charter school may provide part-time virtual instruction for such students if the school has provided full-time instruction for at least 1 school year. A virtual charter school may:

1. Contract with the Florida Virtual School.
2. Contract with an approved provider under subsection (2).
3. Enter into an agreement with a school district to allow the participation of the virtual charter school’s students in the school district’s virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e).

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;
2. Complies with the antidiscrimination provisions of s. 1000.05;
3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;
4. Provides to parents and students specific information about the provider’s success in offering the courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider’s experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program. However, the department may conditionally approve a provider for 2 school years at its discretion based on the provider’s success in other states; and

(b) Complies with the following for all employees or contracted personnel:

(1) Satisfies the requirements for the course and clear expectations for meeting the requirement.
(a) How to contact the instructor via phone, e-mail, or online messaging tools.
(b) How to contact technical support via phone, e-mail, or online messaging tools.
(c) How to contact the administration office via phone, e-mail, or online messaging tools.
(d) Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
(e) The requirement that the instructor in each course must, at a minimum, conduct one contact via phone with the parent and the student each month;
(f) Any requirement for regular contact with the student.
5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider’s experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program. However, the department may conditionally approve a provider for 2 school years at its discretion based on the provider’s success in other states;
6. Is accredited by a regional accrediting association as defined by State Board of Education rule;
7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:
   a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.
   b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.
   c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;
8. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:
   a. Information and data about the curriculum of each full-time and part-time program.
   b. School policies and procedures.
   c. Certification status and physical location of all administrative and instructional personnel.
   d. Hours and times of availability of instructional personnel.
   e. Student-teacher ratios.
   f. Student completion and promotion rates.
   g. Student, educator, and school performance accountability outcomes;
9. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and
10. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

Section 4. This act shall take effect July 1, 2020.
SB 1784 aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (DVR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.
- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transition services with labor market demands.
- Enhances the required annual performance report provided by the DVR by requiring the report to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

According to the 2018 U.S. Census Bureau American Community Survey, approximately 2.7 million individuals with a disability live in Florida, representing over 13 percent of the state’s population.¹ Ten percent of the state’s working age population, ages 18-64, is comprised of

individuals with a disability.  

Vocational rehabilitation is a federal-state program that helps people who have a physical or mental disability get or keep a job. The Rehabilitation Services Administration (RSA) within the U.S. Department of Education oversees and administers the program and provides funds to state agencies for these services. In Fiscal Year 2019, the vocational rehabilitation program in Florida received 78.7 percent of its funding, or $161,156,579, through a grant from the RSA. The remaining 21.3 percent of the costs, or $43,616,711, were funded by other state appropriations.

The Florida Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation (DVR) within the Department of Education (DOE) administers the vocational rehabilitation program in Florida. The DVR provides services to help individuals with a disability find, advance in, or retain employment, and provides services to youth and students with a disability to aid in the transition from high school to a meaningful career path. In the 2018-2019 fiscal year, DVR served 48,439 individuals, including 26,086 customers who were between the ages of 14 through 21.

An individual with a disability is presumed eligible for vocational rehabilitation services if the person requires rehabilitation services to prepare for, enter, engage in, or retain gainful employment. After determining eligibility, the DVR must complete an assessment to determine rehabilitation needs and ensure that an individualized plan for employment (IPE) is prepared. The IPE must be designed to achieve the specific employment outcome of the individual and may include services such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement, job coaching, and on-the-job training.

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2 U.S. Census Bureau, supra note 1.
7 Id.
8 Id. at 6.
9 Id.
10 Id. at 10.
11 Disability means “a physical or mental impairment that constitutes or results in a substantial impediment to employment.” Section 413.20(7), F.S.
12 Section 413.30(1), F.S.
13 An individualized plan for employment includes a “comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services.” Section 413.20(3), F.S.
14 See Section 413.30(4)-5, F.S.
The DVR is only required to provide services to the extent they are funded by the Legislature. All individuals eligible for services are placed in categories on a prioritized waiting list based on the significance of their disability. Categories include:

- Category 1, comprised of individuals with the most significant disabilities;
- Category 2, comprised of individuals with a significant disability; and
- Category 3, comprised of individuals with a disability.

In the 2018-2019 fiscal year, the DVR served 26,744 individuals in category 1, and, as of June 30, 2019, had a waiting list of 300 individuals in category 3.

The Florida Rehabilitation Council

The Florida Rehabilitation Council (Council) is responsible for assisting the DVR in the planning and development of statewide rehabilitation programs and services, recommending improvements to such programs and services, and performing other statutory directives as required. Members of the Council are appointed by the Governor and must include current or former applicants for, or recipients of, vocational rehabilitation services.

The Council must also consult with the board of directors of CareerSource Florida, Inc., in carrying out its functions, including the duty to conduct a review and analysis of:

- The functions performed by state agencies and other public and private entities responsible for providing services for individual who have a disability.
- Vocational rehabilitation services.
- The employment outcomes achieved by eligible individuals receiving vocational rehabilitation services, including the availability of health or other employment benefits in connection with those employment outcomes.

Preemployment Transition Services

Eligibility for Preemployment Transition Services

The Workforce Innovation and Opportunity Act of 2014 (WIOA) aims to increase opportunities for individuals facing barriers to employment and focus on the connection between education and career preparation. The WIOA requires that state vocational rehabilitation

16 Section 413.731, F.S.
17 Id.
19 Id.
20 Section 413.405, F.S.
21 Section 413.405(1), F.S.
22 CareerSource Florida, Inc., is the principal workforce policy organization for the state. Section 445.004, F.S.
23 Section 413.405(9), F.S.
agencies set aside at least 15 percent of their federal funds to provide preemployment transition services to eligible individuals with a disability who:

- Are between 14 and 21 years of age; and
- Have a current individual education plan (IEP); or
- Have or are eligible for an accommodation plan pursuant to s. 504 of the Rehabilitation Act of 1973.

Section 504 of the Rehabilitation Act of 1973 prohibits any program or activity that receives federal financial assistance from discriminating against an otherwise qualified individual solely by reason of his or her disability. State and local agencies that administer federally funded programs or activities may devise an accommodation plan for someone with a disability to allow the disabled person’s participation in the program.

All students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education. The IEP is the primary vehicle for communicating the school district’s commitment to addressing the unique educational needs of a student with a disability. To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an IEP team begins the process of identifying the need for transition services before the student with a disability attains the age of 14 years. When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.

**Required Preemployment Transition Services**

Under the WIOA, the DVR must provide five preemployment transition services, including:

- Job Exploration Counseling – exploring career path options suited to a student’s skills, abilities and interests.
- Work-Based Learning Experiences – providing hands-on training for employability skills.
- Counseling on Post-Secondary Education – providing information about continuing education options.
- Workplace Readiness Training – a focus on employability and related skills that prepare individuals with a disability to work.
- Instruction in Self-Advocacy – instruction in effective communication of one’s own needs and planning for one’s future.

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29 Section 1003.5716, F.S.


31 Section 1003.5716(2), F.S.

**Student Transition Activities Record (STAR)**

The DVR may also cooperate with other agencies in the provision of vocational rehabilitation services. The DVR may attend IEP meetings for students, work with local workforce development boards to develop work opportunities, and work with schools to coordinate and provide preemployment transition services.

The DVR operates a web-based platform known as the Student Transition Activities Record (STAR) to facilitate the delivery of preemployment transition services. The STAR program is designed to help DVR staff and school districts work together in the provision of preemployment transition services. The STAR program provides a platform for school personnel to make referrals to the DVR for preemployment transition services for students who do not wish to apply to or participate in the vocational rehabilitation eligibility process.

In the 2018–2019 fiscal year, the DVR provided preemployment transition services to 15,402 students with a disability. In June 2019, the DVR was providing vocational rehabilitation services to 21,248 youth and students between the ages of 14 to 21 years, including 11,779 who were receiving preemployment transition services.

**Annual Performance Report**

The DVR submits an annual performance report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes:

- Caseload data.
- Service use data.
- Financial data.
- Outcome data. Employment data must be provided separately for supported employment.

**III. Effect of Proposed Changes:**

The bill aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

- Clarifies that vocational rehabilitation services include preemployment transition services.
- Expands requirements for the Division of Vocational Rehabilitation (DVR) to cooperate with other agencies in coordinating preemployment transition plan services for eligible students.

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33 Section 413.731, F.S.
36 *Id.*
37 *Id.*
38 Email, Florida Department of Education, (Jan. 29, 2020).
40 Section 413.207(4), F.S.
• Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transition services with labor market demands.
• Enhances the required annual performance report provided by the DVR by requiring the report to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.

Preemployment Transition Services

The bill clarifies that the DVR must provide preemployment transition services in accordance with the duty to provide vocational rehabilitation services. The bill modifies s. 413.20, F.S., to define “preemployment transition services” as the services of job exploration counseling, work-based learning experiences, counseling on postsecondary education, workplace readiness training, and instruction in self-advocacy as required by the Workforce Innovation and Opportunity Act of 2014, which may be provided to students with a disability who are eligible or potentially eligible for vocational rehabilitation services.

Eligibility for Preemployment Transition Services

The bill modifies s. 413.30, F.S., to expand the presumption that an individual will benefit from vocational rehabilitation services to include preemployment transition services, and the bill requires the DVR to evaluate eligibility for preemployment transition services. The required initial assessment and individualized plan for employment must also assess the need for preemployment transition services, and must be prepared within 90 days after the date of determining eligibility, unless unforeseen circumstances prevent it, and the eligible individual agrees that an extension of time is warranted.

The bill provides eligibility for preemployment transition services for an individual with a disability who is between 14 and 21 years of age; who is eligible or potentially eligible for vocational rehabilitation services in a secondary, postsecondary, or other recognized education program; and who has:
• A current individual education plan developed by a local school board in accordance with rules of the State Board of Education; or
• A 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973.

These provisions align Florida law with federal eligibility requirements for providing preemployment transition services.

Coordination of Services

The bill modifies s. 413.41, F.S., to require the DVR to enter into a formal interagency agreement with the state education agency to provide for the transition of students with a disability, including preemployment transition services and other vocational rehabilitation services. The DVR must also enter into formal interagency agreements with all local educational agencies that are consistent with the state-level agreement and:
• Address the referral of eligible students with a disability for preemployment transition services through the Student Transition Activities Record (STAR) program. The bill modifies s. 413.74, F.S., to require school districts and public agencies to use the STAR program to
refer students with a disability who are potentially eligible for preemployment transition services to the DVR.

- Include preemployment transition coordination activities, such as attending individual education plan (IEP) meetings for students with a disability or attending person-centered planning meetings for students with a disability receiving Medicaid.

The bill also modifies s. 413.23, F.S., to specify that the authority for the DVR to cooperate with other departments, agencies, and public and private institutions includes the authority to:

- Cooperate to provide preemployment transition services.
- Contract with other entities to provide vocational rehabilitation or preemployment transition services.

In order to ensure that eligible students receive timely services, the bill modifies s. 413.731, F.S., to require the DVR to contract with other providers to provide preemployment transition services if the DVR is unable to provide the services within 90 days of recognizing the need for services.

**Individualized Education Plan**

The bill modifies s. 1003.5716, F.S., to add that the required statement of appropriate measurable long-term postsecondary education and career goals in a transition plan for a student with an IEP must also include preemployment transition services needed to assist the student in reaching those goals.

The additional coordination of services required by the bill may assist agencies in ensuring students receive appropriate preemployment transition services as needed.

**The Florida Rehabilitation Council**

The bill modifies s. 413.405, F.S., to clarify that the requirement for the Florida Rehabilitation Council (Council) to include members who were former or current applicants for, or recipients of, vocational rehabilitation services includes preemployment transition services.

The bill also adds requirements to the Council’s review and analysis of vocational rehabilitation services. In addition to existing requirements, the review and analysis must address:

- How employment outcomes under the vocational rehabilitation program align with labor market demands in the state; and, for youth with a disability, the availability of career pathways, including work-based learning experiences and customized employment.
- Preemployment transition services:
  - Provided or paid for from funds made available under the act or through other public or private sources.
  - Provided by state agencies and other public and private entities responsible for providing preemployment transition services to students who have a disability.

**Annual Performance Report**

The bill modifies s. 413.207, F.S., to add requirements to the performance report that the DVR must annually submit to the Governor, the President of the Senate, and the Speaker of the House.
of Representatives. The caseload data required in the report must include the timeframes in which eligibility is determined, plans are developed, and services are provided. The bill adds that the report must also include:

- Matching fund data, including the sources and amounts of matching funds received by the DVR and the extent to which the state is meeting its cost-sharing requirements.
- Transition services data, including preemployment transition services, for students and youth with a disability by service type, including expenditure data on a statewide and service area basis, employment outcomes achieved by youth served, and postsecondary enrollment rates.

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 no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.
VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 413.20, 413.207, 413.23, 413.30, 413.405, 413.41, 413.731, 413.74, and 1003.5716.

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 vocational rehabilitation services; amending s. 413.20, F.S.; revising and providing definitions; amending s. 413.207, F.S.; revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; amending s. 413.23, F.S.; requiring the division to provide preemployment transition services to certain eligible persons with disabilities; requiring the division to cooperate with contracted providers to provide such services; amending s. 413.30, F.S.; providing eligibility requirements for the provision of preemployment transition services; requiring the division to assess the service needs of eligible individuals within a specified period; providing for an extension of such assessment under certain circumstances; amending s. 413.405, F.S.; revising the composition of the Florida Rehabilitation Council; revising the responsibilities of the Florida Rehabilitation Council to conform to changes made by the act; amending s. 413.41, F.S.; requiring the division to enter into formal interagency agreements with certain entities for certain purposes; requiring that such agreements meet specified requirements; amending s. 413.731, F.S.; requiring the division to contract with other providers to provide preemployment transition services under certain circumstances; amending s. 413.74, F.S.; requiring school districts and public agencies to use the Student Transition Activities Record program for the referral of certain students with disabilities; amending s. 1003.5716, F.S.; requiring that a student’s individual education plan contain a statement regarding preemployment transition services; providing an effective date.

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

Section 1. Present subsections (20) through (27) of section 413.20, Florida Statutes, are redesignated as subsections (21) through (28), respectively, a new subsection (20) is added to that section, and subsection (3) of that section is amended to read:

413.20 Definitions.—As used in this part, the term:

(3) “Assessment for determining eligibility and vocational rehabilitation needs” means a review of existing data to determine whether an individual is eligible for vocational rehabilitation services, including preemployment transition services, and to assign the priority, and, to the extent additional data is necessary to make such determination and assignment, a preliminary assessment of such data, including the provision of goods and services during such assessment. If additional data is necessary, the division must make a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation...
services to be included in the individualized plan for employment.

(20) “Preemployment transition services” means the services of job exploration counseling, work-based learning experiences, counseling on postsecondary education, workplace readiness training, and instruction in self-advocacy as required by the Workforce Innovation and Opportunity Act of 2014, which may be provided to students with disabilities who are eligible or potentially eligible for vocational rehabilitation services.

Section 2. Present paragraph (d) of subsection (4) of section 413.207, Florida Statutes, is redesignated as paragraph (e), new paragraph (d) and paragraph (f) are added to that subsection, and paragraph (a) of that subsection is amended, to read:

413.207 Division of Vocational Rehabilitation; quality assurance; performance improvement plan.—

(4) By December 1 of each year, the division shall submit a performance report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes the following information for each of the 5 most recent fiscal years:

(a) Caseload data, by service type and service area, including the number of individuals who apply for services and the timeframes in which eligibility is determined, plans are developed, and services are provided to receive services, by service type, reported statewide and by service area.

(d) Matching fund data, including the sources and amounts of matching funds received by the division and the extent to which the state is meeting its cost-sharing requirements.

(f) Transition services data, including preemployment transition services, for students and youth with disabilities by service type, including expenditure data on a statewide and service area basis, employment outcomes achieved by youth served, and postsecondary enrollment rates.

Section 3. Section 413.23, Florida Statutes, is amended to read:

413.23 Administration.—The division shall provide vocational rehabilitation services, including preemployment transition services, to persons who have disabilities determined to be eligible therefor and, in carrying out the purposes of this part, is authorized, among other things:

(1) To cooperate with other departments, agencies, public and private institutions, both public and private, and contracted providers in providing for the vocational rehabilitation and preemployment transition services of persons who have disabilities, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this part, such programs, facilities, and services as may be necessary or desirable;

(2) To enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;

(3) To conduct research and compile statistics relating to the vocational rehabilitation of persons who have disabilities;

(4) To prepare a federally required state plan for vocational rehabilitation, as required by the act. The state plan must contain all of the elements required by s. 101 of the act, including an assessment of the needs of persons who have
disabilities and how those needs may be most effectively met. The division is authorized to make amendments to the state plan considered necessary to maintain compliance with the act and to implement such changes in order to qualify for and maintain federal funding. After completion of the state plan or making amendments to the state plan, the division must distribute copies of the state plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the United States Secretary of Education.

Section 4. Present subsections (2) through (8) of section 413.30, Florida Statutes, are redesignated as subsections (3) through (9), respectively, a new subsection (2) is added to that section, and present subsections (3) and (5) of that section are amended, to read:

413.30 Eligibility for vocational rehabilitation services.—
(2) Preemployment transition services shall be provided to an individual with disabilities who is between 14 and 21 years of age; who is eligible or potentially eligible for vocational rehabilitation services in a secondary, postsecondary, or other recognized education program; and who has:
(a) A current individual education plan developed by a local school board in accordance with rules of the State Board of Education; or
(b) A 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973.

(6) An individual is presumed to benefit in terms of an employment outcome from vocational rehabilitation services or preemployment transition services under this part unless the division can demonstrate by clear and convincing evidence that

the individual is incapable of benefiting from vocational rehabilitation services or preemployment transition services in terms of an employment outcome. Before making such a determination, the division must consider the individual’s abilities, capabilities, and capacity to perform in a work situation through the use of trial work experiences. Trial work experiences include supported employment, on-the-job training, or other work experiences using realistic work settings. Under limited circumstances, if an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted, the division shall conduct an extended evaluation, not to exceed 18 months. The evaluation must determine the eligibility of the individual and the nature and scope of needed vocational rehabilitation services or preemployment transition services. The extended evaluation must be reviewed once every 90 days to determine whether the individual is eligible for vocational rehabilitation services or preemployment transition services.

(6) When the division determines that an individual is eligible for vocational rehabilitation services or preemployment transition services, the division must complete an assessment for determining eligibility and vocational rehabilitation or preemployment transition needs and ensure that an individualized plan for employment is prepared within a reasonable period of time, not to exceed 90 days after the date of eligibility determination, unless unforeseen circumstances beyond the control of the division prevent the division from completing the assessment and individualized plan for employment within the 90-day timeframe and the division and the individual agree that an
The council shall be composed of:

(a) Each individualized plan for employment must be jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or coordinator and the eligible individual or, in an appropriate case, a parent, family member, guardian, advocate, or authorized representative, of the individual.

(b) The division must ensure that each individualized plan for employment is designed to achieve the specific employment outcome of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual, and otherwise meets the content requirements for an individualized plan for employment as set out in federal law or regulation.

(c) Each individualized plan for employment shall be reviewed annually, at which time the individual, or the individual’s parent, guardian, advocate, or authorized representative, shall be afforded an opportunity to review the plan and jointly redevelop and agree to its terms. Each plan shall be revised as needed.

Section 5. Paragraph (h) of subsection (1) and paragraph (d) of subsection (9) of section 413.405, Florida Statutes, are amended to read:

413.405 Florida Rehabilitation Council.—There is created the Florida Rehabilitation Council to assist the division in the planning and development of statewide rehabilitation programs and services, to recommend improvements to such programs and services, and to perform the functions listed in this section.

(i) The council shall be composed of:

(h) Current or former applicants for, or recipients of, vocational rehabilitation services, including preemployment transition services.

(9) In addition to the other functions specified in this section, the council shall, after consulting with the board of directors of CareerSource Florida, Inc.: (d) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

1. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who have disabilities.

2. Vocational rehabilitation services:

(a) Provided or paid for from funds made available under the act or through other public or private sources.

(b) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who have disabilities.

3. Preemployment transition services:

(a) Provided or paid for from funds made available under the act or through other public or private sources.

(b) Provided by state agencies and other public and private entities responsible for providing preemployment transition services to students who have disabilities.

4. The employment outcomes achieved by eligible individuals receiving services under this part, including the availability of health or other employment benefits in connection with those employment outcomes; alignment with labor market demands in the state; and, for youth with disabilities, the availability of career pathways, including work-based

CODING: Words **stricken** are deletions; words **underlined** are additions.
Section 6. Section 413.41, Florida Statutes, is amended to read:

413.41 Cooperation by division with state agencies.—

(1) The division is hereby authorized to cooperate with other agencies of state government or with any nonprofit, charitable corporations or foundations concerned with the problems of persons who have disabilities. The division may provide disability evaluation, work capacity appraisal, and appraisal of vocational rehabilitation potential of persons who have disabilities for other public agencies pursuant to agreements made with such agencies. The division may charge the agencies contracting for these services the actual cost thereof.

(2) (a) The division shall enter into a formal interagency agreement with the state education agency that provides for the transition of students with disabilities, including preemployment transition services and other vocational rehabilitation services as required by s. 101(a)(11)(D) of the Rehabilitation Act of 1973, as amended. The formal interagency agreement shall comply with the requirements of 34 C.F.R. s. 361.22(b).

(b) The division shall enter into formal interagency agreements with all local educational agencies which are consistent with the state level agreement and address the requirements for providing vocational rehabilitation services, including referral of students with disabilities through the Student Transition Activities Record program who may be eligible for preemployment transition services. The agreements must also include any preemployment transition coordination activities.

Section 7. Present subsection (4) of section 413.731, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

413.731 Legislative funding; contracting for services.—

(4) If the division is unable to provide preemployment transition services for students with disabilities within 90 days after the date of determining service needs, the division must contract with other providers to provide such services.

Section 8. Subsection (3) is added to section 413.74, Florida Statutes, to read:

413.74 Other agencies; cooperation and referral.—

(3) School districts and public agencies shall use the Student Transition Activities Record program to refer students with disabilities who are potentially eligible for preemployment transition services to the division.

Section 9. Paragraph (c) of subsection (2) of section 1003.5716, Florida Statutes, is amended to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term "IEP" means individual education plan.

(2) Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include learning experiences and customized employment.
the following statements that must be updated annually:

(c) A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including preemployment transition services and courses of study needed to assist the student in reaching those goals.

Section 10. This act shall take effect July 1, 2020.
I. Summary:

SB 7000 amends definitions relating to child-on-child sexual abuse and reorganizes and clarifies provisions and requirements currently in s. 39.201, F.S., relating to reports of child abuse, abandonment, or neglect and the central abuse hotline at the Department of Children and Families. It also adds a requirement that the central abuse hotline keep statistical reports relating to reports of child abuse and sexual abuse that are reported from or occur in specified educational settings and adds new requirements for investigations related to reports of child-on-child sexual abuse that occur in those educational settings.

The bill provides penalties for specified educational providers whose employees knowingly and willingly fail to report suspected or known child abuse, abandonment or neglect to the central abuse hotline and requires at least a one year suspension of the educator certificate of instructional personnel or school administrator who fail to report child abuse.

The bill provides that the State Board of Education may enforce compliance if a school policy for reporting child abuse, abandonment or neglect does not comply with state law and provides that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.

The bill also creates a new section of the Florida Statutes, relating to reporting animal abuse, to recognize the strong link between child abuse and animal abuse by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency. The bill specifies the information that is to be included in a report.

The bill provides penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.
The bill amends current law related to sexual abuse of animals to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

Current law requires any person who knows or has reasonable cause to suspect a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare is required to report that suspicion to the Department of Children and Families’ (DCF’s or department’s) central abuse hotline.\(^1\)

In addition, any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare or any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, must report such knowledge or suspicion to the central abuse hotline.\(^2\)

Florida currently does not require any reporting of animal cruelty or neglect.

Penalties for Failing to Report Child Abuse

According to s. 39.205, F.S., a person who fails to report known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.\(^3\)

Likewise, a person who is 18 years of age or older and lives in the same house as a child who is known or suspected to be a victim of child abuse, neglect of a child, or aggravated child abuse, and knowingly and willfully fails to report the child abuse commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, unless the court finds that the person is a victim of domestic violence or that other mitigating circumstances exist.\(^4\)

Postsecondary educational entities including Florida College System institutions, state universities, or nonpublic colleges, universities, or schools, as defined in s. 1000.21 or s. 1005.02, F.S., whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or

\(^1\) Section 39.201, F.S.
\(^2\) Id.
\(^3\) Section 39.205, F.S.
\(^4\) Id.
during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevent another person from doing so, are subject to fines of $1 million for each such failure.5

Child-on-Child Sexual Abuse

Child-on-child sexual abuse is a specific category of child sexual abuse that has not typically been recognized by the general public. There is a growing concern among parents, educators, and child safety experts related to children who sexually abuse other children. Generally, such scenarios include a child who uses their age, physical strength, or positions of status or authority, to engage another child in sexual activity. Typically, child-on-child sexual abuse includes a wide range of sexual behaviors from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape and various other sexually aggressive acts. Child-on-child sexual abuse does not include normative sexual play or anatomical curiosity and exploration.6

This issue is complicated because there is a child who is a victim whose life has often been deeply impacted by the abuse and he or she needs help and healing and there is also a child who is the offender who needs help. Our judicial and mental health systems often treat children with illegal or problematic sexual behaviors as adults. Depending upon local, state, and federal laws, children involved in this form of abuse may be considered a child with sexual behavior problems in need of child welfare services, may be legally defined as juvenile sex offenders or molesters, and/or may be permanently placed on a sex offender registry for involvement in such abuse.7

There are many social stigmas and misunderstandings that these children are “monsters” who are destined to act out again. These issues and more make it difficult to report these cases of abuse and to get help for all involved. Nonetheless, it has been repeatedly documented through robust empirical evidence that children with sexual behavior problems and juvenile sex offenders have relatively low future sex offending rates. While these findings may seem counterintuitive when compared to adult sex offenders who report childhood onset of their sexual aggression, recent longitudinal studies suggest that childhood sexual behavioral problems and even juvenile sex offending does not significantly predispose one to engage in adult sex offenses.8

Research on the effectiveness of treatment interventions for juvenile sex offenders and children with sexual behavior problems has demonstrated positive outcomes for treatment approaches based upon cognitive-behavioral therapy. While sexual re-offense rates are relatively low for children with sexual behavior problems and juvenile sex offenders, studies have documented program success in reducing recidivism among this population. Other research has indicated that

5 Section 39.205, F.S.
8 Id. Each district school board charter school, and private school that accepts scholarship students who participate in a state scholarship program must post in a prominent place in each school policies relating to reporting actual or suspected cases of child abuse, abandonment, or neglect. Section 1006.061, F.S.
program effectiveness is dependent in part on the type of intervention and type of sexual behavior problems. What has been noted in the research is that juvenile sex offenders are more likely than adults to respond positively to treatment and that they are also less likely to recidivate than adults.9

In 2009, former DCF Secretary George Sheldon established the Gabriel Myers Work Group to examine the case of Gabriel Myers, a 7-year-old who, on April 16, 2009, was found hanging in the home of his foster parents in Margate, Florida. The second of two reports prepared by the work group, focused on the issue of child-on-child sexual abuse and identified 107 findings and 84 recommendations relating to the issue of child-on-child sexual abuse, including a number related to labeling sexual behaviors10 It is unknown how many of these recommendations have been implemented.

Current law frequently causes labeling of children as sex offenders or predators. These labels cause stigma that adversely affects children in whatever setting they are in. The label follows them through their child welfare existence and may continue into adulthood. Treatment programs are often labeled “sex offender programs.” This is not conducive to positive treatment outcomes. The state’s child welfare system may need to change its language to encourage prevention and research-based treatment. Research clearly shows that children seldom reoffend as adults. The system should encourage supportive treatment experiences.11

The 1995 enactment of legislation that criminalized sexual behavior problems and labeled some children as juvenile sex offenders further complicated the ability to treat effectively children with sexual behavior problems and to protect other children from child on child sexual abuse. This terminology should be avoided unless criminally proven and the child is assessed and a professional determination is made that the child poses a risk to society. Research has proven that the significant majority of children with sexual behavior problems do not become adult sex offenders or predators; those who receive proper and timely assessment and treatment have an even lower risk of future sexual behavior problems.12

While current law requires the hotline to collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports, no current data has been received from the department relating to child-on-child sexual abuse cases. The Gabriel Myers Work Group reported that in FY 2008-09, 8,321 children were identified as being either alleged perpetrators or victims of child on child sexual abuse by the department and approximately 700


11 *Id.*

youths were found to be verified victims of child on child sexual abuse by DCF in fiscal year 2007.\textsuperscript{13}

Florida law currently requires child-on-child sexual abuse to be reported to the central abuse hotline.\textsuperscript{14}

\textbf{Sexual Abuse of Children in Schools}

The reporting of sexual assault and harassment on college campuses has received a great deal of attention in the media, and prompted calls to action from students, legislators, and advocates around the country. This attention is prompting important questions about what school administrators are doing, and what they should be doing, to prevent and address sexual harassment at the elementary and secondary school level, before students get to college. Title IX of the Education Amendments of 1972 (Title IX) has long recognized sexual harassment of students – whether by their peers or by school employees – as a form of prohibited sex discrimination. Despite this legal prohibition, which applies at all schools and educational programs that receive federal funding, harassment based on sex is still a common and harmful phenomenon in K-12 schools, and it has a particularly negative impact on girls.\textsuperscript{15}

Recently, reviewing state education records and federal crime data, which allows for a more thorough analysis than state education records, a yearlong investigation by the Associated Press (AP) uncovered roughly 17,000 official reports of sexual assaults by students over a four-year period, from fall 2011 to spring 2015. Though that figure represents the most complete record yet of sexual assaults among the nation’s 50 million K-12 students, it does not completely represent the problem because such attacks are greatly under-reported, some states don’t track them and those that do vary widely in how they classify and catalog sexual violence. There are academic estimates that range sharply higher.\textsuperscript{16}

Elementary and secondary schools have no national requirement to track or disclose sexual violence, and they feel tremendous pressure to hide it. Even under varying state laws, acknowledging an incident can trigger liabilities and requirements to act. When schools don’t act children are harmed and justice is not served. Children remain most vulnerable to sexual assaults by other children in the privacy of a home, but schools where many more adults are keeping watch, and where parents trust their kids will be kept safe are the number two site where children are sexually assaulted by their peers.\textsuperscript{17}

\begin{footnotesize}
\begin{itemize}
\item[14] Section 39.201, F.S.
\item[17] \textit{Id.} Instructional personnel or administrative personnel must report a sexual battery committed by a student upon another student to a law enforcement agency having jurisdiction over the school or over the place where the sexual battery occurred if not on the grounds of the school. Section 1012.799, F.S.
\end{itemize}
\end{footnotesize}
Ranging from rape and sodomy to forced oral sex and fondling, the sexual violence that the AP tracked often was mischaracterized as bullying, hazing or consensual behavior. It occurred anywhere students were left unsupervised: buses and bathrooms, hallways and locker rooms. No type of school was immune, whether it be in an upper-class suburb, an inner-city neighborhood or a blue-collar farm town. The AP investigation also found:

- Unwanted fondling was the most common form of assault, but about one in five of the students assaulted were raped, sodomized or penetrated with an object, according to AP’s analysis of the federal incident-based crime data.
- About 5 percent of the sexual violence involved 5 and 6 year-olds. But the numbers increased significantly between ages 10 and 11 about the time many students start their middle-school years and continued rising up until age 14. They then dropped as students progressed through their high school years.
- Contrary to public perception, data showed that student sexual assaults by peers were far more common than those by teachers. For every adult-on-child sexual attack reported on school property, there were seven assaults by students.
- Laws and legal hurdles also favor silence. Schools have broadly interpreted rules protecting student and juvenile privacy to withhold basic information about sexual attacks from their communities. Victims and their families face high legal thresholds to successfully sue school districts for not maintaining safe learning environments.

Schools frequently were unwilling or ill-equipped to address the problems the AP found, despite having long been warned by the U.S. Supreme Court\(^\text{18}\) that they could be liable for monetary damages.

In October 2010 the U.S. Education Department (USDOE) reminded public school districts that Title IX obligates them to act on bullying and sexual violence. The USDOE specifically referenced anti-gay slurs, sexual remarks, physical harm and unwanted touching.\(^\text{19}\) School districts have had to report all sorts of data about students, from those who received free lunches to those who brought in firearms. But there is no federal mandate to track sexual violence. By contrast, colleges and universities must keep a public crime log, send emergency alerts about sexual assaults, train staff and aid victims under a federal law named for a student who was raped and murdered in 1986.\(^\text{20}\) Whether and how school sexual violence is tracked is determined by individual states the AP found, with wide variations in whether that information is verified or any training on student-on-student sexual assault is required.

Because experiences that girls have in school are crucial to their overall well-being, recent reports released by the Delores Barr Weaver Policy Center examined the experiences of girls in middle and high school in Florida communities statewide on a variety of well-being indicators. The report examined educational attainment and disparities and girls’ overall well-being in relation to school connectedness, safety, access to safe adults including parents and teachers, freedom from violence and victimization in their homes, schools and communities, and

\(^{19}\) U.S. Department of Education, Office of Civil Rights, Guidance on Schools’ Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (October 26, 2010), available at: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf.
\(^{20}\) Public Law No: 99-654, 100 STAT. 3660.
emotional well-being. National and state data were analyzed for the studies including those from the Department of Children and Families, the Department of Juvenile Justice, the Department of Education and survey data of 27,000 girls in middle and high schools collected by the Department of Health. The data revealed that:

- 33 percent of girls in middle or high schools do not feel safe in school;
- 63 percent of girls in high school reported being verbally bullied, 30 percent have experienced physical bullying, and 35 percent have experienced cyberbullying; the rates are higher for girls in middle schools; and
- 25 percent of girls reported they have no teacher they can speak to one-on-one about problems.

**Link Between Child Abuse and Animal Abuse**

Since the 1970s agencies such as the Federal Bureau of Investigation (FBI or Bureau) and the Humane Society of the United States have conducted research on the connection between animal abuse and later violence towards humans, finding a strong correlation. Research indicates:

- Young people who are cruel to animals are more likely to become aggressive toward humans as they develop.
- Violent, imprisoned offenders have usually abused animals during their childhood.
- Children learn cruel behaviors from adults and may reenact them on animals. Children may abuse animals to release the aggression they feel toward abusive adults or because of psychological trauma.

Animal abuse, cruelty and neglect are often considered isolated incidents completely separated from other forms of family violence. Today, however, professionals involved with victims of family violence are not surprised when they learn that often these acts are linked, and that various agencies are working with the same families. The intentional harming or killing of pets by adults or children is now recognized as an sentinel indicator of violence in the home and often the first sign of other family and community violence. Intentional abuse in any form should be taken seriously. Knowing that there is a “link,” agencies involved in preventing family violence are increasingly beginning to work together for a more effective, species-spanning response.

It is reported by advocacy groups to be essential that all those who seek to identify and reduce such violence be alert to this connection. Likewise, it is deemed important for professionals in domestic violence intervention, law-enforcement, child protection, human and veterinary medicine, education and animal care and control get to know their counterparts in other professions and work together to establish strategies for a coordinated response to these needs.

Statistics support the efficacy of mandatory cross-reporting.

- Animal abusers are five times as likely to harm humans.

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22 Survey data does not represent all middle and high school students in Florida. Private, alternative, vocational and special education schools are excluded from the sample.
• In 88 percent of the families of children referred for services because a child had been abused, at least one person had abused pets.
• In approximately two-thirds of those families, it was the abusive parent who had injured or killed a pet. In the remaining one-third, it was a child who abused the pet.
• Seventy percent of people charged with cruelty to animals were known by police for other violent behavior — including homicide.
• Sixty percent of the homes where child abuse or neglect occurred had abused animals.
• Seventy-one percent of abused women said their partners harmed, killed or threatened pets.
• Twelve independent surveys found that between 18 and 48 percent of battered women delayed their decision to leave, or returned to their abusers out of fear for the welfare of their animals.
• Children exposed to domestic violence were three times more likely to be cruel to animals. In addition, 26.8 percent of boys and 29.4 percent of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse the family pets, and 75 percent of the incidents of animal abuse occurred in the presence of children to psychologically control and coerce them.25

School Specific Violence and Animal Abuse

While some researchers disagree,26 the National School Safety Council, the USDOE, the American Psychological Association and the National Crime Prevention Council agree that animal cruelty is a warning sign for at-risk youth. A number of studies have drawn links between the abuse of animals and violent incidents in schools. A 2001-2004 study by the Chicago Police Department discovered that in seven school shootings that took place across the country between 1997 and 2001, all involved boys had previously committed acts of animal cruelty.27

Florida and Other States

Fifteen states now have cross-reporting laws28 where officials investigating child abuse must report animal abuse and officials investigating animal abuse must report child abuse. The increasing availability of orders of protection is widely viewed as an acknowledgement of the link and a step in the right direction.29 Twenty-four states, the District of Columbia, and the territory of Puerto Rico have statutes granting courts the power to enter orders of protection protecting against child abuse and domestic violence by protecting pets. The New York Family

29 Id.
Court Act, for example, allows an order of protection “to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.”

At least 28 states have counseling provisions in their animal cruelty laws. Four of these states require psychological counseling for anyone convicted of animal cruelty and six mandate counseling for juveniles convicted of animal cruelty.30

The FBI and Federal Tracking

On January 1, 2016, the FBI’s National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse. Before this year, crimes that involved animals were lumped into an “All Other Offenses” category in the FBI’s Uniform Crime Reporting (UCR) Program’s annual Crime in the United States report, a survey of crime data provided by about 18,000 city, county, state, tribal, and federal law enforcement agencies. Acts of cruelty against animals are now counted alongside felony crimes like arson, burglary, assault, and homicide in the FBI’s expansive criminal database.31

The National Sheriffs’ Association was a leading advocate for adding animal cruelty as a data set in the Bureau’s collection of crime statistics. The association for years has cited studies linking animal abuse and other types of crimes—most famously, murders committed by serial killers like Ted Bundy, Jeffrey Dahmer, and the “Son of Sam” killer David Berkowitz. The organization also points out the overlap animal abuse has with domestic violence and child abuse. John Thompson, deputy executive director of the National Sheriffs’ Association stated that “If somebody is harming an animal, there is a good chance they also are hurting a human. If we see patterns of animal abuse, the odds are that something else is going on.”32

A first look at NIBRS animal cruelty statistics will be available next year, but it will take at least three to five years for the data to begin showing helpful patterns. Groups that advocated for the new animal cruelty data hope that by adding it to NIBRS, rather than the summary-based statistics agencies provide the Bureau each year, they will get a much richer data set from which to mine. That’s because NIBRS requires participating agencies to not only report crimes but also all the circumstances of a crime. Additionally, the Bureau plans to phase out summary-based UCR statistics—which have been collected roughly the same way since 1930—in favor of NIBRS by 2021.33

Sexual Abuse of Animals

Animal sexual abuse is the sexual molestation of an animal by a human. It can also include the killing or injuring of an animal for sexual gratification. Studies have shown that bestiality is strongly related to child sexual abuse or pedophilia. In fact, bestiality is the single largest predictor of future risk to molest a child. In a recent study of about 500 bestiality-related arrests in the U.S., more than a third of the incidents involved not only the sexual abuse of an animal, but of a child or adult. Children under the age of 12 were frequently solicited or manipulated into having sex with a family pet or forced to watch a parent or other guardian do so. Many of them were shown animal pornography as a way of grooming them to perform sexual acts.34

Laws related to animal sexual abuse as a form of cruelty are typically more specialized than animal cruelty laws in general. There is wide variability in how bestiality laws are written and enforced across the U.S., and not every state has one. Although attitudes are changing, animals have traditionally been thought of as property, and in sixteen U.S. states, laws prohibiting bestiality are housed in the animal cruelty codes. In the remaining states with laws, bestiality is considered a sexual assault or a crime against public morals. In 23 states, a violation of the law is a misdemeanor with penalties ranging from 30 days to 18 months. In the remaining states bestiality is a felony with penalties ranging from 5 months to 20 years. More problematic than how bestiality laws are codified is the definition of what bestiality entails. A law that is too general or too specific can result in loopholes that affect the kind of charges that can be laid or successfully prosecuted.35

Current law in Florida includes provisions related to animal sexual abuse and violators commit a misdemeanor of the first degree.36

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, F.S., relating to definitions, to delete the definition of the terms “juvenile sexual abuse” and “child who has exhibited inappropriate sexual behavior” and create a definition for the term “child-on-child sexual abuse.”

Section 2 creates s. 39.101, F.S., relating to the central abuse hotline, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the operation of the central abuse hotline. It also adds a requirement that the Department of Children and Families (department) collect and analyze, in separate statistical reports, reports of child abuse and sexual abuse which are reported from or which occurred on school premises; on school transportation; at school-sponsored off-campus events; at any school readiness program provider determined to be eligible under s. 1002.88, F.S.; at a private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51, F.S.; at a public K-12 school as described in s. 1000.04, F.S; or at a home education program or a private school, as those terms are defined in s. 1002.01, F.S. Those reports are already required for reports from a Florida College System

35 Id.
36 Section 828.126, F.S.
institution or a state university, as those terms are defined in s. 1000.21, F.S; or at any school, as defined in s. 1005.02, F.S.

**Section 3** amends s. 39.201, F.S., relating to mandatory reporting of child abuse, abandonment or neglect, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the child abuse, abandonment, or neglect mandatory reporting process. New requirements include a provision for the department to investigate reports of child-on-child sexual abuse that occur in specified educational settings; and that an animal control officer as defined in s. 828.27, F.S.; or agent appointed under s. 828.03, F.S.; is required to provide his or her name to the hotline when making a report.

**Section 4** amends s. 39.205, F.S., relating to penalties for reporting of child abuse, abandonment or neglect, to provide penalties for educational institutions that fail to report child abuse, abandonment or neglect as follows:

- Any school readiness program provider determined to be eligible under s. 1002.88, F.S.; private prekindergarten provider or public school prekindergarten provider, as those terms are defined in s. 1002.51, F.S.; public K-12 school as described in s. 1000.04, F.S.; home education program as defined in s. 1002.01, F.S.; or private school as defined in s. 1002.01, F.S., that accepts scholarship students who participate in a state scholarship program under chapter 1002, F.S.; whose employees knowingly and willingly fail to report known or suspected child abuse, abandonment, or neglect to the central abuse hotline pursuant to this chapter, is subject to a penalty for each such failure.
  - An early learning coalition may suspend or terminate a provider from participating in the school readiness program or Voluntary Prekindergarten Education Program if an employee of the provider fails to report known or suspected child abuse, abandonment, or neglect.
  - If the State Board of Education (state board) determines that policies of the district school board regarding reporting known or suspected child abuse, abandonment, or neglect by school employees do not comply with statute or state board rule, the state board may enforce compliance pursuant to s. 1008.32, F.S.
  - The Department of Education may prohibit a private school whose employees fail to report known or suspected child abuse, abandonment, or neglect from enrolling new students in a state scholarship program under chapter 1002 for 1 fiscal year. If employees at a private school knew of, should have known of, or suspected child abuse, abandonment, or neglect in two or more instances, the Commissioner of Education may determine that the private school is ineligible to participate in scholarship programs.

The bill also provides that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.

**Section 5** creates s. 39.208, F.S., relating to reporting of child and animal abuse, to recognize the importance of the strong link between child abuse and animal abuse and cruelty by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency. The bill specifies the information that is to be
included in a report. The bill provides for penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.

**Section 6** amends s. 39.302, F.S., relating to institutional investigations of child abuse, abandonment and neglect, to provide that in an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202, F.S.. This provision is currently in s. 39.201, F.S., and is being relocated to the more appropriate section.

**Section 7** amends s. 828.126, F.S., relating to sexual activities involving animals, to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

**Section 8** amends s. 828.27, F.S., relating to local animal control or cruelty ordinances, to require county and municipally employed animal control officers to complete a 1-hour training course developed by the department and the Florida Animal Control Association on how to recognize and report child abuse, abandonment and neglect.

**Section 9** amends s. 921.0022, F.S., relating to the criminal punishment code and the offense severity ranking chart, to add violations of s. 828.126, F.S., relating to sexual activities with animals, to Level 6 of the Offense Severity Ranking Chart.

**Section 10** amends s. 1006.061, F.S., relating to child abuse abandonment and neglect policy in schools, to clarify that child-on-child sexual abuse must also be included in school policies and on posters required to be posted in every school setting. Requires those posters to be updated in collaboration with the department.

**Section 11** amends s. 1012.795, F.S., relating to the Education Practices Commission and the authority to discipline, to require at least a one year suspension of the educator certificate of instructional personnel or school administrator who knowingly fails to report child abuse.

**Section 12** amends s. 39.307, F.S., relating to reports of child-on-child sexual abuse, to conform to changes made by this act.

**Section 13** amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect, to conform a reference to changes made by this act.

**Section 14** amends s. 39.301, F.S., relating to the initiation of protective investigations, to conform a reference to changes made by this act.

**Section 15** amends s. 39.521, F.S., relating to disposition hearings and powers of disposition, to conform a reference to changes made by this act.
Section 16 amends s. 39.6012, F.S., relating to case plan tasks and services, to conform a reference to changes made by this act.

Section 17 amends s. 322.09, F.S., relating to the responsibility for negligence or misconduct of a minor, to conform a reference to changes made by this act.

Section 18 amends s. 394.495, F.S., relating to child and adolescent mental health system of care, to conform a reference to changes made by this act.

Section 19 amends s. 627.746, F.S., relating to coverage for minors who have a learner’s driver license, to conform a reference to changes made by this act.

Section 20 amends s. 934.03, F.S., relating to interception and disclosure of wire, oral, or electronic communications prohibitions, to conform a reference to changes made by this act.

Section 21 amends s. 934.255, F.S., relating to subpoenas in investigations of sexual offenses, to conform a reference to changes made by this act.

Section 22 amends s. 960.065, F.S., relating to eligibility for awards, to conform a reference to changes made by this act.

Section 23 provides an effective date of 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 not been reviewed by the Criminal Justice Estimating Conference to determine the impact on the state’s prison population. Animal abuse is a low volume offense and is not expected to have a fiscal impact on the state.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**


This bill creates the following sections of the Florida Statutes: 39.101 and 39.208.

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 reporting abuse, abandonment, and neglect; amending s. 39.01, F.S.; deleting the terms “juvenile sexual abuse” and “child who has exhibited inappropriate sexual behavior”; defining the term “child-on-child sexual abuse”; conforming cross-references; creating s. 39.101, F.S.; relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; providing additional requirements relating to the hotline; amending s. 39.201, F.S.; revising when a person is required to report to the central abuse hotline; requiring the department to conduct a child protective investigation under certain circumstances; requiring the department to notify certain persons and agencies when certain child protection investigations are initiated; providing requirements relating to such investigations; requiring animal control officers and certain agents to provide their names to hotline staff; requiring central abuse hotline counselors to advise reporters of certain information; requiring that counselors receive specified periodic training; revising requirements relating to reports of abuse involving impregnation of children; amending s. 39.205, F.S.; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing construction; specifying that certain persons are not relieved from the duty to report by notifying a supervisor; creating s. 39.208, F.S.; providing legislative findings and intent; providing responsibilities for child protective investigators relating to animal abuse and neglect; providing criminal, civil, and administrative immunity to certain persons; providing responsibilities for animal control officers relating to child abuse, abandonment, and neglect; providing criminal penalties; requiring the department to develop certain training in consultation with the Florida Animal Control Association which relates to child and animal abuse, abandonment, and neglect; requiring the department to adopt rules; amending s. 39.302, F.S.; conforming cross-references; authorizing certain persons to be represented by an attorney during institutional investigations and under certain circumstances; providing requirements relating to institutional investigations; amending s. 828.126, F.S.; providing a purpose; revising the definition of the term “sexual contact”; revising prohibitions relating to sexual conduct and sexual contact with an animal; revising criminal penalties; requiring a court to issue certain orders; amending s. 828.27, F.S.; requiring certain animal control officers to complete specified training; providing requirements for the training; amending s. 921.0022, F.S.; assigning offense severity rankings for sexual activities involving animals; amending s. 1006.061, F.S.; conforming provisions to changes made by the act; requiring the Department of Education to coordinate.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (8) through (12) and (15) through (87) of section 39.01, Florida Statutes, are redesignated as subsections (7) through (11) and (14) through (86), respectively, a new subsection (12) is added to that section, and present subsections (7), (10), (14), and (37) of that section are amended, to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(7) “Juvenile sexual abuse” means any sexual behavior by a child which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

(a) “Coercion” means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

(b) “Equality” means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

(c) “Consent” means an agreement, including all of the following:

1. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.
2. Knowledge of societal standards for what is being proposed.
3. Awareness of potential consequences and alternatives.
4. Assumption that agreement or disagreement will be accepted equally.
5. Voluntary decision.
6. Mental competence.

Juvenile sexual behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(9) (10) “Caregiver” means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child’s welfare as defined in subsection (53).

(12) (a) “Child-on-child sexual abuse” means inappropriate sexual activity or behavior between children and without the direct involvement of an adult which:

1. Is overt and deliberate.
2. Is directed at sexual stimulation; and

3. a. Occurs without consent or without equality mentally, physically, or in age; or
b. Occurs as a result of physical or emotional coercion.
   (b) For purposes of this subsection, the following definitions apply:
   1. “Coercion” means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.
   2. “Consent” means an agreement including all of the following:
      a. Understanding of what is proposed which is based on age, maturity, and developmental level.
      b. Knowledge of societal standards for what is being proposed.
      c. Awareness of the potential consequences.
      d. Assumption that participation or nonparticipation will be accepted equally.
      e. Voluntariness of decisions made.
      f. Mental competence.
   3. “Equality” means two participants operating with the same level of power in a relationship, without one being controlled or coerced by the other.

The term includes both noncontact sexual behavior, such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs, and direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.
(a) If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department must commence an investigation immediately, regardless of the time of day or night.

(b) In all other child abuse, abandonment, or neglect cases, a child protective investigation must be commenced within 24 hours after receipt of the report.

(2) GENERAL REQUIREMENTS.—The central abuse hotline must be operated in such a manner as to enable the department to:

(a) Accept reports for investigation when there is a reasonable cause to suspect that a child has been or is being abused or neglected or has been abandoned.

(b) Determine whether the allegations made by the reporter require an immediate or a 24-hour response priority.

(c) Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through the use of the department’s automated tracking system.

(d) Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect.

(e) When appropriate, refer calls that do not allege the abuse, neglect, or abandonment of a child to other organizations that may better resolve the reporter’s concerns.

(f) Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.

(g) Initiate and enter into agreements with other states to

for the purposes of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

(h) Promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns.

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(a) Voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. The department shall maintain an electronic copy of each electronic report. The recording or electronic copy of each electronic report must become a part of the record of the report but, notwithstanding s. 39.202, must be released in full only to law enforcement agencies and state attorneys for the purposes of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purposes of investigating and seeking administrative penalties pursuant to s. 39.206. This paragraph does not prohibit hotline staff from using the recordings or the electronic reports for quality assurance or training.

(b) Secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed or the Internet protocol address from which the report is received. This number shall be entered into the record of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the reporter.
(4) EMPLOYMENT SCREENING.—Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

(a) Information in the central abuse hotline and the department’s automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

(b) Information in the central abuse hotline may also be used by the Department of Education for purposes of educator certification discipline and review pursuant to s. 39.202.

(5) QUALITY ASSURANCE.—On an ongoing basis, the department’s quality assurance program shall review screened-out reports involving three or more unaccepted reports on a single child, where jurisdiction applies, in order to detect such things as harassment and situations that warrant an investigation because of the frequency of the reports or the variety of the sources of the reports. A component of the quality assurance program must analyze unaccepted reports to the hotline by identified relatives as a part of the review of screened-out calls. The Assistant Secretary for Child Welfare may refer a case for investigation when it is determined, as a result of such review, that an investigation may be warranted.

Section 3. Section 39.201, Florida Statutes, is amended to read:

(4) EMPLOYMENT SCREENING.—Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

(a) Information in the central abuse hotline and the department’s automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

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(a) Information in the central abuse hotline and the department’s automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

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2. Child abuse by a noncaregiver.—A child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare. Such reports must be immediately electronically transferred to the appropriate county sheriff’s office by the central abuse hotline.

3. Child-on-child sexual abuse.—A child, including a child who is in the custody of, or under the protective supervision of, the department is the victim of child-on-child sexual abuse.
   
   a. The department shall conduct an assessment, assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff’s office within 48 hours after the initial report is made to the central abuse hotline.
   
   b. The department shall ensure that the facts and results of any investigation of child-on-child sexual abuse involving a child in the custody of, or under the protective supervision of, the department are made known to the court at the next hearing or included in the next report to the court concerning the child.
   
   c. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation of child-on-child sexual abuse that occurs on school premises; on school transportation; at school-sponsored off-campus events; at a public or private school readiness or prekindergarten program; at a public K-12 school; or at a home education program or a private school. Upon receipt of a report that alleges that a student has been the victim of an act of child-on-child sexual abuse perpetrated by another student or students, the department
Practitioner who relies solely on spiritual means for healing;

3. Practitioner who relies solely on spiritual means for healing;

3. Practitioner who relies solely on spiritual means for healing;

5. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;

6. Law enforcement officer;

7. Judge;

8. Animal control officer as defined in s. 828.27 or agents appointed under s. 828.03.

(c) Confidentiality of reporter names.—Central abuse hotline counselors shall advise reporters that, while their names must be entered into the record of the report, the names of reporters are held confidential and exempt as provided in s. 39.202. Counselors must receive periodic training in encouraging all reporters to provide their names when making a report.

(2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—Abuse occurring out of state.—If a report is of an instance of known or suspected child abuse, abandonment, or neglect which occurred out of state and the alleged perpetrator and the child alleged to be a victim are living out of state, the central abuse hotline may not accept the report or call for investigation unless the child is currently being evaluated in a medical facility in this state.

1. If the child is currently being evaluated in a medical facility in this state, the central abuse hotline shall accept the report or call for investigation and shall transfer the information on the report or call to the appropriate state or country.

2. If the child is not currently being evaluated in a medical facility in this state, the central abuse hotline shall...
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The department must initiate an investigation when it receives a report from an emergency room physician.

(c) Abuse involving impregnation of a child.—If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), and such person is not a caregiver, the report must be immediately electronically transferred to the appropriate county sheriff’s office by the central abuse hotline.

(d) Institutional child abuse or neglect.—Reports involving known or suspected institutional child abuse or neglect, as defined in s. 39.01, must be made and received in the same manner as all other reports made pursuant to this section.

(e) Surrendered newborn infants.—Reports involving surrendered newborn infants as described in s. 383.50 must be made and received by the department.

1. If the report is of a surrendered newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report may not be considered a report of abuse, neglect, or abandonment solely because the infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

2. If the report includes indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report must be considered as a report of abuse, neglect, or abandonment and must be subject to the requirements of s. 39.395 and all other relevant provisions of this chapter, notwithstanding chapter 383.

(3) EXCEPTIONS TO REPORTING.—

(a) An additional report of child abuse, abandonment, or neglect does not have to be made by:

1. A professional who is hired by or who enters into a contract with the department for the purpose of treating or counseling any person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment.

2. An officer or employee of the judicial branch when the child is currently being investigated by the department, when there is an existing dependency case, or when the matter has previously been reported to the department, if there is reasonable cause to believe that the information is already known to the department. This subparagraph applies only when the information has been provided to the officer or employee in the course of carrying out his or her official duties.

3. An officer or employee of a law enforcement agency when the incident under investigation by the law enforcement agency was reported to law enforcement by the central abuse hotline.
Section 4. Present subsections (3) through (10) of section 39.205, Florida Statutes, are redesignated as subsections (4) through (11), respectively, new subsection (3) and subsection (12) are added to that section, and present subsections (1), (3), (4), and (5) of that section are amended, to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(1) A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to report known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A judge subject to discipline pursuant to s. 12, Art. V of the Florida Constitution shall not be subject to criminal prosecution when the information was received in the course of official duties.

(3) Any school readiness program provider determined to be eligible under s. 1002.88; private prekindergarten provider or public school prekindergarten provider, as those terms are defined in s. 1002.51; public K-12 school as described in s. 1000.04; home education program as defined in s. 1002.01; or private school as defined in s. 1002.01; that accepts scholarship students who participate in a state scholarship program under chapter 1002, whose employees knowingly and willingly fail to report known or suspected child abuse, abandonment, or neglect to the central abuse hotline pursuant to this chapter, is subject to a penalty for each such failure.

(a) An early learning coalition may suspend or terminate a

(b) Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in s. 409.987 may be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department’s central abuse hotline.

(4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. 39.202.
Voluntary Prekindergarten Education Program if an employee of
the provider fails to report known or suspected child abuse,
abandonment, or neglect.

(b) If the State Board of Education determines that
policies of the district school board regarding reporting known
or suspected child abuse, abandonment, or neglect by school
employees do not comply with statute or state board rule, the
state board may enforce compliance pursuant to s. 1008.32.

(c) The Department of Education may prohibit a private
school whose employees fail to report known or suspected child
abuse, abandonment, or neglect from enrolling new students in a
state scholarship program under chapter 1002 for 1 fiscal year.
If employees at a private school knew of, should have known of,
or suspected child abuse, abandonment, or neglect in two or more
instances, the Commissioner of Education may determine that the
private school is ineligible to participate in scholarship
programs.

(4) Any Florida College System institution, state
university, or nonpublic college, university, or school, as
defined in s. 1000.21 or s. 1005.02, whose administrators
knowingly and willfully, upon receiving information from
faculty, staff, or other institution employees, knowingly and
willfully fail to report to the central abuse hotline pursuant
to this chapter known or suspected child abuse, abandonment, or
neglect committed on the property of the university, college, or
school, or during an event or function sponsored by the
university, college, or school, or who knowingly and willfully
prevent another person from doing so, shall be subject to fines

(5) Any Florida College System institution, state
university, or nonpublic college, university, or school, as
defined in s. 1000.21 or s. 1005.02, shall have the right to
challenge the determination that the institution acted knowingly
and willfully under subsection (4) or subsection (5) in
an administrative hearing pursuant to s. 120.57; however, if it
is found that actual knowledge and information of known or
suspected child abuse was in fact received by the institution’s
administrators and was not reported, a presumption of a knowing
and willful act will be established.

(12) This section may not be construed to remove or reduce
(c) Therefore, it is the intent of the Legislature to require reporting and cross-reporting protocols and collaborative training between child protective services and animal control services personnel to help protect the safety and well-being of children, their families, and their animals.

(2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.—Any person who is required to investigate child abuse, abandonment, or neglect under this chapter and who, while acting in his or her professional capacity or within the scope of employment, knows or has reasonable cause to suspect that abuse, neglect, or abandonment of an animal has occurred at the same address shall report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency.

(a) The report must include all of the following information:

1. A description of the animal and of the animal abuse or neglect.
2. The name and address of the animal’s owner or keeper, if that information is available to the child protective investigator.
3. Any other information available to the child protective investigator which might assist an animal control officer or law enforcement officer in establishing the cause of the animal abuse or neglect and the manner in which it occurred.

(b) A child protective investigator who makes a report under this section is presumed to have acted in good faith. An investigator acting in good faith who makes a report under this section or who cooperates in an investigation of suspected
animal abuse or neglect is immune from any civil or criminal liability or administrative penalty or sanction that might otherwise be incurred in connection with making the report or otherwise cooperating.

(3) RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.—Any individual who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare or that a child is in need of supervision and care and does not have a parent, a legal custodian, or a responsible adult relative immediately known and available to provide supervision and care to that child shall immediately report such knowledge or suspicion to the department’s central abuse hotline.

(4) PENALTIES.—
(a) A child protective investigator who is required to report known or suspected abuse, neglect, cruelty, or abandonment of an animal and who knowingly and willfully fails to do so commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An animal control officer who fails to report an incident of known or suspected child abuse or neglect, as required by s. 39.201, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) TRAINING.—The department, in consultation with the Florida Animal Control Association, shall develop or adapt and use already available training materials into a 1-hour training for all child protective investigators and animal control officers who are required to investigate child abuse and neglect.

The department shall incorporate training on the identification of harm to and neglect of animals and the relationship of such activities to child welfare case practice into required training for child protective investigators.

(6) RULEMAKING.—The department shall adopt rules to implement this section, including rules establishing protocols for transmitting to local animal control agencies the addresses where known or suspected animal abuse has been observed by a child protective investigator acting in his or her professional capacity.

Section 6. Subsections (1) and (2) of section 39.302, Florida Statutes, are amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(36) or (53), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.101(1) and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting
investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child’s parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject’s access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department’s restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202. The absence of an attorney or an accompanying person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operational and the child cannot otherwise be located, the investigation must commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to such state attorney or agency.
(a) "Sexual conduct" means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person.

(b) "Sexual contact" means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or the insertion of any part of the animal’s body into the vaginal or anal opening of the person.

(c) Upon completion of the department’s child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

(d) The department shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household where animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment where animals are present. The order may be effective for the length of time the court deems reasonable, but must be effective for at least 5 years after the convicted person’s release from custody.

(5) This section does not apply to accepted animal husbandry practices, conformation judging practices, or accepted animal sexual abuse and neglect, to provide needed support to families, and to protect animals.

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

(a) Knowingly permit any sexual conduct or sexual contact with an animal;

(b) Knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal;

(c) Knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; or

(d) Knowingly organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

(2) A person may not:

(a) Knowingly engage in any sexual conduct or sexual contact with an animal;
veterinary medical practices.

Section 8. Paragraph (a) of subsection (4) of section 814 828.27, Florida Statutes, is amended to read:
815 828.27 Local animal control or cruelty ordinances;
816 penalty.—
817 (4)(a)1. County-employed animal control officers must, and
818 municipally employed animal control officers may, successfully
819 complete a 40-hour minimum standards training course. Such
820 course must include, but is not limited to, training for: animal
821 cruelty investigations, search and seizure, animal handling,
courtroom demeanor, and civil citations. The course curriculum
must be approved by the Florida Animal Control Association. An
animal control officer who successfully completes such course
shall be issued a certificate indicating that he or she has
received a passing grade.

2. County-employed and municipally employed animal control
officers must successfully complete the 1-hour training course
developed by the Department of Children and Families and the
Florida Animal Control Association pursuant to s. 39.208(5).
Animal control officers must be provided with opportunities to
attend the training during their normal work hours. The training
must advise them that failure to report an incident of known or
suspected child abuse, abandonment, or neglect, as required by
s. 39.201, is a felony of the third degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any animal control officer who is authorized before
January 1, 1990, by a county or municipality to issue citations
is not required to complete the minimum standards training
course.

In order to maintain valid certification, every 2
years each certified animal control officer must complete 4
hours of postcertification continuing education training. Such
training may include, but is not limited to, training for:
animal cruelty investigations, search and seizure, animal
handling, courtroom demeanor, and civil citations.

Section 9. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:
921.0022 Criminal Punishment Code; offense severity ranking
chart.—
(3) OFFENSE SEVERITY RANKING CHART
(f) LEVEL 6

Florida Statute Felony Degree Description

316.027(2)(b) 2nd Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b) 3rd Felony DUI, 4th or subsequent conviction.
400.9935(4)(c) 2nd Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2) 2nd Knowing forgery of
<table>
<thead>
<tr>
<th>Transaction History</th>
<th>2nd</th>
<th>Aggravated Stalking of Person Under 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>499.0051(3)</td>
<td></td>
<td>Knowing Purchase or Receipt of Prescription Drug from Unauthorized Person</td>
</tr>
<tr>
<td>499.0051(4)</td>
<td></td>
<td>Knowing Sale or Transfer of Prescription Drug to Unauthorized Person</td>
</tr>
<tr>
<td>775.0875(1)</td>
<td>3rd</td>
<td>Taking Firearm from Law Enforcement Officer</td>
</tr>
<tr>
<td>784.021(1)(a)</td>
<td>3rd</td>
<td>Aggravated Assault; Deadly Weapon Without Intent to Kill</td>
</tr>
<tr>
<td>784.021(1)(b)</td>
<td>3rd</td>
<td>Aggravated Assault; Intent to Commit Felony</td>
</tr>
<tr>
<td>784.041</td>
<td>3rd</td>
<td>Felony Battery; Domestic Battery by Strangulation</td>
</tr>
<tr>
<td>784.048(3)</td>
<td>3rd</td>
<td>Aggravated Stalking</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Florida Senate - 2020 SB 7000</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>787.02(2)</td>
<td>False imprisonment; restraining with purpose other than those in s. 787.01.</td>
</tr>
<tr>
<td>790.115(2)(d)</td>
<td>Discharging firearm or weapon on school property.</td>
</tr>
<tr>
<td>790.161(2)</td>
<td>Make, possess, or throw destructive device with intent to do bodily harm or damage property.</td>
</tr>
<tr>
<td>790.164(1)</td>
<td>False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.</td>
</tr>
<tr>
<td>790.19</td>
<td>Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.</td>
</tr>
<tr>
<td>794.011(8)(a)</td>
<td>Solicitation of minor to participate in sexual activity by custodial adult.</td>
</tr>
<tr>
<td>794.05(1)</td>
<td>Unlawful sexual activity with specified minor.</td>
</tr>
<tr>
<td>800.04(5)(d)</td>
<td>Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.</td>
</tr>
<tr>
<td>800.04(6)(b)</td>
<td>Lewd or lascivious conduct; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.031(2)</td>
<td>Arson resulting in great bodily harm to firefighter or any other person.</td>
</tr>
<tr>
<td>810.02(3)(c)</td>
<td>Burglary of occupied structure; unarmed; no assault or battery.</td>
</tr>
<tr>
<td>810.145(8)(b)</td>
<td>Video voyeurism; certain minor victims; 2nd or subsequent offense.</td>
</tr>
</tbody>
</table>
812.014(2)(b)1. 2nd Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.

812.014(6) 2nd Theft; property stolen $3,000 or more; coordination of others.

812.015(9)(a) 2nd Retail theft; property stolen $750 or more; second or subsequent conviction.

812.015(9)(b) 2nd Retail theft; aggregated property stolen within 30 days is $3,000 or more; coordination of others.

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

817.505(4)(b) 2nd Patient brokering; 10 or more patients.

825.102(1) 3rd Abuse of an elderly person or disabled adult.

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than $10,000.

827.03(2)(c) 3rd Abuse of a child.

827.03(2)(d) 3rd Neglect of a child.

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>899</td>
<td>828.126</td>
<td>3rd</td>
<td>Sexual activities involving animals.</td>
</tr>
<tr>
<td>900</td>
<td>836.05</td>
<td>2nd</td>
<td>Threats; extortion.</td>
</tr>
<tr>
<td>901</td>
<td>836.10</td>
<td>2nd</td>
<td>Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.</td>
</tr>
<tr>
<td>902</td>
<td>843.12</td>
<td>3rd</td>
<td>Aids or assists person to escape.</td>
</tr>
<tr>
<td>903</td>
<td>847.011</td>
<td>3rd</td>
<td>Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.</td>
</tr>
<tr>
<td>904</td>
<td>847.012</td>
<td>3rd</td>
<td>Knowingly using a minor in the production of materials harmful to minors.</td>
</tr>
<tr>
<td>905</td>
<td>847.0135(2)</td>
<td>3rd</td>
<td>Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.</td>
</tr>
<tr>
<td>906</td>
<td>914.23</td>
<td>2nd</td>
<td>Retaliation against a witness, victim, or informant, with bodily injury.</td>
</tr>
<tr>
<td>907</td>
<td>944.35(3)(a)2.</td>
<td>3rd</td>
<td>Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.</td>
</tr>
<tr>
<td>908</td>
<td>944.40</td>
<td>2nd</td>
<td>Escapes.</td>
</tr>
<tr>
<td>909</td>
<td>944.46</td>
<td>3rd</td>
<td>Harboring, concealing, aiding escaped prisoners.</td>
</tr>
<tr>
<td>910</td>
<td>944.47(1)(a)5.</td>
<td>2nd</td>
<td>Introduction of contraband (firearm, weapon, or explosive) into correctional facility.</td>
</tr>
</tbody>
</table>
Section 10. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy; sexual abuse of a child policy; and child-on-child sexual abuse policy.—Each district school board, charter school, and private school that accepts scholarship students who participate in a state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect, or child-on-child sexual abuse; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect and child-on-child sexual abuse. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school’s Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the Child Protection Team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, abandonment, or neglect, and child-on-child sexual abuse exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 by 17 inches.
The Department of Education shall coordinate with the Department of Children and Families to develop, update annually when necessary, and publish on the Department of Education’s Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 11. Present subsections (2) through (6) of section 1012.795, Florida Statutes, are redesignated as subsections (3) through (7), respectively, a new subsection (2) is added to that section, and subsection (1) of that section is republished, to read:

1012.795 Education Practices Commission; authority to discipline.—
(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (5) if, upon reinstatement subject to subsection (5), the person may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (5).

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.
(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.
(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.
(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.
(e) Has had an educator certificate or other professional license sanctioned by this or any other state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority’s acceptance of a relinquishment, stipulation, consent order, or other settlement offered in response to or in anticipation of the apparent violation or misconduct.

The Department of Education’s website shall maintain the sample notices developed in accordance with subsection (3), and publish on the Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4). Worded notices shall include, at a minimum, the following information:

- The notice shall identify the violation or misconduct and the person affected and, if applicable, the action taken.
- The notice shall include the term of the suspension.
- The notice shall state that the person may return to teaching as provided in subsection (5), after which the person may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (5).
- The notice shall include the term of the suspension.
- The notice shall state that the person may return to teaching as provided in subsection (5), after which the person may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (5).
- The notice shall include the term of the suspension.
- The notice shall state that the person may return to teaching as provided in subsection (5), after which the person may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (5).
(f) Has been convicted or found guilty of, has had
adjudication withheld for, or has pled guilty or nolo contendere
to a misdemeanor, felony, or any other criminal charge, other
than a minor traffic violation.

(g) Upon investigation, has been found guilty of personal
conduct that seriously reduces that person’s effectiveness as an
employee of the district school board.

(h) Has breached a contract, as provided in s. 1012.33(2)
or s. 1012.335.

(i) Has been the subject of a court order or notice by the
Department of Revenue pursuant to s. 409.2598 directing the
Education Practices Commission to suspend the certificate as a
result of noncompliance with a child support order, a subpoena,
an order to show cause, or a written agreement with the
Department of Revenue.

(j) Has violated the Principles of Professional Conduct for
the Education Profession prescribed by State Board of Education
rules.

(k) Has otherwise violated the provisions of law, the
penalty for which is the revocation of the educator certificate.

(l) Has violated any order of the Education Practices
Commission.

(m) Has been the subject of a court order or plea agreement

For purposes of this section, a sanction or action against a
professional license, a certificate, or an authority to practice
a regulated profession must relate to being an educator or the
fitness of or ability to be an educator.

The department shall ensure that information describing
suspected child abuse pursuant to s. 39.201.

Subsections (1) through (5) of section 39.307,
Florida Statutes, are amended to read:

39.307 Reports of child-on-child sexual abuse.—
(1) Upon receiving a report alleging child-on-child
juvenile sexual abuse or inappropriate sexual behavior as
defined in s. 39.01, the department shall assist the family,
child, and caregiver in receiving appropriate services to
address the allegations of the report.

(a) The department shall ensure that information describing
the child’s history of child sexual abuse is included in the
child’s electronic record. This record must also include
information describing the services the child has received as a result of his or her involvement with child sexual abuse.

(b) Placement decisions for a child who has been involved with child sexual abuse must include consideration of the needs of the child and any other children in the placement.

(c) The department shall monitor the occurrence of child sexual abuse and the provision of services to children involved in child-on-child child sexual abuse or juvenile sexual abuse, or who have displayed inappropriate sexual behavior.

(2) The department, contracted sheriff’s office providing protective investigation services, or contracted case management personnel responsible for providing services, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging child-on-child juvenile sexual abuse behavior or inappropriate sexual behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this chapter.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged abuser or child who has exhibited inappropriate sexual behavior and the victim’s caregiver.

3. The possible consequences of the department’s response, including outcomes and services, shall be explained to the caregiver of the alleged abuser or child who has exhibited inappropriate sexual behavior and the victim’s caregiver.

(b) The caregiver of the alleged abuser or child who has exhibited inappropriate sexual behavior and the victim’s caregiver shall be involved to the fullest extent possible in determining the nature of the sexual behavior concerns and the nature of any problem or risk to other children.

(c) The assessment of risk and the perceived treatment needs of the alleged abuser or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers shall be conducted by the district staff, the child protection team of the Department of Health, and other providers under contract with the department to provide services to the caregiver of the alleged offender, the victim, and the victim’s caregiver.

(d) The assessment shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(e) If necessary, the child protection team of the Department of Health shall conduct a physical examination of the victim, which is sufficient to meet forensic requirements.

(f) Based on the information obtained from the alleged abuser or child who has exhibited inappropriate sexual behavior, his or her caregiver, the victim, and the victim’s caregiver, an assessment of service and treatment needs must be completed and, if needed, a case plan developed within 30 days.

(g) The department shall classify the outcome of the report as follows:

1. Report closed. Services were not offered because the department determined that there was no basis for intervention.

2. Services accepted by alleged abuser. Services were offered to the alleged abuser or child who has exhibited inappropriate sexual behavior and accepted by the caregiver.
3. Report closed. Services were offered to the alleged abuser or child who has exhibited inappropriate sexual behavior, but were rejected by the caregiver.

4. Notification to law enforcement. The risk to the victim’s safety and well-being cannot be reduced by the provision of services or the caregiver rejected services, and notification of the alleged delinquent act or violation of law to the appropriate law enforcement agency was initiated.

5. Services accepted by victim. Services were offered to the victim and accepted by the caregiver.

6. Report closed. Services were offered to the victim but were rejected by the caregiver.

(3) If services have been accepted by the alleged abuser or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers, the department shall designate a case manager and develop a specific case plan.

(a) Upon receipt of the plan, the caregiver shall indicate its acceptance of the plan in writing.

(b) The case manager shall periodically review the progress toward achieving the objectives of the plan in order to:

1. Make adjustments to the plan or take additional action as provided in this part; or

2. Terminate the case if indicated by successful or substantial achievement of the objectives of the plan.

(4) Services provided to the alleged abuser or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers or family must be voluntary and of necessary duration.

(5) If the family or caregiver of the alleged abuser or child who has exhibited inappropriate sexual behavior fails to adequately participate or allow for the adequate participation of the child in the services or treatment delineated in the case plan, the case manager may recommend that the department:

(a) Close the case;

(b) Refer the case to mediation or arbitration, if available; or

(c) Notify the appropriate law enforcement agency of failure to comply.

Section 13. Paragraph (t) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(t) Persons with whom the department is seeking to place the child or to whom placement has been granted, including foster parents for whom an approved home study has been conducted, the designee of a licensed child-caring agency as defined in s. 39.01(32), an approved relative or nonrelative with whom a child is placed pursuant to s. 39.402, preadoptive parents for whom a favorable preliminary adoptive home study has been conducted, adoptive parents, or an adoption entity acting on behalf of preadoptive or adoptive parents.

Section 14. Subsection (6) of section 39.301, Florida Statutes, is amended to read:
Section 15. Paragraph (c) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(c) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal guardian or the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(34)(g), § 39.01(35)(g), demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary. In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child’s best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not strick
Section 16. Paragraph (c) of subsection (1) of section 322.09, Florida Statutes, is amended to read:

(4) Notwithstanding subsections (1) and (2), if a caregiver of a minor who is under the age of 18 years and is in out-of-home care as defined in s. 39.01, an authorized representative of a residential group home at which such a minor resides, the caseworker at the agency at which the state has placed the minor, or a guardian ad litem specifically authorized by the minor’s caregiver to sign for a learner’s driver license signs the minor’s application for a learner’s driver license, that caregiver, group home representative, caseworker, or guardian ad litem does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application. Before signing the application, the caseworker, authorized group home representative, or guardian ad litem shall determine whether the child has a strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.

Section 17. Subsection (4) of section 322.09, Florida Statutes, is amended to read:

(4) Notwithstanding subsections (1) and (2), if a caregiver of a minor who is under the age of 18 years and is in out-of-home care as defined in s. 39.01, an authorized representative of a residential group home at which such a minor resides, the caseworker at the agency at which the state has placed the minor, or a guardian ad litem specifically authorized by the minor’s caregiver to sign for a learner’s driver license signs the minor’s application for a learner’s driver license, that caregiver, group home representative, caseworker, or guardian ad litem does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application. Before signing the application, the caseworker, authorized group home representative, or guardian ad litem shall determine whether the child has a strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.
Section 18. Paragraph (p) of subsection (4) of section 394.495, Florida Statutes, is amended to read:

(4) The array of services may include, but is not limited to:
(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(76)(g).

Section 19. Section 627.746, Florida Statutes, is amended to read:

627.746 Coverage for minors who have a learner’s driver license; additional premium prohibited.—An insurer that issues an insurance policy on a private passenger motor vehicle to a named insured who is a caregiver of a minor who is under the age of 18 years and is in out-of-home care as defined in s. 39.01(76)(g), may not charge an additional premium for coverage of the minor while the minor is operating the insured vehicle, for the period of time that the minor has a learner’s driver license, until such time as the minor obtains a driver license.

Section 20. Paragraph (g) of subsection (2) of section 934.03, Florida Statutes, is amended to read:

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—
(g) It is lawful under this section and ss. 934.04-934.09 for an employee of:
1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.102, a public utility, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;
2. An agency operating an emergency telephone number “911” system established pursuant to s. 365.171; or
3. The central abuse hotline operated pursuant to s. 39.101 to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated “911” telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term “public utility” has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

Section 21. Paragraph (c) of subsection (1) of section 934.255, Florida Statutes, is amended to read:

934.255 Subpoenas in investigations of sexual offenses.—
(1) As used in this section, the term:
  
  (c) "Sexual abuse of a child" means a criminal offense based on any conduct described in s. 39.01(76) or s. 39.01(77).

Section 22. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(76)(g) or s. 39.01(77)(g).

Section 23. This act shall take effect July 1, 2020.