

	LEGISLATIVE ACTION	
Senate	-	House
Comm: RCS	•	
02/01/2016		
	•	
	•	
	•	

Appropriations Subcommittee on Education (Gaetz) recommended the following:

## Senate Substitute for Amendment (515338) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (6) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.-

(6) Information in the central abuse hotline may not be

1 2

3 4

5

6 7

8

9

12

13

14

15 16

17

18

19 20

21

22

23

24

25

26

27

28

29

30

31

32

33

34 35

36

37

38

39



used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15). 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.

Section 2. Paragraph (a) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

- 39.202 Confidentiality of reports and records in cases of child abuse or neglect.
- (2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:
- (a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Office of Early Learning, or county agencies responsible for carrying out:
  - 1. Child or adult protective investigations;
  - 2. Ongoing child or adult protective services;
  - 3. Early intervention and prevention services;
  - 4. Healthy Start services;
- 5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, or family day care homes, or informal child care providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children; or



6. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

43 44

45

46 47

48

49 50

51

52

53

54

55 56

57

58

40

41

42

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

Section 3. Subsection (15) of section 402.302, Florida Statutes, is amended to read:

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

- (15) "Screening" means the act of assessing the background of child care personnel, in accordance with state and federal law, and volunteers and includes, but is not limited to:
- (a) Employment history checks, including documented attempts to contact each employer that employed the applicant within the preceding 5 years and documentation of the findings.
- (b) A search of the criminal history records, sexual predator and sexual offender registry, and child abuse and neglect registry of any state in which the applicant resided during the preceding 5 years.

59 60 61

62

6.3 64

65

66 67

68

An applicant must submit a full set of fingerprints to the department or to a vendor, an entity, or an agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to <del>local criminal records checks</del> through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall

70

71

72

73

74

75

76

77

78 79

80

81

82

83

84

85

86 87

88 89

90

91

92 93

94

95 96

97



forward the fingerprints to, and federal criminal records checks through the Federal Bureau of Investigation for national processing.

Section 4. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Individuals Persons not required to be refingerprinted or rescreened.-Individuals Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6), are shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements of this chapter.

Section 5. Subsection (3) of section 402.306, Florida Statutes, is amended to read:

- 402.306 Designation of licensing agency; dissemination by the department and local licensing agency of information on child care.-
- (3) The department and local licensing agencies, or the designees thereof, shall be responsible for coordination and dissemination of information on child care to the community and shall make available through electronic means upon request all

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113 114

115

116

117

118

119

120

121

122

123

124

125

126



licensing standards and procedures, health and safety standards for school readiness providers, monitoring and inspection reports, and in addition to the names and addresses of licensed child care facilities, school readiness program providers, and, where applicable pursuant to s. 402.313, licensed or registered family day care homes. This information must also include the number of deaths, serious injuries, and instances of substantiated child abuse which have occurred in child care settings each year; research and best practices in child development; and resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Section 6. Section 402.311, Florida Statutes, is amended to read:

402.311 Inspection.-

(1) A licensed child care facility shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities and personnel and to those records required in s. 402.305, at reasonable times during regular business hours, to ensure compliance with the provisions of ss. 402.301-402.319. The right of entry and inspection shall also extend to any premises which the department or local licensing agency has reason to believe are being operated or maintained as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing such entry or inspection same. Any application for a license or renewal made pursuant to this act

128

129

130 131

132

133

134

135

136

137

138

139

140

141

142

143

144 145

146

147

148 149

150

151

152

153



or the advertisement to the public for the provision of child care as defined in s. 402.302 shall constitute permission for any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application. In the event a licensed facility refuses permission for entry or inspection to the department or local licensing agency, a warrant shall be obtained from the circuit court authorizing entry or inspection before same prior to such entry or inspection. The department or local licensing agency may institute disciplinary proceedings pursuant to s.  $402.310_{T}$  for such refusal.

- (2) A school readiness program provider shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities, personnel, and records, to verify compliance with s. 1002.88. Entry, inspection, and issuance of an inspection report by the department or the local licensing agency to verify compliance with s. 1002.88 is an exercise of a discretionary power to enforce compliance with the laws duly enacted by a governmental body.
- (3) The department's issuance, transmittal, or publication of an inspection report resulting from an inspection under this section does not constitute agency action subject to chapter 120.
- Section 7. Subsection (3) is added to section 402.319, Florida Statutes, to read:
  - 402.319 Penalties.-
- 154 (3) Each child care facility, family day care home, and 155 large family day care home shall annually submit an affidavit of



156 compliance with s. 39.201.

157 158

159

160

161

162

163

164 165

166 167

168

169

170

171

172

173

174

175

176

177

178

179 180

181

182

184

Section 8. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Individuals Persons not required to be refingerprinted or rescreened.-Individuals Any law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, teachers who have been fingerprinted pursuant to chapter 1012, and law enforcement officers who meet the requirements of s. 943.13, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2), 409.175(6), and 943.13(7), are not required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements of this chapter.

Section 9. Paragraph (c) is added to subsection (4) of section 435.07, Florida Statutes, to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

183 (4)

(c) A person is ineligible for employment with a provider



185 that receives school readiness funding under part VI of chapter 186 1002 if the person has been convicted of: 1. A felony offense prohibited under any of the following 187 188 statutes: 189 a. Chapter 741, relating to domestic violence. 190 b. Section 782.04, relating to murder. 191 c. Section 782.07, relating to manslaughter, aggravated 192 manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter 193 194 of an officer, a firefighter, an emergency medical technician, 195 or a paramedic. 196 d. Section 784.021, relating to aggravated assault. 197 e. Section 784.045, relating to aggravated battery. 198 f. Section 787.01, relating to kidnapping. 199 g. Section 787.025, relating to luring or enticing a child. 200 h. Section 787.04(2), relating to leading, taking, 201 enticing, or removing a minor beyond the state limits, or 202 concealing the location of a minor, with criminal intent, 203 pending custody proceedings. 204 i. Section 787.04(3), relating to leading, taking, 205 enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent, 206 207 pending dependency proceedings or proceedings concerning alleged 208 abuse or neglect of a minor. 209 j. Section 794.011, relating to sexual battery. 210 k. Former s. 794.041, relating to sexual activity with or 211 solicitation of a child by a person in familial or custodial

1. Section 794.05, relating to unlawful sexual activity

authority.

212



214	with certain minors.		
215	m. Section 794.08, relating to female genital mutilation.		
216	n. Section 806.01, relating to arson.		
217	o. Section 826.04, relating to incest.		
218	p. Section 827.03, relating to child abuse, aggravated		
219	child abuse, or neglect of a child.		
220	q. Section 827.04, relating to contributing to the		
221	delinquency or dependency of a child.		
222	r. Section 827.071, relating to sexual performance by a		
223	child.		
224	s. Section 985.701, relating to sexual misconduct in		
225	juvenile justice programs.		
226	2. A misdemeanor offense prohibited under any of the		
227	following statutes:		
228	a. Section 784.03, relating to battery, if the victim of		
229	the offense was a minor.		
230	b. Section 787.025, relating to luring or enticing a child.		
231	3. A criminal act committed in another state or under		
232	federal law which, if committed in this state, would constitute		
233	an offense prohibited under any statute listed in subparagraph		
234	1. or subparagraph 2.		
235	Section 10. Present subsection (27) of section 1001.42,		
236	Florida Statutes, is redesignated as subsection (28), and a new		
237	subsection (27) is added to that section, to read:		
238	1001.42 Powers and duties of district school board.—The		
239	district school board, acting as a board, shall exercise all		
240	powers and perform all duties listed below:		
241	(27) VISITATION OF SCHOOLS.—Visit the schools, observe the		
242	management and instruction, give suggestions for improvement,		



243 and advise citizens with the view of promoting interest in 244 education and improving the school. 245 Section 11. Section 1001.67, Florida Statutes, is created 246 to read: 247 1001.67 Distinguished Florida College System Program.—A 248 collaborative partnership is established between the State Board 249 of Education and the Legislature to recognize the excellence of 250 Florida's highest-performing Florida College system 2.51 institutions. 252 (1) EXCELLENCE STANDARDS.—The following excellence 253 standards are established for the program: 254 (a) A 150 percent-of-normal-time completion rate of 50 255 percent or higher, as calculated by the Division of Florida 256 Colleges. 257 (b) A 150 percent-of-normal-time completion rate for Pell 258 Grant recipients of 40 percent or higher, as calculated by the 259 Division of Florida Colleges. (c) A retention rate of 70 percent or higher, as calculated 260 261 by the Division of Florida Colleges. 262 (d) A continuing education, or transfer, rate of 72 percent 263 or higher for students graduating with an associate of arts degree, as reported by the Florida Education and Training 264 265 Placement Information Program (FETPIP). 266 (e) A licensure passage rate on the National Council 267 Licensure Examination for Registered Nurses (NCLEX-RN) of 90 268 percent or higher for first-time exam takers, as reported by the 269 Board of Nursing. 270 (f) A job placement or continuing education rate of 88

percent or higher for workforce programs, as reported by FETPIP.

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289 290

291

292

293 294

295

296

297

298

299

300



- (q) A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-timein-college students with accelerated college credits, as reported by the Southern Regional Education Board.
- (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of Education shall designate each Florida College System institution that meets five of the seven standards identified in subsection (1) as a distinguished college.
- (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College System institution designated as a distinguished college by the State Board of Education is eligible for funding as specified in the General Appropriations Act.

Section 12. Paragraph (i) of subsection (2) of section 1002.82, Florida Statutes, is amended, and paragraphs (s) through (x) are added to that subsection, to read:

1002.82 Office of Early Learning; powers and duties .-

- (2) The office shall:
- (i) Enter into a memorandum of understanding with local licensing agencies and Develop, in coordination with the Child Care Services Program Office of the Department of Children and Families for inspections of school readiness program providers to monitor and verify compliance with s. 1002.88 and the health and safety checklist adopted by the office. The provider contract of a school readiness program provider that refuses permission for entry or inspection shall be terminated. The, and adopt a health and safety checklist may to be completed by license-exempt providers that does not exceed the requirements of s. 402.305 and the Child Care and Development Fund pursuant to 45 C.F.R. part 98.

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316 317

318 319

320

321 322

323

324

325

326

327



- (s) Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.
- (t) Establish preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models.
- (u) Establish standards for emergency preparedness plans for school readiness program providers.
  - (v) Establish group sizes.
- (w) Establish staff-to-children ratios that do not exceed the requirements of s. 402.302(8) or (11) or s. 402.305(4), as applicable, for school readiness program providers.
- (x) Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law.
- Section 13. Subsections (7) and (8) of section 1002.84, Florida Statutes, are amended to read:
- 1002.84 Early learning coalitions; school readiness powers and duties. - Each early learning coalition shall:
- (7) Determine child eligibility pursuant to s. 1002.87 and provider eligibility pursuant to s. 1002.88. At a minimum, Child eligibility must be redetermined annually. Redetermination must also be conducted twice per year for an additional 50 percent of a coalition's enrollment through a statistically valid random

331

332

333

334

335

336

337

338 339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358



sampling. A coalition must document the reason why a child is no longer eligible for the school readiness program according to the standard codes prescribed by the office.

(8) Establish a parent sliding fee scale that provides for requires a parent copayment that is not a barrier to families receiving to participate in the school readiness program services. Providers are required to collect the parent's copayment. A coalition may, on a case-by-case basis, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level and whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

Section 14. Subsections (1), (4), (5), and (6) of section 1002.87, Florida Statutes, are amended to read:

1002.87 School readiness program; eligibility and enrollment.-

(1) Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later, Each early learning coalition shall give priority for participation in the school readiness program as follows:

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386



- (a) Priority shall be given first to a child younger than 13 years of age from a family that includes a parent who is receiving temporary cash assistance under chapter 414 and subject to the federal work requirements.
- (b) Priority shall be given next to an at-risk child younger than 9 years of age.
- (c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.
- (d) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.
- (e) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An atrisk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in

389

390 391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411 412

413

414

415

416



paragraphs (a)-(c) shall be given priority over other children who are eligible under this paragraph.

- (f) Priority shall be given next to a child who is younger than 13 years of age from a working family that is economically disadvantaged. A child who is eligible under this paragraph whose sibling is enrolled in the school readiness program under paragraph (c) shall be given priority over other children who are eligible under this paragraph. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.
- (g) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.
- (h) Priority shall be given next to a child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.
- (i) Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets one of the eligibility criteria in paragraphs (a)-(d) but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.
- (4) The parent of a child enrolled in the school readiness program must notify the coalition or its designee within 10 days after any change in employment status, income, or family size or failure to maintain attendance at a job training or educational

418

419

420

421

422

423 424

425 426

427

428

429

430

431

432

433 434

435

436

437

438

439

440 441

442

443

444

445



program in accordance with program requirements. Upon notification by the parent, the child's eligibility must be reevaluated.

- (5) A child whose eligibility priority category requires the child to be from a working family ceases to be eligible for the school readiness program if a parent with whom the child resides does not reestablish employment or resume attendance at a job training or educational program within 90 60 days after becoming unemployed or ceasing to attend a job training or educational program.
- (6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness program services if he or she has ceased to be eligible under this section. A child who is ineligible due to a parent's job loss or cessation of job training or education shall continue to receive school readiness program services for at least 3 months to enable the parent to obtain employment.

Section 15. Paragraphs (c), (d), and (e) of subsection (1) of section 1002.88, Florida Statutes, are amended to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.-

- (1) To be eligible to deliver the school readiness program, a school readiness program provider must:
- (c) Provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program.
- 1. For a provider that is licensed child care facility, a large family child care home, or a licensed family day care

447

448 449

450

451

452 453

454 455

456

457 458

459

460

461

462

463 464

465

466

467

468

469

470

471

472

473

474



home, compliance with s. 402.305, s. 402.3131, or s. 402.313 and this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

- 2. For a provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families, compliance with this subsection, as verified pursuant to s. 402.311, satisfies this requirement. Upon such verification, the provider For a public or nonpublic school, compliance with s. 402.3025 or s. 1003.22 satisfies this requirement. A faith-based child care provider, an informal child care provider, or a nonpublic school, exempt from licensure under s. 402.316 or s. 402.3025, shall annually post complete the health and safety checklist adopted by the office, post the checklist prominently on its premises in plain sight for visitors and parents, and shall annually submit the checklist it annually to its local early learning coalition.
- (d) Provide an appropriate group size and staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(8) or (11), as applicable, and as verified pursuant to s. 402.311.
- (e) Employ child care personnel, as defined in s. 402.302(3), who have satisfied the screening requirements of chapter 402 and fulfilled the training requirements of the office Provide a healthy and safe environment pursuant to s. 402.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.
- Section 16. Paragraph (b) of subsection (6) and subsection (7) of section 1002.89, Florida Statutes, are amended to read: 1002.89 School readiness program; funding.-
  - (6) Costs shall be kept to the minimum necessary for the

476

477

478

479

480

481

482

483 484

485 486

487

488

489

490

491

492

493

494

495 496

497

498 499

500 501

502

503



efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds described in subsection (5) may be used for administrative costs and no more than 22 percent of the funds described in subsection (5) may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services as follows:

- (b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.51, which must shall be limited to the following:
- 1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33 regarding participation in the school readiness program and parental choice.
- 2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training. Any grants awarded pursuant to this subparagraph shall comply with the requirements of ss. 215.971 and 287.058.
- 3. Providing training, and technical assistance, and financial support to for school readiness program providers and their $_{\mathcal{T}}$  staff $_{\mathcal{T}}$  and parents on standards, child screenings, child

505

506 507

508

509

510

511

512

513 514

515

516

517

518

519

520 521

522

523

524

525

526

527 528

529 530

531

532



assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, and prevention, and reporting.

- 4. Providing, from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.
- 5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.
- 6. Responding to Warm-Line requests by providers and parents related to school readiness program children, including providing developmental and health screenings to school readiness program children.
- (7) Funds appropriated for the school readiness program may not be expended for the purchase or improvement of land; for the purchase, construction, or permanent improvement of any building or facility; or for the purchase of buses. However, funds may be expended for minor remodeling and upgrading of child care facilities which is necessary for the administration of the program and to ensure that providers meet state and local child care standards, including applicable health and safety requirements.

Section 17. Effective June 29, 2016, section 1004.935,

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552 553

554

555

556

557

558

559

560

561



Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.-

- (1) The Adults with Disabilities Workforce Education Pilot Program is established in the Department of Education through June 30, 2016, in Hardee, DeSoto, Manatee, and Sarasota Counties to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:
  - (a) Have a disability;
  - (b) Are 22 years of age;
- (c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1002.3105(5) or s. 1003.4282;
- (d) Do not have a standard high school diploma or a special high school diploma; and
- (e) Receive "supported employment services," which means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

As used in this section, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental

563

564 565

566

567

568 569

570 571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590



delay; or autism spectrum disorder.

- (2) A student participating in the pilot program may continue to participate in the program until the student graduates from high school or reaches the age of 40 years, whichever occurs first.
- (3) Supported employment services may be provided at more than one site.
- (4) The provider of supported employment services must be a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Hardee County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).
- (5) A private school that participates in the pilot program may be sectarian or nonsectarian and must:
- (a) Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.
- (b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.
  - (c) Meet state and local health and safety laws and codes.
- (d) Provide to the provider of supported employment services all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614 615

616

617

618

619



The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the pilot program.

- (6)(a) If the student chooses to participate in the pilot program and is accepted by the provider of supported employment services, the student must notify the Department of Education of his or her acceptance into the program 60 days before the first scholarship payment and before participating in the pilot program in order to be eligible for the scholarship.
- (b) Upon receipt of a scholarship warrant, the student or parent to whom the warrant is made must restrictively endorse the warrant to the provider of supported employment services for deposit into the account of the provider. The student or parent may not designate any entity or individual associated with the participating provider of supported employment services as the student's or parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.
- (7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the pilot program, The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by

621

622 623

624

625

626 627

628

629

630

631

632

633

634

635

636

637

638

639

640

641 642

643

644

645

646

647

648



s. 1011.80(6)(a) for the district in which the student resides.

- (8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the pilot program, and subsequent payments shall be made upon verification of continued participation in the pilot program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.
- (9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

Section 18. Effective July 1, 2016, and upon the expiration of the amendment to section 1011.62, Florida Statutes, made by chapter 2015-222, Laws of Florida, paragraphs (e) and (o) of subsection (1), paragraph (a) of subsection (4), and present subsection (13) of that section are amended, present subsections (13), (14), and (15) of that section are redesignated as subsections (14), (15), and (16), respectively, and a new subsection (13) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677



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

- (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION. - The following procedure shall be followed in determining the annual allocation to each district for operation:
- (e) Funding model for exceptional student education programs.-
- 1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.
- b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706



matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

- c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.
- 2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(1) and rules of the State Board of Education, which shall be allocated initially annually to each school district in the amount provided in the General Appropriations Act. These funds shall be supplemental in addition to the funds appropriated for the basic funding level on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated once during the year, based on actual student membership from the October FTE survey. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act, the total shall be prorated to the level of the appropriation based on each district's share of the total recalculated amount. These funds shall be used to provide special education and related

708

709

710

711

712

713

714

715 716

717

718

719

720

721

722

723

724

725

726

727

728 729

730

731

732

733

734

735



services for exceptional students and students who are gifted in grades K through 8. Beginning with the 2007-2008 fiscal year, A district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

- (o) Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.-
- 1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.
- b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764



Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to subsubparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may shall not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year for courses that were not provided through dual enrollment. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

766

767 768

769

770

771

772

773

774

775

776

777

778

779

780

781

782

783 784

785

786

787

788

789

790

791

792



- c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.
- d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.
- 2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.
- 3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:
- a. A bonus in the amount of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.
  - b. A bonus in the amount of \$50 for each student taught by

795

796

797

798

799

800 801

802

803

804

805

806 807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822



a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and <del>1.0</del>.

- c. A bonus of \$75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.
- d. A bonus of \$100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed \$2,000 in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12

824

825

826

827

828

829

830

831 832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

850

851



programs shall be calculated as follows:

- (a) Estimated taxable value calculations.-
- 1.a. Not later than 2 working days before prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (15)(b) (14) (b). Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.
- b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

880



Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

- 2. On the same date as the certification in subsubparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:
- a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.
- b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.
- (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally connected student supplement is created to provide supplemental funding for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration (NASA) real property, and Indian lands. To be eligible for this supplement, the district must be eligible for federal Impact Aid Program funds under s. 8003 of Title VIII of the Elementary and Secondary Education Act of 1965. The supplement shall be allocated annually to each eligible school district in the

882

883

884

885

886

887

888

889 890

891

892

893

894

895

896

897

898

899

900

901

902 903

904

905

906

907

908

909



amount provided in the General Appropriations Act. The supplement shall be the sum of the student allocation and an exempt property allocation.

- (a) The student allocation shall be calculated based on the number of students reported for federal Impact Aid Program funds, including students with disabilities, who meet one of the following criteria:
- 1. The student has a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer. Students with disabilities shall also be reported separately for this category.
- 2. The student resides on eligible federally owned Indian land. Students with disabilities shall also be reported separately for this category.
- 3. The student resides with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.
- (b) The total number of federally connected students calculated under paragraph (a) shall be multiplied by a percentage of the base student allocation as provided in the General Appropriations Act. The total of the number of students with disabilities as reported separately under subparagraphs (a) 1. and (a) 2. shall be multiplied by an additional percentage of the base student allocation as provided in the General Appropriations Act. The base amount and the amount for students with disabilities shall be summed to provide the student allocation.
  - (c) The exempt property allocation shall be equal to the

911 912

913

914

915

916

917

918

919

920

921

922

923

924

925

926

927

928

929 930

931

932

933

934

935

936

937

938



tax-exempt value of federal impact aid lands reserved as military installations, real property owned by NASA, or eligible federally owned Indian lands located in the district, as of January 1 of the previous year, multiplied by the millage authorized and levied under s. 1011.71(2).

(14) (13) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum quarantee to each school district. The quarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (15)  $\frac{(14)}{}$ , quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the quarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (15)  $\frac{(14)}{}$  and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to quarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 19. Effective July 1, 2016, and upon the expiration of the amendment to section 1011.71, Florida Statutes, made by

940

941 942

943

944

945

946

947

948

949

950

951

952

953

954

955

956

957

958

959

960 961

962

963

964

965

966

967



chapter 2015-222, Laws of Florida, subsection (1) of that section is amended to read:

1011.71 District school tax.-

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(15) s. 1011.62(14)shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

Section 20. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2016.

======== T I T L E A M E N D M E N T ========= And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to education; amending s. 39.201, F.S.; providing an exception from a prohibition

969

970

971 972

973

974

975

976

977

978 979

980

981

982

983

984

985

986

987

988

989

990

991

992

993

994

995

996



against the use of information in the Department of Children and Families central abuse hotline for employment screening of certain child care personnel; amending s. 39.202, F.S.; expanding the list of entities that have access to child abuse records for purposes of approving providers of school readiness services; amending s. 402.302, F.S.; revising the definition of the term "screening" for purposes of child care licensing requirements; amending s. 402.3057, F.S.; clarifying individuals who are exempt from certain refingerprinting or rescreening requirements; amending s. 402.306, F.S.; requiring the Department of Children and Families and local licensing agencies to electronically post certain information relating to child care and school readiness providers; amending s. 402.311, F.S.; requiring school readiness program providers to provide the Department of Children and Families or local licensing agencies with access to facilities, personnel, and records for inspection purposes; amending s. 402.319, F.S.; requiring certain child care providers to submit an affidavit of compliance with certain mandatory reporting requirements; amending s. 409.1757, F.S.; clarifying individuals who are exempt from certain refingerprinting or rescreening requirements; amending s. 435.07, F.S.; providing criteria for a person's disqualification from employment with a school readiness program provider; amending s. 1001.42, F.S.; revising the

998

999

1000

1001

1002

1003

1004

1005

1006

1007

1008

1009

1010

1011

1012

1013

1014

1015

1016

1017

1018

1019 1020

1021

1022 1023

1024

1025



duties of a district school board; creating s. 1001.67, F.S.; establishing a collaboration between the state board and the Legislature to designate certain Florida College System institutions as distinguished colleges; specifying standards for the designation; requiring the state board to award the designation to certain Florida College System institutions; providing that the designated institutions are eligible for funding as specified in the General Appropriations Act; amending s. 1002.82, F.S.; revising the duties of the Office of Early Learning of the Department of Education; requiring the office to coordinate with the Department of Children and Families and local licensing agencies for inspections of school readiness program providers; amending s. 1002.84, F.S.; revising provisions relating to determination of child eligibility for school readiness programs; revising requirements for determining parent copayments for the programs; amending s. 1002.87, F.S.; revising the prioritization of participation in school readiness programs; revising school readiness program eligibility requirements for parents; amending s. 1002.88, F.S.; revising requirements for school readiness program providers; amending s. 1002.89, F.S.; providing for additional uses of funds for school readiness programs; amending s. 1004.935, F.S.; deleting the scheduled termination of the Adults with Disabilities Workforce Education Pilot Program; changing the name

1027

1028

1029

1030

1031

1032

1033

1034 1035

1036

1037

1038

1039

1040

1041

1042

1043



of the program to the "Adults with Disabilities Workforce Education Program"; amending s. 1011.62, F.S.; revising the calculation for certain supplemental funds for exceptional student education programs; requiring the funds to be prorated under certain circumstances; revising the funding of fulltime equivalent values for students who earn CAPE industry certifications through dual enrollment; deleting a provision prohibiting a teacher's bonus from exceeding a specified amount; specifying a limit in the aggregate increase in certain funds provided through the Florida Education Finance Program after a specified time; creating a federally connected student supplement for school districts; specifying eligibility requirements and calculations for allocations of the supplement; amending s. 1011.71, F.S.; conforming a cross-reference; providing effective dates.