Journal of the Senate

Number 20—Regular Session **Wednesday, April 28, 2021**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Simpson at 10:24 a.m. A quorum present—40:

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

PRAYER

The following prayer was offered by Very Reverend John B. Cayer, Co-Cathedral of St. Thomas More, Tallahassee:

God ever faithful, you are the beginning and end of all good things. It is to you that we, once again, turn and ask with all sincerity to help us, as we strive to lead our great State of Florida and complete the task ahead. You have given us tremendous abilities to lead and govern, but we turn to you now as we begin, once again, another session. Our discerning eyes look diligently to the work before us, but we also know your eyes see clearly what must be done in this diverse State of Florida.

These collective elected public servants and members of this Legislature stand before you and one another in the hopes that what they do together matters and that great things are possible. Their love for this great state shines through their fervent dedication. We ask that you search their hearts and minds. Allow them to see the dignity of their office and inspire in them the pursuit of greatness. We are mindful of so many of them who gather locally and those who join us from their home districts. Watch over them, especially those who are away from their loved ones. Give them eyes to see and ears to hear. Grant them discerning minds and hearts while also the energy enough to do all that is asked of them. As we soon see our legislative days come to a close, let not their hearts or hands grow weary nor their feet stumble in these remaining legislative days.

With all our asking, we also thank you. Thank you for the faithfulness of the many who daily dedicate their lives for a better tomorrow and a better Florida—faithful citizens that love even beyond the boundaries of their respective districts.

As we begin this session, continuing to work on things that matter, with high hopes of doing great things for this beautiful state of ours, may we also conclude it with knowing we were faithful and respectful of one another. We pray to you who are Lord and God, forever and ever. Amen.

PLEDGE

Senator Cruz led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Farmer—

By Senator Farmer—

SR 2034—A resolution acknowledging the importance of conserving food and preventing food waste and recognizing April 5-9, 2021, as "Food Waste Prevention Week" in Florida.

WHEREAS, despite the best efforts of advocates in our community, such as Farm Share, Feeding South Florida, Meals on Wheels, Pantry of Broward, Hunger Fight, United Way, South Florida Hunger Coalition, and many more, food is still wasted in this state and nationwide, and

WHEREAS, each year up to 3 million tons of food is wasted in this state, while 1 in 5 Floridians lacks consistent access to nutritious food for an active and healthy life, and

WHEREAS, all Floridians benefit from better utilization of food resources, and

WHEREAS, with as much as 40 percent of food waste occurring in households, food waste prevention begins at home, and

WHEREAS, it is estimated that a family of four spends up to $1,500 on uneaten food annually, and

WHEREAS, K-12 schools and institutions of higher learning have a special role in educating the next generation on the importance of recovering and recycling food and reducing waste, and

WHEREAS, Floridians have the opportunity to save shared resources like water, land, and energy which are used to produce and transport food that ultimately goes uneaten, and

WHEREAS, food in landfills decomposes slowly, releasing methane, a greenhouse gas up to 30 times more potent than carbon dioxide, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That conserving food and preventing food waste are powerful strategies to save money, reduce hunger, and protect the environment in

communities throughout this state, and that April 5-9, 2021, is recognized as "Food Waste Prevention Week" in Florida.

—was introduced, read, and adopted by publication.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 266**, **CS for SB 1294**, and **CS for SB 1508** was deferred.

CS for CS for SB 1616—A bill to be entitled An act relating to agency contracts for commodities and contractual services; reenacting and amending s. 216.1366, F.S.; abrogating the scheduled expiration of provisions relating to certain public agency contracts for services; amending s. 287.042, F.S.; providing that the Department of Management Services may enter into an agreement authorizing an agency to make purchases under certain contracts if the Secretary of Management Services makes a certain determination; amending s. 287.056, F.S.; providing that an agency must issue a request for quote to certain approved vendors when it issues certain requests for quote for contractual services; providing for the disqualification of certain firms or individuals from state term contract eligibility; amending s. 287.057, F.S.; revising the period of time during which an agency must electronically post a description of certain commodities or services in certain circumstances; requiring an agency to periodically report certain actions to the department in a specified manner and form; requiring the department to annually report certain information to the Governor and the Legislature by a specified date; prohibiting an agency from initiating a competitive solicitation in certain circumstances; providing applicability; revising the maximum value of certain contracts that may not be renewed or amended by a state agency before submitting a written report to the Governor and the Legislature; requiring the agency to designate a contract manager to serve as a liaison between the contractor and the agency; prohibiting certain individuals from serving as a contract manager; providing the responsibilities of a contract manager; requiring the Chief Financial Officer to evaluate certain training at certain intervals; requiring that certain contract managers complete training and certification within a specified timeframe; requiring the department to establish and disseminate certain training and certification requirements; requiring the department to evaluate certain training at certain intervals; requiring certain contract managers to possess certain experience in managing contracts; authorizing a contract administrator to also serve as a contract manager in certain circumstances; providing that evaluations of proposals and replies must be conducted independently; providing for specified teams to conduct certain negotiations; requiring a Project Management Professional to provide guidance based on certain qualifications; providing qualification requirements for contract negotiator certification; requiring supervisors of contract administrators or contract and grant managers meeting certain criteria to complete training within a specified period; providing that the department is responsible for establishing and disseminating supervisor training by a certain date; providing for a continuing oversight team in certain circumstances; providing requirements for continuing oversight team members and meetings; requiring a continuing oversight team to provide notice of certain deficiencies and changes in contract scope to certain entities; amending s. 287.058, F.S.; prohibiting a contract document for certain contractual services from containing a certain nondisclosure clause; creating s. 287.1351, F.S.; defining the term "vendor"; prohibiting certain vendors from submitting bids, proposals, or replies to, or entering into or renewing any contract with, an agency; prohibiting an agency from accepting a bid, proposal, or reply from, or entering into a contract with, a suspended vendor until certain conditions are met; requiring an agency to notify the department of, and provide certain information regarding, any such vendors; requiring the department to review any vendor reported by an agency; requiring the department to notify a vendor of any intended removal from the vendor list; specifying administrative remedies and applicable procedures for an affected vendor; requiring the department to place certain vendors on the suspended vendor list; authorizing the removal of a suspended vendor from the suspended vendor list in accordance with specified procedures; specifying requirements and limitations; amending s. 287.136, F.S.; requiring each agency inspector general to complete certain audits of executed contracts at certain intervals; amending ss. 43.16, 215.971, 287.0571, 295.187, 394.47865, 402.7305, 408.045, 570.07, and 627.351, F.S.; conforming cross-references; requiring the Department of Management Services to conduct a study evaluating fleet management options to identify any potential savings; requiring the department to submit a report to the Legislature by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1616**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1079** was withdrawn from the Committee on Appropriations.

On motion by Senator Brodeur—

CS for CS for HB 1079—A bill to be entitled An act relating to agency contracts for commodities and contractual services; reenacting and amending s. 216.1366, F.S.; abrogating the scheduled expiration of provisions relating to certain public agency contracts for services; amending s. 287.042, F.S.; providing that the Department of Management Services may enter into an agreement authorizing an agency to make purchases under certain contracts if the Secretary of Management Services makes a certain determination; amending s. 287.056, F.S.; providing that an agency must issue a request for quote to certain approved vendors when it issues a request for quote for contractual services; providing for the disqualification of certain firms or individuals from state term contract eligibility; amending s. 287.057, F.S.; revising the period of time during which an agency must electronically post a description of certain services in certain circumstances; requiring an agency to report certain actions to the department in a specified manner and form; requiring the department to annually report certain information to the Governor and the Legislature by a specified date; prohibiting an agency from initiating a competitive solicitation in certain circumstances; requiring an agency to submit a report concerning contract performance before certain contract renewals or amendments are executed; providing that a designated contract manager serves as a liaison between the contractor and the agency; prohibiting certain individuals from serving as a contract manager; providing the responsibilities of a contract manager; requiring the Chief Financial Officer to evaluate certain training at certain intervals; requiring that certain contract managers complete training and certification within a specified timeframe; requiring the department to establish and disseminate certain training and certification requirements; requiring the department to evaluate certain training at certain intervals; requiring certain contract managers to possess certain experience in managing contracts; authorizing a contract administrator to also serve as a contract manager in certain circumstances; providing that evaluations of proposals and replies must be conducted independently; providing for specified teams to conduct certain negotiations; requiring a Project Management Professional to provide guidance based on certain qualifications; providing qualification requirements for contract negotiator certification; requiring supervisors of contract administrators or contract and grant managers meeting certain criteria to complete training within a specified period; providing that the department is responsible for establishing and disseminating supervisor training by a date certain; providing for a continuing oversight team in certain circumstances; providing requirements for continuing oversight team members and meetings; requiring a continuing oversight team to provide notice of certain deficiencies and changes in contract scope to certain entities; amending s. 287.058, F.S.; prohibiting a contract document for certain contractual services from containing a certain nondisclosure clause; creating s. 287.1351, F.S.; defining the term "vendor"; prohibiting certain vendors from submitting bids, proposals, or replies to, or entering into or renewing any contract with, an agency; prohibiting an agency from accepting a bid, proposal, or reply from, or entering into a contract with, a suspended vendor until certain conditions are met; requiring an agency to notify the department of, and provide certain information regarding, any such vendors; requiring the department to review any vendor reported by an agency; requiring the department to notify a vendor of any intended removal from the vendor list; specifying administrative remedies, and applicable procedures, for an affected vendor; requiring the department to place any such vendor on the suspended vendor list; authorizing the removal of a suspended vendor from the suspended vendor list in accordance with specified procedures; specifying requirements and limitations; amending s. 287.136, F.S.; requiring each agency inspector general to complete certain audits of executed contracts at certain intervals; amending ss. 43.16, 215.971, 287.0571, 295.187, 394.47865, 402.7305, 408.045, 570.07, and 627.351, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1616** and read the second time by title.

On motion by Senator Brodeur, by two-thirds vote, **CS for CS for HB 1079** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cruz	Perry
Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Boyd	Gruters	Rouson
Bracy	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

CS for CS for SB 266—A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; providing requirements for home-based businesses; defining the term "heavy equipment"; authorizing a home-based business to operate in an area zoned for residential use; specifying that home-based businesses are subject to certain business taxes; providing prohibitions and authorizations for local governmental actions relating to home-based businesses; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 266**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 403** was withdrawn from the Committee on Rules.

On motion by Senator Perry—

CS for HB 403—A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses; authorizing specified business owners to challenge certain local government actions; authorizing the prevailing party to recover specified attorney fees and costs; providing that certain existing and future residential association declarations and documents are not superseded by this act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 266** and read the second time by title.

Senator Perry moved the following amendment:

Amendment 1 (809848) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 559.955, Florida Statutes, is created to read:

559.955 Home-based businesses; local government restrictions.—

(1) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

(d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

(e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

(f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

(2) A home-based business that operates from a residential property as provided in subsection (1):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

Section 2. *The application of this act shall not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative document adopted pursuant to chapter 719, Florida Statutes, or declaration or declaration of covenant adopted pursuant to chapter 720, Florida Statutes.*

Section 3. This act shall take effect July 1, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; specifying conditions under which a business is considered a home-based business; defining the term "heavy equipment"; authorizing home-based businesses to operate in areas zoned for residential use; specifying that home-based businesses are subject to certain business

taxes; prohibiting local governments from taking certain actions relating to the licensure and regulation of home-based businesses; authorizing adversely affected current or prospective home-based business owners to challenge certain local government actions; authorizing the prevailing party in such challenge to recover specified attorney fees and costs; providing that certain existing and future residential association declarations and documents are not superseded by the act; providing an effective date.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Perry moved the following substitute amendment which was adopted:

Substitute Amendment 2 (355386) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 559.955, Florida Statutes, is created to read:

559.955 Home-based businesses; legislative findings and intent; preemption.—

(1) It is the intent of the Legislature to encourage small and home-based business enterprises. To that end, the Legislature finds that:

(a) Small and home-based businesses are a critical part of the economy of this state and provide unique and valuable benefits to the communities in which they are located.

(b) Residential property is often the most valuable asset owned by a potential small business entrepreneur.

(c) Residential property can be put to beneficial use by potential small business entrepreneurs in ways that are consistent with residential use.

(2)(a) For purposes of this section, a business is considered a home-based business if:

1. The business is subordinate to the use of the dwelling unit for residential purposes. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood; and

2. The business activities comply with any local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.

(b) A home-based business must meet all of the following requirements:

1. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business.

2. Traffic and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this subparagraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery. The term includes, but is not limited to, semi-trailers, tractors, construction equipment, earth-moving equipment, cement mixers, and any other similar equipment or machinery classified as commercial by the manufacturer.

3. Business activities related to hours of operation and business activities conducted outside of the primary residential structure, including exterior signage displays or exterior storage, must comply with all local regulations. However, a local government may not impose any restriction on hours of operation between 9 a.m. and 6 p.m.

4. The activities of the business must be secondary to the property's use as a residential dwelling.

5. All business activities must comply with any local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

6. Any business transactions conducted at the business must not take place in view of the street.

(3) A home-based business:

(a) May operate in an area zoned for residential use; and

(b) Is subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(4) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to otherwise regulate a home-based business, other than as provided in this section.

(5) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(6)(a) This section does not supersede any current or future declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration of covenants adopted pursuant to chapter 720.

(b) This section does not prohibit local governments from enacting or enforcing noise ordinances.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; providing requirements for home-based businesses; defining the term "heavy equipment"; authorizing a home-based business to operate in an area zoned for residential use; specifying that home-based businesses are subject to certain business taxes; providing prohibitions and authorizations for local governmental actions relating to home-based businesses; authorizing adversely affected current or prospective home-based business owners to challenge certain local government actions; authorizing the prevailing party in such challenge to recover specified attorney fees and costs; providing construction; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 403**, as amended, was placed on the calendar of Bills on Third Reading.

CS for SB 1294—A bill to be entitled An act relating to cottage food operations; providing a short title; amending s. 500.03, F.S.; revising the definition of the term "cottage food operation"; amending s. 500.80, F.S.; increasing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; authorizing the sale, offer for sale, acceptance of payment, and delivery of cottage food products by mail; preempting the regulation of cottage food operations to the state; prohibiting local governments from prohibiting cottage food operations or regulating cottage food products by cottage food operations; requiring cottage food operations to comply with certain applicable county and municipal laws and ordinances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1294**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 663** was withdrawn from the Committee on Rules.

On motion by Senator Brodeur—

CS for HB 663—A bill to be entitled An act relating to cottage food operations; providing a short title; amending s. 500.03, F.S.; revising the definition of "cottage food operation"; amending s. 500.80, F.S.; increasing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; authorizing the sale, offer for sale, and delivery of cottage food products by mail; preempting the regulation of cottage food operations to the state; prohibiting local governments from prohibiting or regulating cottage food operations; providing an effective date.

—a companion measure, was substituted for **CS for SB 1294** and read the second time by title.

Senator Brodeur moved the following amendment:

Amendment 1 (755326) (with title amendment)—Between lines 51 and 52 insert:

Section 4. Effective upon HB 403 or other similar legislation being enacted in the 2021 Regular Session or an extension thereof and becoming a law, subsection (6) of section 500.80, Florida Statutes, as amended by this act, is amended to read:

500.80 Cottage food operations.—

(6) The regulation of cottage food operations is preempted to the state. A local law, ordinance, or regulation may not prohibit a cottage food operation or regulate the preparation, processing, storage, or sale of cottage food products by a cottage food operation*; however, a cottage food operation must comply with the conditions for the operation of a home-based business under s. 559.955* ~~or from a person's residence~~.

And the title is amended as follows:

Delete lines 11-12 and insert: prohibiting local governments from prohibiting cottage food operations or regulating cottage food products by cottage food operations; requiring cottage food operations to comply with certain conditions for the operation of home-based businesses; providing an

Senator Brodeur moved the following substitute amendment which was adopted:

Substitute Amendment 2 (932452) (with title amendment)—Delete lines 50-52 and insert:
cottage food products by a cottage food operation*; however, a cottage food operation must comply with the conditions for the operation of a home-based business under s. 559.955* ~~or from a person's residence~~.

Section 4. This act shall take effect on the same date that HB 403 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

And the title is amended as follows:

Delete lines 11-13 and insert: prohibiting local governments from prohibiting cottage food operations or regulating cottage food products by cottage food operations; requiring cottage food operations to comply with certain conditions for the operation of home-based businesses; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for HB 663**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1734—A bill to be entitled An act relating to consumer data privacy; creating s. 501.172, F.S.; providing a short title; creating s. 501.173, F.S.; providing a purpose; creating s. 501.174, F.S.; defining terms; creating s. 501.1745, F.S.; requiring certain businesses that collect consumer personal information to provide certain information to the consumer; requiring such collection, use, retention, and sharing of such information to meet certain requirements; requiring such businesses to implement reasonable security procedures and practices; requiring such businesses to enter into an agreement with service providers under certain circumstances; prohibiting a business from processing certain sensitive consumer data under certain circumstances; creating s. 501.175, F.S.; providing that consumers have the right to direct certain businesses not to sell their personal information; providing construction; requiring such businesses to notify consumers of such right; requiring businesses to comply with such a request under certain circumstances; prohibiting businesses from selling the personal information of consumers younger than a specified age without express authorization from the consumer or the consumer's parent or guardian under certain circumstances; providing that a business that willfully disregards a consumer's age is deemed to have actual knowledge of the consumer's age; requiring certain businesses to provide a specified link on their home page for consumers to opt out; providing requirements for businesses to comply with a consumer's opt-out request; providing that consumers have the right to submit a verified request for businesses to delete or correct personal information the businesses have collected about the consumers; providing construction; providing that consumers may authorize other persons to opt out of the sale of the consumer's personal information on the consumer's behalf; requiring businesses to establish designated addresses through which consumers may submit verified requests; specifying requirements for consumers' verified requests and businesses' responses; requiring businesses to comply with previous consumer requests without requiring additional information from the consumer, under certain circumstances; requiring businesses to provide certain notices to consumers; authorizing businesses to charge consumers a reasonable fee for manifestly unfounded or excessive requests, or to refuse to complete a request under certain circumstances; providing that business and service providers are not liable for certain actions; providing that a consumer's rights and the obligations of a business may not adversely affect the rights and freedoms of other consumers; creating s. 501.176, F.S.; providing applicability; providing exceptions; creating s. 501.177, F.S.; authorizing the Department of Legal Affairs to adopt rules and to bring appropriate legal proceedings for violations under certain circumstances; providing that businesses must have a specified timeframe to cure any violations; providing civil remedies; providing civil penalties for unintentional and intentional violations; providing enhanced penalties for certain violations; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1734**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 969** was withdrawn from the Committee on Rules.

On motion by Senator Bradley, the rules were waived and—

CS for CS for CS for HB 969—A bill to be entitled An act relating to consumer data privacy; amending s. 501.171, F.S.; revising the definition of "personal information" to include additional specified information to data breach reporting requirements; creating s. 501.173, F.S.; providing definitions; providing exceptions; requiring controllers that collect a consumer's personal data to disclose certain information regarding data collection and selling practices to the consumer at or before the point of collection; specifying that such information may be provided through a general privacy policy or through a notice informing the consumer that additional specific information will be provided upon a certain request; prohibiting controllers from collecting additional categories of personal information or using personal information for additional purposes without notifying the consumer; requiring controllers that collect personal information to implement reasonable security procedures and practices to protect the information; authorizing consumers to request controllers to disclose the specific personal information the controller has collected about the consumer; requiring controllers to make available two or more methods for consumers to request their personal information; requiring controllers to provide such information free of charge within a certain timeframe and in a certain format upon receiving a verifiable consumer request; specifying requirements for third parties with respect to consumer information acquired or used; providing construction; authorizing consumers to request controllers to delete or correct personal information the controllers have collected about the consumers; providing exceptions; specifying requirements for controllers to comply with deletion or cor-

rection requests; authorizing consumers to opt out of third-party disclosure of personal information collected by a controller; prohibiting controllers from selling or disclosing the personal information of consumers younger than a certain age, except under certain circumstances; prohibiting controllers from selling or sharing a consumer's information if the consumer has opted out of such disclosure; prohibiting controllers from taking certain actions to retaliate against consumers who exercise certain rights; providing applicability; providing that a contract or agreement that waives or limits certain consumer rights is void and unenforceable; providing for civil actions and a private right of action for consumers under certain circumstances; providing civil remedies; authorizing the Department of Legal Affairs to bring an action under the Florida Unfair or Deceptive Trade Practices Act and to adopt rules; providing that controllers must have a specified timeframe to cure any violations; providing jurisdiction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1734** and read the second time by title.

Senator Bradley moved the following amendment:

Amendment 1 (891990) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 501.172, Florida Statutes, is created to read:

501.172 Short title.—This act may be cited as the "Florida Privacy Protection Act."

Section 2. Section 501.173, Florida Statutes, is created to read:

501.173 Purpose.—This act recognizes that privacy is an important right, and consumers in this state should have the ability to share their personal information as they wish, in a way that is safe and that they understand and control.

Section 3. Section 501.174, Florida Statutes, is created to read:

501.174 Definitions.—As used in ss. 501.172-501.177, unless the context otherwise requires, the term:

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this subsection, the term "control" or "controlled" means the ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or the power to exercise controlling influence over the management of a company.

(2) "Aggregate consumer information" means information that relates to a group or category of consumers from which individual consumer identities have been removed and which is not linked or reasonably linkable to any consumer, including through a device. The term does not include one or more individual consumer records that have been de-identified.

(3) "Authenticate" means verifying through reasonable means that the consumer entitled to exercise his or her consumer rights under this act is the same consumer exercising such consumer rights with respect to the personal information at issue.

(4) "Biometric information" means personal information generated by automatic measurements of characteristics of an individual's physiological, behavioral, or biological characteristics, including an individual's DNA, which identifies an individual. The term does not include a physical or digital photograph; a video or audio recording or data generated therefrom; or information collected, used, or stored for health care treatment, payment, or operations under the Health Insurance Portability and Accountability Act of 1996.

(5) "Business purpose" means the use of personal information for the controller's operational, administrative, security, or other purposes allowed for under this act, or for any notice-given and consumer-approved purposes or for the processor's operational purposes, provided that the use of the personal information is consistent with the requirements of this act.

(6) "Child" means a natural person younger than 13 years of age.

(7) "Collects," "collected," or "collection" means buying, renting, gathering, obtaining, receiving, or accessing by any means any personal information pertaining to a consumer, either actively or passively or by observing the consumer's behavior.

(8) "Consumer" means a natural person who resides in this state to the extent he or she is acting in an individual or household context. The term does not include any other natural person who is a nonresident or a natural person acting in a commercial or employment context.

(9) "Controller" means a sole proprietorship, a partnership, a limited liability company, a corporation, or an association or any other legal entity that meets the following requirements:

(a) Is organized or operated for the profit or financial benefit of its shareholders or owners;

(b) Does business in this state or provides products or services targeted to the residents of this state;

(c) Determines the purposes and means of processing personal information about consumers, alone or jointly with others; and

(d) Satisfies either of the following thresholds:

1. During a calendar year, controls the processing of the personal information of 100,000 or more consumers who are not covered by an exception under this act; or

2. Controls or processes the personal information of at least 25,000 consumers who are not covered by an exception under this act and derives over 50 percent or more of its global annual revenues from selling personal information about consumers.

(10) "De-identified" means information that cannot reasonably identify or be linked directly to a particular consumer, or a device that is linked to such consumer, if the controller or a processor that possesses such information on behalf of the controller:

(a) Has taken reasonable measures to ensure the information could not be associated with an individual consumer;

(b) Commits to maintain and use the information in a de-identified fashion without attempting to reidentify the information; and

(c) Contractually prohibits downstream recipients from attempting to reidentify the information.

(11) "Designated request address" means an e-mail address, a toll-free telephone number, or a website established by a controller through which a consumer may submit a verified request to the controller.

(12) "Intentional interaction" or "intentionally interacting" means the consumer intends to interact with or disclose personal information to a person through one or more deliberate interactions, including visiting the person's website or purchasing a good or service from the person. The term does not include hovering over, muting, pausing, or closing a given piece of content.

(13) "Non-targeted advertising" means:

(a) Advertising based solely on a consumer's activities within a controller's own, or its affiliate's, websites or online applications;

(b) Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

(c) Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

(d) Processing personal information solely for measuring or reporting advertising performance, reach, or frequency.

(14) "Personal information" means:

(a) Information that identifies or is linked or reasonably linkable to an identified or identifiable consumer.

(b) The term does not include:

1. Information about a consumer that is lawfully made available through federal, state, or local governmental records;

2. Information that a controller has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media unless the consumer has restricted the information to a specific audience; or

3. Consumer information that is de-identified or aggregate consumer information.

(15) "Precise geolocation data" means information from technology, such as global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include the information generated by the transmission of communications or any information generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(16) "Process" or "processing" means any operation or set of operations performed on personal information or on sets of personal information, whether or not by automated means.

(17) "Processor" means a natural or legal entity that processes personal data on behalf of, and at the direction of, a controller.

(18) "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements. The term does not include processing personal information solely for the purpose of measuring or reporting advertising performance, reach, or frequency.

(19) "Pseudonymous information" means personal information that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separate at all times and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to or combined with other personal data that may enable attribution to an identified or identifiable natural person.

(20) "Security and integrity" means the ability of a:

(a) Network or information system, device, website, or online application to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;

(b) Controller to detect security incidents; resist malicious, deceptive, fraudulent, or illegal actions; and help prosecute those responsible for such actions; and

(c) Controller to ensure the physical safety of natural persons.

(21) "Sell" means to transfer or make available a consumer's personal information by a controller to a third party in exchange for monetary or other valuable consideration, including nonmonetary transactions and agreements for other valuable consideration between a controller and a third party for the benefit of a controller. The term does not include any of the following:

(a) The disclosure, for a business purpose, of a consumer's personal information to a processor that processes the information for the controller.

(b) The disclosure by a controller for the purpose of providing a product or service requested or approved by a consumer, or the parent of a child, of the consumer's personal information to a third-party entity.

(c) The disclosure or transfer of personal information to an affiliate of the controller.

(d) The disclosure of personal information for purposes of non-targeted advertising.

(e) The disclosure or transfer of personal information to a third party as an asset that is part of a proposed or actual merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(f) The controller disclosing personal information to a law enforcement or other emergency processor for the purposes of providing emergency assistance to the consumer.

(22) "Sensitive data" means a category of personal information that includes any of the following:

(a) Racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status.

(b) Biometric information, including genetic information, processed for the purpose of uniquely identifying a natural person.

(c) Personal information collected from a known child.

(d) Precise geolocation data.

(23) "Targeted advertising" means displaying an advertisement to a consumer when the advertisement is selected based on personal information obtained from the consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. The term does not include any of the following:

(a) Non-targeted advertising.

(b) Advertisements based on the context of a consumer's current search query or visit to a website.

(c) Advertising directed to a consumer in response to the consumer's request for information or feedback.

(d) Processing personal data solely for measuring or reporting advertising performance, reach, or frequency.

(24) "Third party" means a person who is not any of the following:

(a) The controller with which the consumer intentionally interacts and which collects personal information from the consumer as part of the consumer's interaction with the controller.

(b) A processor that processes personal information on behalf of and at the direction of the controller.

(c) An affiliate of the controller.

(25) "Verified request" means a request submitted by a consumer or by a consumer on behalf of the consumer's minor child for which the controller has reasonably verified the authenticity of the request. The term includes a request made through an established account using the controller's established security features to access the account through communication features offered to consumers. The term does not include a request in which the consumer or a person authorized to act on the consumer's behalf does not provide verification of identify or verification of authorization to act with the permission of the consumer, and the controller is not required to provide information for such a request.

Section 4. Section 501.1745, Florida Statutes, is created to read:

501.1745 General duties of controllers that collect personal information.—

(1) A controller that controls the collection of a consumer's personal information that will be used for any purpose other than a business purpose, at or before the point of collection, shall inform consumers of the purposes for which personal information is collected or used and whether that information is sold. A controller may not collect additional categories of personal information, or use collected personal information for additional purposes that are incompatible with the disclosed purpose

for which the personal information was collected, without providing the consumer with notice consistent with this section. A controller that collects personal information about, but not directly from, consumers may provide the required information on its Internet home page or in its online privacy policy.

(2) A controller's collection, use, and retention of a consumer's personal information must be reasonably necessary to achieve the purposes for which the personal information was collected or processed. Such information may not be further processed in a manner that is incompatible with those purposes without notice to the consumer or be transferred or made available to a third party in a manner inconsistent with the requirements of this act.

(3) A controller that collects a consumer's personal information shall implement reasonable security procedures and practices appropriate to the nature of the personal information to protect the personal information from unauthorized or illegal access, destruction, use, modification, or disclosure.

(4) A controller that collects a consumer's personal information and discloses it to a processor shall enter into a contractual agreement with such processor which obligates the processor to comply with applicable obligations under this act and which prohibits downstream recipients from selling personal information or retaining, using, or disclosing the personal information. If a processor engages any other person to assist it in processing personal information for a business purpose on behalf of the controller, or if any other person engaged by the processor engages another person to assist in processing personal information for that business purpose, the processor or person must notify the controller of that engagement and the processor must prohibit downstream recipients from selling the personal information or retaining, using, or disclosing the personal information.

(5) A controller may not process sensitive data concerning a consumer without obtaining the consumer's consent or, in the case of the processing of sensitive data obtained from a known child, without processing such data for the purpose of delivering a product or service requested by the parent of such child, or in accordance with the federal Children's Online Privacy Protection Act, 15 U.S.C. s. 6501 et. seq. and regulations interpreting this act.

(6) Determining whether a person is acting as a controller or processor with respect to a specific activity is a fact-based determination that depends upon the context in which personal information is processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal information remains a processor.

Section 5. Section 501.175, Florida Statutes, is created to read:

501.175 Use of personal information; third parties; other rights.—

(1)(a) A consumer has the right at any time to direct a controller that sells personal information about the consumer not to sell the consumer's personal information. This right may be referred to as the right to opt out of the sale.

(b) A consumer has the right at any time to opt out of the processing of the consumer's personal information for purposes of targeted advertising or profiling. A controller shall provide a clear and conspicuous link on the controller's Internet home page, titled "Do Not Advertise To Me," to a web page that enables a consumer to opt out of targeted advertising or profiling. However, this paragraph may not be construed to prohibit the controller that collected the consumer's personal information from:

1. Offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has opted out of targeted advertising, profiling, or the sale of his or her personal information; or

2. Offering a loyalty, reward, premium feature, discount, or club card program.

(c) A controller that charges or offers a different price, rate, level, quality, or selection of goods or services to a consumer who has opted out of targeted advertising, profiling, or the sale of his or her personal information, or that offers goods or services for no fee, shall ensure that such charge or offer is not unjust, unreasonable, coercive, or usurious.

(2) A controller that sells consumers' personal information shall provide notice to consumers that the information may be sold and that consumers have the right to opt out of the sale of their personal information.

(3) A controller that sells consumers' personal information and that has received direction from a consumer not to sell the consumer's personal information or, in the case of a minor consumer's personal information, has not received consent to sell the minor consumer's personal information, is prohibited from selling the consumer's personal information after the controller receives the consumer's direction, unless the consumer subsequently provides express authorization for the sale of the consumer's personal information. A controller that is able to authenticate the consumer, for example, by the consumer logging in, or that is otherwise reasonably able to authenticate the consumer's request must comply with the consumer's request to opt out. The controller may not require the consumer to declare privacy preferences every time the consumer visits the controller's website or uses the controller's online services.

(4)(a) A controller may not sell the personal information collected from consumers that the controller has actual knowledge are younger than 16 years of age, unless:

1. The consumer, in the case of consumers between 13 and 16 years of age, has affirmatively authorized the sale of the consumer's personal information; or

2. The consumer's parent or guardian, in the case of consumers who are younger than 13 years of age, has affirmatively authorized such sale.

(b) This right may be referred to as the right to opt in.

(c) A business that willfully disregards the consumer's age is deemed to have actual knowledge of the consumer's age.

(d) A controller that complies with the verifiable parental consent requirements of the Children's Online Privacy Protection Act, 15 U.S.C. s. 6501 et seq., and accompanying regulations, or is providing a product or service requested by a parent or guardian, shall be deemed compliant with any obligation to obtain parental consent.

(5) A controller that is required to comply with this section shall:

(a) Provide a clear and conspicuous link on the controller's Internet home page, titled "Do Not Sell My Personal Information," to a web page that enables a consumer to opt out of the sale of the consumer's personal information. A business may not require a consumer to create an account in order to direct the business not to sell the consumer's information.

(b) Ensure that all individuals responsible for handling consumer inquiries about the controller's privacy practices or the controller's compliance with this section are informed of all requirements of this section and how to direct consumers to exercise their rights.

(c) For consumers who exercise their right to opt out of the sale of their personal information, refrain from selling personal information the controller collected about the consumer as soon as reasonably possible but no longer than 10 business days after receiving the request to opt out.

(d) Use any personal information collected from the consumer in connection with the submission of the consumer's opt-out request solely for the purposes of complying with the opt-out request.

(e) For consumers who have opted out of the sale of their personal information, respect the consumer's decision to opt out for at least 12 months before requesting that the consumer authorize the sale of the consumer's personal information.

(f) Ensure that consumers have the right to submit a verified request for certain information from a controller, including the categories of sources from which the consumer's personal information was collected, the specific items of personal information it has collected about the consumer, and the categories of any third parties to whom the personal information was sold.

(6) A controller, or a processor acting pursuant to its contract with the controller or another processor, is not required to comply with a consumer's verified request to delete the consumer's personal information if it is necessary for the controller or processor to maintain the consumer's personal information in order to do any of the following:

(a) Complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by the consumer, or otherwise perform a contract between the business and the consumer.

(b) Help to ensure security and integrity to the extent that the use of the consumer's personal information is reasonably necessary and proportionate for those purposes.

(c) Debug to identify and repair errors that impair existing intended functionality.

(d) Exercise free speech, ensure the right of another consumer to exercise that consumer's right of free speech, or exercise another right provided for by law.

(e) Engage in public or peer-reviewed scientific, historical, or statistical research that conforms or adheres to all other applicable ethics and privacy laws, when the business' deletion of the information is likely to render impossible or seriously impair the ability to complete such research, if the consumer has provided informed consent.

(f) Comply with a legal obligation.

(7) Consumers have the right to submit a verified request that personal information that has been collected from the consumer be deleted. Consumers have the right to submit a verified request for correction of their personal information held by a controller if that information is inaccurate, taking into account the nature of the personal information and the purpose for processing the consumer's personal information.

(8) This section may not be construed to require a controller to comply by reidentifying or otherwise linking information that is not maintained in a manner that would be considered personal information; retaining any personal information about a consumer if, in the ordinary course of business, that information would not be retained; maintaining information in identifiable, linkable, or associable form; or collecting, obtaining, retaining, or accessing any data or technology in order to be capable of linking or associating a verifiable consumer request with personal information.

(9) A consumer may authorize another person to opt out of the sale of the consumer's personal information. A controller shall comply with an opt-out request received from a person authorized by the consumer to act on the consumer's behalf, including a request received through a user-enabled global privacy control, such as a browser plug-in or privacy setting, device setting, or other mechanism, which communicates or signals the consumer's choice to opt out, and may not require a consumer to make a verified request to opt out of the sale of his or her information.

(10) Each controller shall establish a designated request address through which a consumer may submit a request to exercise his or her rights under this act.

(11)(a) A controller that receives a verified request:

1. For a consumer's personal information shall disclose to the consumer any personal information about the consumer which it has collected since January 1, 2023, directly or indirectly, including through or by a processor.

2. To correct a consumer's inaccurate personal information shall correct the inaccurate personal information, taking into account the nature of the personal information and the purpose for processing the consumer's personal information.

3. To delete a consumer's personal information shall delete such personal information collected from the consumer.

(b) A processor is not required to personally comply with a verified request received directly from a consumer, but the processor must notify a controller of such a request within 10 days after receiving the request. The time period required for a controller to comply with a verified request as provided in paragraph (d) commences beginning from the time the processor notifies the controller of the verified request. A processor shall provide reasonable assistance to a controller with which it has a contractual relationship with respect to the controller's response to a verifiable consumer request, including, but not limited to, by providing to the controller the consumer's personal information in the processor's possession which the processor obtained as a result of providing services to the controller.

(c) At the direction of the controller, a processor shall correct inaccurate personal information or delete personal information, or enable the controller to do the same.

(d) A controller shall comply with a verified request submitted by a consumer to access, correct, or delete personal information within 45 days after the date the request is submitted. A controller may extend such period by up to 45 days if the controller, in good faith, determines that such an extension is reasonably necessary. A controller that extends the period shall notify the consumer of the necessity of an extension.

(e) A consumer's rights under this subsection do not apply to pseudonymous information in cases where the controller is able to demonstrate that all information necessary to identify the consumer is kept separate at all times and is subject to effective technical and organizational controls that prevent the controller from accessing or combining such information.

(12) A controller shall comply with a consumer's previous expressed decision to opt out of the sale of his or her personal information without requiring the consumer to take any additional action if the controller is able to identify the consumer through a login protocol or any other process the controller uses to identify consumers and the consumer has previously exercised his or her right to opt out of the sale of his or her personal information.

(13) A controller shall make available, in a manner reasonably accessible to consumers whose personal information the controller collects through its website or online service, a notice that does all of the following:

(a) Identifies the categories of personal information that the controller collects through its website or online service about consumers who use or visit the website or online service and the categories of third parties to whom the controller may disclose such personal information.

(b) Provides a description of the process, if applicable, for a consumer who uses or visits the website or online service to review and request changes to any of his or her personal information that is collected from the consumer through the website or online service.

(c) Describes the process by which the controller notifies consumers who use or visit the website or online service of material changes to the notice.

(d) Discloses whether a third party may collect personal information about a consumer's online activities over time and across different websites or online services when the consumer uses the controller's website or online service.

(e) States the effective date of the notice.

(14) If a request from a consumer is manifestly unfounded or excessive, in particular because of the request's repetitive character, a controller may either charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested, or refuse to act on the request and notify the consumer of the reason for refusing the request. The controller bears the burden of demonstrating that any verified consumer request is manifestly unfounded or excessive.

(15) A controller that discloses personal information to a processor is not liable under this act if the processor receiving the personal information uses it in violation of the restrictions set forth in the act, provided that, at the time of disclosing the personal information, the controller does not have actual knowledge or reason to believe that the processor intends to commit such a violation. A processor is likewise not liable under this act for the obligations of a controller for which it processes personal information as set forth in this act.

(16) A controller or processor that discloses personal information to a third-party controller or processor in compliance with the requirements of this act is not in violation of this chapter if the third-party controller or processor that receives and processes such personal information is in violation of this act, provided that, at the time of disclosing the personal information, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor that violates this act, or violates the terms of a contractual agreement with a controller or processor which results in a violation of this act, is deemed to have violated the requirements of this act and is subject to the enforcement actions otherwise provided against a controller pursuant to s. 501.177. A third-party controller or processor receiving personal information from a controller or processor in compliance with the requirements of this act is not in violation of this act for noncompliance of the controller or processor from which it receives such personal data.

(17) The rights afforded to consumers and the obligations imposed on a controller in this act may not adversely affect the rights and freedoms of other consumers. Notwithstanding subsection (6), a verified request for specific items of personal information, to delete a consumer's personal information, or to correct inaccurate personal information does not extend to personal information about the consumer which belongs to, or which the controller maintains on behalf of, another natural person.

Section 6. Section 501.176, Florida Statutes, is created to read:

501.176 Applicability; exclusions.—

(1) The obligations imposed on a controller or processor by this act do not restrict a controller's or processor's ability to do any of the following:

(a) Comply with federal, state, or local laws, rules, or regulations.

(b) Comply with a civil, criminal, or regulatory inquiry or an investigation, a subpoena, or a summons by federal, state, local, or other governmental authorities.

(c) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations.

(d) Exercise, investigate, establish, prepare for, or defend legal claims.

(e) Collect, use, retain, sell, or disclose consumer personal information to:

1. Conduct internal research to develop, improve, or repair products, services, or technology;

2. Effectuate a product recall or provide a warranty for products or services;

3. Identify or repair technical errors that impair existing or intended functionality;

4. Perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or a parent of a child, or the performance of a contract to which the consumer is a party;

5. Provide a product or service specifically requested by a consumer or a parent of a child; perform a contract to which the consumer or parent is a party, including fulfilling the terms of a written warranty; or take steps at the request of the consumer before entering into a contract;

6. Take steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

7. Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity, and prosecute those responsible for that activity;

8. Preserve the integrity or security of information technology systems;

9. Investigate, report, or prosecute those responsible for any illegal, malicious, harmful, deceptive, or otherwise harmful activities;

10. Engage in public or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and, if applicable, is approved, monitored, and governed by an institutional review board, or similar independent oversight entity that determines if the information is likely to provide substantial benefits that do not exclusively accrue to the controller, if the expected benefits of the research outweigh the privacy risks, and if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification; or

11. Assist another controller, processor, or third party with any of the obligations under this subsection.

(2) This act does not apply to any of the following:

(a) A controller that collects, processes, or discloses the personal information of its employees, owners, directors, officers, beneficiaries, job applicants, interns, or volunteers, so long as the controller is collecting or disclosing such information only to the extent reasonable and necessary within the scope of the role the controller has in relation to each class of listed individuals. For purposes of this section the term "personal information" includes employment benefit information.

(b) Personal information that is part of a written or verbal communication or a transaction between the controller or processor and the consumer, where the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, non-profit, or government agency and whose communications or transaction with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from such company, partnership, sole proprietorship, non-profit, or government agency.

(c) A business, service provider, or third party that collects the personal information of an individual:

1. Who applies to, is or was previously employed by, or acts as an agent of the business, service provider, or third party, to the extent that the personal information is collected and used in a manner related to or arising from the individual's employment status; or

2. To administer benefits for another individual and the personal information is used to administer those benefits.

(d) A business that enters into a contract with an independent contractor and collects or discloses personal information about the contractor reasonably necessary to either enter into or to fulfill the contract when the contracted services would not defeat the purposes of this act.

(e) Protected health information for purposes of the federal Health Insurance Portability and Accountability Act of 1996 and related regulations, and patient identifying information for purposes of 42 C.F.R. part 2, established pursuant to 42 U.S.C. s. 290dd-2.

(f) A covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services in 45 C.F.R. parts 160 and 164, or a program or a qualified service program defined in 42 C.F.R. part 2, to the extent the covered entity, business associate, or program maintains personal information in the same manner as medical information or protected health information as described in paragraph (e).

(g) Identifiable private information collected for purposes of research as defined in 45 C.F.R. s. 164.501 which is conducted in accordance with the Federal Policy for the Protection of Human Subjects for purposes of 45 C.F.R. part 46, the good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use, or the Protection for Human Subjects for purposes of 21 C.F.R. parts 50 and 56; or personal information used or shared in research conducted in accordance with one or more of these standards, or another applicable protocol.

(h) Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986 and related regulations,

or patient safety work product for purposes of 42 C.F.R. part 3, established pursuant to 42 U.S.C. s. 299b-21 through 299b-26.

(i) Information that is de-identified in accordance with 45 C.F.R. part 164 and that is derived from individually identifiable health information, as described in the Health Insurance Portability and Accountability Act of 1996, or identifiable personal information, consistent with the Federal Policy for the Protection of Human Subjects or the human subject protection requirements of the United States Food and Drug Administration or the good clinical practice guidelines issued by the International Council for Harmonisation.

(j) Information collected as part of a clinical trial subject to the Federal Policy for the Protection of Human Subjects pursuant to good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use or pursuant to human subject protection requirements of the United States Food and Drug Administration, or another protocol.

(k) Personal information collected, processed, sold, or disclosed pursuant to the federal Fair Credit Reporting Act, 15 U.S.C. s. 1681 et seq.

(l) Personal information collected, processed, sold, or disclosed pursuant to, or a financial institution to the extent regulated by, the federal Gramm-Leach-Bliley Act, 15 U.S.C. s. 6801 et seq. and implementing regulations.

(m) Personal information collected, processed, sold, or disclosed pursuant to the Farm Credit Act of 1971, as amended in 12 U.S.C. s. 2001-2279cc and implementing regulations.

(n) Personal information collected, processed, sold, or disclosed pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. s. 2721 et seq.

(o) Education information covered by the federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g and 34 C.F.R. part 99.

(p) Personal information collected, processed, sold, or disclosed in relation to price, route, or service as those terms are used in the federal Airline Deregulation Act, 49 U.S.C. s. 40101 et seq., by entities subject to the federal Airline Deregulation Act, to the extent this act is preempted by s. 41713 of the federal Airline Deregulation Act.

(q) Vehicle information or ownership information retained or shared between a new motor vehicle dealer, distributor, or the vehicle's manufacturer if the vehicle or ownership information is shared for the purpose of effectuating, or in anticipation of effectuating, a vehicle repair covered by a vehicle warranty or a recall conducted pursuant to 49 U.S.C. s. 30118-30120, provided that the new motor vehicle dealer, distributor, or vehicle manufacturer with which that vehicle information or ownership information is shared does not sell, share, or use that information for any other purpose. As used in this paragraph, the term "vehicle information" means the vehicle identification number, make, model, year, and odometer reading, and the term "ownership information" means the name or names of the registered owner or owners and the contact information for the owner or owners.

Section 7. Section 501.177, Florida Statutes, is created to read:

501.177 Enforcement; Attorney General; preemption.—

(1) The Department of Legal Affairs may adopt rules to implement this section. If the department has reason to believe that any controller, processor, or other person or entity is in violation of this act and that proceedings would be in the public interest, the department may institute an appropriate legal proceeding against such party.

(2) After the department has notified a controller in writing of an alleged violation of this act, the Attorney General may at his her discretion, before initiating a proceeding under this section, grant the controller a 30-day period to cure the alleged violation. The Attorney General may consider the number of violations, the substantial likelihood of injury to the public, or the safety of persons or property when determining whether to grant 30 days to cure an alleged violation. If the controller cures the alleged violation to the satisfaction of the Attorney General and provides proof of such cure to the Attorney General, the Attorney General may either extend the cure period or issue a letter of guidance to the controller which indicates that the controller will not be offered a 30-day cure period for any future violations. If the controller fails to cure the violation within 30 days, the Attorney General may bring an action against the controller for the alleged violation.

(3) The trial court, upon a showing that any controller, processor, or other person or entity is in violation of this act, may take any of the following actions:

(a) Issue a temporary or permanent injunction.

(b) Impose a civil penalty of not more than $2,500 for each violation.

(c) Award reasonable costs of enforcement, including reasonable attorney fees and costs.

(4) This act is a matter of statewide concern and supersedes and preempts to the state all rules, regulations, codes, ordinances, and other laws adopted by a city, county, city and county, municipality, or local agency regarding the collection, processing, or sale of consumers' personal information by a controller or processor.

(5) Any reference to federal law or statute in this act shall be deemed to include any accompanying rules or regulations or exemptions thereto. Further, this enactment is declaratory of existing law.

Section 8. This act shall take effect July 1, 2023.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to consumer data privacy; creating s. 501.172, F.S.; providing a short title; creating s. 501.173, F.S.; providing a purpose; creating s. 501.174, F.S.; defining terms; creating s. 501.1745, F.S.; requiring controllers that collect consumer personal information to provide certain information to the consumer; requiring such collection, use, and retention of such information to meet certain requirements; requiring controllers to implement reasonable security procedures and practices; prohibiting controllers from processing certain sensitive consumer data under certain circumstances; creating s. 501.175, F.S.; providing that consumers have the right to opt out of the sale and processing of their personal information by controllers; providing requirements for a controller to comply with such a request under certain circumstances; prohibiting controllers from selling the personal information of consumers younger than a specified age without express authorization from the consumer or the consumer's parent or guardian under certain circumstances; providing that controllers that willfully disregard a consumer's age are deemed to have actual knowledge of the consumer's age; providing requirements for controllers to comply with a consumer's right to opt out; providing exceptions; providing that consumers have the right to submit a verified request for the deletion or correction of their personal information; providing construction; providing that consumers may authorize other persons to opt out of the sale of the consumer's personal information on the consumer's behalf; requiring controllers to establish designated request addresses; providing requirements for controllers to comply with verified consumer requests; authorizing businesses to charge consumers a reasonable fee for manifestly unfounded or excessive requests, or to refuse to complete a request under certain circumstances; providing that controllers and processors are not liable for certain actions; providing that third-party controllers or processors are liable for violating the act or the terms of certain contractual agreements, thereby resulting in a violation; providing that a consumer's rights and the obligations of a controller may not adversely affect the rights and freedoms of other consumers; creating s. 501.176, F.S.; providing applicability; providing exceptions; creating s. 501.177, F.S.; authorizing the Department of Legal Affairs to adopt rules and to bring appropriate legal proceedings for violations under certain circumstances; authorizing the Attorney General to grant controllers an opportunity to cure violations when given notice by the department; providing civil remedies and penalties for violations; preempting the regulation of the collection, processing, or sale of consumers' personal information by a controller or processor to the state; providing applicability; providing an effective date.

Senator Bradley moved the following amendment to **Amendment 1 (891990)** which was adopted:

Amendment 1A (285616)—Delete lines 404-573 and insert:

(6) Consumers have the right to submit a verified request that personal information that has been collected from the consumer be deleted. Consumers have the right to submit a verified request for correction of their personal information held by a controller if that information is inaccurate, taking into account the nature of the personal information and the purpose for processing the consumer's personal information.

(7) A controller, or a processor acting pursuant to its contract with the controller or another processor, is not required to comply with a consumer's verified request to delete the consumer's personal information if it is necessary for the controller or processor to maintain the consumer's personal information in order to do any of the following:

(a) Complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by the consumer, or otherwise perform a contract between the business and the consumer.

(b) Help to ensure security and integrity to the extent that the use of the consumer's personal information is reasonably necessary and proportionate for those purposes.

(c) Debug to identify and repair errors that impair existing intended functionality.

(d) Exercise free speech, ensure the right of another consumer to exercise that consumer's right of free speech, or exercise another right provided for by law.

(e) Engage in public or peer-reviewed scientific, historical, or statistical research that conforms or adheres to all other applicable ethics and privacy laws, when the business' deletion of the information is likely to render impossible or seriously impair the ability to complete such research, if the consumer has provided informed consent.

(f) Comply with a legal obligation.

(8) This section may not be construed to require a controller to comply by reidentifying or otherwise linking information that is not maintained in a manner that would be considered personal information; retaining any personal information about a consumer if, in the ordinary course of business, that information would not be retained; maintaining information in identifiable, linkable, or associable form; or collecting, obtaining, retaining, or accessing any data or technology in order to be capable of linking or associating a verifiable consumer request with personal information.

(9) A consumer may authorize another person to opt out of the sale of the consumer's personal information. A controller shall comply with an opt-out request received from a person authorized by the consumer to act on the consumer's behalf, including a request received through a user-enabled global privacy control, such as a browser plug-in or privacy setting, device setting, or other mechanism, which communicates or signals the consumer's choice to opt out, and may not require a consumer to make a verified request to opt out of the sale of his or her information.

(10) Each controller shall establish a designated request address through which a consumer may submit a request to exercise his or her rights under this act.

(11)(a) A controller that receives a verified request:

1. For a consumer's personal information shall disclose to the consumer any personal information about the consumer which it has collected since January 1, 2023, directly or indirectly, including through or by a processor.

2. To correct a consumer's inaccurate personal information shall correct the inaccurate personal information, taking into account the nature of the personal information and the purpose for processing the consumer's personal information.

3. To delete a consumer's personal information shall delete such personal information collected from the consumer.

(b) A processor is not required to personally comply with a verified request received directly from a consumer, but the processor must notify a controller of such a request within 10 days after receiving the request. The time period required for a controller to comply with a verified request as provided in paragraph (d) commences beginning from the time the processor notifies the controller of the verified request. A processor shall provide reasonable assistance to a controller with which it has a contractual relationship with respect to the controller's response to a verifiable consumer request, including, but not limited to, by providing to the controller the consumer's personal information in the processor's possession which the processor obtained as a result of providing services to the controller.

(c) At the direction of the controller, a processor shall correct inaccurate personal information or delete personal information, or enable the controller to do the same.

(d) A controller shall comply with a verified request submitted by a consumer to access, correct, or delete personal information within 45 days after the date the request is submitted. A controller may extend such period by up to 45 days if the controller, in good faith, determines that such an extension is reasonably necessary. A controller that extends the period shall notify the consumer of the necessity of an extension.

(e) A consumer's rights under this subsection do not apply to pseudonymous information in cases where the controller is able to demonstrate that all information necessary to identify the consumer is kept separate at all times and is subject to effective technical and organizational controls that prevent the controller from accessing or combining such information.

(12) A controller shall comply with a consumer's previous expressed decision to opt out of the sale of his or her personal information without requiring the consumer to take any additional action if the controller is able to identify the consumer through a login protocol or any other process the controller uses to identify consumers and the consumer has previously exercised his or her right to opt out of the sale of his or her personal information.

(13) A controller shall make available, in a manner reasonably accessible to consumers whose personal information the controller collects through its website or online service, a notice that does all of the following:

(a) Identifies the categories of personal information that the controller collects through its website or online service about consumers who use or visit the website or online service and the categories of third parties to whom the controller may disclose such personal information.

(b) Provides a description of the process, if applicable, for a consumer who uses or visits the website or online service to review and request changes to any of his or her personal information that is collected from the consumer through the website or online service.

(c) Describes the process by which the controller notifies consumers who use or visit the website or online service of material changes to the notice.

(d) Discloses whether a third party may collect personal information about a consumer's online activities over time and across different websites or online services when the consumer uses the controller's website or online service.

(e) States the effective date of the notice.

(14) If a request from a consumer is manifestly unfounded or excessive, in particular because of the request's repetitive character, a controller may either charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested, or refuse to act on the request and notify the consumer of the reason for refusing the request. The controller bears the burden of demonstrating that any verified consumer request is manifestly unfounded or excessive.

(15) A controller that discloses personal information to a processor is not liable under this act if the processor receiving the personal in-

formation uses it in violation of the restrictions set forth in the act, provided that, at the time of disclosing the personal information, the controller does not have actual knowledge or reason to believe that the processor intends to commit such a violation. A processor is likewise not liable under this act for the obligations of a controller for which it processes personal information as set forth in this act.

(16) A controller or processor that discloses personal information to a third-party controller or processor in compliance with the requirements of this act is not in violation of this chapter if the third-party controller or processor that receives and processes such personal information is in violation of this act, provided that, at the time of disclosing the personal information, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor that violates this act, or violates the terms of a contractual agreement with a controller or processor which results in a violation of this act, is deemed to have violated the requirements of this act and is subject to the enforcement actions otherwise provided against a controller pursuant to s. 501.177. A third-party controller or processor receiving personal information from a controller or processor in compliance with the requirements of this act is not in violation of this act for noncompliance of the controller or processor from which it receives such personal data.

(17) The rights afforded to consumers and the obligations imposed on a controller in this act may not adversely affect the rights and freedoms of other consumers. Notwithstanding subsection (7), a verified request for specific items of

Amendment 1 (891990), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 969**, as amended, was placed on the calendar of Bills on Third Reading.

SB 7064—A bill to be entitled An act relating to public records; amending s. 501.177, F.S.; providing an exemption from public records requirements for information relating to investigations by the Department of Legal Affairs and law enforcement agencies of certain data privacy violations; defining the term "proprietary information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **SB 7064**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 971** was withdrawn from the Committee on Rules.

On motion by Senator Bradley—

CS for CS for HB 971—A bill to be entitled An act relating to public records; amending s. 501.173, F.S.; providing an exemption from public records requirements for information relating to investigations by the Department of Legal Affairs and law enforcement agencies of certain data privacy violations; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 7064** and read the second time by title.

Senator Bradley moved the following amendment which was adopted:

Amendment 1 (436096) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 501.177, Florida Statutes, as created by HB 969, 2021 Regular Session, to read:

501.177 Enforcement; Attorney General; preemption.—

(6)(a) All information received by the department pursuant to a notification of a violation under this act, or received by the department pursuant to an investigation by the department or a law enforcement agency of a violation of this act, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c).

(b) During an active investigation, information made confidential and exempt pursuant to paragraph (a) may be disclosed by the department:

1. In the furtherance of official duties and responsibilities;

2. For print, publication, or broadcast if the department determines that such release would assist in notifying the public or locating or identifying a person the department believes to be a victim of improper use or disposal of customer records, except that information made confidential and exempt by paragraph (c) may not be released pursuant to this subparagraph; or

3. To another governmental entity in the furtherance of its official duties and responsibilities.

(c) Upon completion of an investigation or once an investigation ceases to be active, all of the following information received by the department remains confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. All information to which another public records exemption applies.

2. Personal information.

3. A computer forensic report.

4. Information that would otherwise reveal weaknesses in a controller's, processor's, or person's data security.

5. Information that would disclose a controller's, processor's, or person's proprietary information.

(d) For purposes of this subsection, the term "proprietary information":

1. Means information that:

a. Is owned or controlled by the controller, processor, or person.

b. Is intended to be private and is treated by the controller, processor, or person as private because disclosure would harm the controller, processor, or person or its business operations.

c. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.

d. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department.

2. Includes:

a. Trade secrets as defined in s. 688.002.

b. Competitive interests, the disclosure of which would impair the competitive business of the controller, processor, or person who is the subject of the information.

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that all information received by the Department of Legal Affairs pursuant to a notification of a violation of this act, or received by the department pursuant to an investigation by the department or a law enforcement agency of a violation of this act, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for the following reasons:*

(1) A notification of a violation of this act may result in an investigation of such violation. The premature release of such information could frustrate or thwart the investigation and impair the ability of the

department to effectively and efficiently administer its duties pursuant to s. 501.177, Florida Statutes. In addition, release of such information before completion of an active investigation could jeopardize the ongoing investigation.

(2) The Legislature finds that it is a public necessity to continue to protect from public disclosure all information to which another public records exemption applies once an investigation is completed or ceases to be active. Release of such information by the department would undo the specific statutory exemption protecting that information.

(3) An investigation of a violation of this act is likely to result in the gathering of sensitive personal information, including social security numbers, identification numbers, and personal financial information. Such information could be used for the purpose of identity theft. In addition, release of such information could subject possible victims of data privacy violations to further harm.

(4) Notices received by the department and information received during an investigation of a violation of this act are likely to contain proprietary information, including trade secrets, about the security of the system. The release of the proprietary information could result in the identification of the system's vulnerabilities, which could ultimately lead to the improper access of personal information. In addition, a trade secret derives independent, economic value, actual or potential, from being generally unknown to, and not readily ascertainable by, other persons who might obtain economic value from its disclosure or use. Allowing public access to proprietary information, including a trade secret, through a public records request could destroy the value of the proprietary information and cause a financial loss to the controller, processor, or person submitting the information. Release of such information could weaken the position of the entity supplying the proprietary information in the marketplace.

Section 3. This act shall take effect on the same date that HB 969 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 501.177, F.S.; providing an exemption from public records requirements for information relating to investigations by the Department of Legal Affairs and law enforcement agencies of certain data privacy violations; providing that certain information may be disclosed by the department during active investigations for specified purposes; defining the term "proprietary information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for CS for HB 971**, as amended, was placed on the calendar of Bills on Third Reading.

CS for HB 1055—A bill to be entitled An act relating to public records; creating s. 688.01, F.S.; providing definitions; providing an exemption from public records requirements for a trade secret held by an agency; providing notice requirements; providing an exception to the exemption; providing that an agency employee is not liable for the release of certain records; providing for future legislative review and repeal of the exemption; amending ss. 688.001 and 688.006, F.S.; conforming cross-references; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Baxley offered the following amendment which was moved by Senator Boyd and adopted:

Amendment 1 (418456) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 119.0715, Florida Statutes, is created to read:

119.0715 Trade secrets held by an agency.—

(1) "Trade secret" has the same meaning as in s. 688.002.

(2) PUBLIC RECORD EXEMPTION.—A trade secret held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) AGENCY ACCESS.—An agency may disclose a trade secret to an officer or employee of another agency or governmental entity whose use of the trade secret is within the scope of his or her lawful duties and responsibilities.

(4) LIABILITY.—An agency employee who, while acting in good faith and in the performance of his or her duties, releases a record containing a trade secret pursuant to this chapter is not liable, civilly or criminally, for such release.

(5) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that trade secrets held by an agency be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature recognizes that an agency may create trade secret information in furtherance of the agency's duties and responsibilities and that disclosure of such information would be detrimental to the effective and efficient operation of the agency. If such trade secret information were made available to the public, the agency could suffer great economic harm. In addition, the Legislature recognizes that in many instances, individuals and businesses provide trade secret information for regulatory or other purposes to an agency and that disclosure of such information to competitors of those businesses would be detrimental to the businesses. Without the public record exemption, those entities would hesitate to cooperate with an agency, which would impair the effective and efficient administration of governmental functions. As such, the Legislature's intent is to protect trade secret information of a confidential nature that includes a formula, pattern, compilation, program, device, method, technique, or process used that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. Therefore, the Legislature finds that the need to protect trade secrets is sufficiently compelling to override this state's public policy of open government and that the protection of such information cannot be accomplished without this exemption.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; creating s. 119.0715, F.S.; providing an exemption from public records requirements for a trade secret held by an agency; providing that an agency employee is not liable for the release of certain records; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

On motion by Senator Boyd, by two-thirds vote, **CS for HB 1055**, as amended, was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brodeur	Hooper
Albritton	Broxson	Hutson
Ausley	Burgess	Jones
Baxley	Cruz	Mayfield
Bean	Diaz	Passidomo
Berman	Farmer	Perry
Book	Gainer	Pizzo
Boyd	Garcia	Polsky
Bracy	Gibson	Powell
Bradley	Gruters	Rodrigues
Brandes	Harrell	Rodriguez

Rouson	Taddeo	Wright
Stargel	Thurston	
Stewart	Torres	

Nays—None

Consideration of **CS for SB 7068** and **CS for CS for CS for SB 1186** was deferred.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 148, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 148—A bill to be entitled An act relating to the Beverage Law; amending s. 561.20, F.S.; authorizing certain food service establishments to sell or deliver certain alcoholic beverages for off-premises consumption under certain circumstances; creating s. 561.575, F.S.; providing requirements for such establishments to sell alcoholic beverages for off-premises consumption; requiring that such alcoholic beverages be transported in a specified manner; requiring vendors to verify the age of a person making a delivery of an alcoholic beverage before such person takes possession of the alcoholic beverage; providing construction; amending s. 316.1936, F.S.; specifying that certain alcoholic beverages sold by such establishments are not open containers for the purposes of the prohibition on possessing open containers of alcoholic beverages in vehicles; providing an effective date.

House Amendment 1 (853337) (with title amendment)—Remove lines 73-287 and insert: *subparagraph may sell or deliver alcoholic beverages in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee and packaged in a container sealed by the licensee. A licensee under this subparagraph may not sell a bottle of distilled spirits sealed by a manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. It is a violation of the prohibition in s. 562.11, to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section.* A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

5. Any caterer, deriving at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event, licensed by the Division of Hotels and Restaurants under chapter 509. This subparagraph does not apply to a culinary education program, as defined in s. 381.0072(2), which is licensed as a public food service establishment by the Division of Hotels and Restaurants and provides catering services. Notwithstanding any law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records and receipts for each catered event, including all contracts, customers' names, event locations, event dates, food purchases and sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by the department by rule to demonstrate compliance with the requirements of this subparagraph. Notwithstanding any law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph *may* ~~shall~~ not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. ~~Nothing in~~ This section *does not* ~~shall~~ permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072; or

6. A culinary education program as defined in s. 381.0072(2) which is licensed as a public food service establishment by the Division of Hotels and Restaurants.

a. This special license shall allow the sale and consumption of alcoholic beverages on the licensed premises of the culinary education program. The culinary education program shall specify designated areas in the facility where the alcoholic beverages may be consumed at the time of application. Alcoholic beverages sold for consumption on the premises may be consumed only in areas designated *under* ~~pursuant to~~ s. 561.01(11) and may not be removed from the designated area. Such license shall be applicable only in and for designated areas used by the culinary education program.

b. If the culinary education program provides catering services, this special license shall also allow the sale and consumption of alcoholic beverages on the premises of a catered event at which the licensee is also providing prepared food. A culinary education program that provides catering services is not required to derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Notwithstanding any law to the contrary, a licensee that provides catering services under this sub-subparagraph shall prominently display its beverage license at any catered event at which the caterer is selling or serving alcoholic beverages. Regardless of the county or counties in which the licensee operates, a licensee under this sub-subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this sub-subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this sub-subparagraph.

c. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph does not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. ~~Nothing in~~ This subparagraph *does not* ~~shall~~ permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or

local law. Any culinary education program that holds a license to sell alcoholic beverages shall comply with the age requirements set forth in ss. 562.11(4), 562.111(2), and 562.13.

d. The Division of Alcoholic Beverages and Tobacco may adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement.

e. A license issued pursuant to this subparagraph does not permit the licensee to sell alcoholic beverages by the package for off-premises consumption.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law *may* ~~shall~~ not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately *before* ~~prior to~~ the effective date of this act, if construction of such restaurant has commenced *before* ~~prior to~~ the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 2. Section 564.09, Florida Statutes, is amended to read:

564.09 Restaurants; off-premises consumption of wine.—

(1) Notwithstanding any other provision of law, a restaurant licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if the patron has purchased a ~~full course~~ meal ~~consisting of a salad or vegetable, entree, a beverage, and bread~~ and consumed a portion of the bottle of wine ~~with such meal~~ on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and ~~full course~~ meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine must be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(2) Notwithstanding any other provision of law, a restaurant licensed to sell wine for consumption on the premises may sell or deliver a manufacturer-sealed bottle of wine, or an individual serving of wine or wine-based beverage prepared by the licensee, for off-premises consumption if the wine is delivered in a container sealed by the licensee and the sale or delivery is accompanied by the purchase of a meal within the same order. Any delivery made under this subsection must comply with s. 561.57. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section.

Section 3. Subsection (1) of section 565.045, Florida Statutes, is amended to read:

565.045 Regulations for consumption on premises; penalty; exemptions.—

(1) Vendors licensed under s. 565.02(1)(b)-(f)*:*

(a) Shall provide seats for the use of their customers*;*

(b) ~~. Such vendors~~ May sell *or deliver* alcoholic beverages by the drink or in *manufacturer-sealed* ~~sealed~~ containers for consumption on or off the premises where sold*; and*

(c) May sell or deliver an individual serving of liquor or a liquor-based beverage prepared by the licensee for off-premises consumption if the liquor or liquor-based beverage is in a container sealed by the licensee.

All sales or deliveries of alcoholic beverages made under paragraph (c) for off-premises consumption must be accompanied by the sale of food within the same order, where the sale of food and nonalcoholic beverages shall account for at least 25 percent of the total charge for the order.

(d) Any delivery of an alcoholic beverage under this section must comply with s. 561.57. It is a violation of the prohibition in s. 562.11, to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section.

Section 4. For the purpose of incorporating the amendment made by this act to section 564.09, Florida Statutes, in a reference thereto, subsection (9) of section 316.1936, Florida Statutes, is reenacted and amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(9) A bottle of wine that has been resealed and is transported pursuant to s. 564.09 is not an open container under ~~the provisions of~~ this section.

Section 5. For the purpose of incorporating the amendment made by this act to section 564.09, Florida Statutes, in a reference thereto, section 564.05, Florida Statutes, is reenacted to read:

564.05 Limitation of size of individual wine containers; penalty.—It is unlawful for a person to sell within this state wine in an individual container holding more than 1 gallon of such wine, unless such wine is in a reusable container holding 5.16 gallons. However, qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, wine sold or offered for sale by a licensed vendor to be consumed off the premises shall be in the unopened original container. A person convicted of a violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Remove lines 6-18 and insert: circumstances; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the delivery; amending s. 564.09, F.S.; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; authorizing certain restaurants to sell or deliver wine in specified packages under certain circumstances; prohibiting any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the delivery; amending s. 565.045, F.S.; revising requirements for the sale of alcoholic beverages by certain vendors; authorizing certain vendors to deliver specified alcoholic beverages and liquor under certain circumstances; prohibiting any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor; requiring a

vendor or the agent or employee of the vendor to verify the age of the person making the delivery; reenacting ss. 316.1936(9) and 564.05, F.S., relating to the possession of open containers of alcoholic beverages in vehicles and the limitation of size of individual wine containers, respectively, to incorporate the amendments made to s. 564.09, F.S., in references thereto; providing an effective date.

Senator Bradley moved the following Senate amendment to **House Amendment 1 (853337)** which was adopted:

Senate Amendment 1 (666848) (with title amendment) to House Amendment 1 (853337)—Delete lines 7-272 and insert:
is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee or its employee and packaged in a container sealed by the licensee or its employee. This subparagraph may not be construed to authorize public food service establishments licensed under this subparagraph to sell a bottle of distilled spirits sealed by a manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section. A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

5. Any caterer, deriving at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event, licensed by the Division of Hotels and Restaurants under chapter 509. This subparagraph does not apply to a culinary education program, as defined in s. 381.0072(2), which is licensed as a public food service establishment by the Division of Hotels and Restaurants and provides catering services. Notwithstanding any law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records and receipts for each catered event, including all contracts, customers' names, event locations, event dates, food purchases and sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by the department by rule to demonstrate compliance with the requirements of this subparagraph. Notwithstanding any law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph *may* ~~shall~~ not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. ~~Nothing in~~ This section *does not* ~~shall~~ permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072; or

6. A culinary education program as defined in s. 381.0072(2) which is licensed as a public food service establishment by the Division of Hotels and Restaurants.

a. This special license shall allow the sale and consumption of alcoholic beverages on the licensed premises of the culinary education program. The culinary education program shall specify designated areas in the facility where the alcoholic beverages may be consumed at the time of application. Alcoholic beverages sold for consumption on the premises may be consumed only in areas designated *under* ~~pursuant to~~ s. 561.01(11) and may not be removed from the designated area. Such license shall be applicable only in and for designated areas used by the culinary education program.

b. If the culinary education program provides catering services, this special license shall also allow the sale and consumption of alcoholic beverages on the premises of a catered event at which the licensee is also providing prepared food. A culinary education program that provides catering services is not required to derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Notwithstanding any law to the contrary, a licensee that provides catering services under this sub-subparagraph shall prominently display its beverage license at any catered event at which the caterer is selling or serving alcoholic beverages. Regardless of the county or counties in which the licensee operates, a licensee under this sub-subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this sub-subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this sub-subparagraph.

c. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph does not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. ~~Nothing in~~ This subparagraph *does not* ~~shall~~ permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. Any culinary education program that holds a license to sell alcoholic beverages shall comply with the age requirements set forth in ss. 562.11(4), 562.111(2), and 562.13.

d. The Division of Alcoholic Beverages and Tobacco may adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement.

e. A license issued pursuant to this subparagraph does not permit the licensee to sell alcoholic beverages by the package for off-premises consumption.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or

motor court, including a condominium accommodation, under the general law *may* ~~shall~~ not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately *before* ~~prior to~~ the effective date of this act, if construction of such restaurant has commenced *before* ~~prior to~~ the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 2. Section 564.09, Florida Statutes, is amended to read:

564.09 Restaurants; off-premises consumption of wine.—Notwithstanding any other provision of law, a restaurant licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if the patron has purchased a ~~full course~~ meal ~~consisting of a salad or vegetable, entree, a beverage, and bread~~ and consumed a portion of the bottle of wine ~~with such meal~~ on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and ~~full course~~ meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine must be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Section 3. Subsection (1) of section 565.045, Florida Statutes, is amended to read:

565.045 Regulations for consumption on premises; penalty; exemptions.—

(1) Vendors licensed under s. 565.02(1)(b)-(f)*:*

(a) Shall provide seats for the use of their customers*;*

(b) ~~. Such vendors~~ May sell *or deliver* alcoholic beverages by the drink or in sealed containers for consumption on or off the premises where sold*; and*

(c) May sell or deliver alcoholic beverages prepared by the licensee for off-premises consumption if the alcoholic beverage is in a container sealed by the licensee. All sales or deliveries of alcoholic beverages made pursuant to this paragraph must satisfy the following requirements:

1. The vendor must be licensed as a public food service establishment under chapter 509;

2. The sale or delivery must be accompanied by the sale of food within the same order;

3. The charge for the sale of food and nonalcoholic beverages must be at least 40 percent of the total charge for the order, excluding the charge for any manufacturer-sealed containers of alcoholic beverages included in the order; and

4. Sales and deliveries of the alcoholic beverages may not occur after the vendor ceases preparing food on the licensed premises for the day or after midnight, whichever is earlier.

The requirement in subparagraph 3. does not apply to vendors licensed under s. 561.20(2)(a)4.

(d) An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises under paragraph (c) must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle.

(e) Any delivery of an alcoholic beverage under this section must comply with s. 561.57. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section.

Section 4. Subsection (9) of section 316.1936, Florida Statutes, is amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(9) *An alcoholic beverage that has been sealed by a licensee or the employee of a licensee and is transported pursuant to s. 564.09, s. 561.20(2)(a)4., or s. 565.045(1)* ~~A bottle of wine that has been resealed and is transported pursuant to s. 564.09~~ is not an open container under ~~the provisions of~~ this section.

And the title is amended as follows:

Delete lines 277-298 and insert: circumstances; providing requirements for such deliveries; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the delivery; amending s. 564.09, F.S.; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; amending s. 565.045, F.S.; revising requirements for the sale of alcoholic beverages by certain vendors; authorizing certain vendors to deliver specified alcoholic beverages under certain circumstances; providing requirements for such deliveries; prohibiting any person under the age of 21 from delivering alcoholic beverages on behalf of a vendor; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the delivery; amending s. 316.1936, F.S.; specifying that certain alcoholic beverages are not open containers for the purposes of the prohibition on possessing open containers of alcoholic beverages in vehicles; providing an effective date.

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (853337)**, as amended by **Senate Amendment 1 (666848)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 148 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

Nays—None

Vote after roll call:

Yea to Nay—Gibson

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 912, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 912—A bill to be entitled An act relating to the tolling and extension of permits and other authorizations during states of emergency; amending s. 252.363, F.S.; adding specified consumptive use permits issued under part II of ch. 373, F.S., and specified development permits and development agreements to the list of permits and other authorizations tolled and extended during a state of emergency declared by the Governor for a natural emergency; providing for retroactive application; providing an effective date.

House Amendment 1 (052755) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. *Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.*

5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

Section 2. *This act applies retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency on or after March 1, 2020.*

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

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to expiration of permits and agreements during natural emergencies; amending s. 252.363, F.S.; tolling and extending the expiration of specified consumptive use water permits and development permits and agreements during a natural emergency declared by the Governor; providing retroactive applicability; providing an effective date.

Senator Albritton moved the following Senate amendment to **House Amendment 1 (052755)** which was adopted:

Senate Amendment 1 (324516) (with title amendment) to House Amendment 1 (052755)—Between lines 38 and 39 insert:

Section 3. Section 56 of chapter 2017-36, Laws of Florida, is amended to read:

Section 56. Notwithstanding s. 290.016, Florida Statutes, enterprise zone boundaries in existence before December 31, 2015, are preserved for the purpose of allowing local governments to administer local incentive programs within these boundaries through December 31, *2021* ~~2020~~, except for eligible contiguous multi-phase projects in which at least one certificate of use or occupancy has been issued before December 31, *2021* ~~2020~~, and which project will then vest the remaining project phases until completion, but no later than December 31, 2025.

And the title is amended as follows:

Delete lines 45-51 and insert: An act relating to land use and development; amending s. 252.363, F.S.; tolling and extending the expiration of specified consumptive use water permits and development permits and agreements during a natural emergency declared by the Governor; providing retroactive applicability; amending s. 56 of chapter 2017-36, Laws of Florida; extending the time period for local governments to administer local incentive programs for projects within certain enterprise zone boundaries; providing an effective

On motion by Senator Albritton, the Senate concurred in **House Amendment 1 (052755)**, as amended by **Senate Amendment 1 (324516)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 912 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

Nays—None

RECESS

The President declared the Senate in recess at 11:06 a.m. to reconvene at 2:00 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by President Simpson at 2:00 p.m. A quorum present—40:

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1028, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 1028—A bill to be entitled An act relating to charter schools; amending s. 1002.32, F.S.; providing that the limitation on lab schools does not apply to a school serving a military installation; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; prohibiting certain charter schools from being sponsored by a Florida College System institution until such charter schools' existing charter expires; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; revising provisions relating to Florida College System institutions that are operating charter schools; prohibiting certain interlocal agreements; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; requiring the department to compile results in a specified manner; deleting obsolete language; revising requirements for the charter school application process; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file monthly reports; authorizing school districts to resume withholding the full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; requiring the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination of a charter; authorizing the award of specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising the student populations for which a charter school is authorized to limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; authorizing a sponsor to withhold an administrative fee for the provision of certain services to an exceptional student education center that meets specified requirements; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising provisions relating to the opening of additional high-performing charter schools; amending s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; providing that certain nonprofit entities may be designated as a local education agency; providing that certain entities report students to the department in a specified manner; specifying reporting provisions that apply only to certain schools of hope; providing that schools of hope may comply with certain financial reporting in a specified manner; revising the manner in which underused, vacant, or surplus facilities owned or operated by school districts are identified; authorizing a nonprofit entity designated as a local education agency to use any capital assets identified in a certain annual financial audit for another school of hope operated by the local education agency within the same district; amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction; amending s. 1003.493, F.S.; authorizing a charter school to offer a career and professional academy; amending s. 1008.3415, F.S.; requiring the Commissioner of Education, upon request by a charter school that meets specified criteria, to provide a letter to the charter school and the charter school's sponsor authorizing the charter school to replicate its educational program; amending s. 1012.32, F.S.; providing an alternate screening method for specified persons employed by certain schools of hope or serving on certain school of hope governing boards; amending s. 1013.62, F.S.; expanding eligibility to receive capital outlay funds to schools of hope operated by a hope operator; providing for severability; providing an effective date.

House Amendment 1 (436105) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1001.35, Florida Statutes, is amended to read:

1001.35 Term of office.—District school board members shall be elected at the general election in November for terms of 4 years *except that a person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for 8 consecutive years. Service of a term of office which commenced before November 8, 2022, will not be counted toward the limitation imposed by this section*.

Section 2. Subsection (2) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall provide sequential instruction and shall 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 under s. 1002.33(5)(a) 2. must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the State Board of Education and the Legislature are authorized to sponsor a lab school. The limitation of one lab school per university shall not apply to the following *legislatively allowed* charter lab schools ~~authorized prior to June 1, 2003~~: Florida State University Charter Lab K-12 School in Broward County, Florida Atlantic University Charter Lab *K-12* ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic University Charter Lab K-12 School in St. Lucie County. *The limitation of one lab school per university shall not apply to a university that establishes a lab school to serve families of a military installation that is within the same county as a branch campus that offers programs from the university's college of education.*

Section 3. Paragraph (d) of subsection (4) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

(4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

(d) ~~Full-time~~ Virtual charter school instruction authorized under s. 1002.33.

Section 4. Subsection (1), paragraph (c) of subsection (2), subsection (5), paragraphs (b) and (d) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), paragraphs (c), (d) and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraphs (d) and (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of 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~~ 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)1.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.

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school *system* ~~district~~ to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—

(a) Sponsoring entities.—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

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

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(b) Sponsor duties.—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

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

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

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

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

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

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

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

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

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

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

(I) The report shall include the following information:

~~(A) The number of draft applications received on or before May 1 and each applicant's contact information.~~

(A)~~(B)~~ The number of ~~final~~ applications received on or before *February* ~~August~~ 1 and each applicant's contact information.

(B)~~(C)~~ The date each application was approved, denied, or withdrawn.

(C)~~(D)~~ The date each final contract was executed.

(II) *Annually, by November 1* ~~Beginning August 31, 2013, and each year thereafter~~, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by *sponsor* ~~district~~, and post the report on its website by *January 15* ~~November 1~~ of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a *sponsor's* ~~district school board's~~ sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate ~~no more than one~~ charter *schools* ~~school~~ that *serve* ~~serves~~ students in kindergarten through grade 12 *in any school district within the service area of the institution*. ~~In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school.~~ District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students *participating under this subparagraph* who receive FTE funding through the Florida Education Finance Program.

5. *For purposes of assisting the development of a charter school,* a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). *Notwithstanding any other provision of law, an interlocal agreement between a school district and a federal or state agency, county, municipality, or other governmental entity that prohibits or limits the creation of a charter school within the geographical borders of the school district is void and unenforceable.*

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorizing.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results, by sponsor, and include the results in the report required under sub-sub-subparagraph (b) 1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. ~~A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter,~~ A sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the ~~school district's~~ school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

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

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

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

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

(II) The charter school proposed in the application does 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-sub-paragraph 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 of Education shall include the final projected FTE for the approved charter school.

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

(d)*1.* The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. *A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.*

2. A school district that fails to implement the decision affirmed by a district court of appeal shall reduce the administrative fees withheld pursuant to subsection (20) to 1 percent for all charter schools operating in the school district. Such school districts shall file a monthly report detailing the reduction in the amount of administrative fees withheld. Upon execution of the charter, the sponsor may resume withholding the full amount of administrative fees but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this paragraph may recover attorney fees and costs to enforce the requirements of this paragraph.

(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)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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

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

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

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

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

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other *nearby* public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

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

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the *sponsor* ~~district school board~~. A charter lab school is eligible 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 employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. *If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings.* If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may *also* be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. *Changes to curriculum that are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determines in writing that the curriculum is inconsistent with state standards.* Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the *sponsor* ~~school district~~ as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(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 immediate termination* ~~if 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 administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal.* The sponsor *may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if* ~~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's* ~~district school board's~~ request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The *sponsor* ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the *sponsor* ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the *sponsor* ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in *sponsor* ~~district~~ reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

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

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

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

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

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

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

(IV) Voluntarily close the charter school.

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

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

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

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-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school 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.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed*, during the previous year,* a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school*,* ~~or~~ the charter school's governing board*, or a voluntary prekindergarten provider that has a written agreement with the governing board* ~~during the previous year~~.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other *nearby* public schools ~~in the same school district~~.

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

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

7. Students living in a development in which a *developer, including any affiliated* business entity *or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter* ~~provides the~~ school *facilities* ~~facility~~ and related property *in an amount equal to or* having *a total* ~~an~~ appraised value of at least $5 million to be used as ~~a~~ charter *schools* ~~school~~ to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development *are* ~~shall be~~ entitled to ~~no more than~~ 50 percent of the student stations in the charter *schools* ~~school~~. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations *must* ~~shall~~ be filled in accordance with subparagraph 4.

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

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

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the *sponsor* ~~district school board~~, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in *a* ~~the~~ school district. Funding for a charter lab school shall be as provided in s. 1002.32.

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

~~districts~~ shall accept electronic data that complies with the Department of Education's electronic format.

(b)*1.* The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; *and* multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

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

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) *Sponsors* ~~District school boards~~ shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the *sponsor's* ~~district school board's~~ fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the *sponsor* ~~district school board~~ shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the *sponsor* ~~district school board~~ receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the *sponsor* ~~district school board~~, the *sponsor* ~~school district~~ shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(7).

(g) To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

(h) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

(18) FACILITIES.—

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the *sponsor* ~~school district~~ may not sell or dispose of such property without written permission of the *sponsor* ~~school district~~. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the *sponsor* ~~school district~~ at

the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to *the sponsor's* student information systems that are used by public schools in the district in which the charter school is located *or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district*. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district *or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district*.

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

a. Up to 5 percent for:

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

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

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

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

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

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

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(b) If goods and services are made available to the charter school through the contract with the *sponsor* ~~school district~~, they shall be provided to the charter school at a rate no greater than the *sponsor's* ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, *sponsors* ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the *sponsor* ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of 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 au-

thorized 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 5. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a)*1.* Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years *for the years that the school received a grade; or*

2. Receives, during its first 3 years of operation, funding through the National Fund of the Charter School Growth Fund, and has received no school grade below "C," pursuant to s. 1008.34, during each of the previous 3 school years for the years that the school received a grade.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply for the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of ~~grade level~~ expansion shall include any improvements to an existing facility or any new facility in which ~~a majority of~~ the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may *submit* ~~not establish more than~~ two *applications for a* charter *school to be opened, at a time determined by the high-performing charter school,* ~~schools~~ within *this* ~~the~~ state under paragraph (a) ~~in any year~~. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school *applicant commences operations or an application is otherwise withdrawn* ~~established in this manner achieves high-performing charter school status~~. However, a high-performing charter school may establish more than one charter school within *this* ~~the~~ state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school. *This paragraph applies to any high-performing charter school with an existing approved application.*

Section 6. Paragraph (c) of subsection (1), paragraphs (a), (g), and (h) of subsection (6), and paragraph (d) of subsection (7) of section 1002.333, Florida Statutes, are amended, and paragraph (e) is added to subsection (9) of that section, to read:

1002.333 Persistently low-performing schools.—

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

(c) "Persistently low-performing school" means a school that has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years *that the school received a grade* and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(a) A school of hope *or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district* may be designated as a local education agency *by the Department of Education*, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local education agency responsibilities.

1. A nonprofit entity designated as a local education agency may report its students to the Department of Education in accordance with the definitions in s. 1011.61 and pursuant to the department's procedures and timelines.

2. Students enrolled in a school established by a hope operator designated as a local educational agency are not eligible students for purposes of calculating the district grade pursuant to s. 1008.34(5).

(g) Each school of hope *that has not been designated as a local education agency* shall report its students to the school district as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The school district shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.

(h)*1.* A school of hope shall provide the school district with a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental fund format prescribed by the Governmental Accounting Standards Board. Additionally, a school of hope shall comply with the annual audit requirement for charter schools in s. 218.39.

2. A school of hope is in compliance with subparagraph 1. if it is operated by a nonprofit entity designated as a local education agency and if the nonprofit entity submits to each school district in which it operates a school of hope:

a. A concise, uniform, quarterly financial statement summary sheet that contains a balance sheet summarizing the revenue, expenditures, and changes in fund balance for the nonprofit entity and for its schools of hope within the school district.

b. An annual financial audit of the nonprofit entity that includes all schools of hope it operates within this state and that complies with s. 218.39 regarding audits of a school board.

(7) FACILITIES.—

(d) No later than *January* ~~October~~ 1, *the department* ~~each school district~~ shall annually provide to *school districts* ~~the Department of Education~~ a list of all underused, vacant, or surplus facilities owned or operated by the school district *as reported in the Florida Inventory of School Houses. A school district may provide evidence to the Department of Education that the list contains errors or omissions within 30 days after receipt of the list. By each April 1, the Department of Education shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon updated information provided by each school district*. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed $600 per student. A hope operator using a facility pursuant to this paragraph

may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term "underused, vacant, or surplus facility" means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(9) FUNDING.—

(e) For a nonprofit entity designated as a local education agency by the Department of Education pursuant to paragraph (6)(a), any unrestricted current and capital assets identified in the annual financial audit required by sub-subparagraph (6)(h)2.b. may be used by any other school of hope operated by the local education agency within the same 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).

Section 7. Paragraph (d) of subsection (1) and paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(d) A virtual charter school may provide full-time *or part-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:

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 posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

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;

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;

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 8. Subsection (2) of section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—All students, including home education and private school students, are eligible to participate in any of the following virtual instruction options:

(2) *Part-time or* full-time virtual charter school instruction authorized under s. 1002.33 to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31.

Section 9. Paragraph (s) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval.

1. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.

2. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

3. The character development curriculum for grades 11 and 12 shall include instruction on voting using the uniform primary and general election ballot described in s. 101.151(9).

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

Section 10. Subsection (3) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 or alternate assessment may*:*

(a) Receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment or alternate assessment and receive a standard high school diploma upon passage of the required assessment or alternate assessment. This *paragraph* ~~subsection~~ shall be implemented to the extent funding is provided in the General Appropriations Act.

(b) Beginning with the 2022-2023 school year, meet the requirement to pass the statewide, standardized grade 10 English Language Arts assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with state board rule.

Section 11. 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 shall be offered by public schools and school districts. *Career and professional academies may be offered by charter schools.* The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 12. Subsection (3) of section 1008.3415, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) A charter school that is an exceptional student education center and that receives two consecutive ratings of "maintaining" or higher may replicate its educational program under s. 1002.331(3). The Commissioner of Education, upon request by the charter school, shall verify that the charter school meets the requirements of this subsection and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school under s. 1002.331(3).

Section 13. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b)*1.* Instructional and noninstructional personnel who are hired or contracted to fill positions in *a* ~~any~~ charter school*, other than a school of hope as defined in s. 1002.333,* and members of the governing board of *such* ~~any~~ charter school, in compliance with s. 1002.33(12)(g), ~~must,~~ upon employment, engagement of services, or appointment, *shall* undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

2. Instructional and noninstructional personnel who are hired or contracted to fill positions in a school of hope as defined in s. 1002.333, and members of the governing board of such school of hope, shall file with the school of hope a complete set of fingerprints taken by an authorized law enforcement agency, by an employee of the school of hope or school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Required fingerprints *must* ~~shall~~ be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be em-

ployed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 14. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b)*; or*

f. Be operated by a hope operator pursuant to s. 1002.333.

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 15. This act shall take effect July 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1001.35, F.S.; providing district school board member term limits; prohibiting certain service from counting toward the limit; amending s. 1002.32, F.S.; revising the charter lab schools exempted from a certain limitation; providing that the limitation on lab schools does not apply certain schools serving a military installation; amending s. 1002.321, F.S.; conforming a provision to changes made by the act; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications for and sponsor charter schools under certain circumstances; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; prohibiting certain interlocal agreements; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file certain monthly reports; authorizing such school districts to resume withholding full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination; authorizing the of award specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising provisions relating to Florida College System institutions that are operating charter schools; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; deleting obsolete language; revising the student populations for which a charter school is authorized to give enrollment preference and limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; specifying an administrative fee for certain schools; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising a limitation on the establishment of charter schools by a high-performing charter school; amending s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; authorizing certain entities to be designated as a local education agency by the department; authorizing such entities to report students in a specified manner; providing requirements for nonprofit entities operating schools of hope; revising procedures for the reporting of certain surplus facilities; authorizing certain nonprofit entities to use specified funds within the same school district; providing how such funds may be used; amending s. 1002.45, F.S.; authorizing virtual charter schools to provide part-time instruction; revising requirements for contact; amending s. 1002.455, F.S.; conforming a provision to changes made by the act; amending s. 1003.42, F.S.; requiring character development curriculum for certain grades to include instruction on voting using specified ballot; amending s. 1003.433, F.S.; authorizing certain students to meet the grade 10 English Language Arts assessment requirements in a specified manner; amending s 1003.493, F.S.; authorizing a career and professional academy to be offered by a charter school; amending s. 1008.3415, F.S.; authorizing certain exceptional student education centers to replicate their educational programs; requiring the Commissioner of Education to verify certain information and provide a letter to specified entities; amending s. 1012.32, F.S.; specifying that existing background screening requirements do not apply to schools of hope; providing background screening requirements for schools of hope; amending s. 1013.62, F.S.; authorizing certain schools of hope to receive capital outlay funding; providing an effective date.

Senator Hutson moved the following Senate amendment to **House Amendment 1 (436105)** which was adopted:

Senate Amendment 1 (357618) (with title amendment) to House Amendment 1 (436105)—Delete lines 5-1747 and insert:

Section 1. Subsection (10) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including, but not limited to, the provision of legal services for the district school board; conducting a district legislative program; district school board member participation at conferences, conventions, and workshops, including member compensation and reimbursement for expenses; district school board policy development, adoption, and repeal; district school board meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel; citizen communications with the district school board and with individual district school board members; collaboration with local government and other entities as required by law; and organization of the district school board, including special committees and advisory committees. *Members of special committees and advisory committees may attend meetings in person or through the use of telecommunications networks such as telephonic and video conferencing.*

Section 2. Subsection (2) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall provide sequential instruction and shall 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 under s. 1002.33(5)(a)2. must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the State Board of Education and the Legislature are authorized to sponsor a lab school. The limitation of one lab school per university shall not apply to the following *legislatively allowed* charter lab schools ~~authorized prior to June 1, 2003~~: Florida State University Charter Lab K-12 School in Broward County, Florida Atlantic University Charter Lab *K-12* ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic University Charter Lab K-12 School in St. Lucie County. *The limitation of one lab school per university does not apply to a university that establishes a lab school to serve families of a military installation that is within the same county as a branch campus that offers programs from the university's college of education.*

Section 3. Paragraph (d) of subsection (4) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

(4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

(d) ~~Full-time~~ Virtual charter school instruction authorized under s. 1002.33.

Section 4. Subsection (1), paragraph (c) of subsection (2), subsection (5), paragraphs (b) and (d) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), paragraphs (c), (d), and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraphs (d) and (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of 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~~ 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)1.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.

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school *system* ~~district~~ to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

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

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

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

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

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

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

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

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

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

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

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

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

(I) The report shall include the following information:

(A) ~~The number of draft applications received on or before May 1 and each applicant's contact information.~~

~~(B)~~ The number of ~~final~~ applications received *during the school year and up to* ~~on or before~~ August 1 and each applicant's contact information.

(B)~~(C)~~ The date each application was approved, denied, or withdrawn.

(C)~~(D)~~ The date each final contract was executed.

(II) *Annually, by November 1* ~~Beginning August 31, 2013, and each year thereafter~~, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by *sponsor* ~~district~~, and post the report on its website by *January 15* ~~November 1~~ of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a *sponsor's* ~~district school board's~~ sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate ~~no more than one~~ charter *schools* ~~school~~ that *serve* ~~serves~~ students in kindergarten through grade 12 *in any school district within the service area of the institution*. ~~In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick and mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school.~~ District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students *participating under this subparagraph* who receive FTE funding through the Florida Education Finance Program.

5. *For purposes of assisting the development of a charter school,* a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). *Notwithstanding any other provision of law, an interlocal agreement between a school district and a federal or state agency, county, municipality, or other governmental entity which prohibits or limits the creation of a charter school within the geographic borders of the school district is void and unenforceable.*

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorization and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorization.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-subparagraph (b) 1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. ~~A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter,~~ A sponsor shall receive and consider charter school applications ~~received on or before February 1 of each calendar year~~ for charter schools ~~to be opened 18 months later at the beginning of the school~~

~~district's school year, or~~ to be opened at a time determined by the applicant. ~~A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.~~ A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

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

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

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

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

(II) The charter school proposed in the application does 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 of Education shall include the final projected FTE for the approved charter school.

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

(d)*1.* The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. *A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.*

2. A school district that fails to implement the decision affirmed by a district court of appeal shall reduce the administrative fees withheld pursuant to subsection (20) to 1 percent for all charter schools operating in the school district. Such school districts shall file a monthly report detailing the reduction in the amount of administrative fees withheld. Upon execution of the charter, the sponsor may resume withholding the full amount of administrative fees but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this paragraph may recover attorney fees and costs to enforce the requirements of this paragraph.

(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)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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

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

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

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

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

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other *nearby* public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

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

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the *sponsor* ~~district school board~~. A charter lab school is eligible 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 employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both

parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. *If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings.* If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may *also* be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. *Changes to curriculum which are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards.* Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the *sponsor* ~~school district~~ as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(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 immediate termination* ~~if 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 administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal.* The sponsor *may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if* ~~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's* ~~district school board's~~ request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The *sponsor* ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the *sponsor* ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the *sponsor* ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in *sponsor* ~~district~~ reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

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

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

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

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

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

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

(IV) Voluntarily close the charter school.

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

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

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

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-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school 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.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed*, during the previous year,* a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school*,* ~~or~~ the charter school's governing board*, or a voluntary prekindergarten provider that has a written agreement with the governing board* ~~during the previous year~~.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other *nearby* public schools ~~in the same school district~~.

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

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

7. Students living in a development in which a *developer, including any affiliated* business entity *or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter* ~~provides the~~ school *facilities* ~~facility~~ and related

property *in an amount equal to or* having *a total* ~~an~~ appraised value of at least $5 million to be used as ~~a~~ charter *schools* ~~school~~ to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development *are* ~~shall be~~ entitled to ~~no more than~~ 50 percent of the student stations in the charter *schools* ~~school~~. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations *must* ~~shall~~ be filled in accordance with subparagraph 4.

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

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

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the *sponsor* ~~district school board~~, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in *a* ~~the~~ school district. Funding for a charter lab school shall be as provided in s. 1002.32.

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

(b)*1.* The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; *and* multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

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

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) *Sponsors* ~~District school boards~~ shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the *sponsor's* ~~district school board's~~ fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the *sponsor* ~~district school board~~ shall distribute funds to the school for the months of July through October based on the projected full-time equivalent

student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the *sponsor* ~~district school board~~ receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the *sponsor* ~~district school board~~, the *sponsor* ~~school district~~ shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(7).

(g) To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

(h) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

(18) FACILITIES.—

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the *sponsor* ~~school district~~ may not sell or dispose of such property without written permission of the *sponsor* ~~school district~~. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the *sponsor* ~~school district~~ at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to *the sponsor's* student information systems that are used by public schools in the district in which the charter school is located *or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district*. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district *or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district*.

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

a. Up to 5 percent for:

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

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

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

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

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

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

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-subsubparagraph (5)(b)1.k.(III).

(b) If goods and services are made available to the charter school through the contract with the *sponsor* ~~school district~~, they shall be provided to the charter school at a rate no greater than the *sponsor's* ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, *sponsors* ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the *sponsor* ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that 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 *this* ~~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 5. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a)*1.* Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years *for the years that the school received a grade; or*

2. Receives, during its first 3 years of operation, funding through the National Fund of the Charter School Growth Fund, and has received no school grade lower than a "C," pursuant to s. 1008.34, during each of the previous 3 school years for the years that the school received a grade.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply for the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of ~~grade level~~ expansion shall include any improvements to an existing facility or any new facility in which ~~a majority of~~ the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may *submit* ~~not establish more than~~ two *applications for a* charter *school to be opened* ~~schools~~ within *this* ~~the~~ state under paragraph (a) *at a time determined by the high-performing charter school* ~~in any year~~. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school *applicant commences operations or an application is otherwise withdrawn* ~~established in this manner achieves high-performing charter school status~~. However, a high-performing charter school may establish more than one charter school within *this* ~~the~~ state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school. *This paragraph applies to any high-performing charter school with an existing approved application.*

Section 6. Paragraph (c) of subsection (1), paragraphs (a), (g), and (h) of subsection (6), and paragraph (d) of subsection (7) of section 1002.333, Florida Statutes, are amended, and paragraph (e) is added to subsection (9) of that section, to read:

1002.333 Persistently low-performing schools.—

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

(c) "Persistently low-performing school" means a school that has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years *that the school received a grade* and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(a) A school of hope *or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district* may be designated as a local education agency *by the department*, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency

requirements and the schools for which it will perform local education agency responsibilities.

1. A nonprofit entity designated as a local education agency may report its students to the department in accordance with the definitions in s. 1011.61 and pursuant to the department's procedures and timelines.

2. Students enrolled in a school established by a hope operator designated as a local educational agency are not eligible students for purposes of calculating the district grade pursuant to s. 1008.34(5).

(g) Each school of hope *that has not been designated as a local education agency* shall report its students to the school district as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The school district shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.

(h)*1.* A school of hope shall provide the school district with a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental fund format prescribed by the Governmental Accounting Standards Board. Additionally, a school of hope shall comply with the annual audit requirement for charter schools in s. 218.39.

2. A school of hope is in compliance with subparagraph 1. if it is operated by a nonprofit entity designated as a local education agency and if the nonprofit submits to each school district in which it operates a school of hope:

a. A concise, uniform, quarterly financial statement summary sheet that contains a balance sheet summarizing the revenue, expenditures, and changes in fund balance for the entity and for its schools of hope within the school district.

b. An annual financial audit of the nonprofit which includes all schools of hope it operates within this state and which complies with s. 218.39 regarding audits of a school board.

(7) FACILITIES.—

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

(9) FUNDING.—

(e) For a nonprofit entity designated by the department as a local education agency pursuant to paragraph (6)(h), any unrestricted current and capital assets identified in the annual financial audit required by sub-subparagraph (6)(h)2.b. may be used for any other school of hope operated by the local education agency within the same 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).

Section 7. Paragraph (d) of subsection (1) and paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(d) A virtual charter school may provide full-time *or part-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:

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 posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

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;

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;

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 8. Subsection (2) of section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—All students, including home education and private school students, are eligible to participate in any of the following virtual instruction options:

(2) *Part-time or* full-time virtual charter school instruction authorized under s. 1002.33 to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31.

Section 9. Section 1003.225, Florida Statutes, is created to read:

1003.225 Water safety and swimming certification.—

(1) For the purposes of this section, the term "water safety" means age-appropriate education intended to promote safety in, on, and around bodies of water and reduce the risk of injury or drowning.

(2) Beginning with the 2022-2023 school year, each public school shall provide, to a parent who initially enrolls his or her child in the school, information on the important role water safety education courses and swimming lessons play in saving lives. The information must be provided electronically or in hard copy and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price. If the student is 18 years of age or older, or is under the age of 21 and is enrolling in adult education classes, the information must be provided to the student.

Section 10. 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 shall be offered by public schools and school districts. *Career and professional academies may be offered by charter schools.* The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 11. Paragraph (g) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1011.62(9)(d), relating to the requirement for a comprehensive reading plan. A district that is exempt from submitting *a comprehensive reading* ~~this~~ plan shall be deemed approved to receive the research-based reading instruction allocation. *Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.*

Section 12. Present subsection (3) of section 1008.3415, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) A charter school that is an exceptional student education center and that receives two consecutive ratings of "maintaining" or higher may replicate its educational program under s. 1002.331(3). The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the requirements of this subsection and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school under s. 1002.331(3).

Section 13. Present paragraphs (a) through (d) of subsection (6) of section 1009.30, Florida States, as created by CS/CS/SB 52, 2021 Regular Session, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that section, to read:

1009.30 Dual Enrollment Scholarship Program.—

(6)*(a) School district career centers shall be reimbursed at the in-state resident tuition rate established in s. 1009.22(3)(c).*

Section 14. Subsection (2) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)~~(a)~~ Florida postsecondary student assistance grants may be made ~~only~~ to ~~full-time degree-seeking~~ students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed the maximum annual award amount specified in the General Appropriations Act. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant.

(a) Awards may be made to full-time degree-seeking students who ~~Recipients of such grants must~~ have been accepted at a postsecondary institution that is located in this state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. A college or university licensed by the Commission for Independent Education, excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 1009.51.

(b) Awards may be made to full-time certificate-seeking students who have been accepted at an aviation maintenance school that is located in this state, certified by the Federal Aviation Administration, and licensed by the Commission for Independent Education. Such student's eligibility for the renewal of an award shall be evaluated at the end of the completion of 900 clock hours and, as a condition of renewal, the student shall meet the requirements under s. 1009.40(1)(b).

(c) If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one semester*, or equivalent,* of completing a degree or certificate program. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3). *A student specified in paragraph (b) is eligible for an award of up to 110 percent of the number of clock hours required to complete the program in which the student is enrolled.*

(d)~~(b)~~ A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(e)~~(c)~~ Priority in the distribution of grant moneys may be given to students who are within one semester*, or equivalent,* of completing a degree or certificate program. An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(f)~~(d)~~ Each participating institution shall report to the department by the established date the students eligible for the program for each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

Section 15. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b)*1.* Instructional and noninstructional personnel who are hired or contracted to fill positions in *a* ~~any~~ charter school *other than a school of hope as defined in s. 1002.333,* and members of the governing board of *such* ~~any~~ charter school, in compliance with s. 1002.33(12)(g), ~~must,~~ upon employment, engagement of services, or appointment, *shall* undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

2. Instructional and noninstructional personnel who are hired or contracted to fill positions in a school of hope as defined in s. 1002.333, and members of the governing board of such school of hope, shall file with the school of hope a complete set of fingerprints taken by an authorized law enforcement agency, by an employee of the school of hope or school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Required fingerprints *must* ~~shall~~ be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 16. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b)*; or*

f. Be operated by a hope operator pursuant to s. 1002.333.

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 17. *(1) Notwithstanding s. 1008.25, Florida Statutes, a parent or guardian may request that his or her K-5 public school student be retained for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year, provided that such request is made for academic reasons.*

(a) A parent or guardian who wishes for his or her student to be retained as provided by this act must submit, in writing, to the school principal a retention request that specifies the academic reasons for the retention. Only requests received by the principal on or before June 30, 2021, must be considered. A principal may consider a request received after that date at his or her discretion.

(b)1. A principal who considers a retention request submitted pursuant to this subsection shall inform the student's teachers of the retention request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request. As part of the discussion with the parent or guardian, the principal shall disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports due to the student's age.

2. In lieu of retention, the principal, teachers, and parent or guardian may collaborate to develop a customized 1-year education plan for the student with the intent of helping the student return to grade level readiness by the end of the next academic year. Such plan may include, but need not be limited to, supplemental educational support, services, and interventions; summer education; promotion in some, but not all, courses; and midyear promotion.

3. The parent's or guardian's decision to promote or retain his or her student after discussing the retention request with the principal shall control. The parent or guardian must sign a form provided by the principal indicating the parent or guardian's decision and acknowledging the academic and athletic ramifications of his or her decision. This form must be retained in the student's record.

(c) If a student retained under this subsection has an individual education plan (IEP) in effect, the student's IEP team must convene to review and revise the student's IEP, as appropriate.

(d) By June 30, 2022, school districts shall report to the Department of Education the number of students retained pursuant to this act for all or part of the 2021-2022 school year.

(2) This section shall take effect upon becoming a law.

Section 18. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 19. Effective upon this act becoming a law, section 3 of chapter 2020-28, Laws of Florida, is amended to read:

Section 3. This act shall take effect July 1, *2022* ~~2021~~.

Section 20. *The amendment of s. 1009.30, Florida Statutes, by this act shall take effect only if CS/CS/SB 52, 2021 Regular Session, or similar legislation takes effect and if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

Section 21. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2021.

And the title is amended as follows:

Delete lines 1753-1853 and insert: An act relating to education; amending s. 1001.43, F.S.; authorizing members of certain committees of a district school board to attend meetings in person or through the use of telecommunications networks; amending s. 1002.32, F.S.; providing that the limitation on lab schools does not apply to a school serving a military installation; amending s. 1002.321, F.S.; conforming a provision to changes made by the act; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; prohibiting certain charter schools from being sponsored by a Florida College System institution until such charter schools' existing charter expires; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; revising provisions relating to Florida College System institutions that are operating charter schools; prohibiting certain interlocal agreements; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; requiring the department to compile results in a specified manner; deleting obsolete language; revising requirements for the charter school application process; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file monthly reports; authorizing school districts to resume withholding the full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; requiring the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination of a charter; authorizing the award of specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising the student populations for which a charter school is authorized to limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; authorizing a sponsor to withhold an administrative fee for the provision of certain services to an exceptional student education center that meets specified requirements; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising provisions relating to the opening of additional high-performing charter schools; amending s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; providing that certain nonprofit entities may be designated as a local education agency; providing that certain entities report students to the department in a specified manner; specifying reporting provisions that apply only to certain schools of hope; providing that schools of hope may comply with certain financial

reporting in a specified manner; revising the manner in which underused, vacant, or surplus facilities owned or operated by school districts are identified; authorizing a nonprofit entity designated as a local education agency to use any capital assets identified in a certain annual financial audit for another school of hope operated by the local education agency within the same district; amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction; amending s. 1002.455, F.S.; conforming a provision to changes made by the act; creating s. 1003.225, F.S.; defining the term "water safety"; requiring public schools to provide specified information to certain parents or students; amending s. 1003.493, F.S.; authorizing a charter school to offer a career and professional academy; amending s. 1003.621, F.S.; authorizing academically high-performing school districts to provide up to 2 days of virtual instruction; specifying requirements for such virtual instruction for such virtual instruction to comply with a specified provision; amending s. 1008.3415, F.S.; requiring the Commissioner of Education, upon request by a charter school that meets specified criteria, to provide a letter to the charter school and the charter school's sponsor authorizing the charter school to replicate its educational program; amending s. 1009.30, F.S.; specifying reimbursement for specified educational institutions; amending s. 1009.52, F.S.; revising the eligibility requirements for Florida postsecondary student assistance grants; amending s. 1012.32, F.S.; providing an alternate screening method for specified persons employed by certain schools of hope or serving on certain school of hope governing boards; amending s. 1013.62, F.S.; expanding eligibility to receive capital outlay funds to schools of hope operated by a hope operator; authorizing a parent or guardian to request that his or her K-5 student be retained in a grade level for academic reasons for a specified school year; requiring that such a request be submitted in a specified manner; requiring school principals to consider such requests if they are timely received; authorizing school principals to consider requests that are not timely received; requiring a school principal who considers a request for retention to inform the student's teachers of the request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request; requiring such discussion to disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports; authorizing the principal, teachers, and parent or guardian to collaborate to develop a customized 1-year education plan for the student in lieu of retaining the student; requiring a parent's or guardian's decision regarding retention to control; requiring the individual education plan (IEP) team for a retained student to review and revise the student's IEP, as appropriate; requiring school districts to report certain data to the Department of Education by a specified date; providing for severability; amending chapter 2020-28, Laws of Florida; delaying the effective date of provisions governing intercollegiate athlete compensation and rights; providing a contingent effect; providing effective dates.

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (436105)**, as amended by **Senate Amendment 1 (357618)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 1028 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Broxson	Hutson
Albritton	Burgess	Mayfield
Baxley	Diaz	Passidomo
Bean	Gainer	Perry
Boyd	Garcia	Rodrigues
Bradley	Gruters	Rodriguez
Brandes	Harrell	Stargel
Brodeur	Hooper	Wright

Nays—16

Ausley	Gibson	Stewart
Berman	Jones	Taddeo
Book	Pizzo	Thurston
Bracy	Polsky	Torres
Cruz	Powell	
Farmer	Rouson	

SPECIAL ORDER CALENDAR, continued

CS for SB 1508—A bill to be entitled An act relating to public records; providing a short title; amending s. 28.2221, F.S.; requiring each county recorder or clerk of the court to make publicly available on an Internet website the identity of a defendant or respondent against whom a protective injunction is entered, as well as the fact that the injunction has been entered; providing an exception; providing for certain persons to request that such information be made available on the public website; requiring county recorders or clerks of the court to post such notices on the website and in the office of each county recorder or clerk of the court; specifying what must be included in notices; authorizing certain persons to petition for compliance in the circuit court; amending s. 28.29, F.S.; requiring that final judgments for injunctions for protection be recorded in official records; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1508**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1229** was withdrawn from the Committee on Appropriations.

On motion by Senator Book—

CS for CS for HB 1229—A bill to be entitled An act relating to public records; providing a short title; amending s. 28.2221, F.S.; requiring each county recorder or clerk of the court to make publicly available on an Internet website the identity of a defendant or respondent against whom a final judgment for an injunction for protection is entered, as well as the fact that the final judgment for an injunction for protection has been entered; providing an exception; providing that such information must be made publicly available on an Internet website if a certain person makes a request in a specified manner; requiring each county recorder or clerk of the court to post a certain notice on the Internet website and in the office of the county recorder or clerk of the court; authorizing certain persons to petition the circuit court for compliance; amending s. 28.29, F.S.; requiring that final judgments for injunctions for protection be recorded in official records; providing an effective date.

—a companion measure, was substituted for **CS for SB 1508** and read the second time by title.

Senator Book moved the following amendment which was adopted:

Amendment 1 (431400) (with title amendment)—Delete lines 29-73 and insert:
make the identity of each respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the fact that a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been entered against that respondent, publicly available on an Internet website for general public display, which may include the Internet website required by this section, unless the respondent is a minor.

(b) Any information specified in this subsection not made available by the county recorder or clerk of the court on a publicly available Internet website for general public display before July 1, 2021, must be made publicly available on an Internet website if the affected party identifies the information and requests that such information be added to a publicly available Internet website for general public display. Such request must be in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee may not be charged for the addition of information pursuant to such request.

(c) No later than 30 days after July 1, 2021, notice of the right of any affected party to request the addition of information to a publicly available Internet website pursuant to this subsection shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. Such notice must contain appropriate instructions for making the addition of information request in person, by mail, by facsimile, or by electronic transmission. The notice

must state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court add information to a publicly available Internet website if that information involves the identity of a respondent against whom a final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485 is entered, unless the respondent is a minor. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person to the county recorder or clerk of the court. The request must specify the case number assigned to the final judgment for an injunction for the protection of a minor under s. 741.30, s. 784.046, or s. 784.0485. A fee

And the title is amended as follows:

Delete lines 6-9 and insert: respondent against whom a final judgment for an injunction for the protection of a minor is entered, as well as the fact that the final judgment injunction for the protection of a minor has been entered; providing an

On motion by Senator Book, by two-thirds vote, **CS for CS for HB 1229**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 44, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 44—A bill to be entitled An act relating to drones; amending s. 934.50, F.S.; expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes; reenacting s. 330.41(4)(c), F.S., relating to unmanned aircraft systems, to incorporate the amendment made to s. 934.50, F.S., in a reference thereto; providing an effective date.

House Amendment 1 (892017) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraphs (d) through (k) of subsection (4) of section 934.50, Florida Statutes, are redesignated as paragraphs (i) through (p), respectively, paragraph (a) of subsection (3) is amended, new paragraphs (d) through (h) are added to subsection (4), and subsection (7) is added to that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—

(a) A law enforcement agency may not use a drone to gather evidence or other information*, except as provided in subsection (4)*.

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(d) To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more, provided that:

1. The law enforcement agency that uses the drone to provide an aerial perspective of a crowd of 50 people or more must have policies and procedures that include guidelines:

a. For the agency's use of a drone.

b. For the proper storage, retention, and release of any images or video captured by the drone.

c. That address the personal safety and constitutional protections of the people being observed.

2. The head of the law enforcement agency using the drone for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.

(e) To assist a law enforcement agency with traffic management; however, a law enforcement agency acting under this paragraph may not issue a traffic infraction citation based on images or video captured by a drone.

(f) To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.

(g) By a state agency or political subdivision for:

1. The assessment of damage due to a flood, a wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration.

2. Vegetation or wildlife management on publicly owned land or water.

(h) By certified fire department personnel to perform tasks within the scope and practice authorized under their certifications.

(7) SECURITY STANDARDS FOR GOVERNMENTAL AGENCY DRONE USE.—

(a) As used in this subsection, the term:

1. "Department" means the Department of Management Services.

2. "Governmental agency" means any state, county, local, or municipal governmental entity or any unit of government created or established by law that uses a drone for any purpose.

(b) By January 1, 2022, the department, in consultation with the state chief information officer, shall publish on the department's website a list of approved manufacturers whose drones may be purchased or otherwise acquired and used by a governmental agency under this section. An approved manufacturer must provide appropriate safeguards to protect the confidentiality, integrity, and availability of data collected, transmitted, or stored by a drone. The department may consult state and federal agencies and any relevant federal guidance in developing the list of approved manufacturers required under this paragraph.

(c) Beginning on the date the department publishes the list of approved drone manufacturers under paragraph (b), a governmental agency may only purchase or otherwise acquire a drone from an approved manufacturer.

(d) By July 1, 2022, a governmental agency that uses any drone not produced by an approved manufacturer shall submit to the department a comprehensive plan for discontinuing the use of such a drone. The department shall adopt rules identifying the requirements of the comprehensive plan required under this paragraph.

(e) By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The department shall establish by rule, consistent with any federal guidance on drone security, minimum security requirements for governmental agency drone use to protect the confidentiality, integrity, and availability of data collected, transmitted, or stored by a drone. The department may consult

federal agencies in establishing the minimum security requirements required under this paragraph.

Section 2. For the purpose of incorporating the amendment made by this act to section 934.50, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 330.41, Florida Statutes, is reenacted to read:

330.41 Unmanned Aircraft Systems Act.—

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. A federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity.

2. A law enforcement agency that is in compliance with s. 934.50, or a person under contract with or otherwise acting under the direction of such law enforcement agency.

3. An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.

Section 3. This act shall take effect July 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the use of drones by government agencies; amending s. 934.50, F.S.; expanding the authorized uses of drones by law enforcement agencies and other specified entities for specified purposes; providing definitions; requiring the Department of Management Services, in consultation with a specified officer, to publish a list of approved drone manufacturers meeting specified security standards; authorizing the department to consult specified entities and guidance in developing the list; requiring a governmental agency to use a drone from the approved list; requiring specified governmental agencies to submit a specified plan; requiring the department to adopt certain rules; requiring governmental agencies to discontinue the use of specified drones by a certain date; requiring the department to establish minimum security standards for governmental agency drone use; authorizing the department to consult specified agencies in establishing the rules; reenacting s. 330.41(4)(c), F.S., relating to unmanned aircraft systems, to incorporate the amendment made to s. 934.50, F.S., in a reference thereto; providing an effective date.

On motion by Senator Wright, the Senate concurred in **House Amendment 1 (892017)**.

CS for CS for SB 44 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

Nays—None

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 146, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 146—A bill to be entitled An act relating to civic education; amending s. 1003.44, F.S.; requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; requiring the commissioner to develop a certain process for use by district school boards; specifying criteria for the civic literacy practicum; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring school districts accept nonpartisan civic literacy practicum activities and hours in requirements for certain awards; requiring the State Board of Education to designate certain high schools as Freedom Schools; requiring the state board to establish criteria for such designation; providing an effective date.

House Amendment 1 (100821) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (5) of section 1003.44, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section to read:

1003.44 Patriotic programs; rules.—

(5)(a) The commissioner shall develop minimum criteria for a civic literacy practicum that helps students evaluate the roles, rights, and responsibilities of United States citizens and identify effective methods of active participation in society, government, and the political system. The practicum may be incorporated into a school's curriculum for the high school United States Government course under s. 1003.4282(3)(d) beginning in the 2022-2023 school year.

(b) The purpose of the practicum is to inspire meaningful civic engagement and help students learn how governmental entities at the local, state, or federal level interact with the public which they represent and serve. The practicum must provide students with an opportunity to be civically engaged through any of the following activities:

1. Participation in an unpaid internship at a governmental entity.

2. A series of simulations or observations of one or more governmental entities performing their core functions in relation to the public. Such functions may include administrative, legislative, or judicial functions and other official business conducted by a governmental entity.

3. Learning about the United States citizenship naturalization process and attending a United States citizenship naturalization oath ceremony.

(c) The practicum must require a student to complete a research paper that must include all of the following:

1. Reflection on the student's experience participating in the civic engagement activity.

2. Explanation of the significance of the governmental entity's role in the student's community, the state, or the nation.

3. Explanation of how the governmental entity is responsive to the public.

(d) The hours outside of classroom instruction that a student devotes to an unpaid civic engagement activity under paragraph (b) may count toward the community service requirements for participation in the Florida Bright Futures Scholarship Program. School districts are encouraged to include and accept civic literacy practicum activities and hours toward requirements for academic awards, especially those awards that include community service as a criterion or selection factor.

Section 2. Section 1004.342, Florida Statutes, is created to read:

1004.342 The Center for Civic Engagement Citizen Scholar Program.—

(1) The Citizen Scholar Program is created within the University of South Florida and shall be headquartered at the Center for Civic Engagement at the University of South Florida St. Petersburg due to its commitment to enhancing civic literacy and community engagement in the next generation of leaders.

(2) Subject to appropriation, the University of South Florida St. Petersburg shall contract with the YMCA, a nonprofit organization exempt from taxation under s. 501(c)(3) of the United States Internal Revenue Code, to provide students participating in the YMCA Youth and Government program the opportunity to be designated Citizen Scholars and earn undergraduate credit.

(3) The Citizen Scholar Program shall:

(a) Combine academic instruction with the implementation of concepts learned in the classroom into the local community, including business, educational and social services, and laboratory research, to improve civic literacy and expand educational experiences for students.

(b) Provide students with opportunities to deepen their knowledge of American democracy and improve civil discourse.

(4) High school students completing the program shall receive up to 6 undergraduate credit hours and be known as Citizen Scholars.

Section 3. This act shall take effect July 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to civic literacy education; amending s. 1003.44, F.S.; requiring the Commissioner of Education to develop criteria for a civic literacy practicum that meets certain goals beginning in a specified school year; providing purpose and requirements for the practicum; authorizing time spent on specified civic engagement activities to count toward requirements for certain scholarships and academic awards; creating s. 1004.342, F.S.; establishing the Citizen Scholar Program within the University of South Florida; providing that the program will be headquartered at a specified location; requiring the program to contract with a specified entity to serve certain students, subject to appropriation; providing program requirements; providing undergraduate credit for program completion; providing an effective date.

On motion by Senator Brandes, the Senate concurred in **House Amendment 1 (100821)**.

SB 146 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Farmer	Powell
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Berman	Gibson	Rouson
Book	Gruters	Stargel
Boyd	Harrell	Stewart
Bracy	Hooper	Taddeo
Bradley	Hutson	Thurston
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	
Burgess	Perry	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Passidomo, by two-thirds vote, **CS for SB 222** was withdrawn from the Committee on Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

MOTIONS

On motion by Senator Passidomo, the rules were waived and the following bills were placed on the Special Order Calendar for Thursday, April 29, 2021: **CS for SB 222** and **CS for CS for SB 402**.

RECESS

The President declared the Senate in recess at 2:22 p.m. to reconvene at 3:30 p.m. or upon his call.

AFTERNOON SESSION, continued

The Senate was called to order by President Simpson at 3:53 p.m. A quorum present—39:

Mr. President	Cruz	Perry
Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Book	Gruters	Rouson
Boyd	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 366, with 2 amendments, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 366—A bill to be entitled An act relating to educational opportunities leading to employment; amending s. 445.06, F.S.; renaming the Florida Ready to Work Certification Program as the Florida Ready to Work Credential Program; providing where the program training may be conducted; providing the components of the program; requiring, rather than authorizing, the Department of Economic Opportunity, in consultation with the Department of Education, to adopt rules for the program; creating s. 446.54, F.S.; providing that certain individuals enrolled in work-based learning are deemed to be employees of the state for purposes of workers' compensation coverage; amending s. 1007.23, F.S.; requiring that the statewide articulation agreement specify three mathematics pathways that meet a certain requirement upon which degree-seeking students must be placed; amending s. 1007.263, F.S.; requiring admissions counseling to use certain tests or alternative methods to measure achievement of college-level communication and computation by students entering college programs; requiring that such counseling measure achievement of certain basic skills; revising requirements for admission to associate degree programs; amending s. 1007.271, F.S.; revising eligibility requirements for initial enrollment in college-level dual enrollment courses; revising requirements for home education students seeking dual enrollment in certain postsecondary institutions; amending s. 1008.30, F.S.; requiring the State Board of Education to adopt, by a specified date, rules establishing alternative methods for assessing communication and computation skills of certain students; authorizing Florida College System institutions to use such alternative methods in

lieu of the common placement test to assess a student's readiness to perform college-level work in communication and computation; deleting obsolete provisions; requiring Florida College System institutions to use placement test results or alternative methods to determine the extent to which certain students demonstrate sufficient communication and computation skills to indicate readiness for their meta-major; requiring Florida College System institutions to counsel and place certain students in specified college courses; limiting students' developmental education to content needed for success in their meta-major; conforming provisions to changes made by the act; making technical changes; amending s. 1009.25, F.S.; authorizing the State Board of Education to adopt specified rules and the Board of Governors to adopt specified regulations; amending s. 1009.52, F.S.; revising the eligibility requirements for Florida postsecondary student assistance grants; providing an appropriation; authorizing positions; providing an effective date.

House Amendment 1 (854589) (with title amendment)—Remove lines 124-134 and insert:

446.54 Reimbursement for workers' compensation insurance premiums.—A student 18 years of age or younger who is in a paid work-based learning opportunity shall be covered by the workers' compensation insurance of his or her employer in accordance with chapter 440. For purposes of chapter 440, a school district or Florida College System institution is considered the employer of a student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by the school district or Florida College System institution. Subject to appropriation, the Department of Education may reimburse employers, including school districts and Florida College System institutions, for the proportionate cost of workers' compensation premiums for students in work-based learning opportunities in accordance with department rules.

And the title is amended as follows:

Remove lines 11-13 and insert: requiring that certain students be covered by the workers' compensation insurance of their employers in a work-based learning opportunity; providing that a school district or Florida College System institution is considered the employer for certain students; providing that the Department of Education may reimburse, subject to appropriation, employers for the cost of certain workers' compensation premiums in accordance with department rule;

House Amendment 2 (358433) (with title amendment)—Remove lines 482-495 and insert: *to the Department of Education for reimbursement for workers' compensation insurance premiums under s. 446.54, Florida Statutes.*

And the title is amended as follows:

Remove line 54 and insert: providing an appropriation;

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (854589)** and **House Amendment 2 (358433)**.

CS for CS for SB 366 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cruz	Perry
Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Book	Gruters	Rouson
Boyd	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 616, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 616—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; requiring that certain applicants not be licensed in any state or territory in order to be licensed by endorsement; amending s. 473.311, F.S.; providing license renewal requirements for nonresident licensees; amending s. 473.312, F.S.; requiring that a majority of the hours required for continuing education include specific content; amending s. 473.313, F.S.; authorizing certain Florida certified public accountants to apply to the Department of Business and Professional Regulation to have their license placed in a retired status; providing requirements for such conversion; imposing requirements and prohibitions on retired licensees; authorizing retired licensees to use a specified title under certain circumstances; providing that retired licensees are not required to maintain continuing education requirements; authorizing retired licensees to reactivate their licenses if certain conditions are met; defining the term "retired licensee"; providing an effective date.

House Amendment 1 (438629) (with title amendment)—Remove lines 85-185

And the title is amended as follows:

Remove lines 9-21 and insert: education include specific content; providing

On motion by Senator Gruters, the Senate concurred in **House Amendment 1 (438629)**.

CS for SB 616 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cruz	Perry
Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Book	Gruters	Rouson
Boyd	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1086, with 2 amendments, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 1086—A bill to be entitled An act relating to operation and safety of motor vehicles and vessels; amending ss. 316.1932 and 316.1939, F.S.; revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; specifying that such misdemeanor is a misdemeanor of the first degree; amending s. 327.02, F.S.; defining the term "human-powered vessel"; revising the definition of the term "navigation

rules"; amending s. 327.04, F.S.; providing additional rulemaking authority to the Fish and Wildlife Conservation Commission; creating s. 327.462, F.S.; defining terms; authorizing heads of certain entities to establish temporary protection zones in certain water bodies for certain purposes; providing protection zone requirements; prohibiting the restriction of vessel movement within the Florida Intracoastal Waterway except under certain circumstances; requiring the heads of certain entities to report the establishment of such protection zones to the commission and to the appropriate United States Coast Guard Sector Command; providing requirements for the report; providing applicability; providing criminal penalties; amending s. 327.352, F.S.; revising conditions under which a person commits a misdemeanor of the first degree for refusing to submit to certain tests; amending s. 327.35215, F.S.; requiring the clerk of the court to notify the Department of Highway Safety and Motor Vehicles of certain final dispositions by electronic transmission; requiring the department to enter such disposition on a person's driving record; amending s. 327.359, F.S.; revising conditions under which a person commits a misdemeanor of the first degree for refusing to submit to certain tests; creating s. 327.371, F.S.; providing circumstances under which a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway; providing a penalty; amending s. 327.391, F.S.; conforming cross-references; amending s. 327.395, F.S.; revising the types of documentation that a person may use to comply with certain boating safety requirements; removing the authority of the commission to appoint certain entities to administer a boating safety education course or temporary certificate examination and issue certain credentials; exempting certain persons from the requirement to possess certain documents aboard a vessel; removing the specified service fee amount that certain entities that issue boating safety identification cards and temporary certificates may charge and keep; amending s. 327.4107, F.S.; revising the conditions under which officers may determine a vessel is at risk of becoming derelict; authorizing certain officers to provide notice that a vessel is at risk of becoming derelict via body camera recordings; authorizing the commission or certain officers to relocate at-risk vessels to a certain distance from mangroves or vegetation; providing that the commission or officers are not liable for damages to such vessels; providing an exception; authorizing the commission to establish a derelict vessel prevention program consisting of certain components; authorizing the commission to adopt rules; providing that such program is subject to appropriation by the Legislature; providing for funding; amending s. 327.4108, F.S.; designating Monroe County as an anchoring limitation area subject to certain requirements; requiring the commission to adopt rules; providing construction; requiring the commission to designate a specified area as a priority for the removal of derelict vessels until certain conditions are met; deleting obsolete language; amending s. 327.4109, F.S.; prohibiting the anchoring or mooring of a vessel or floating structure within a certain distance of certain facilities; providing exceptions; amending s. 327.45, F.S.; authorizing the commission to establish protection zones where certain activities are prohibited in or near springs; amending s. 327.46, F.S.; authorizing a county or municipality to establish a boating-restricted area within and around a public mooring field and within certain portions of the Florida Intracoastal Waterway; creating s. 327.463, F.S.; specifying conditions under which a vessel is and is not operating at slow speed, minimum wake; prohibiting a person from operating a vessel faster than slow speed, minimum wake within a certain distance from other specified vessels; providing requirements for construction vessel or barge flags; exempting a person from being cited for a violation under certain circumstances; providing civil penalties; providing applicability; amending s. 327.50, F.S.; authorizing the commission to exempt vessel owners and operators from certain safety equipment requirements; creating s. 327.521, F.S.; designating waters of this state within aquatic preserves as no-discharge zones upon approval by the United States Environmental Protection Agency; prohibiting discharge of sewage from a vessel or floating structure into such waters; providing civil penalties; providing increased penalties for each day the violation continues; requiring the owner or operator to remove such vessel or structure within a specified timeframe from the waters of this state upon a second conviction; defining the term "conviction"; providing requirements for removal and sale of such vessel or structure under certain circumstances; requiring the commission to maintain and make available to the public a list of marine sewage pumpout facilities; amending s. 327.53, F.S.; requiring the owner or operator of a live-aboard vessel or houseboat equipped with a marine sanitation device to maintain a record of the date and location of each pumpout of the device for a certain period; providing an exception; conforming a cross-reference; making technical changes; amending s. 327.54, F.S.; prohibiting a livery from leasing, hiring, or renting a vessel to a person required to complete a commission-approved boating safety education course unless such person presents certain documentation indicating compliance; amending s. 327.60, F.S.; authorizing a local government to enact and enforce regulations allowing the local law enforcement agency to remove an abandoned or lost vessel affixed to a public mooring; amending s. 327.73, F.S.; providing additional violations that qualify as non-criminal infractions; providing civil penalties; prohibiting conviction of a person cited for a violation relating to possessing proof of boating safety education under certain circumstances; increasing certain civil penalties; providing that certain vessels shall be declared a public nuisance subject to certain statutory provisions; authorizing the commission or certain officers to relocate or remove public nuisance vessels from the waters of this state; providing that the commission or officers are not liable for damages to such vessels; providing an exception; amending s. 328.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to an applicant for a vessel that has been deemed derelict pursuant to certain provisions; authorizing the department, at a later date, to reject an application for a certificate of title for such a vessel; amending s. 376.15, F.S.; revising unlawful acts relating to derelict vessels; defining the term "leave"; prohibiting an owner or operator whose vessel becomes derelict due to specified accidents or events from being charged with a violation under certain circumstances; providing applicability; conforming provisions to changes made by the act; authorizing a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel storage, destruction, and disposal activities; authorizing the commission to provide local government grants for the storage, destruction, and disposal of derelict vessels; providing for funding; amending s. 705.103, F.S.; providing notice procedures for when a law enforcement officer ascertains that a derelict or public nuisance vessel is present on the waters of this state; requiring a mailed notice to the owner or party responsible for the vessel to inform him or her of the right to a hearing; providing hearing requirements; authorizing a law enforcement agency to take certain actions if a hearing is not requested or a vessel is determined to be derelict or otherwise in violation of law; revising provisions relating to liability for vessel removal costs and notification of the amount owed; providing criminal penalties for a person who is issued a registration for a vessel or motor vehicle before such costs are paid; requiring persons whose vessel registration and motor vehicle privileges have been revoked for failure to pay certain costs to be reported to the department; prohibiting issuance of a certificate of registration to such persons until such costs are paid; amending s. 823.11, F.S.; revising application of definitions; revising the definition of the term "derelict vessel"; specifying requirements for a vessel to be considered wrecked, junked, or substantially dismantled; providing construction; revising unlawful acts relating to derelict vessels; defining the term "leave"; prohibiting an owner or operator whose vessel becomes derelict due to specified accidents or events from being charged with a violation under certain circumstances; providing applicability; providing that relocation or removal costs incurred by a governmental subdivision are recoverable against the vessel owner or the party determined to be legally responsible for the vessel being derelict; providing criminal penalties for a person who is issued a registration for a vessel or motor vehicle before such costs are paid; authorizing a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel relocation or removal activities; providing effective dates.

House Amendment 1 (608587) (with title amendment)—Remove line 846 and insert: and keep a $1 service fee.

And the title is amended as follows:

Remove lines 50-53 and insert: certain documents aboard a vessel; amending

House Amendment 2 (253597)—Remove lines 1123-1126

On motion by Senator Hutson, the Senate refused to concur in **House Amendment 1 (608587)** and **House Amendment 2 (253597)** to **CS for CS for SB 1086** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1194, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for CS for SB 1194—A bill to be entitled An act relating to transportation; creating s. 177.107, F.S.; authorizing governing bodies of municipalities and counties to abandon and convey their interests in certain roads and rights-of-way dedicated in a recorded residential subdivision plat to community development districts under specified conditions; specifying duties for community development districts relating to such roads and rights-of-way; providing for traffic control jurisdiction of such roads; specifying that the community development district has all rights, title, and interest in such roads and rights-of-way upon abandonment and conveyance; requiring community development districts to thereafter hold such roads and rights-of-way in trust; providing construction; creating s. 287.05705, F.S.; providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; providing applicability; amending s. 316.2397, F.S.; revising provisions authorizing vehicles and equipment to show or display flashing lights; amending s. 318.18, F.S.; providing fines for certain violations relating to motor vehicle noise abatement equipment modifications; amending s. 319.30, F.S.; revising conditions under which insurance companies are authorized to receive salvage certificates of title or certificates of destruction for motor vehicles and mobile homes from the Department of Highway Safety and Motor Vehicles; amending s. 320.06, F.S.; clarifying that certain rental vehicles are authorized to elect a permanent registration period; amending s. 320.27, F.S.; requiring motor vehicle dealer licensees to deliver copies of renewed, continued, changed, or new insurance policies to the department within specified timeframes under certain conditions; requiring such licensees to deliver copies of renewed, continued, changed, or new surety bonds or irrevocable letters of credit to the department within specified timeframes under certain conditions; amending s. 337.025, F.S.; revising the type of transportation project contracts that are subject to an annual cap; creating s. 337.0262, F.S.; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied; requiring certain contracts, subcontracts, and purchase orders to require compliance with the prohibition; requiring the department to cease acceptance of substances from a borrow pit under certain conditions; authorizing the department to resume acceptance of such substances under certain conditions; amending s. 337.14, F.S.; requiring contractors wishing to bid on certain contracts to first be certified by the department as qualified; revising requirements for applying for and issuing a certificate of qualification; providing construction with respect to submission and approval of an application for such certificate; exempting airports from certain restrictions regarding entities performing engineering and inspection services; amending s. 337.185, F.S.; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board; revising requirements regarding arbitration requests, hearings, procedures, and awards; revising membership and meeting requirements; revising compensation of board members; amending s. 338.166, F.S.; requiring that specified toll revenue be used to support certain public transportation projects; amending s. 339.175, F.S.; deleting a provision prohibiting certain metropolitan planning organizations from assessing any fees for municipalities, counties, or other governmental entities that are members of the organization; renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; deleting a requirement that the Tampa Bay Area Regional Transit Authority provide the committee with administrative support and direction; amending s. 343.92, F.S.; providing that a mayor's designated alternate may be a member of the governing board of the authority; requiring that the alternate be an elected member of the city council of the mayor's municipality and be approved by the municipality's city council; requiring a mayor's designated alternate to attend meetings under certain circumstances, in which case the alternate has full voting rights; providing that a simple majority of board members constitutes a quorum and that a simple majority of those members present is necessary for any action to be taken; deleting obsolete language; amending s. 343.922, F.S.; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities; deleting a provision requiring that the authority coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives; deleting a provision requiring that the authority provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; repealing part III of ch. 343, F.S., relating to the creation and operation of the Northwest Florida Transportation Corridor Authority; amending s. 348.754, F.S.; prohibiting the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with, rather than consent of, the Secretary of Transportation; amending s. 349.04, F.S.; revising a limitation on the terms of leases that the Jacksonville Transportation Authority may enter into and make; amending s. 378.403, F.S.; defining the term "borrow pit"; amending s. 378.801, F.S.; prohibiting operation of a borrow pit at a new location without notifying the Secretary of Environmental Protection of the intent to extract; conforming provisions to changes made by the act; amending s. 378.802, F.S.; revising application of provisions to exclude existing locations; amending s. 479.07, F.S.; requiring the department to create and implement a publicly accessible electronic database for sign permit information; specifying requirements for the database; prohibiting the department from furnishing permanent metal permit tags or replacement tags and from enforcing specified provisions once the department creates and implements the database; specifying that permittees are not required to return permit tags to the department once the department creates and implements the database; dissolving the Northwest Florida Transportation Corridor Authority and requiring the authority to discharge its liabilities, settle and close its activities and affairs, and provide for the distribution of the authority's assets; providing an effective date.

House Amendment 1 (672415) (with title amendment)—Between lines 899 and 900, insert:

Section 17. Paragraphs (a) and (b) of subsection (2) of section 348.0304, Florida Statutes, are amended to read:

348.0304 Greater Miami Expressway Agency.—

(2)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of the county and may not hold, or have held in the previous 2 years, elected or appointed office in the county. Each member may only serve two terms of 4 years each. *Four* ~~Three~~ members shall be appointed by the Governor*, one of whom must be a member of the metropolitan planning organization for the county*. Two members, who must be residents of an unincorporated portion of the county residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of the county. *Two* ~~Three~~ members, who must be residents of incorporated municipalities within the county, shall be appointed by the metropolitan planning organization for the county. The district secretary of the department serving in the district that contains the county shall serve as an ex officio voting member of the governing body.

(b) Initial appointments to the governing body of the agency shall be made by July 31, 2019. For the initial appointments:

1. The Governor shall appoint *one member for a term of 1 year,* one member for a term of 2 years, one member for a term of 3 years, and one member for a term of 4 years.

2. The board of county commissioners shall appoint one member for a term of 1 year and one member for a term of 3 years.

3. The metropolitan planning organization shall appoint ~~one member for a term of 1 year,~~ one member for a term of 2 years~~,~~ and one member for a term of 4 years.

And the title is amended as follows:

Remove line 109 and insert: Authority; amending s. 348.0304, F.S.; revising membership of the governing body of the Greater Miami Expressway Agency; amending s. 348.754, F.S.; prohibiting the

Senator Boyd moved the following Senate amendment to **House Amendment 1 (672415)** which was adopted:

Senate Amendment 1 (116138) (with title amendment) to House Amendment 1 (672415)—Between lines 4 and 5 insert:

Section 17. Section 311.25, Florida Statutes, is created to read:

311.25 Florida seaports; local ballot initiatives and referendums.—

(1) With respect to any port that has received or is eligible to apply for or receive state funding under this chapter, a local ballot initiative or referendum may not restrict maritime commerce in such a port, including, but not limited to, restricting such commerce based on any of the following:

(a) Vessel type, size, number, or capacity.

(b) Number, origin, nationality, embarkation, or disembarkation of passengers or crew or their entry into this state or any local jurisdiction.

(c) Source, type, loading, or unloading of cargo.

(d) Environmental or health records of a particular vessel or vessel line.

(2) Any local ballot initiative or referendum that is in conflict with subsection (1) and that was adopted before, on, or after July 1, 2021, and any local law, charter amendment, ordinance, resolution, regulation, or policy adopted in such an initiative or referendum, is prohibited, void, and expressly preempted to the state.

Section 18. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the title is amended as follows:

Delete line 41 and insert: Authority; creating s. 311.25, F.S.; prohibiting a local ballot initiative or referendum from restricting maritime commerce in the seaports of this state; providing that such a local ballot initiative, referendum, or action adopted therein is prohibited, void, and expressly preempted to the state; providing for severability; amending s. 348.0304, F.S.; revising

Senator Taddeo moved the following Senate amendment to **House Amendment 1 (672415)** which failed:

Senate Amendment 2 (560340) (with title amendment) to House Amendment 1 (672415)—Delete lines 4-36.

And the title is amended as follows:

Delete lines 40-44.

On motion by Senator Hooper, the Senate concurred in **House Amendment 1 (672415)**, as amended by **Senate Amendment 1 (116138)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for CS for SB 1194 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—21

Mr. President	Brandes	Hooper
Albritton	Brodeur	Mayfield
Baxley	Broxson	Passidomo
Bean	Burgess	Perry
Boyd	Diaz	Rodrigues
Bracy	Garcia	Stargel
Bradley	Harrell	Wright

Nays—17

Ausley	Gibson	Rodriguez
Berman	Hutson	Rouson
Book	Jones	Stewart
Cruz	Pizzo	Taddeo
Farmer	Polsky	Torres
Gainer	Powell	

Vote after roll call:

Nay—Gruters

Vote preference:

April 29, 2021: Nay—Thurston

COMMUNICATION

Debbie Brown April 29, 2021
Secretary of the Senate
404 S. Monroe Street
Suite 405, The Capitol
Tallahassee, FL 32399-1100

Dear Secretary Brown,

I, Senator Perry E. Thurston, Jr., hereby request a vote preference of no on CS/CS/CS/SB 1194: Transportation.

Respectfully,
Perry E. Thurston, Jr.
State Senate, District 33

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 80, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 80—A bill to be entitled An act relating to child welfare; creating s. 39.00146, F.S.; defining terms; requiring the case record of every child under the supervision or in the custody of the Department of Children and Families, the department's agents, or providers contracting with the department to include a case record face sheet; specifying information required to be included in the case record face sheet; requiring the department, the department's agents, and providers contracting with the department to update the case record face sheet monthly; providing requirements for the case record face sheet; authorizing the department to develop, or contract with a third party to develop, a case record face sheet; requiring community-based care lead agencies to use such face sheets; requiring the department to adopt rules; amending s. 39.401, F.S.; requiring the department to determine out-of-home placement based on priority of placements and other factors; amending s. 39.402, F.S.; requiring the department to make reasonable efforts to place a child in out-of-home care based on priority of placements; providing exceptions and other criteria; creating s. 39.4021, F.S.; providing legislative findings; establishing certain placement priorities for out-of-home placements; requiring the department or lead agency to place sibling groups together when possible if in the best interest of each child after considering specified factors; providing an exception; providing construction; creating s. 39.4022, F.S.; providing legislative intent; defining terms; requiring that multidisciplinary teams be established for certain purposes; providing goals for such teams; providing for membership of multidisciplinary team staffings; authorizing the department or lead agency to invite other participants to attend a team staffing under certain circumstances; providing requirements for multidisciplinary team staffings; requiring that team staffings be held when specified decisions regarding a child must be made; providing applicability; requiring team staffing participants to gather and consider data and information on the child before formulating a decision; providing for the use of an evidence-based assessment instrument or tool; requiring multidisciplinary teams to con-

duct supplemental assessments for certain children; requiring team participants to gather certain information related to the child for such supplemental assessments; requiring that a unanimous consensus decision reached by the team becomes the official position and that specified parties are bound by such consensus decision; providing procedures for when the team does not reach a consensus decision; requiring that the department determine a suitable placement if the team cannot come to a consensus decision; requiring the formation of a team within specified timeframes; requiring the facilitator to file a report with the court within a specified timeframe if the team does not reach a consensus decision; providing requirements for the report; authorizing specified parties to discuss confidential information during a team staffing in the presence of participating individuals; providing that information collected by any agency or entity that participates in a staffing which is confidential and exempt upon collection remains confidential and exempt when discussed in staffings; requiring individuals who participate in a staffing to maintain the confidentiality of all information shared; providing construction; requiring the department to adopt rules; creating s. 39.4023, F.S.; providing legislative findings and intent; defining terms; providing for the creation of transition plans for specified changes in placement; providing conditions under which a child may be removed from a caregiver's home; requiring community-based care lead agencies to provide services to prevent a change in placement; requiring the department and a community-based care lead agency to convene a multidisciplinary team staffing to develop a transition plan under certain circumstances; requiring the department or community-based care lead agency to provide written notice of a planned placement change; providing requirements for the notice; providing applicability; requiring additional considerations for placement changes for infants and young children; providing findings; requiring the department or community-based care lead agency to create and implement individualized transition plans; specifying factors that must be considered when selecting a new school for a child; requiring children who enter out-of-home care or undergo changes in placement to remain with familiar child care providers or early education programs, if possible; providing requirements for transition plans for transitions between K-12 schools; requiring the department, in collaboration with the Quality Parenting Initiative, to develop a form for a specified purpose; specifying requirements for the form; requiring the department and community-based care lead agencies to document multidisciplinary team staffings and placement transition decisions in the Florida Safe Families Network and include such information in the social study report for judicial review; providing an exemption; requiring the department to adopt rules; creating s. 39.4024, F.S.; providing legislative findings; defining terms; requiring the department or lead agency to make reasonable efforts to place siblings in the same foster, kinship, adoptive, or guardianship home when certain conditions are met; requiring the department or lead agency and multidisciplinary team to take certain actions when siblings are not placed together; specifying that the department and court are not required to make a placement or change in placement to develop certain sibling relationships; requiring the department or the lead agency to convene a multidisciplinary team staffing to determine and assess sibling relationships when a child is removed from a home; providing for the placement of sibling groups in certain circumstances; specifying factors for the multidisciplinary team to consider when determining placement or change of placement for children in sibling groups who do not have an existing relationship with siblings; requiring that a child's transition to a new home be carried out gradually when it is determined that the child would benefit from being placed with siblings; requiring the department, in collaboration with the Quality Parenting Initiative, to develop standard protocols for the department and lead agency for use in making specified decisions about child placement; providing considerations for maintaining contact between siblings when separated; providing duties for caregivers; authorizing the court to limit and restrict communication and visitation upon a finding of clear and convincing evidence that such communication or visitation is harmful to the child; requiring the department and community-based care lead agencies to periodically reassess certain sibling placements in certain instances; requiring the department to provide certain services to prevent disruption in a placement when a child does not adjust to such placement; requiring that a multidisciplinary team staffing is convened when one child does not adjust to placement as a sibling group under certain conditions; requiring the team to review such placement and choose a plan least detrimental to each child; requiring that a multidisciplinary team be convened in certain circumstances where the department or child subsequently identifies a sibling; requiring the department to provide children with specified information relating to their siblings; requiring the department to make reasonable efforts to ascertain such information if it is not known; providing that a child has a right to continued communication with a sibling under certain circumstances; requiring the department and lead agencies to document in writing decisions to separate siblings in case files and the Florida Safe Families Network; specifying requirements for such documentation; providing an exemption; requiring the department to adopt rules; amending s. 39.522, F.S.; deleting and relocating criteria for the court to consider when determining whether a legal change of custody is in the best interest of the child; conforming a provision to changes made by the act; defining the term "change in physical custody"; providing a rebuttable presumption that the best interest of a child is to remain in a current placement; providing applicability for such presumption; establishing the manner in which to rebut the presumption; requiring the department or lead agency to notify certain caregivers within a specified timeframe of the intent to change the physical custody of a child; requiring that a multidisciplinary team staffing be held within a specified timeframe before the intended date for the child's change in physical custody; requiring that the department's official position be provided to the parties under certain circumstances; requiring the caregiver to provide written notice of objection to such change in physical custody within a specified timeframe; requiring the court to conduct an initial case status hearing within a specified timeframe upon receiving specified written notice from a caregiver; providing procedures for when a caregiver objects to the child's change in physical custody; requiring the court to conduct an initial case status hearing; requiring the court to conduct an evidentiary hearing; requiring the department or lead agency to implement an appropriate transition plan if the court orders a change in physical custody of the child; amending s. 39.523, F.S.; requiring the department or lead agency to coordinate a multidisciplinary team staffing for specified purposes; requiring, rather than authorizing, the department to create rules; amending s. 39.806, F.S.; conforming a cross-reference; providing an effective date.

House Amendment 1 (943257) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 39.00146, Florida Statutes, is created to read:

39.00146 Case record face sheet.—

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

(a) "Multidisciplinary team" has the same meaning as provided in s. 39.4022(2).

(b) "Placement change" has the same meaning as provided in s. 39.4023(2).

(c) "School" has the same meaning as in s. 39.4023(2).

(d) "Sibling" has the same meaning as in s. 39.4024(2).

(2) The case record of every child under the supervision or in the custody of the department or the department's authorized agents, including community-based care lead agencies and their subcontracted providers, must include a face sheet containing relevant information about the child and his or her case, including at least all of the following:

(a) General case information, including, but not limited to:

1. The child's name and date of birth;

2. The current county of residence and the county of residence at the time of the referral;

3. The reason for the referral and any family safety concerns;

4. The personal identifying information of the parents or legal custodians who had custody of the child at the time of the referral, including name, date of birth, and county of residence;

5. The date of removal from the home; and

6. The name and contact information of the attorney or attorneys assigned to the case in all capacities, including the attorney or attorneys that represent the department and the parents, and the guardian ad litem, if one has been appointed.

(b) The name and contact information for any employees of the department, the department's authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted service providers, who have worked with the child, including the child's current and previous case managers, and the supervisor information for such employees.

(c) The personal information of relevant family members and other fictive kin, including, but not limited to, the name and contact information of:

1. The child's parents;

2. The child's siblings, including the location of their current out-of-home placement, if applicable;

3. The child's current caregivers and any previous out-of-home placements;

4. Any other caretaking adults; and

5. All children in the out-of-home placement, if applicable.

(d) A description of any threats of danger placing the child at imminent risk of removal.

(e) A description of individual parent or caregiver concerns for the child.

(f) Any concerns that exist regarding the parent or the current caregiver's ability to:

1. Maintain a safe home;

2. Engage or bond with the child if the child is an infant;

3. Structure daily activities that stimulate the child;

4. Manage the child's behavior; or

5. Make good health decisions for the child.

(g) Any transitions in placement the child has experienced since the child's initial placement and a description of how such transitions were accomplished in accordance with s. 39.4023.

(h) If the child has any siblings and they are not placed in the same out-of-home placement, the reasons the children are not in joint placement and the reasonable efforts that the department or appropriate lead agency will make to provide frequent visitation or other ongoing interaction between the siblings, unless the court determines that the interaction would be contrary to a sibling's safety or well-being in accordance s. 39.4024.

(i) Information pertaining to recent and upcoming court hearings, including, but not limited to, the date, subject matter, and county of court jurisdiction of the most recent and next scheduled court hearing.

(j) Any other information the department, the department's authorized agents, or providers contracting with the department, including community-based care lead agencies deem relevant.

(3) The department, the department's authorized agents, or providers contracting with the department, including community-based care lead agencies, must ensure that the face sheet for each case is updated at least once per month. This requirement includes ensuring that the department, its authorized agents, or providers contracting with the department gather any relevant information from any subcontracted providers who provide services for the case record information required to be included under this section.

(4) The case record face sheet must be in a uniform and standardized format for use statewide and must be developed, either by the department or a third party, using real-time data from the state child welfare information system. The department may develop a specific case record face sheet or may contract with a third party to use existing software that, at a minimum, meets the requirements of subsection (2). The case record face sheet developed or contracted for use under this section must be electronic and have the capability to be printed. The community-based care lead agencies shall use this uniform and standardized case record face sheet to comply with this section.

(5) The department shall adopt rules to implement this section.

Section 2. Section 39.01375, Florida Statutes, is created to read:

39.01375 Best interest determination for placement.-The department, community-based care lead agency, or court shall consider all of the following factors when determining whether a proposed placement under this chapter is in the child's best interest:

(1) The child's age.

(2) The physical, mental, and emotional health benefits to the child by remaining in his or her current placement or moving to the proposed placement.

(3) The stability and longevity of the child's current placement.

(4) The established bonded relationship between the child and the current or proposed caregiver.

(5) The reasonable preference of the child, if the child is of a sufficient age and capacity to express a preference.

(6) The recommendation of the child's current caregiver, if applicable.

(7) The recommendation of the child's guardian ad litem, if one has been appointed.

(8) The child's previous and current relationship with a sibling and if the change of legal or physical custody or placement will separate or reunite siblings, evaluated in accordance with s. 39.4024.

(9) The likelihood of the child attaining permanency in the current or proposed placement.

(10) The likelihood the child will be required to change schools or child care placement, the impact of such change on the child, and the parties' recommendations as to the timing of the change, including an education transition plan required under s. 39.4023.

(11) The child's receipt of medical, behavioral health, dental, or other treatment services in the current placement; the availability of such services and the degree to which they meet the child's needs; and whether the child will be able to continue to receive services from the same providers and the relative importance of such continuity of care.

(12) The allegations of any abuse, abandonment, or neglect, including sexual abuse and human trafficking history, which caused the child to be placed in out-of-home care and any history of additional allegations of abuse, abandonment, or neglect.

(13) The likely impact on activities that are important to the child and the ability of the child to continue such activities in the proposed placement.

(14) The likely impact on the child's access to education, Medicaid, and independent living benefits if moved to the proposed placement.

(15) Any other relevant factor.

Section 3. Subsection (3) of section 39.401, Florida Statutes, is amended to read:

39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.—

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the agent shall review the facts supporting the removal with an attorney representing the department.

The purpose of the review is to determine whether there is probable cause for the filing of a shelter petition.

(a) If the facts are not sufficient, the child shall immediately be returned to the custody of the parent or legal custodian.

(b) If the facts are sufficient and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held within 24 hours after the removal of the child.

(c) While awaiting the shelter hearing, the authorized agent of the department may place the child in *out-of-home care, and placement shall be determined based on priority of placements as provided in s. 39.4021 and what is in the child's best interest based on the criteria and factors set out in s. 39.01375* ~~licensed shelter care or may release the child to a parent or legal custodian or responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if this is in the best interests of the child~~.

(d) Placement of a child which is not in a licensed shelter must be preceded by a criminal history records check as required under s. 39.0138.

(e) In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

Section 4. Paragraph (h) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(h) The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

1. That placement in shelter care is necessary based on the criteria in subsections (1) and (2).

2. That placement in shelter care is in the best interest of the child.

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the child's physical, mental, or emotional health or safety which cannot be mitigated by the provision of preventive services.

4. That based upon the allegations of the petition for placement in shelter care, there is probable cause to believe that the child is dependent or that the court needs additional time, which may not exceed 72 hours, in which to obtain and review documents pertaining to the family in order to appropriately determine the risk to the child.

5. That the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. A finding of reasonable effort by the department to prevent or eliminate the need for removal may be made and the department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal of the home situation by the department indicates that the home situation presents a substantial and immediate danger to the child's physical, mental, or emotional health or safety which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or because, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

6. *That the department has made reasonable efforts to place the child in order of priority as provided in s. 39.4021 unless such priority placement is not a placement option or in the best interest of the child based on the criteria and factors set out in s. 39.01375.*

7. That the department has made reasonable efforts to keep siblings together if they are removed and placed in out-of-home care unless such placement is not in the best interest of each child. It is preferred that siblings be kept together in a foster home, if available. Other reasonable efforts shall include short-term placement in a group home with the ability to accommodate sibling groups if such a placement is available. The department shall report to the court its efforts to place siblings together unless the court finds that such placement is not in the best interest of a child or his or her sibling.

8. ~~7.~~ That the court notified the parents, relatives that are providing out-of-home care for the child, or legal custodians of the time, date, and location of the next dependency hearing and of the importance of the active participation of the parents, relatives that are providing out-of-home care for the child, or legal custodians in all proceedings and hearings.

9. ~~8.~~ That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

10. ~~9.~~ That the court notified relatives who are providing out-of-home care for a child as a result of the shelter petition being granted that they have the right to attend all subsequent hearings, to submit reports to the court, and to speak to the court regarding the child, if they so desire.

11. ~~10.~~ That the department has placement and care responsibility for any child who is not placed in the care of a parent at the conclusion of the shelter hearing.

Section 5. Section 39.4021, Florida Statutes, is created to read:

39.4021 Priority placement for out-of-home placements.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that it is a basic tenet of child welfare practice and the law that a child be placed in the least restrictive, most family-like setting available in close proximity to the home of his or her parents which meets the needs of the child, and that a child be placed in a permanent home in a timely manner.

(2) PLACEMENT PRIORITY.—

(a) When a child cannot safely remain at home with a parent, out-of-home placement options must be considered in the following order:

1. Non-offending parent.

2. Relative caregiver.

3. Adoptive parent of the child's sibling, when the department or community-based care lead agency is aware of such sibling.

4. Fictive kin with a close existing relationship to the child.

5. Nonrelative caregiver that does not have an existing relationship with the child.

6. Licensed foster care.

7. Group or congregate care.

(b) Except as otherwise provided for in ss. 39.4022 and 39.4024, sibling groups must be placed in the same placement whenever possible and if placement together is in the best interest of each child in the sibling group. Placement decisions for sibling groups must be made pursuant to ss. 39.4022 and 39.4024.

(c) Except as otherwise provided for in this chapter, a change to a child's physical or legal placement after the child has been sheltered but before the child has achieved permanency must be made in compliance

with this section. Placements made pursuant to s. 63.082(6) are exempt from this section.

Section 6. Section 39.4022, Florida Statutes, is created to read:

39.4022 Multidisciplinary teams; staffings; assessments; report.—

(1) LEGISLATIVE INTENT.—

(a) The Legislature finds that services for children and families are most effective when delivered in the context of a single integrated multidisciplinary team staffing that includes the child, his or her family, natural and community supports, and professionals who join together to empower, motivate, and strengthen a family and collaboratively develop a plan of care and protection to achieve child safety, child permanency, and child and family well-being.

(b) The Legislature also finds that effective assessment through an integrated multidisciplinary team is particularly important for children who are vulnerable due to existing histories of trauma which led to the child's entrance into the child welfare system. This assessment is especially important for young children who are 3 years of age or younger, as a result of the enhanced need for such children to have healthy and stable attachments to assist with necessary brain development. Stable and nurturing relationships in the first years of life, as well as the quality of such relationships, are integral to healthy brain development, providing a foundation for lifelong mental health and determining well-being as an adult.

(2) DEFINITIONS.—For purposes of this section, the term:

(a) "Change in physical custody" means a change by the department or the community-based care lead agency to the child's physical residential address, regardless of whether such change requires a court order changing the legal custody of the child.

(b) "Emergency situation" means that there is an imminent risk to the health or safety of the child, other children, or others in the home or facility if the child remains in the placement.

(c) "Multidisciplinary team" means an integrated group of individuals which meets to collaboratively develop and attempt to reach a consensus decision on the most suitable out-of-home placement, educational placement, or other specified important life decision that is in the best interest of the child.

(3) CREATION AND GOALS.—

(a) Multidisciplinary teams must be established for the purpose of allowing better engagement with families and a shared commitment and accountability from the family and their circle of support.

(b) The multidisciplinary teams must adhere to the following goals:

1. Secure a child's safety in the least restrictive and intrusive placement that can meet his or her needs;

2. Minimize the trauma associated with separation from the child's family and help the child to maintain meaningful connections with family members and others who are important to him or her;

3. Provide input into the proposed placement decision made by the community-based care lead agency and the proposed services to be provided in order to support the child;

4. Provide input into the decision to preserve or maintain the placement, including necessary placement preservation strategies;

5. Contribute to an ongoing assessment of the child and the family's strengths and needs;

6. Ensure that plans are monitored for progress and that such plans are revised or updated as the child's or family's circumstances change; and

7. Ensure that the child and family always remain the primary focus of each multidisciplinary team meeting.

(4) PARTICIPANTS.—

(a) Collaboration among diverse individuals who are part of the child's network is necessary to make the most informed decisions possible for the child. A diverse team is preferable to ensure that the necessary combination of technical skills, cultural knowledge, community resources, and personal relationships is developed and maintained for the child and family. The participants necessary to achieve an appropriately diverse team for a child may vary by child and may include extended family, friends, neighbors, coaches, clergy, coworkers, or others the family identifies as potential sources of support.

1. Each multidisciplinary team staffing must invite the following members:

a. The child, unless he or she is not of an age or capacity to participate in the team;

b. The child's family members and other individuals identified by the family as being important to the child, provided that a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights may not participate;

c. The current caregiver, provided the caregiver is not a parent who meets the criteria of one of the exceptions under sub-subparagraph b.;

d. A representative from the department other than the Children's Legal Services attorney, when the department is directly involved in the goal identified by the staffing;

e. A representative from the community-based care lead agency, when the lead agency is directly involved in the goal identified by the staffing; and

f. The case manager for the child, or his or her case manager supervisor.

2. The multidisciplinary team must make reasonable efforts to have all mandatory invitees attend. However, the multidisciplinary team staffing may not be delayed if the invitees in subparagraph 1. fail to attend after being provided reasonable opportunities.

(b) Based on the particular goal the multidisciplinary team staffing identifies as the purpose of convening the staffing as provided under subsection (5), the department or lead agency may also invite to the meeting other professionals, including, but not limited to:

1. A representative from Children's Medical Services;

2. A guardian ad litem, if one is appointed;

3. A school personnel representative who has direct contact with the child;

4. A therapist or other behavioral health professional, if applicable.

5. A mental health professional with expertise in sibling bonding, if the department or lead agency deems such expert is necessary; or

6. Other community providers of services to the child or stakeholders, when applicable.

(c) Members of the multidisciplinary team who are required to attend under subparagraph (a)1. or who are invited to participate under paragraph (b) may attend the multidisciplinary team staffing in person or remotely.

(d) Each multidisciplinary team staffing must be led by a person who serves as a facilitator and whose main responsibility is to help team participants use the strengths within the family to develop a safe plan for the child. The person serving as the facilitator must be a trained professional who is otherwise required to attend the multidisciplinary team staffing under this section in his or her official capacity. Further, the trained professional serving as the facilitator does not need to be the same person for each meeting convened in a child's case under this section or in the service area of the designated lead agency handling a child's case.

(5) SCOPE OF MULTIDISCIPLINARY TEAM.—

(a) A multidisciplinary team staffing must be held when an important decision is required to be made about a child's life, including all of the following:

1. Initial placement decisions for a child who is placed in out-of-home care. A multidisciplinary team staffing required under this subparagraph may occur before the initial placement or, if a staffing is not possible before the initial placement, must occur as soon as possible after initial removal and placement to evaluate the appropriateness of the initial placement and to ensure that any adjustments to the placement, if necessary, are promptly handled.

2. Changes in physical custody after the child is placed in out-of-home care by a court and, if necessary, determination of an appropriate mandatory transition plan in accordance with s. 39.4023.

3. Changes in a child's educational placement and, if necessary, determination of an appropriate mandatory transition plan in accordance with s. 39.4023.

4. Placement decisions for a child as required by subparagraph 1., subparagraph 2., or subparagraph 3. which involve sibling groups that require placement in accordance with s. 39.4024.

5. Any other important decisions in the child's life which are so complex that the department or appropriate community-based care lead agency determines convening a multidisciplinary team staffing is necessary to ensure the best interest of the child is maintained.

(b) A multidisciplinary team convened under this section may address multiple needs and decisions under paragraph (a) regarding the child or sibling group for which the team is convened during the same staffing.

(c) This section does not apply to multidisciplinary team staffings that occur for one of the decisions specified in paragraph (a) and that are facilitated by a children's advocacy center in accordance with s. 39.3035. The children's advocacy center that facilitates a staffing is encouraged to include family members or other persons important to the family in the staffing if the children's advocacy center determines it is safe for the child to involve such persons.

(d) This section does not apply to placements made pursuant to s. 63.082(6).

(6) ASSESSMENTS.—

(a)1. The multidisciplinary team staffing participants must, before formulating a decision under this section, gather and consider data and information on the child which is known at the time, including, but not limited to information allowing the team to address the best interest factors under s. 39.01375.

2. Multidisciplinary team staffings may not be delayed to accommodate pending behavioral health screenings or assessments or pending referrals for services.

(b) The assessment conducted by the multidisciplinary team may also use an evidence-based assessment instrument or tool that is best suited for determining the specific decision of the staffing and the needs of that individual child and family.

(c) To adequately prepare for a multidisciplinary staffing team meeting to consider a decision related to a child 3 years of age or younger, all of the following information on the child which is known at the time must be gathered and considered by the team:

1. Identified kin and relatives who express interest in caring for the child, including strategies to overcome potential delays in placing the child with such persons if they are suitable.

2. The likelihood that the child can remain with the prospective caregiver past the point of initial removal and placement with, or subsequent transition to, the caregiver and the willingness of the caregiver to provide care for any duration deemed necessary if placement is made.

3. The prospective caregiver's ability and willingness to:

a. Accept supports related to early childhood development and services addressing any possible developmental delays;

b. Address the emotional needs of the child and accept infant mental health supports, if needed;

c. Help nurture the child during the transition into out-of-home care;

d. Work with the parent to build or maintain the attachment relationship between parent and child;

e. Effectively co-parent with the parent; and

f. Ensure frequent family visits and sibling visits.

4. Placement decisions for each child in out-of-home placement which are made under this paragraph must be reviewed as often as necessary to ensure permanency for that child and to address special issues that may arise which are unique to younger children.

(d)1. If the participants of a multidisciplinary team staffing reach a unanimous consensus decision, it becomes the official position of the community-based care lead agency regarding the decision under subsection (5) for which the team convened. Such decision is binding upon all department and lead agency participants, who are obligated to support it.

2. If the participants of a multidisciplinary team staffing cannot reach a unanimous consensus decision on a plan to address the identified goal, the trained professional acting as the facilitator shall notify the court and the department within 48 hours after the conclusion of the staffing. The department shall then determine how to address the identified goal of the staffing by what is in the child's best interest.

(7) CONVENING A TEAM UPON REMOVAL.—The formation of a multidisciplinary team staffing must begin as soon as possible when a child is removed from a home. The multidisciplinary team must convene a staffing no later than 72 hours from the date of a subsequent removal in an emergency situation in accordance with s. 39.4023.

(8) REPORT.—If a multidisciplinary team staffing fails to reach a unanimous consensus decision, the facilitator must prepare and submit a written report to the court within 5 business days after the conclusion of the staffing which details the decision made at the conclusion of the multidisciplinary team staffing under subsection (6) and the positions of the staffing's participants.

(9) CONFIDENTIALITY.—Notwithstanding any other provision of law, participants representing the department and the community-based care lead agency may discuss confidential information during a multidisciplinary team staffing in the presence of individuals who participate in the staffing. Information collected by any agency or entity that participates in the multidisciplinary team staffing which is confidential and exempt upon collection remains confidential and exempt when discussed in a staffing required under this section. All individuals who participate in the staffing shall maintain the confidentiality of any information shared during the staffing.

(10) CONSTRUCTION.—This section may not be construed to mean that multidisciplinary team staffings coordinated by the department or the appropriate lead agency for purposes other than those provided for in subsection (5) before October 1, 2021, are no longer required to be conducted or are required to be conducted in accordance with this section. Further, this section may not be construed to create a duty on the department or lead agency to attend multidisciplinary staffings that the department or lead agency does not attend for any purpose specified in subsection (5) for which the department or lead agency is not required to attend before October 1, 2021.

(11) RULEMAKING.—The department shall adopt rules to implement this section.

Section 7. *The department shall contract for the development of model placement transition plans and related explanatory material that may be the basis for developing individualized transition plans for children in out-of-home care who are changing placements. Such plans must provide specific recommendations regarding transition plan elements that may include, but are not limited to, the length and pace of the*

transition and the sequence of steps needed to gradually introduce new caregivers and to build relationships and attachments. The model transition plans shall consider and vary in response to important factors affecting how a child's placement transition should proceed to mitigate trauma and encourage the child's healthy development and the stability of the placement, which may include, but is not limited to, the child's age or developmental stage; the level and type of abuse, neglect, or trauma experienced by the child; attachment to or the length of time the child has spent with the current caregiver; and familiarity with, location of, and attachment to the proposed caregiver. The model transition plans and accompanying explanatory material must be provided to, at a minimum, all staff who develops transition plans for children in out-of-home care, whether such staff works for the department, a community-based care lead agency, or a subcontracted provider. The model transition plans and accompanying material may also be provided to caregivers and other child welfare professionals.

Section 8. Section 39.4023, Florida Statutes, is created to read:

39.4023 Placement and education transitions; transition plans.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that many children in out-of-home care experience multiple changes in placement, and those transitions often result in trauma not only for the child but also for caregivers, families, siblings, and all professionals involved.

(b) The Legislature further finds that poorly planned and executed or improperly timed transitions may adversely impact a child's healthy development as well as the child's continuing capacity to trust, attach to others, and build relationships in the future.

(c) The Legislature finds that the best child welfare practices recognize the need to prioritize the minimization of the number of placements for every child in out-of-home care. Further, the Legislature finds that efforts must be made to support caregivers in order to promote stability. When placement changes are necessary, they must be thoughtfully planned.

(d) The Legislature finds that transition plans are critical when moving all children, including infants, toddlers, school-age children, adolescents, and young adults.

(e) It is the intent of the Legislature that a placement change or an educational change for a child in out-of-home care be achieved ideally through a period of transition that is unique to each child, provides support for all individuals affected by the change, and has flexible planning to allow for changes necessary to meet the needs of the child.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Educational change" means any time a child is moved between schools when such move is not the result of the natural transition from elementary school to middle school or middle school to high school. The term also includes changes in child care or early education programs for infants and toddlers.

(b) "Emergency situation" means that there is an imminent risk to the health or safety of the child, other children, or others in the home or facility if the child remains in the placement.

(c) "Placement change" means any time a child is moved from one caregiver to another, including moves to a foster home, a group home, relatives, prospective guardians, or prospective adoptive parents and removal from or reunification with parents or legal custodian. A child being moved temporarily to respite care for the purpose of providing the primary caregiver relief does not constitute a placement change.

(d) "School" means any child care, early education, elementary, secondary, or postsecondary educational setting.

(3) PLACEMENT TRANSITIONS.—

(a) Mandatory transition plans.—Except as otherwise provided, the department or the community-based care lead agency shall create and implement an individualized transition plan before each placement change experienced by a child.

(b) Minimizing placement transitions.—Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only for the reasons specified in s. 409.1415(2)(b)7.

(c) Services to prevent disruption.—The community-based care lead agency shall provide any supportive services deemed necessary to a caregiver and a child if the child's current out-of-home placement with the caregiver is in danger of needing modification. The supportive services must be offered in an effort to remedy the factors contributing to the placement being considered unsuitable and therefore contributing to the need for a change in placement.

(d) Transition planning.—

1. If the supportive services provided pursuant to paragraph (c) have not been successful to make the maintenance of the placement suitable or if there are other circumstances that require the child to be moved, the department or the community-based care lead agency must convene a multidisciplinary team staffing as required under s. 39.4022 before the child's placement is changed, or within 72 hours of moving the child in an emergency situation, for the purpose of developing an appropriate transition plan.

2. A placement change may occur immediately in an emergency situation without convening a multidisciplinary team staffing. However, a multidisciplinary team staffing must be held within 72 hours after the emergency situation arises.

3. The department or the community-based care lead agency must provide written notice of the planned move at least 14 days before the move or within 72 hours after an emergency situation, to the greatest extent possible and consistent with the child's needs and preferences. The notice must include the reason a placement change is necessary. A copy of the notice must be filed with the court and be provided to:

a. The child, unless he or she, due to age or capacity, is unable to comprehend the written notice, which will necessitate the department or lead agency to provide notice in an age-appropriate and capacity-appropriate alternative manner;

b. The child's parents, unless prohibited by court order;

c. The child's out-of-home caregiver;

d. The guardian ad litem, if one is appointed;

e. The attorney for the child, if one is appointed; and

f. The attorney for the department.

4.a. The transition plan must be developed through cooperation among the persons included in subparagraph 3., and such persons must share any relevant information necessary for its development. Subject to the child's needs and preferences, the transition plan must meet the requirements of s. 409.1415(2)(b)8. and exclude any placement changes that occur between 7 p.m. and 8 a.m.

5. The department or the community-based care lead agency shall file the transition plan with the court within 48 hours after the creation of such plan and provide a copy of the plan to the persons included in subparagraph 3.

(e) Additional considerations for transitions of infants and children under school age.—Relationship patterns over the first year of life are important predictors of future relationships. Research demonstrates that babies begin to form a strong attachment to a caregiver at approximately 7 months of age. From that period of time through age 2, moving a child from a caregiver who is the psychological parent is considerably more damaging. Placement decisions must focus on promoting security and continuity for infants and children under 5 years of age in out-of-home care. Transition plans for infants and young children must describe the facts that were considered when each of the following were discussed and must specify what decision was made as to how each of the following applies to the child:

1. The age of the child and the child's current ability to accomplish developmental tasks, with consideration made for whether the child is:

a. Six months of age or younger, thereby indicating that it may be in the child's best interest to move the child sooner rather than later; or

b. Seven months of age or older, but younger than 3 years of age, thereby indicating it may not be a healthy time to move the child.

2. The length of time the child has lived with the current caregiver, the strength of attachment to the current caregiver, and the harm of disrupting a healthy attachment compared to the possible advantage of a change in placement.

3. The relationship, if any, the child has with the new caregiver and whether a reciprocal agreement exists between the current caregiver and the prospective caregiver to maintain the child's relationship with both caregivers.

4. The pace of the transition and whether flexibility exists to accelerate or slow down the transition based on the child's needs and reactions.

(f) Preparation of prospective caregivers before placement.—

1. Prospective caregivers must be fully informed of the child's needs and circumstances and be willing and able to accept responsibility for providing high-quality care for such needs and circumstances before placement.

2. The community-based care lead agency shall review with the prospective caregiver the caregiver's roles and responsibilities according to the parenting partnerships plan for children in out-of-home care pursuant to s. 409.1415. The case manager shall sign a copy of the parenting partnerships plan and obtain the signature of the prospective caregiver acknowledging explanation of the requirements before placement.

(4) EDUCATION TRANSITIONS.—

(a) Findings.—Children in out-of-home care frequently change child care, early education programs, and schools. These changes can occur when the child first enters out-of-home care, when the child must move from one caregiver to another, or when the child returns home upon reunification. Research shows that children who change schools frequently make less academic progress than their peers and fall further behind with each school change. Additionally, educational instability at any level makes it difficult for children to develop supportive relationships with teachers or peers. State and federal law contain requirements that must be adhered to in order to ensure educational stability for a child in out-of-home care. A child's educational setting should only be changed when maintaining the educational setting is not in the best interest of the child.

(b) Mandatory educational transition plans.—The department or the community-based care lead agency shall create and implement an individualized transition plan each time a child experiences a school change.

(c) Minimizing school changes.—

1. Every effort must be made to keep a child in the school of origin if it is in the child's best interest. Any placement decision must include thoughtful consideration of which school a child will attend if a school change is necessary.

2. Members of a multidisciplinary team staffing convened for a purpose other than a school change must determine the child's best interest regarding remaining in the school or program of origin if the child's educational options are affected by any other decision being made by the multidisciplinary team.

3. The determination of whether it is in the child's best interest to remain in the school of origin, and if not, of which school the child will attend in the future, must be made in consultation with the following individuals, including, but not limited to, the child; the parents; the caregiver; the child welfare professional; the guardian ad litem, if appointed; the educational surrogate, if appointed; child care and educational staff, including teachers and guidance counselors; and the school district representative or foster care liaison. A multidisciplinary team member may contact any of these individuals in advance of a multidisciplinary team staffing to obtain his or her recommendation. An individual may remotely attend the multidisciplinary team staffing if one of the identified goals is related to determining an educational placement. The multidisciplinary team may rely on a report from the child's current school or program district and, if applicable, any other school district being considered for the educational placement if the required school personnel are not available to attend the multidisciplinary team staffing in person or remotely.

4. The multidisciplinary team and the individuals listed in subparagraph 3. must consider, at a minimum, all of the following factors when determining whether remaining in the school or program of origin is in the child's best interest or, if not, when selecting a new school or program:

a. The child's desire to remain in the school or program of origin.

b. The preference of the child's parents or legal guardians.

c. Whether the child has siblings, close friends, or mentors at the school or program of origin.

d. The child's cultural and community connections in the school or program of origin.

e. Whether the child is suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or s. 504 of the Rehabilitation Act of 1973, or has begun receiving interventions under this state's multitiered system of supports.

f. Whether the child has an evaluation pending for special education and related services under IDEA or s. 504 of the Rehabilitation Act of 1973.

g. Whether the child is a student with a disability under IDEA who is receiving special education and related services or a student with a disability under s. 504 of the Rehabilitation Act of 1973 who is receiving accommodations and services and, if so, whether those required services are available in a school or program other than the school or program of origin.

h. Whether the child is an English Language Learner student and is receiving language services, and if so, whether those required services are available in a school or program other than the school or program of origin.

i. The impact a change to the school or program of origin would have on academic credits and progress toward promotion.

j. The availability of extracurricular activities important to the child.

k. The child's known individualized educational plan or other medical and behavioral health needs and whether such plan or needs are able to be met at a school or program other than the school or program of origin.

l. The child's permanency goal and timeframe for achieving permanency.

m. The child's history of school transfers and how such transfers have impacted the child academically, emotionally, and behaviorally.

n. The length of the commute to the school or program from the child's home or placement and how such commute would impact the child.

o. The length of time the child has attended the school or program of origin.

5. The cost of transportation cannot be a factor in making a best interest determination.

(d) Transitions between child care and early education programs.—When a child enters out-of-home care or undergoes a placement change, the child shall, if possible, remain with a familiar child care provider or early education program unless there is an opportunity to transition to a higher quality program. If it is not possible for the child to remain with the familiar child care provider or early education program or transition to a higher quality program, the child's transition plan must be made with the participation of the child's current and future school or pro-

gram. The plan must give the child an opportunity to say goodbye to important figures in the educational environment.

(e) Transitions between K-12 schools.—The transition plan for a transition between K-12 schools must include all of the following:

1. Documentation that the department or community-based care lead agency has made the decision to change the child's school in accordance with paragraph (c). The plan must include a detailed discussion of all factors considered in reaching the decision to change the child's school.

2. Documentation that the department or community-based care lead agency has coordinated, or will coordinate before the school change, with local educational agencies to provide immediate and appropriate enrollment in a new school, including transfer of educational records, any record of a school-entry health examination, and arrangements for transportation to the new school.

3. Discussion of the timing of the proposed school change which addresses the potential impact on the child's education and extracurricular activities. This section must include, at a minimum, grading periods, exam schedules, credit acquisitions, sports eligibility, and participation in extracurricular activities.

4. Details concerning the transportation of the child to school.

(5) TRANSITION PLAN AND DOCUMENTATION.—

(a) The department, in collaboration with the Quality Parenting Initiative, shall develop a form to be completed and updated each time a child in out-of-home care is moved from one placement to another.

(b) A completed form must be attached to the case record face sheet required to be included in the case file pursuant to s. 39.00146. The form must be used statewide and, at a minimum, must include all of the following information:

1. The membership of the multidisciplinary team staffing convened under s. 39.4022 to develop a transition plan for the change in placement and the dates on which the team met.

2. The name of the person who served as the facilitator in that specific multidisciplinary team staffing.

3. The topics considered by the multidisciplinary team staffing in order to ensure an appropriate transition.

4. The recommendations of the multidisciplinary team and the name of each individual or entity responsible for carrying out each recommendation.

(c) The department or the community-based care lead agency shall document all multidisciplinary team staffings and placement transition decisions in the Florida Safe Families Network and must include the information in the social study report for judicial review, as required under s. 39.701.

(6) EXEMPTION.—Placements made pursuant to s. 63.082(6) are exempt from this section.

(7) RULEMAKING.—The department shall adopt rules to implement this section.

Section 9. Section 39.4024, Florida Statutes, is created to read:

39.4024 Placement of siblings; visitation; continuing contact.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that sibling relationships can provide a significant source of continuity throughout a child's life and are likely to be the longest relationships that most individuals experience. Further, the placement of siblings together can increase the likelihood of achieving permanency and is associated with a significantly higher rate of family reunification.

(b) The Legislature finds that it is beneficial for a child who is placed in out-of-home care to be able to continue existing relationships with his or her siblings, regardless of age, so that they may share their strengths and association in their everyday and often common experiences.

(c) The Legislature also finds that healthy connections with siblings can serve as a protective factor for children who have been placed in out-of-home care. The Legislature finds that child protective investigators and caseworkers should be aware of the variety of demographic and external situational factors that may present challenges to placement in order to identify such factors relevant to a particular group of siblings and ensure that these factors are not the sole reasons that siblings are not placed together.

(d) The Legislature also finds that it is the responsibility of all entities and adults involved in a child's life, including, but not limited to, the department, community-based care lead agencies, parents, foster parents, guardians ad litem, next of kin, and other persons important to the child to seek opportunities to foster sibling relationships to promote continuity and help sustain family connections.

(e) While there is a presumption in law and policy that it is in the best interest of a child going into out-of-home care to be placed with any siblings, the Legislature finds that overall well-being of the child and family improves when the person or team responsible for placement decisions evaluates the child's sibling and family bonds and prioritizes the bonds that are unique drivers of the child's ability to maintain and develop healthy relationships. The person or team with an understanding of the need to balance all attachment bonds of a child and the potential need to prioritize existing and healthy sibling relationships differently than a potential or unhealthy sibling relationship over a healthy existing bond with a caregiver will result in more stable and healthier placements for all children in out-of-home care.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Lead agency" means a community-based care lead agency under contract with the department to provide care to children in foster care under chapter 409.

(b) "Multidisciplinary team" has the same meaning as provided in s. 39.4022.

(c) "Sibling" means:

1. A child who shares a birth parent or legal parent with one or more other children; or

2. A child who has lived together in a family with one or more other children whom he or she identifies as siblings.

(3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.—

(a) General provisions.—

1. The department or lead agency shall make reasonable efforts to place sibling groups that are removed from their home in the same foster, kinship, adoptive, or guardianship home when it is in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.

2. If a child enters out-of-home care after his or her sibling, the department or lead agency and the multidisciplinary team shall make reasonable efforts to initially place the child who has entered out-of-home care with his or her siblings in the sibling's existing placement, provided it would not jeopardize the stability of such placement and it is in the best interest for each child.

3. When determining whether to move a child from a current placement to a new placement when such change is initiated by a sibling relationship, all relevant factors must be considered by the multidisciplinary team to ensure that the child is best served by the decision. A uniform policy that does not consider and apply a balancing test to ensure all existing attachment bonds for a child and his or her siblings are honored and evaluated holistically may result in placement decisions or changes of placement decisions that may result in additional trauma.

4. The department and the court are not required to make a change in placement, whether such change is to the physical residential address of the child or the legal custody of the child, to develop a relationship between siblings which did not exist at the time a child is placed in out-

of-home care and must determine whether the change in placement is contrary to the child's safety and well-being by evaluating all of the factors in this section and ss. 39.01375, 39.4022, and 39.4023.

(b) Factors to consider when placing sibling groups.—

1. At the time a child who is a part of a sibling group is removed from the home, the department or lead agency shall convene a multidisciplinary team staffing in accordance with s. 39.4022 to determine and assess the sibling relationships from the perspective of each child to ensure the best placement of each child in the sibling group. The multidisciplinary team shall consider all relevant factors included in s. 39.01375 and this section, including, but not limited to, the existing emotional ties between and among the siblings, the degree of harm each child is likely to experience as a result of separation, and the standard protocols established by the Quality Parenting Initiative under paragraph (d).

2.a. If the department or the appropriate lead agency is able to locate a caregiver that will accept the sibling group and the multidisciplinary team determines that the placement is suitable for each child, the sibling group must be placed together.

b. If the department or appropriate lead agency is not able to locate a caregiver or placement option that allows the sibling group to be placed together in an initial placement, the department or lead agency must make all reasonable efforts to ensure contact and visitation between siblings placed in separate out-of-home care placements and provide reviews of the placements in accordance with this section.

3. If all the siblings are unable to be placed in an existing placement and the siblings do not have an existing relationship, when determining whether to move any child who is part of the sibling group from his or her current placement to a new placement that will unite the sibling group, the department or lead agency must consider all of the following additional factors:

a. The presence and quality of current attachment relationships, including:

(I) The quality and length of the attachment of the child to both the current and prospective caregiver;

(II) The age of the child at placement with the current caregiver and the child's current age as well as the ages of any siblings;

(III) The ease with which the child formed an attachment to the current family;

(IV) Any indications of attachment difficulty in the child's history; and

(V) The number of moves and number of caregivers the child has experienced.

b. The potential of the new caregiver to be a primary attachment figure to the sibling group by ensuring care for each child's physical needs and the willingness and availability to meet each child's emotional needs.

c. The quality of existing sibling relationships and the potential quality of sibling relationships that can be formed between the children.

d. The consideration of any costs and benefits of disrupting existing emotional attachments to a primary caregiver to place children in a new placement with siblings, including:

(I) The length and quality of the established and current primary attachment relationships between the siblings and between the siblings and their current caregivers; and

(II) Relationships between any other siblings and whether such relationships appear adequate and not stressful or harmful.

e. The ability to establish and maintain sibling visitation and contact pursuant to this section in a manner and schedule that makes sense for an infant or young child if it is determined that the infant or young child is to remain with his or her primary caregivers rather than be placed with his or her siblings.

f. The ability to establish and maintain contact with the sibling and new caregiver as part of a transition plan developed in accordance with paragraph (c) and s. 39.4023 before changing the child's placement to allow the child, his or her siblings, and new caregiver to adjust and form bonds.

(c) Transitioning a child after a determination.—If after considering the provisions and factors described in paragraphs (a) and (b) it is determined that the child would benefit from being placed with his or her siblings, the transition of the child to the new home must be carried out gradually in accordance with s. 39.4023.

(d) Standards for evaluating sibling placements.—The department, in collaboration with the Quality Parenting Initiative, must develop standard protocols for the department and lead agency which incorporate the provisions and factors described in paragraphs (a), (b), and (c) and any other factors deemed relevant for use in making decisions about when placing siblings together would be contrary to a child's well-being or safety or decisions providing for frequent visitation and contact under subsection (4).

(4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.—

(a) Regular contact among a sibling group that cannot be placed together, especially among siblings with existing attachments to each other, is critical for the siblings to maintain their existing bonds and relationships or to develop such bonds and attachments, if appropriate. The following practices must be considered in helping to maintain or strengthen the relationships of separated siblings:

1. Respect and support the child's ties to his or her birth or legal family, including parents, siblings, and extended family members, must be provided by the caregiver, and he or she must assist the child in maintaining allowable visitation and other forms of communication. The department and lead agency shall provide a caregiver with the information, guidance, training, and support necessary for fulfilling this responsibility.

2. Provide adequate support to address any caregiver concerns and to enhance the caregiver's ability to facilitate contact between siblings who are not in the same out-of-home placement and promote the benefits of sibling contact.

3. Prioritize placements with kinship caregivers who have an established personal relationship with each child so that even when siblings cannot be placed together in the same home, kinship caregivers are more likely to facilitate contact.

4. Prioritize placement of siblings geographically near each other, such as in the same neighborhood or school district, to make it easier for the siblings to see each other regularly.

5. Encourage frequent and regular visitation, if the siblings choose to do so, to allow the children to be actively involved in each other's lives and to participate in celebrations, including, but not limited to, birthdays, graduations, holidays, school and extracurricular activities, cultural customs, and other milestones.

6. Provide other forms of contact when regular in-person meetings are not possible or are not sufficient to meet the needs or desires of the siblings, such as maintaining frequent contact through letters, e-mail, social media, cards, or telephone calls.

7. Coordinate, when possible, joint outings or summer or weekend camp experiences to facilitate time together, including, but not limited to, activities or camps specifically designed for siblings in out-of-home care.

8. Encourage joint respite care to assist the caregivers who are caring for separated siblings to have needed breaks while also facilitating contact among the siblings, including, but not limited to, providing babysitting or respite care for each other. A child being moved temporarily as respite care for the purpose of providing the primary caregiver relief and encouraging and facilitating contact among the siblings does not constitute a placement change or require the convening of a multidisciplinary team.

9. Prohibit the withholding of communication or visitation among the siblings as a form of punishment.

(b) The court may not limit or restrict communication or visitation under this subsection unless there is a finding that the communication or visitation between the child and his or her siblings is contrary to the safety or well-being of the child. If the court makes such a finding, and services are available that would reasonably be expected to ameliorate the risk to the child's safety or well-being that are the basis of the court's finding and that may result in the communication and visitation being restored, the court must direct the department or community-based care lead agency to immediately provide such services.

(5) SUBSEQUENT REVIEWS.—

(a) The department and the lead agency shall periodically, but at least once every 6 months, reassess sibling placement, visitation, and other sibling contact decisions in cases where siblings are separated, not visiting, or not maintaining contact to determine if a change in placement is warranted unless the decision to not place a child with his or her sibling group was made due to such placement being inappropriate, unhealthy, or unsafe for the child.

(b) If a child in a sibling group who has been placed in an out-of-home care placement with his or her siblings does not adjust to the placement, the lead agency must provide services to the caregiver and sibling group in accordance with s. 39.4023(3) to try to prevent the disruption of the placement. If after reasonable efforts are made under s. 39.4023(3), the child still has not adjusted to the out-of-home placement, a multidisciplinary team staffing must be convened to determine what is best for all of the children. The multidisciplinary team shall review the current placement of the sibling group and choose a plan that will be least detrimental to each child. If the team determines that the best decision is to move the child who has not adjusted to a new out-of-home placement, the team must develop a transition plan in accordance with ss. 39.4022 and 39.4023 which ensures the opportunity for the siblings to maintain contact in accordance with subsection (4) of this section.

(c) If it becomes known that a child in out-of-home care has a sibling of whom the child, department, or lead agency was previously unaware, the department or lead agency must convene a multidisciplinary team staffing within a reasonable amount of time after the discovery of such sibling to decide if the current placement or permanency plan requires modification.

(6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.—

(a) The department shall promptly provide a child with the location of and contact information for his or her siblings. If the existence or location of or contact information for a child's siblings is not known, the department must make reasonable efforts to ascertain such information.

(b)1. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care due to emancipation or reunification with his or her parent or guardian, the child must be allowed to communicate with that emancipated or reunified sibling, if the emancipated sibling or the reunified sibling and his or her parent consent.

2. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care for any reason, including, but not limited to, the reasons in subparagraph 1. and communication is not occurring, the child has a right to have the court consider the appropriateness of continued communication with his or her sibling. The court shall consider the recommendation of the department or community-based care lead agency and any other information deemed relevant by the court.

3. If a child's sibling leaves out-of-home care because he or she is adopted, the child may be allowed to have continued communication with the sibling either by consent of the adoptive parent or by order of the court in accordance with s. 63.0427.

(c) The department or the lead agency must document in writing any decision to separate siblings in the case file as required in s. 39.00146 and document the decision in the Florida Safe Families Network. The documentation must include any efforts made to keep the siblings together, an assessment of the short-term and long-term effects of separation on each child and the sibling group as a whole, and a description of the plan for communication or contact between the children if separation is approved.

(7) EXEMPTION.—Placements made pursuant to s. 63.082(6) are exempt from this section.

(8) RULEMAKING AUTHORITY.—The department shall adopt rules to implement this section.

Section 10. Section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.—

(1) The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing.

(2)(a)~~(1)(a)~~ At any time before a child is residing in the permanent placement approved at the permanency hearing, a child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a motion alleging a need for a change in the conditions of protective supervision or the placement. If *any party or the current caregiver denies* ~~the parents or other legal custodians deny~~ the need for a change, the court shall hear all parties in person or by counsel, or both.

(b) Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interests of the child. When determining whether a change of legal custody or placement is in the best interests of the child, the court shall consider *the factors listed in s. 39.01375 and the report filed by the multidisciplinary team, if applicable, unless the change of custody or placement is made pursuant to s. 63.082(6). The court shall also consider the priority of placements established under s. 39.4021 when making a decision regarding the best interest of the child in out-of-home care*~~:~~

~~1. The child's age.~~

~~2. The physical, mental, and emotional health benefits to the child by remaining in his or her current placement or moving to the proposed placement.~~

~~3. The stability and longevity of the child's current placement.~~

~~4. The established bonded relationship between the child and the current or proposed caregiver.~~

~~5. The reasonable preference of the child, if the court has found that the child is of sufficient intelligence, understanding, and experience to express a preference.~~

~~6. The recommendation of the child's current caregiver.~~

~~7. The recommendation of the child's guardian ad litem, if one has been appointed.~~

~~8. The child's previous and current relationship with a sibling, if the change of legal custody or placement will separate or reunite siblings.~~

~~9. The likelihood of the child attaining permanency in the current or proposed placement.~~

~~10. Any other relevant factors~~.

(c)~~(b)~~ If the child is not placed in foster care, the new placement for the child must meet the home study criteria and court approval under this chapter.

(3)(a) For purposes of this subsection, the term "change in physical custody" means a change by the department or community-based care lead agency to the child's physical residential address, regardless of whether such change requires a court order to change the legal custody of the child. However, this term does not include a change in placement made pursuant to s. 63.082(6).

(b)1. In a hearing on the change of physical custody under this section, there shall be a rebuttable presumption that it is in the child's best

interest to remain permanently in his or her current physical placement if:

a. The child has been in the same safe and stable placement for 9 consecutive months or more;

b. Reunification is not a permanency option for the child;

c. The caregiver is able, willing, and eligible for consideration as an adoptive parent or permanent custodian for the child;

d. The caregiver is not requesting the change in physical placement; and

e. The change in physical placement being sought is not to reunify the child with his or her parent or sibling or transition the child from a safe and stable nonrelative caregiver to a safe and stable relative caregiver.

2. In order to rebut the presumption established in this paragraph, the court shall hold an evidentiary hearing on the change in physical custody to determine if the change in placement is in the best interest of the child. As part of the evidentiary hearing, the court must consider competent and substantial evidence and testimony related to the factors enumerated in s. 39.01375 and any other evidence deemed relevant to a determination of placement, including evidence from a court-selected neutral and independent licensed professional with expertise in the science and research of child-parent bonding.

3. This presumption may not be rebutted solely by the expressed wishes of a biological parent, a biological relative, or a caregiver of a sibling of the child.

(c)1. The department or community-based care lead agency must notify a current caregiver who has been in the physical custody placement for at least 9 consecutive months and who meets all the established criteria in paragraph (b) of an intent to change the physical custody of the child, and a multidisciplinary team staffing must be held in accordance with ss. 39.4022 and 39.4023 at least 21 days before the intended date for the child's change in physical custody, unless there is an emergency situation as defined in s. 39.4022(2)(b). If there is not a unanimous consensus decision reached by the multidisciplinary team, the department's official position must be provided to the parties within the designated time period as provided for in s. 39.4022.

2. A caregiver who objects to the department's official position on the change in physical custody must notify the court and the department or community-based care lead agency of his or her objection and the intent to request an evidentiary hearing in writing in accordance with this section within 5 days after receiving notice of the department's official position provided under subparagraph 1. The transition of the child to the new caregiver may not begin before the expiration of the 5-day period within which the current caregiver may object.

3. Upon the department or community-based care lead agency receiving written notice of the caregiver's objection, the change to the child's physical custody must be placed in abeyance and the child may not be transitioned to a new physical placement without a court order, unless there is an emergency situation as defined in s. 39.4022(2)(b).

4. Within 7 days after receiving written notice from the caregiver, the court must conduct an initial case status hearing, at which time the court must:

a. Grant party status to the current caregiver who is seeking permanent custody and has maintained physical custody of that child for at least 9 continuous months for the limited purpose of filing a motion for a hearing on the objection and presenting evidence pursuant to this subsection;

b. Appoint an attorney for the child who is the subject of the permanent custody proceeding, in addition to the guardian ad litem, if one is appointed;

c. Advise the caregiver of his or her right to retain counsel for purposes of the evidentiary hearing; and

d. Appoint a court-selected neutral and independent licensed professional with expertise in the science and research of child-parent bonding.

(d) The court must conduct the evidentiary hearing and provide a written order of its findings regarding the placement that is in the best interest of the child no later than 90 days after the date the caregiver provided written notice to the court under this subsection. The court must provide its written order to the department or community-based care lead agency, the caregiver, and the prospective caregiver. The party status granted to the current caregiver under sub-subparagraph (c)4.a. terminates upon the written order by the court, or upon the 90-day time limit established in this paragraph, whichever occurs first.

(e) If the court orders that the physical custody of the child change from the current caregiver after the evidentiary hearing, the department or community-based care lead agency must implement the appropriate transition plan developed in accordance with ss. 39.4022 and 39.4023 or as ordered by the court.

(4)~~(2)~~ In cases where the issue before the court is whether a child should be reunited with a parent, the court shall review the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the department will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.

(5)~~(3)~~ In cases where the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent upon a finding that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or approved by the department will not be detrimental to the child, the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification and that reunification would be in the best interest of the child.

(6)~~(4)~~ In cases in which the issue before the court is whether to place a child in out-of-home care after the child was placed in the child's own home with an in-home safety plan or the child was reunified with a parent or caregiver with an in-home safety plan, the court must consider, at a minimum, the following factors in making its determination whether to place the child in out-of-home care:

(a) The circumstances that caused the child's dependency and other subsequently identified issues.

(b) The length of time the child has been placed in the home with an in-home safety plan.

(c) The parent's or caregiver's current level of protective capacities.

(d) The level of increase, if any, in the parent's or caregiver's protective capacities since the child's placement in the home based on the length of time the child has been placed in the home.

The court shall additionally evaluate the child's permanency goal and change the permanency goal as needed if doing so would be in the best interests of the child. If the court changes the permanency goal, the case plan must be amended pursuant to s. 39.6013(5).

Section 11. Subsections (2) and (5) of section 39.523, Florida Statutes, are amended to read:

39.523 Placement in out-of-home care.—

(2) ASSESSMENT AND PLACEMENT.—When any child is removed from a home and placed *in* ~~into~~ out-of-home care, a comprehensive placement assessment process shall be completed *in accordance with s. 39.4022* to determine the level of care needed by the child and match the child with the most appropriate placement.

(a) The community-based care lead agency or subcontracted agency with the responsibility for assessment and placement must coordinate a multidisciplinary team *staffing as established in s. 39.4022 with the necessary participants for the stated purpose of the* staffing ~~with any available individual currently involved with the child including, but not limited to, a representative from the department and the case manager for the child; a therapist, attorney ad litem, guardian ad litem, teachers, coaches, Children's Medical Services; and other community providers of~~

~~services to the child or stakeholders as applicable. The team may also include clergy, relatives, and fictive kin if appropriate. Team participants must gather data and information on the child which is known at the time including, but not limited to:~~

~~1. Mental, medical, behavioral health, and medication history;~~

~~2. Community ties and school placement;~~

~~3. Current placement decisions relating to any siblings;~~

~~4. Alleged type of abuse or neglect including sexual abuse and trafficking history; and~~

~~5. The child's age, maturity, strengths, hobbies or activities, and the child's preference for placement~~.

(b) The comprehensive placement assessment process may also include the use of an assessment instrument or tool that is best suited for the individual child.

(c) The most appropriate available out-of-home placement shall be chosen after consideration by all members of the multidisciplinary team of all of the information and data gathered, including the results and recommendations of any evaluations conducted.

(d) Placement decisions for each child in out-of-home placement shall be reviewed as often as necessary to ensure permanency for that child and address special issues related to this population of children.

(e) The department, a sheriff's office acting under s. 39.3065, a community-based care lead agency, or a case management organization must document all placement assessments and placement decisions in the Florida Safe Families Network.

(f) If it is determined during the comprehensive placement assessment process that residential treatment as defined in s. 39.407 would be suitable for the child, the procedures in that section must be followed.

(5) RULEMAKING.—The department *shall* ~~may~~ adopt rules to implement this section.

Section 12. Subsection (1) of section 39.6035, Florida Statutes, is amended to read:

39.6035 Transition plan.—

(1) During the *year* ~~180-day period~~ after a child reaches *16* ~~17~~ years of age, the department and the community-based care provider, in collaboration with the caregiver and any other individual whom the child would like to include, shall assist the child in developing a transition plan. The required transition plan is in addition to standard case management requirements. The transition plan must address specific options for the child to use in obtaining services, including housing, health insurance, education, financial literacy, a driver license, and workforce support and employment services. The plan must also *include tasks to establish and maintain* ~~consider establishing and maintaining~~ naturally occurring mentoring relationships and other personal support services. The transition plan may be as detailed as the child chooses. *This plan shall be updated as needed before the child reaches 18 years of age.* In developing *and updating* the transition plan, the department and the community-based *care lead agency* ~~provider~~ shall:

(a) Provide the child with the documentation required *under* ~~pursuant to~~ s. 39.701(3).~~;~~

(b) Coordinate the transition plan with the independent living provisions in the case plan and, for a child with disabilities, the Individuals with Disabilities Education Act transition plan.~~; and~~

(c) Provide information for the financial literacy curriculum for youth offered by the Department of Financial Services.

Section 13. Subsection (3) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(3) REVIEW HEARINGS FOR CHILDREN *16 AND* 17 YEARS OF AGE.—*At each review hearing held under this subsection, the court shall give the child the opportunity to address the court and provide any information relevant to the child's best interest, particularly in relation to independent living transition services. The foster parent, legal custodian, or guardian ad litem may also provide any information relevant to the child's best interest to the court.*

~~(a)~~ In addition to the review and report required under paragraphs (1)(a) and (2)(a), respectively, the court shall*:*

(a) Inquire about the life skills the child has acquired and whether those services are age appropriate, at the first judicial review hearing held subsequent to the child's 16th birthday. At the ~~Hold a~~ judicial review hearing*, the department shall provide the court with a report that includes specific information related to the life skills that the child has acquired since the child's 13th birthday, or since the date the child came into foster care, whichever came later* ~~within 90 days after a child's 17th birthday~~*. For any child who may meet the requirements for appointment of a guardian advocate under s. 393.12, or a guardian under chapter 744, the updated case plan must be developed in a face-to-face conference with the child, if appropriate; the child's attorney; any court-appointed guardian ad litem; the temporary custodian of the child; and the parent of the child, if the parent's rights have not been terminated.* ~~The court shall also issue an order, separate from the order on judicial review, that the disability of nonage of the child has been removed pursuant to ss. 743.044, 743.045, 743.046, and 743.047, and for any of these disabilities that the court finds is in the child's best interest to remove. The court shall continue to hold timely judicial review hearings. If necessary, the court may review the status of the child more frequently during the year before the child's 18th birthday. At each review hearing held under this subsection, in addition to any information or report provided to the court by the foster parent, legal custodian, or guardian ad litem, the child shall be given the opportunity to address the court with any information relevant to the child's best interest, particularly in relation to independent living transition services.~~

(b) The court shall hold a judicial review hearing within 90 days after a child's 17th birthday. The court shall issue an order, separate from the order on judicial review, that the disability of nonage of the child has been removed under ss. 743.044, 743.045, 743.046, and 743.047, for any disability that the court finds is in the child's best interest to remove. The department shall include in the social study report for *the first* judicial review *that occurs after the child's 17th birthday* written verification that the child has:

1. A current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage upon reaching the age of 18, if such application is appropriate.

2. A certified copy of the child's birth certificate and, if the child does not have a valid driver license, a Florida identification card issued under s. 322.051.

3. A social security card and information relating to social security insurance benefits if the child is eligible for those benefits. If the child has received such benefits and they are being held in trust for the child, a full accounting of these funds must be provided and the child must be informed as to how to access those funds.

4. All relevant information related to the Road-to-Independence Program *under s. 409.1451*, including, but not limited to, eligibility requirements, information on participation, and assistance in gaining admission to the program. If the child is eligible for the Road-to-Independence Program, he or she must be advised that he or she may continue to reside with the licensed family home or group care provider with whom the child was residing at the time the child attained his or her 18th birthday, in another licensed family home, or with a group care provider arranged by the department.

5. An open bank account or the identification necessary to open a bank account and to acquire essential banking and budgeting skills.

6. Information on public assistance and how to apply for public assistance.

7. A clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and the educational program or school in which he or she will be enrolled.

8. Information related to the ability of the child to remain in care until he or she reaches 21 years of age under s. 39.013.

9. A letter providing the dates that the child is under the jurisdiction of the court.

10. A letter stating that the child is in compliance with financial aid documentation requirements.

11. The child's educational records.

12. The child's entire health and mental health records.

13. The process for accessing *the child's* ~~his or her~~ case file.

14. A statement encouraging the child to attend all judicial review hearings ~~occurring after the child's 17th birthday~~.

15. Information on how to obtain a driver license or learner's driver license.

(c)~~(b)~~ At the first judicial review hearing held subsequent to the child's 17th birthday, ~~the department shall provide the court with an updated case plan that includes specific information related to the independent living skills that the child has acquired since the child's 13th birthday, or since the date the child came into foster care, whichever came later.~~

~~1. For any child who may meet the requirements for appointment of a guardian pursuant to chapter 744, or a guardian advocate pursuant to s. 393.12, the updated case plan must be developed in a face to face conference with the child, if appropriate; the child's attorney; any court-appointed guardian ad litem; the temporary custodian of the child; and the parent, if the parent's rights have not been terminated.~~

~~2. At the judicial review hearing,~~ if the court determines pursuant to chapter 744 that there is a good faith basis to believe that the child qualifies for appointment of a guardian advocate, limited guardian, or plenary guardian for the child and that no less restrictive decision-making assistance will meet the child's needs:

1.~~a.~~ The department shall complete a multidisciplinary report which must include, but is not limited to, a psychosocial evaluation and educational report if such a report has not been completed within the previous 2 years.

2.~~b.~~ The department shall identify one or more individuals who are willing to serve as the guardian advocate *under* ~~pursuant to~~ s. 393.12 or as the plenary or limited guardian *under* ~~pursuant to~~ chapter 744. Any other interested parties or participants may make efforts to identify such a guardian advocate, limited guardian, or plenary guardian. The child's biological or adoptive family members, including the child's parents if the parents' rights have not been terminated, may not be considered for service as the plenary or limited guardian unless the court enters a written order finding that such an appointment is in the child's best interests.

3.~~c.~~ Proceedings may be initiated within 180 days after the child's 17th birthday for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744. The Legislature encourages the use of pro bono representation to initiate proceedings under this section.

4.~~3.~~ In the event another interested party or participant initiates proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child, the department shall provide all necessary documentation and information to the petitioner to complete a petition under s. 393.12 or chapter 744 within 45 days after the first judicial review hearing after the child's 17th birthday.

5.~~4.~~ Any proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian must be conducted in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744.

(d)~~(c)~~ If the court finds at the judicial review hearing *after the child's 17th birthday* that the department has not met its obligations to the child as stated in this part, in the written case plan, or in the provision of independent living services, the court may issue an order directing the department to show cause as to why it has not done so. If the department cannot justify its noncompliance, the court may give the department 30 days within which to comply. If the department fails to comply within 30 days, the court may hold the department in contempt.

(e)~~(d)~~ *If necessary, the court may review the status of the child more frequently during the year before the child's 18th birthday.* At the last review hearing before the child reaches 18 years of age, and in addition to the requirements of subsection (2), the court shall:

1. Address whether the child plans to remain in foster care, and, if so, ensure that the child's transition plan includes a plan for meeting one or more of the criteria specified in s. 39.6251.

2. Ensure that the transition plan includes a supervised living arrangement under s. 39.6251.

3. Ensure the child has been informed of:

a. The right to continued support and services from the department and the community-based care lead agency.

b. The right to request termination of dependency jurisdiction and be discharged from foster care.

c. The opportunity to reenter foster care *under* ~~pursuant to~~ s. 39.6251.

4. Ensure that the *child* ~~young adult~~, if he or she requests termination of dependency jurisdiction and discharge from foster care, has been informed of:

a. Services or benefits for which the *child* ~~young adult~~ may be eligible based on his or her former placement in foster care*, including, but not limited to, the assistance of the Office of Continuing Care under s. 414.56.*~~;~~

b. Services or benefits that may be lost through termination of dependency jurisdiction.~~; and~~

c. Other federal, state, local, or community-based services or supports available to him or her.

Section 14. Paragraph (e) of subsection (1) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(e) When a child has been adjudicated dependent, a case plan has been filed with the court, and:

1. The child continues to be abused, neglected, or abandoned by the parent or parents. The failure of the parent or parents to substantially comply with the case plan for a period of 12 months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever occurs first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child. The 12-month period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court's approval of a case plan having the goal of reunification with the parent, whichever occurs first; or

2. The parent or parents have materially breached the case plan by their action or inaction. Time is of the essence for permanency of children in the dependency system. In order to prove the parent or parents have materially breached the case plan, the court must find by clear and convincing evidence that the parent or parents are unlikely or unable to substantially comply with the case plan before time to comply with the case plan expires.

3. The child has been in care for any 12 of the last 22 months and the parents have not substantially complied with the case plan so as to permit reunification under *s. 39.522(4)* ~~s. 39.522(2)~~ unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child.

Section 15. Section 39.8155, Florida Statutes, is created to read:

39.8155 Reinstatement of parental rights.—

(1) After parental rights have been terminated in accordance with this part, the department, the parent whose rights were terminated, or the child may file a motion to reinstate the parent's parental rights. The court may consider a motion to reinstate parental rights if:

(a) The grounds for termination of parental rights were based on s. 39.806(1)(a) or (e)1.-3.

(b) The parent is not the verified perpetrator of sexual or physical abuse of the child.

(c) The parent has not been a perpetrator involved in any verified reports of abuse, neglect, or abandonment since his or her parental rights for the child were terminated.

(d) The parent has not had his or her parental rights terminated for any other child, under any grounds, in this state or any other jurisdiction, since his or her parental rights for the child were terminated.

(e) The child is at least 13 years of age.

(f) The child has not achieved permanency and is not in a preadoptive placement, and at least 36 months have passed since the termination of parental rights.

(2) The court shall dismiss a motion to reinstate parental rights if the criteria are not met in subsection (1).

(3) If a motion to reinstate parental rights is filed, the court shall consider all relevant evidence, including whether:

(a) The child possesses sufficient maturity to express a preference regarding the reinstatement of parental rights.

(b) The child is not in a preadoptive home or under permanent guardianship.

(c) The parent has a documented change in behavior such that, given the current age and maturity of the child, the circumstances that brought the child into care are remedied.

(d) The parent demonstrates sufficient protective capacities, given the child's age, physical and behavioral health, and any other specific characteristics and needs, such that the risk of the child reentering care is low.

(e) Both the parent and child wish to reinstate parental rights.

(f) The child's guardian ad litem recommends the reinstatement of parental rights.

(g) A multidisciplinary team was convened under s. 39.4022 and recommends the reinstatement of parental rights and has developed a plan to transition the child to the former parent's care pursuant to s. 39.4023.

(4) Upon finding that the criteria in subsection (3) are established by clear and convincing evidence, the court shall order the department to conduct supervised visitation and trial home visits between the child and former parent for at least 3 consecutive months after the completion of a home study. In issuing the order, the court shall consider the transition plan developed by the child's multidisciplinary team. The department shall report to the court at least once every 30 days regarding the former parent's interactions with the child and recommend whether the court should reinstate parental rights. The department shall immediately cease the visitation with the former parent if there is an allegation of abuse, neglect, or abandonment of the child by the parent; if the department determines that the child's safety or well-being is threatened; or that such visitation is not in the child's best interest. The department shall immediately notify the court if it ceases visitation between the child and former parent.

(5) The court may reinstate parental rights upon a finding of clear and convincing evidence that it is in the best interest of the child. Upon ordering reinstatement of parental rights, the court shall place the child in the custody of the former parent with an in-home safety plan. The court shall retain jurisdiction for at least 6 months, during which the department shall supervise the placement and report to the court on the stability of the placement. The court shall determine whether its jurisdiction should be continued or terminated 6 months after reinstating parental rights based on a report from the department or the child's guardian ad litem and any other relevant factors.

Section 16. Subsections (3), (5), and (7) of section 409.1451, Florida Statutes, are amended, and subsections (1), (2), (4), (6), and (8) through (11) of that section are reenacted, to read:

409.1451 The Road-to-Independence Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature recognizes that most children and young adults are resilient and, with adequate support, can expect to be successful as independent adults. Not unlike many young adults, some young adults who have lived in foster care need additional support and resources for a period of time after reaching 18 years of age.

(b) The Legislature finds that while it is important to provide young adults who have lived in foster care with education and independent living skills, there is also a need to focus more broadly on creating and preserving family relationships so that young adults have a permanent connection with at least one committed adult who provides a safe and stable parenting relationship.

(c) It is the intent of the Legislature that young adults who choose to participate in the program receive the skills, education, and support necessary to become self-sufficient and leave foster care with a lifelong connection to a supportive adult through the Road-to-Independence Program, either through postsecondary education services and support, as provided in subsection (2), or aftercare services.

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

(a) A young adult is eligible for services and support under this subsection if he or she:

1. Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption;

2. Spent at least 6 months in licensed care before reaching his or her 18th birthday;

3. Earned a standard high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent pursuant to s. 1003.435;

4. Has been admitted for enrollment as a full-time student or its equivalent in an eligible postsecondary educational institution as provided in s. 1009.533. For purposes of this section, the term "full-time" means 9 credit hours or the vocational school equivalent. A student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance. A student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

5. Has reached 18 years of age but is not yet 23 years of age;

6. Has applied, with assistance from the young adult's caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;

7. Submitted a Free Application for Federal Student Aid which is complete and error free; and

8. Signed an agreement to allow the department and the community-based care lead agency access to school records.

(b) The amount of the financial assistance shall be as follows:

1. For a young adult who does not remain in foster care and is attending a postsecondary school as provided in s. 1009.533, the amount is $1,256 monthly.

2. For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(3).

3. For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is $1,256 monthly. This takes the place of the payment provided for in s. 409.145(3).

4. For a young adult who remains in foster care, is attending a postsecondary school as provided in s. 1009.533, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.

5. For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is $1,256 monthly. This takes the place of a negotiated room and board rate.

6. A young adult is eligible to receive financial assistance during the months when he or she is enrolled in a postsecondary educational institution.

(c) Payment of financial assistance for a young adult who:

1. Has chosen not to remain in foster care and is attending a postsecondary school as provided in s. 1009.533, shall be made to the community-based care lead agency in order to secure housing and utilities, with the balance being paid directly to the young adult until such time the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.

2. Has remained in foster care under s. 39.6251 and who is attending postsecondary school as provided in s. 1009.533, shall be made directly to the foster parent or group home provider.

3. Community-based care lead agencies or other contracted providers are prohibited from charging a fee associated with administering the Road-to-Independence payments.

(d)1. The department must advertise the availability of the stipend and must provide notification of the criteria and application procedures for the stipend to children and young adults leaving, or who were formerly in, foster care; caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.

2. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the recipient.

3. The department, or an agency under contract with the department, shall evaluate each Road-to-Independence award for renewal eligibility on an annual basis. In order to be eligible for a renewal award for the subsequent year, the young adult must:

a. Be enrolled for or have completed the number of hours, or the equivalent, to be considered a full-time student under subparagraph (a) 4., unless the young adult qualifies for an exception under subparagraph (a)4.

b. Maintain standards of academic progress as defined by the education institution, except that if the young adult's progress is insufficient to renew the award at any time during the eligibility period, the young adult may continue to be enrolled for additional terms while attempting to restore eligibility as long as progress towards the required level is maintained.

4. Funds may be terminated during the interim between an award and the evaluation for a renewal award if the department, or an agency under contract with the department, determines that the award recipient is no longer enrolled in an educational institution as described in subparagraph (a)4. or is no longer a resident of this state.

5. The department, or an agency under contract with the department, shall notify a recipient who is terminated and inform the recipient of his or her right to appeal.

6. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the program.

(3) AFTERCARE SERVICES.—

(a)*1.* Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is:

a.~~1.~~ Not in foster care.

b.~~2.~~ Temporarily not receiving financial assistance under subsection (2) to pursue postsecondary education.

2. Subject to available funding, aftercare services as specified in subparagraph (b)8. are also available to a young adult who is between the ages of 18 and 22, is receiving financial assistance under subsection (2), is experiencing an emergency situation, and whose resources are insufficient to meet the emergency situation. Such assistance shall be in addition to any amount specified in paragraph (2)(b).

(b) Aftercare services include, but are not limited to, the following:

1. Mentoring and tutoring.

2. Mental health services and substance abuse counseling.

3. Life skills classes, including credit management and preventive health activities.

4. Parenting classes.

5. Job and career skills training.

6. Counselor consultations.

7. Temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses.

8. Temporary financial assistance to address emergency situations, including, but not limited to, automobile repairs or large medical expenses.

9.~~8.~~ Financial literacy skills training *under* ~~pursuant to~~ s. 39.6035(1)(c).

The specific services to be provided under this paragraph shall be determined by an assessment of the young adult and may be provided by the community-based care provider or through referrals in the community.

(c) Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

(4) APPEALS PROCESS.—

(a) The department shall have a procedure by which a young adult may appeal the department's refusal to provide Road-to-Independence Program services or support, or the termination of such services or support if funds for such services or support are available.

(b) The appeal procedure must be readily accessible to young adults, must provide for timely decisions, and must provide for an appeal to the department. The decision of the department constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(5) *DEPARTMENT RESPONSIBILITIES* ~~PORTABILITY~~.—

(a) The services provided under this section are portable across county lines and between *community-based care* lead agencies.

1.~~(a)~~ The service needs that are identified in the original or updated transition plan *under*~~, pursuant to~~ s. 39.6035 *must*~~, shall~~ be provided by the lead agency where the young adult is currently residing but shall be funded by the lead agency *that* ~~who~~ initiated the transition plan.

2.~~(b)~~ The lead agency with primary case management responsibilities shall provide maintenance payments, case planning, including a written description of all services that will assist a child 16 years of age or older in preparing for the transition from care to independence, as well as regular case reviews that conform with all federal scheduling and content requirements, for all children in foster care who are placed or visiting out-of-state.

(b) Each community-based care lead agency shall at least annually attempt to contact each young adult who has aged out of foster care, who is potentially eligible for continuing care under s. 39.6251 or for the services available under this section, and who is not participating in any of these services. Through this contact, the lead agency shall communicate the continued availability of these programs and the services of the Office of Continuing Care established under s. 414.56. The lead agency shall also inquire into the young adult's needs and refer him or her to other programs that may be of assistance.

(c) Each community-based care lead agency must offer services for intensive independent living development for young adults who have aged out of foster care and have the greatest deficits in life skills.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures in order to maintain oversight of the program. No later than January 31 of each year, the department shall prepare a report on the outcome measures and the department's oversight activities and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the committees with jurisdiction over issues relating to children and families in the Senate and the House of Representatives. The report must include:

(a) An analysis of performance on the outcome measures developed under this section reported for each community-based care lead agency and compared with the performance of the department on the same measures.

(b) A description of the department's oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.

(c) Any rules adopted or proposed under this section since the last report. For the purposes of the first report, any rules adopted or proposed under this section must be included.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The secretary shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of ~~the provisions of~~ s. 39.6251 and the Road-to-Independence Program. ~~The advisory council shall function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the services designed to enable a young adult to live independently.~~

(a) The advisory council shall assess the implementation and operation of the Road-to-Independence Program and advise the department on actions that would improve the ability of *the* ~~these~~ Road-to-Independence Program services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council.

(b)*1.* The advisory council shall report to the secretary on the status of the implementation of the Road-to-Independence Program, efforts to publicize the availability of the Road-to-Independence Program, the success of the services *under the program*, problems identified *with the program*, *and* recommendations for department or legislative action~~, and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the appropriate substantive committees of the Legislature by December 31, 2013~~.

2. The department shall submit a report by December 31 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes ~~a summary of the factors reported on by~~ the ~~council and identifies the~~ recommendations of the advisory council and *the department's response* ~~either describes the department's actions to implement the recommendations or provides the department's rationale for not implementing the recommendations~~. *The report must also include the most recent data regarding the status of and outcomes for young adults who turned 18 years of age while in foster care, relating to education, employment, housing, financial, transportation, health and well-being, and connections, and an analysis of such data and outcomes.*

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, *young adults who receive services and funding through the Road-to-Independence Program,* representatives from the headquarters and regional offices of the department ~~of Children and Families~~, community-based care lead agencies, the Department of Juvenile Justice, the Department of Economic Opportunity, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, CareerSource Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, ~~recipients of services and funding through the Road-to-Independence Program,~~ and advocates for children in care. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) The advisory council may consult with children currently in care and young adults who aged out of care regarding their needs, preferences, and concerns related to preparation for, transition to, and support during independent living.

(e)~~(d)~~ The department shall provide administrative support to the ~~Independent Living Services~~ advisory council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each community-based care lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.

~~(e) The advisory council report required under paragraph (b) must include an analysis of the system of independent living transition services for young adults who reach 18 years of age while in foster care before completing high school or its equivalent and recommendations for department or legislative action. The council shall assess and report on the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.~~

(8) PERSONAL PROPERTY.—Property acquired on behalf of a young adult in this program shall become the personal property of the young adult and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) FINANCIAL ASSISTANCE FOR YOUNG ADULTS RECEIVING SERVICES.—Financial awards to young adults receiving services under subsections (2) and (3) and s. 39.6251 may be disregarded for purposes of determining the eligibility for, or the amount of, any other federal or federally supported assistance for which the department is required to determine eligibility for the program.

(10) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—The department or community-based care lead agency shall

document that eligible young adults are enrolled in Medicaid under s. 409.903(4).

(11) RULEMAKING.—The department shall adopt rules to administer this section.

Section 17. Section 409.14515, Florida Statutes, is created to read:

409.14515 Independent living preparation.—The department shall assist children who are in foster care in making the transition to independent living and self-sufficiency as adults. To support opportunities for participation in age-appropriate life skills activities, the department shall:

(1) Identify important life skills that children in out-of-home care should acquire.

(2) Develop a list of age-appropriate activities and responsibilities useful for the development of specific life skills for use by children and their caregivers. The age-appropriate activities must address specific topics tailored to the needs of each child's developmental stage. For older youth, the list of age-appropriate activities must include, but is not limited to, informing the youth of available independent living services and community resources and how to apply for such services.

(3) Design and disseminate training for caregivers related to building needed life skills. The training must include components that address the challenges of children in foster care in transitioning to adulthood and information on programs for children who are aging out of care under ss. 414.56 and 409.1451, high school completion, applications for financial assistance for higher education, vocational school opportunities, supporting education, and employment opportunities.

(4) Beginning after the child's 13th birthday, regularly assess the degree of life skills acquisition by each child. The department shall share the results of the assessments with the caregiver and support the caregiver in creating, implementing, monitoring, and revising plans as necessary to address the child's life skills deficits, if any.

(5) Provide opportunities for children in foster care to interact with qualified, trained mentors who are committed to engaging reliably with the child long-term.

(6) Develop and implement procedures for children of sufficient age and understanding to directly access and manage the personal allowance they receive from the department.

Section 18. Subsection (4) of section 409.1454, Florida Statutes, is amended to read:

409.1454 Motor vehicle insurance and driver licenses for children in care.—

(4) Payment shall be made to eligible recipients in the order of eligibility until available funds are exhausted. If a child determined to be eligible reaches permanency status or turns 18 years of age, the program may pay for that child to complete a driver education program and obtain a driver license for up to 6 months after the date the child reaches permanency status or 6 months after the date the child turns 18 years of age. A child continuing in care under s. 39.6251*, or who was in licensed care when the child reached 18 years of age and is currently receiving postsecondary education services and support under s. 409.1451(2),* may be eligible to have the costs of licensure and costs incidental to licensure paid if the child demonstrates that such costs are creating barriers for obtaining employment or completing educational goals.

Section 19. Paragraph (a) of subsection (1) of section 409.988, Florida Statutes, is amended to read:

409.988 *Community-based care* lead agency duties; general provisions.—

(1) DUTIES.—A lead agency:

(a)*1.* Shall serve*:*

a. All children referred as a result of a report of abuse, neglect, or abandonment to the department's central abuse hotline, including, but not limited to, children who are the subject of verified reports and children who are not the subject of verified reports but who are at moderate to extremely high risk of abuse, neglect, or abandonment, as determined using the department's risk assessment instrument, regardless of the level of funding allocated to the lead agency by the state if all related funding is transferred.

b. Children who were adopted from the child welfare system and whose families require post-adoption supports.

2. ~~The lead agency~~ May also serve children who have not been the subject of reports of abuse, neglect, or abandonment, but who are at risk of abuse, neglect, or abandonment, to prevent their entry into the child protection and child welfare system.

Section 20. Section 414.56, Florida Statutes, is created to read:

414.56 Office of Continuing Care.—The department shall establish an Office of Continuing Care to ensure young adults who age out of the foster care system between 18 and 21 years of age, or 22 years of age with a documented disability, have a point of contact until the young adult reaches the age of 26 in order to receive ongoing support and care coordination needed to achieve self-sufficiency. Duties of the office include, but are not limited to:

(1) Informing young adults who age out of the foster care system of the purpose of the office, the types of support the office provides, and how to contact the office.

(2) Serving as a direct contact to the young adult in order to provide information on how to access services to support the young adult's self-sufficiency, including, but not limited to, food assistance, behavioral health services, housing, Medicaid, and educational services.

(3) Assisting in accessing services and supports for the young adult to attain self-sufficiency, including, but not limited to, completing documentation required to apply for services.

(4) Collaborating with community-based care lead agencies to identify local resources that can provide support to young adults served by the office and to assist young adults in accessing these supports.

Section 21. *The Florida Institute for Child Welfare established under s. 1004.615 shall:*

(1)(a) Evaluate the effectiveness of the state's efforts to assist youth in foster care in developing life skills to become self-sufficient adults. The Florida Institute for Child Welfare shall consult with the Institute for Food and Agricultural Services Extension Program at the University of Florida in conducting its evaluation.

(b) The evaluation shall, at a minimum:

1. Describe current requirements for caregivers to assist youth in acquiring life skills, the information and available supports provided to caregivers for doing so, and the actual level of engagement in these efforts by caregivers.

2. Specify methods and measures used to determine if youth have acquired or developed adequate life skills and how that information is used to support life skills development for individual youth.

3. Describe outcomes on a statewide basis, as well as by individual community-based care lead agency, and describe how this information is currently being used to improve performance.

4. Identify best practices for helping youth in foster care develop life skills and compare the state's current approach to the best practices.

5. Specify any barriers that may prevent youth from becoming self-sufficient.

6. Evaluate whether the state's current approach to helping youth in foster care develop life skills is adequate, and recommend any changes to enhance the effectiveness of the state's approach to prepare youth for self-sufficiency. Any recommendations must prioritize maintaining the state's current approach of primarily relying on caregivers to assist youth in developing life skills, and recommend that such efforts be part of everyday life experiences to the extent possible. However, such recom-

mendations may also include additional options for achieving the goal of effectively preparing youth for self-sufficiency.

7. Include the input of youth who are currently in foster care and youth who were previously in foster care. The Florida Institute for Child Welfare shall attempt to interview youth who are currently in foster care and youth who were previously in foster care on their experiences with the state's approach to preparing them for adulthood, whether the life skills provided were age appropriate or helpful, and what recommendations they have to improve the state's approach in preparing youth in foster care for adulthood.

(c) The Florida Institute for Child Welfare shall submit its evaluation by November 1, 2022, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(2)(a) Analyze permanency outcomes in the state. The analysis shall include, at a minimum, all of the following:

1. The frequency of permanency outcomes, both long-term and within 2 years of entering foster care, and the differences observed when data are disaggregated by the child's age at entry into foster care.

2. The length of time before parental rights are terminated, disaggregated by the child's age at entry into foster care.

3. The frequency of permanency outcomes for children whose parents have had their parental rights terminated, the length of time before permanency is achieved, and the differences in the type of permanency and length of time it took to achieve permanency, disaggregated by age of the child when parental rights were terminated.

4. The patterns, indicated by the analysis, regarding the length of time it took to achieve permanency, the types of permanency outcomes experienced by children entering foster care at different ages, and how the types of permanency vary based on the status of the rights of the parents' of the children.

(b) The Florida Institute for Child Welfare shall submit its report by October 1, 2022, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 22. This act shall take effect October 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to child welfare; creating s. 39.00146, F.S.; defining terms; requiring the case record of every child under the supervision or in the custody of the Department of Children and Families, the department's agents, or providers contracting with the department to include a case record face sheet; specifying information required to be included in the case record face sheet; requiring the department, the department's agents, and providers contracting with the department to update the case record face sheet monthly; providing requirements for the case record face sheet; authorizing the department to develop, or contract with a third party to develop, a case record face sheet; requiring community-based care lead agencies to use such face sheets; requiring the department to adopt rules; creating s. 39.01375, F.S.; providing best interest factors that certain entities must consider when determining a proposed placement for a child; amending s. 39.401, F.S.; requiring the department to determine out-of-home placement based on priority of placements and other factors; amending s. 39.402, F.S.; requiring the department to make reasonable efforts to place a child in out-of-home care based on priority of placements; providing exceptions and other criteria; creating s. 39.4021, F.S.; providing legislative findings; establishing certain placement priorities for out-of-home placements; requiring the department or lead agency to place sibling groups together when possible if in the best interest of each child after considering specified factors; providing an exception; providing construction; creating s. 39.4022, F.S.; providing legislative intent; defining terms; requiring that multidisciplinary teams be established for certain purposes; providing goals for such teams; providing for membership of multidisciplinary team staffings; authorizing the department or lead agency to invite other participants to attend a team staffing under certain circumstances; authorizing members of a multidisciplinary team to attend staffings in person or remotely; providing requirements for multidisciplinary team staffings; requiring that team staffings be held when specified decisions regarding a child must be made; providing applicability; requiring team staffing participants to gather and consider data and information on the child before formulating a decision; providing for the use of an evidence-based assessment instrument or tool; requiring multidisciplinary teams to conduct supplemental assessments for certain children; requiring team participants to gather certain information related to the child for such supplemental assessments; requiring that a unanimous consensus decision reached by the team becomes the official position and that specified parties are bound by such consensus decision; providing procedures for when the team does not reach a consensus decision; requiring that the department determine a suitable placement if the team cannot come to a consensus decision; requiring the formation of a team within specified timeframes; requiring the facilitator to file a report with the court within a specified timeframe if the team does not reach a consensus decision; providing requirements for the report; authorizing specified parties to discuss confidential information during a team staffing in the presence of participating individuals; providing that information collected by any agency or entity that participates in a staffing which is confidential and exempt upon collection remains confidential and exempt when discussed in staffings; requiring individuals who participate in a staffing to maintain the confidentiality of all information shared; providing construction; requiring the department to adopt rules; requiring the department to contract for the development of model placement transition plans; providing requirements for such plans; requiring model placement transition plans to be provided to certain staff, and authorizing such plans to be provided to other persons; creating s. 39.4023, F.S.; providing legislative findings and intent; defining terms; providing for the creation of transition plans for specified changes in placement; providing conditions under which a child may be removed from a caregiver's home; requiring community-based care lead agencies to provide services to prevent a change in placement; requiring the department and a community-based care lead agency to convene a multidisciplinary team staffing to develop a transition plan under certain circumstances; requiring the department or community-based care lead agency to provide written notice of a planned placement change; providing requirements for the notice; providing applicability; requiring additional considerations for placement changes for infants and young children; providing findings; requiring the department or community-based care lead agency to create and implement individualized transition plans; requiring determinations of school changes to be made by certain individuals; authorizing a multidisciplinary team member to contact certain individuals for recommendations relating to school changes; authorizing certain individuals to attend multidisciplinary team staffings remotely; specifying factors that must be considered when determining whether a child should remain in a certain school; requiring children who enter out-of-home care or undergo changes in placement to remain with familiar child care providers or early education programs, if possible; providing requirements for transition plans for transitions between K-12 schools; requiring the department, in collaboration with the Quality Parenting Initiative, to develop a form for a specified purpose; specifying requirements for the form; requiring the department and community-based care lead agencies to document multidisciplinary team staffings and placement transition decisions in the Florida Safe Families Network and include such information in the social study report for judicial review; providing an exemption; requiring the department to adopt rules; creating s. 39.4024, F.S.; providing legislative findings; defining terms; requiring the department or lead agency to make reasonable efforts to place siblings in the same foster, kinship, adoptive, or guardianship home when certain conditions are met; requiring the department or lead agency and multidisciplinary team to take certain actions when siblings are not placed together; specifying that the department and court are not required to make a placement or change in placement to develop certain sibling relationships; requiring the department or the lead agency to convene a multidisciplinary team staffing to determine and assess sibling relationships when a child is removed from a home; providing for the placement of sibling groups in certain circumstances; specifying factors for the multidisciplinary team to consider when determining placement or change of placement for children in sibling groups who do not have an existing relationship with siblings; requiring that a child's transition to a new home be carried out gradually when it is determined that the child would benefit from being placed with siblings; requiring the department, in collaboration with the Quality Parenting Initiative, to develop standard protocols for the department and lead agency for use in making specified decisions about child placement; providing con-

siderations for maintaining contact between siblings when separated; providing duties for caregivers; prohibiting the court from limiting or restricting communication or visitation between siblings unless it finds that such communication or visitation is contrary to the safety or well-being of the child; requiring the department or community-based case lead agency to provide certain services if the court makes such a finding; requiring the department and community-based care lead agencies to periodically reassess certain sibling placements in certain instances; requiring the department to provide certain services to prevent disruption in a placement when a child does not adjust to such placement; requiring that a multidisciplinary team staffing is convened when one child does not adjust to placement as a sibling group under certain conditions; requiring the team to review such placement and choose a plan least detrimental to each child; requiring that a multidisciplinary team be convened in certain circumstances where the department or child subsequently identifies a sibling; requiring the department to provide children with specified information relating to their siblings; requiring the department to make reasonable efforts to ascertain such information if it is not known; providing that a child has a right to continued communication with a sibling under certain circumstances; requiring a court to consider certain recommendations when determining the appropriateness of continued communication; requiring the department and lead agencies to document in writing decisions to separate siblings in case files and the Florida Safe Families Network; specifying requirements for such documentation; providing an exemption; requiring the department to adopt rules; amending s. 39.522, F.S.; deleting and relocating criteria for the court to consider when determining whether a legal change of custody is in the best interest of the child; conforming a provision to changes made by the act; defining the term "change in physical custody"; providing a rebuttable presumption that the best interest of a child is to remain in a current placement; providing applicability for such presumption; establishing the manner in which to rebut the presumption; requiring the department or lead agency to notify certain caregivers within a specified timeframe of the intent to change the physical custody of a child; requiring that a multidisciplinary team staffing be held within a specified timeframe before the intended date for the child's change in physical custody; requiring that the department's official position be provided to the parties under certain circumstances; requiring the caregiver to provide written notice of objection to such change in physical custody within a specified timeframe; requiring the court to conduct an initial case status hearing within a specified timeframe upon receiving specified written notice from a caregiver; providing procedures for when a caregiver objects to the child's change in physical custody; requiring the court to conduct an initial case status hearing; requiring the court to conduct an evidentiary hearing; requiring the department or lead agency to implement an appropriate transition plan if the court orders a change in physical custody of the child; amending s. 39.523, F.S.; requiring the department or lead agency to coordinate a multidisciplinary team staffing for specified purposes; requiring, rather than authorizing, the department to create rules; amending s. 39.6035, F.S.; requiring a transition plan be developed during the year after a child turns 16 years of age and be updated as needed; amending s. 39.701, F.S.; requiring judicial review hearings within a specified time after a child's specified birthday; providing the child and other relevant parties the opportunity to address the court at each review hearing; requiring the department to provide a report with certain information; authorizing the court to review the child's status on a more frequent basis; amending s. 39.806, F.S.; conforming a cross-reference; creating s. 39.8155, F.S.; providing that parental rights may be reinstated under certain conditions; requiring dismissal of the motion to reinstate parental rights if certain criteria are not met; providing evidence that may be considered when determining a motion to reinstate parental rights; requiring supervised visitation and trial home visits for a specified time after a completed home study; requiring the department to report to the court once a month; requiring visitation to cease under certain circumstances; requiring clear and convincing evidence that reinstatement of parental rights is in the child's best interest; requiring an in-home safety plan if parental rights are reinstated; requiring the court to determine whether to retain jurisdiction after a specified time; reenacting and amending s. 409.1451, F.S.; providing that aftercare services are available to certain young adults in emergency situations; revising the services that are included in aftercare services; providing responsibilities of the department for the Road-to-Independence Program; providing requirements for community-based care lead agencies; removing Legislative determination relating to the Independent Living Services Advisory Council's ability to provide valuable contributions to the department; requiring certain information be reported to the Governor and the Legislature; revising membership of the council; authorizing the council to consult with certain youth; creating s. 409.14515, F.S.; providing requirements for the department to help children achieve self-sufficiency; amending s. 409.1454, F.S.; providing that children receiving certain services and support may be eligible to have certain fees paid for them; amending s. 409.988, F.S.; requiring a community-based care lead agency to serve certain children; creating s. 414.56, F.S.; creating the Office of Continuing Care; providing duties of the office; providing requirements for the Florida Institute for Child Welfare; providing evaluation and analysis requirements; requiring the evaluation and analysis report be submitted to the Governor and Legislature by specified dates; providing an effective date.

On motion by Senator Brodeur, the Senate concurred in **House Amendment 1 (943257)**.

CS for CS for SB 80 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Burgess	Perry
Albritton	Cruz	Pizzo
Ausley	Diaz	Polsky
Baxley	Farmer	Powell
Bean	Gainer	Rodrigues
Berman	Garcia	Rodriguez
Book	Gibson	Rouson
Boyd	Gruters	Stargel
Bracy	Harrell	Stewart
Bradley	Hooper	Taddeo
Brandes	Jones	Torres
Brodeur	Mayfield	Wright
Broxson	Passidomo	

Nays—None

Vote after roll call:

Yea—Hutson

Vote preference:

April 29, 2021: Yea—Thurston

COMMUNICATION

Debbie Brown April 29, 2021
Secretary of the Senate
404 S. Monroe Street
Suite 405, The Capitol
Tallahassee, FL 32399-1100

Dear Secretary Brown,

I, Senator Perry E. Thurston, Jr., hereby request a vote preference of yes on CS/CS/SB 80: Child Welfare.

Respectfully,
Perry E. Thurston, Jr.
State Senate, District 33

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 96, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 96—A bill to be entitled An act relating to child welfare; creating s. 39.101, F.S.; transferring existing provisions relating to the central abuse hotline of the Department of Children and

Families; providing additional requirements relating to the hotline; revising requirements for certain statistical reports that the department is required to collect and analyze; amending s. 39.201, F.S.; revising when a person is required to report to the central abuse hotline; 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 counselors to receive specified periodic training; revising requirements relating to reports of abuse involving impregnation of children; providing requirements for the department when handling reports of child abuse, neglect, or abandonment by a parent or caregiver and reports of child-on-child sexual abuse; amending s. 39.2015, F.S.; specifying serious incidents for which the department is required to provide an immediate multiagency investigation; requiring an immediate onsite investigation by a critical incident rapid response team when reports are received by the department containing allegations of the sexual abuse of certain children; revising membership of multiagency teams; authorizing in certain circumstances for the investigation to be conducted remotely; specifying the time in which a report must be provided to the secretary of the department; amending s. 39.202, F.S.; expanding the authorization of access to certain confidential records to include members of standing or select legislative committees, upon request, within a specified timeframe; amending s. 39.205, F.S.; 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 cruelty; providing criminal, civil, and administrative immunity to child protective investigators who report known or suspected animal cruelty; providing responsibilities for animal control officers relating to child abuse, abandonment, and neglect; providing criminal penalties; requiring the department to develop training in consultation with the Florida Animal Control Association which relates to child and animal cruelty; providing requirements for such training; requiring the department to adopt rules; amending s. 39.302, F.S.; conforming cross-references; authorizing certain persons to be represented by an attorney or accompanied by another person under certain circumstances during institutional investigations; providing requirements relating to institutional investigations; amending s. 39.3035, F.S.; providing a description of child advocacy centers; creating s. 39.4092, F.S.; providing legislative findings; authorizing offices of criminal conflict and civil regional counsel to establish a multidisciplinary legal representation model program to serve parents of children in the dependency system; requiring the department to collaborate with the office to implement a program and provide funding; specifying program requirements; defining the term "parent-peer specialist"; requiring each region that establishes a multidisciplinary legal representation model program to submit an annual report by a certain date to the Office of Program Policy Analysis and Government Accountability; requiring the office to compile the reports and include such information in a specified report sent to the Governor and the Legislature by a specified date; authorizing the office of criminal conflict and civil regional counsel to adopt rules; amending s. 409.1415, F.S.; requiring the department to make available specified training for caregivers on the life skills necessary for children in out-of-home care; requiring the department to establish the Foster Information Center for specified purposes; requiring community-based care lead agencies to provide certain information and resources to kinship caregivers and to provide specified assistance to such caregivers; requiring lead agencies to provide caregivers with a certain telephone number; repealing s. 409.1453, F.S., relating to the design and dissemination of training for foster care caregivers; repealing s. 409.1753, F.S.; relating to duties of the department relating to foster care; providing legislative intent; amending s. 827.071, F.S.; renaming the term "sexual bestiality" as "sexual contact with an animal" and redefining the term; amending s. 828.126, F.S.; revising and defining terms; revising prohibitions relating to sexual conduct and sexual contact with an animal; revising criminal penalties; requiring a court to issue certain orders; revising applicability; amending s. 828.27, F.S.; requiring county and municipal animal control officers to complete specified training; requiring that animal control officers be provided with opportunities to attend such training during normal work hours; amending s. 921.0022, F.S.; assigning an offense severity ranking for sexual activities involving animals; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend the educator certificate of instructional personnel and school administrators for failing to report known or suspected child abuse under certain circumstances; amending ss. 39.301, 119.071, 322.09, and 934.03, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (198175) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *The Division of Law Revision is directed to add s. 39.101, Florida Statutes, as created by this act, to part II of chapter 39, Florida Statutes.*

Section 2. Section 39.101, Florida Statutes, is created to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(1) ESTABLISHMENT AND OPERATION.—

(a) The department shall operate and maintain a central abuse hotline capable of receiving all reports of known or suspected child abuse, abandonment, or neglect and reports that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care. The hotline must accept reports 24 hours a day, 7 days a week, and such reports must be made in accordance with s. 39.201. The central abuse hotline must be capable of accepting reports made in accordance with s. 39.201 in writing, through a single statewide toll-free telephone number, or through electronic reporting. A person may use any of these methods to make a report to the central abuse hotline.

(b) The central abuse hotline must be operated in such a manner as to enable the department to:

1. Accept reports for investigation when there is reasonable cause to suspect that a child has been or is being abused or neglected or has been abandoned.

2. Determine whether the allegations made by the reporter require an immediate or a 24-hour response in accordance with subsection (2).

3. Immediately identify and locate previous reports or cases of child abuse, abandonment, or neglect through the use of the department's automated tracking system.

4. Track critical steps in the investigative process to ensure compliance with all requirements for any report or case of abuse, abandonment, or neglect.

5. When appropriate, refer reporters who do not allege child abuse, abandonment, or neglect to other organizations that may better resolve the reporter's concerns.

6. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been abused, abandoned, or neglected.

7. Initiate and enter into agreements with other states for the purposes of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

8. Promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns.

(2) TIMEFRAMES FOR INITIATING INVESTIGATION.—After the central abuse hotline receives a report, the department must determine the timeframe in which to initiate an investigation under chapter 39. Except as provided in s. 39.302 relating to institutional investigations, the department must commence an investigation:

(a) Immediately, regardless of the time of day or night, if it appears that:

1. The immediate safety or well-being of a child is endangered;

2. The family may flee or the child may be unavailable for purposes of conducting a child protective investigation; or

3. The facts reported to the central abuse hotline otherwise so warrant.

(b) Within 24 hours after receipt of a report that does not involve the criteria specified in paragraph (a).

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(a)1. 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, abandonment, or neglect and maintain an electronic copy of each report made to the central abuse hotline through a call or electronic reporting.

2. Make the recording or electronic copy of the report made to the central abuse hotline a part of the record of the report. Notwithstanding s. 39.202, the recording or electronic copy may only be released in full to law enforcement agencies and state attorneys for the purposes of investigating and prosecuting criminal charges under s. 39.205, or to employees of the department for the purposes of investigating and seeking administrative fines under s. 39.206.

This paragraph does not prohibit central abuse hotline counselors from using the recordings or the electronic copy of reports for quality assurance or training purposes.

(b)1. Secure and install electronic equipment that automatically provides the central abuse hotline the telephone number from which the call is placed or the Internet protocol address from which the electronic report is received.

2. Enter the telephone number or Internet protocol address into the report of child abuse, abandonment, or neglect for it to become a part of the record of the report.

3. Maintain the confidentiality of such information in the same manner as given to the identity of the reporter under s. 39.202.

(c)1. Update the online form used for reporting child abuse, abandonment, or neglect to include qualifying questions in order to obtain necessary information required to assess need and the timeframes necessary for initiating an investigation under subsection (2).

2. Make the report available in its entirety to the central abuse hotline counselors as needed to update the Florida Safe Families Network or other similar systems.

(d) Monitor and evaluate the effectiveness of the reporting and investigating of suspected child abuse, abandonment, or neglect through the development and analysis of statistical and other information.

(e) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, abandonment, and neglect.

(f)1. Collect and analyze child-on-child sexual abuse reports and include such information in the aggregate statistical reports.

2. Collect and analyze, in separate statistical reports, those reports of child abuse, sexual abuse, and juvenile sexual abuse which are reported from or which occurred on or at:

a. School premises;

b. School transportation;

c. School-sponsored off-campus events;

d. A school readiness program provider determined to be eligible under s. 1002.88;

e. A private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51(7) and (8), respectively;

f. A public K-12 school as described in s. 1000.04;

g. A private school as defined in s. 1002.01;

h. A Florida College System institution or a state university, as those terms are defined in s. 1000.21(3) and (6), respectively; or

i. A school, as defined in s. 1005.02.

(4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE HOTLINE.—

(a) Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

(b) 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.

(c) 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(2)(q).

(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, when 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 central abuse hotline by identified relatives as a part of the review of screened-out reports. 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:

(Substantial rewording of section. See

s. 39.201, F.S., for present text.)

39.201 Required reports of child abuse, abandonment, or neglect, sexual abuse of a child, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.—

(1) MANDATORY REPORTING.—

(a)1. A person is required to report immediately to the central abuse hotline established in s. 39.101, in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:

a. Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.

b. Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.

2. Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.

Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

(b)1. A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.

2. A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

a. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

b. Health care professional or mental health professional other than a person listed in sub-subparagraph a.;

c. Practitioner who relies solely on spiritual means for healing;

d. School teacher or other school official or personnel;

e. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;

f. Law enforcement officer;

g. Judge; or

h. Animal control officer as defined in s. 828.27(1)(b) or agent appointed under s. 828.03.

(c) Central abuse hotline counselors shall advise persons under subparagraph (b)2. who are making a report to the central abuse hotline 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. Such counselors must receive periodic training in encouraging all reporters to provide their names when making a report.

(2) EXCEPTIONS TO REPORTING.—

(a) An additional report of child abuse, abandonment, or neglect is not required 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 a person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment or counseling.

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 related to the alleged child abuse, abandonment, or neglect has been provided to such 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 through the electronic transfer of the report or telephone call. The department's central abuse hotline is not required to electronically transfer calls or reports received under sub-subparagraph (1)(a)1.b. to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or by another law enforcement agency. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to the officer or employee of a law enforcement agency or central abuse hotline counselor in the course of carrying out his or her official duties.

(b) Nothing in this section or in the contract 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 known or suspected case of child abuse, abandonment, or neglect to the department's central abuse hotline.

(3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

(a) Abuse occurring out of state.—

1. Except as provided in subparagraph 2., the central abuse hotline may not take a report or call of known or suspected child abuse, abandonment, or neglect when the report or call is related to abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and alleged victim do not live in this state. The central abuse hotline must instead transfer the information in the report or call to the appropriate state or country.

2. If the alleged victim is currently being evaluated in a medical facility in this state, the central abuse hotline must accept the report or call for investigation and must transfer the information in the report or call to the appropriate state or country.

(b) Reports received from emergency room physicians.—The department must initiate an investigation when it receives a report from an emergency room physician.

(c) Abuse involving impregnation of a child.—A report must be immediately electronically transferred to the appropriate county sheriff's office or other appropriate law enforcement agency by the central abuse hotline if the report is of an instance of known or suspected child abuse involving impregnation of a child 15 years of age or younger by a person 21 years of age or older under s. 827.04(3). If the report is of known or suspected child abuse under s. 827.04(3), subsection (1) does not apply to health care professionals or other professionals who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of such medical or counseling services.

(d) Institutional child abuse or neglect.—Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this section.

(e) Surrendered newborn infants.—

1. The central abuse hotline must receive reports involving surrendered newborn infants as described in s. 383.50.

2.a. A report may not be considered a report of child abuse, abandonment, or neglect solely because the infant has been left at a hospital, emergency medical services station, or fire station under s. 383.50.

b. If the report involving a surrendered newborn infant does not include indications of child abuse, abandonment, or neglect other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the central abuse hotline must provide to the person making the report the name of an eligible licensed child-placing agency that is required to accept physical custody of and to place surrendered newborn infants. The department shall provide names of eligible licensed child-placing agencies on a rotating basis.

3. If the report includes indications of child abuse, abandonment, 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 child abuse, abandonment, or neglect and, notwithstanding chapter 383, is subject to s. 39.395 and all other relevant provisions of this chapter.

(4) REPORTS OF CHILD ABUSE, ABANDONMENT, OR NEGLECT BY A PARENT, LEGAL CUSTODIAN, CAREGIVER, OR OTHER PERSON RESPONSIBLE FOR A CHILD'S WELFARE.—

(a)1. Upon receiving a report made to the central abuse hotline, the department shall determine if the received report meets the statutory criteria for child abuse, abandonment, or neglect.

2. Any report meeting the statutory criteria for child abuse, abandonment, or neglect must be accepted for a child protective investigation pursuant to part III of this chapter.

(b)1. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the central abuse hotline for response to ameliorate a potential future risk of harm to a child.

2. The department must refer the parent or legal custodian for appropriate voluntary community services if it is determined by the department that a need for community services exists.

(5) REPORTS OF SEXUAL ABUSE OF A CHILD OR JUVENILE SEXUAL ABUSE; REPORTS OF A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL BEHAVIOR.—

(a)1. Sexual abuse of a child or juvenile sexual abuse must be reported immediately to the central abuse hotline, including any alleged incident involving a child who is in the custody of or under the protective supervision of the department. Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

2. Within 48 hours after the central abuse hotline receives a report under subparagraph 1., the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office.

(b) Reports involving a child who has exhibited inappropriate sexual behavior must be made and received by the central abuse hotline. Within 48 hours after receiving a report under this paragraph, the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office.

(c) The services identified in the assessment conducted under paragraph (a) or paragraph (b) must be provided in the least restrictive environment possible and must include, but are not limited to, child advocacy center services under s. 39.3035 and sexual abuse treatment programs developed and coordinated by the Children's Medical Services Program in the Department of Health under s. 39.303.

(d) The department shall ensure that the facts and results of any investigation of sexual abuse of a child or juvenile 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 and are included in the next report to the court concerning the child.

(e)1. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation under part III of this chapter if the incident leading to a report occurs on school premises, on school transportation, at a school-sponsored off-campus event, at a public or private school readiness or prekindergarten program, at a public K-12 school, at a private school, at a Florida College System institution, at a state university, or at any other school. The child protective investigation must include an interview with the child's parent or legal custodian.

2. The department shall orally notify the Department of Education; the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located; and, as appropriate, the superintendent of the school district in which the school is located, the administrative officer of the private school, or the owner of the private school readiness or prekindergarten program provider.

3. The department shall make a full written report to the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located within 3 business days after making the oral report. Whenever possible, any criminal investigation must be coordinated with the department's child protective investigation. Any interested person who has information regarding sexual abuse of a child or juvenile sexual abuse may forward a statement to the department.

(6) 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 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 under s. 39.202.

Section 4. Effective October 1, 2021, subsection (11) of section 39.2015, Florida Statutes, is renumbered as subsection (12), present subsections (3), (7), and (11) of that section are amended, and a new subsection (11) is added to that section, to read:

39.2015 Critical incident rapid response team*; sexual abuse report investigations*.—

(3) Each investigation shall be conducted by a multiagency team of at least five professionals with expertise in child protection, child welfare, and organizational management. The team may consist of employees of the department, community-based care lead agencies, Children's Medical Services, and community-based care provider organizations; faculty from the institute consisting of public and private universities offering degrees in social work established pursuant to s. 1004.615; or any other person with the required expertise. The team shall include, at a minimum, a Child Protection Team medical director*, a representative from a child advocacy center under s. 39.3035 who has specialized training in sexual abuse of a child if sexual abuse of the child who is the subject of the report is alleged, or a combination of such specialists if deemed appropriate*. The majority of the team must reside in judicial circuits outside the location of the incident. The secretary shall appoint a team leader for each group assigned to an investigation.

(7) The secretary shall develop cooperative agreements with other entities and organizations as necessary to facilitate the work *required under this section* ~~of the team~~.

(11) The department shall conduct investigations of reports of sexual abuse of children in out-of-home care. The purpose of such investigations is to identify root causes and to rapidly determine the need to change policies and practices related to preventing and addressing sexual abuse of children in out-of-home care.

(a) At a minimum, the department shall investigate a verified report of sexual abuse of a child in out-of-home care under this subsection if the child was the subject of a verified report of abuse or neglect during the previous 6 months. The investigation must be initiated as soon as possible, but not later than 2 business days after a determination of verified findings of sexual abuse or immediately if a case has been open for 45 days. One investigation shall be initiated for an allegation of sexual abuse that is based on the same act, criminal episode, or transaction regardless of the number of reports that are made about the allegations to the central abuse hotline.

(b) Each investigation must be conducted by, at a minimum, a trained department employee and one or more professionals who are employees of other organizations and who are involved in conducting critical incident rapid response investigations. The investigation, or any part thereof, may be conducted remotely. Subsections (5), (6), (8), and (10) apply to investigations conducted under this subsection. The secretary, in consultation with the institute established under s. 1004.615, shall develop any necessary guidelines specific to such investigations.

(c) A preliminary report on each case must be provided to the secretary no later than 45 days after the investigation begins.

(12)~~(11)~~ The secretary shall appoint an advisory committee made up of experts in child protection and child welfare, including*, but not limited to,* the Statewide Medical Director for Child Protection under the Department of Health, a representative from the institute established *under* ~~pursuant to~~ s. 1004.615, an expert in organizational management, and an attorney with experience in child welfare, to conduct an independent review of investigative reports from the critical incident rapid response teams and *sexual abuse report investigations and* to make recommendations to improve policies and practices related to child protection and child welfare services. The advisory committee shall meet at least once each quarter *to review the critical incident rapid response teams' reports and sexual abuse report investigations* and shall submit quarterly reports to the secretary which include findings and recommendations. The secretary shall submit each report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. Subsections (7) through (9) of section 39.202, Florida Statutes, are renumbered as subsections (8) through (10), respectively, paragraphs (a) and (h) of subsection (2) are amended, and a new subsection (7) is added to that section, to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect*; exception*.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, *the Agency for Health Care Administration,* 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 *chapters 393 and 394* ~~chapter 393~~, family day care homes, 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;

6. Employment screening for caregivers in residential group homes *and facilities licensed under chapters 393, 394, and 409*; or

7. 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.

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

(h) Any appropriate official of the department*, the Agency for Health Care Administration,* or the Agency for Persons with Disabilities who is responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department or the agency who is alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department or the agency.

(7) Custodians of records made confidential and exempt under this section must grant access to such records within 7 business days after such records are requested by a legislative committee under s. 11.143, if requested within that timeframe.

Section 6. Subsections (1), (3), and (4) of section 39.205, Florida Statutes, are amended, and subsection (11) is added to that section, 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 to the central abuse hotline known or suspected child abuse, abandonment, or neglect* ~~do so~~, 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 *State* ~~Florida~~ Constitution *may* ~~shall~~ not be subject to criminal prosecution when the information was received in the course of official duties.

(3) 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* 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 of $1 million for each such failure.

(a) A Florida College System institution subject to a fine shall be assessed by the State Board of Education.

(b) A state university subject to a fine shall be assessed by the Board of Governors.

(c) A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.

(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 law enforcement agency fails to report *to the central abuse hotline* 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, shall be subject to fines of $1 million for each such failure*,* assessed in the same manner as *specified in* subsection (3).

(11) This section may not be construed to remove or reduce the requirement of any person, including, but not limited to, any employee of a school readiness program provider determined to be eligible under s. 1002.88; a private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51; a public K-12 school as described in s. 1000.04; a private school as defined in s. 1002.01; a Florida College System institution or a state university, as those terms are defined in s. 1000.21; a college as defined in s. 1005.02; or a school as defined in s. 1005.02, to directly report a known or suspected case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline. A person required to report to the central abuse hotline is not relieved of such obligation by notifying his or her supervisor.

Section 7. Section 39.208, Florida Statutes, is created to read:

39.208 Cross-reporting child abuse, abandonment, or neglect and animal cruelty.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature recognizes that animal cruelty of any kind is a type of interpersonal violence that often co-occurs with child abuse and other forms of family violence, including elder abuse and domestic violence. Early identification of animal cruelty is an important tool in safeguarding children from abuse, abandonment, and neglect; providing needed support to families; and protecting animals.

(b) The Legislature finds that education and training for child protective investigators and animal control officers should include information on the link between the welfare of animals in the family and child safety and protection.

(c) Therefore, it is the intent of the Legislature to require reporting and cross-reporting protocols and collaborative training between child protective investigators and animal control officers to help protect the safety and well-being of children, their families, and their animals.

(2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.—

(a) 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 animal cruelty, as those terms are defined in s. 828.27(1)(a) and (d), respectively, has occurred at the same address shall report such knowledge or suspicion within 72 hours after the child protective investigator becomes aware of the known or suspected animal cruelty to his or her supervisor who shall submit the report to a local animal control agency. The report must include all of the following information:

1. A description of the animal and of the known or suspected animal cruelty.

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, as defined in s. 828.27(1)(b), or law enforcement officer in establishing the cause of the animal cruelty 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 known or suspected animal cruelty 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 person who is required to investigate animal cruelty under chapter 828 and who, while acting in his or her professional capacity or within the scope of employment, 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 animal cruelty under subsection (2) 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, as defined in s. 828.27(1)(b), who is required to report known or suspected abuse, abandonment, or neglect of a child under subsection (3) and who knowingly and willfully fails to report an incident of known or suspected abuse, abandonment, or neglect, as required by s. 39.201 is subject to the penalties under s. 39.205.

(5) TRAINING.—The department, in consultation with animal welfare associations, shall develop or adapt and use already available training materials in a 1-hour training course for all child protective investigators and animal control officers on the accurate and timely identification and reporting of child abuse, abandonment, or neglect or animal cruelty and the interconnectedness of such abuse, abandonment, or neglect. The department shall incorporate into the required training for child protective investigators information on the identification of harm to and neglect of animals and the relationship of such activities to child welfare case practice. The 1-hour training course developed for animal control officers must include a component that advises such officers of the mandatory duty to report any known or suspected child abuse, abandonment, or neglect under this section and s. 39.201 and the criminal penalties associated with a violation of failing to report known or suspected child abuse, abandonment, or neglect which is punishable as provided under s. 39.205.

(6) RULEMAKING.—The department shall adopt rules to implement this section.

Section 8. Subsection (6) and paragraph (a) of subsection (9) of section 39.301, Florida Statutes, are amended, and subsection (24) is added to that section, to read:

39.301 Initiation of protective investigations.—

(6) Upon commencing an investigation under this part, if a report was received from a reporter under *s. 39.201(1)(a)2.* ~~s. 39.201(1)(b)~~, the protective investigator must provide his or her contact information to the reporter within 24 hours after being assigned to the investigation. The investigator must also advise the reporter that he or she may provide a written summary of the report made to the central abuse hotline to the investigator which shall become a part of the electronic child welfare case file.

(9)(a) For each report received from the central abuse hotline and accepted for investigation, the department or the sheriff providing child protective investigative services under s. 39.3065, shall perform the following child protective investigation activities to determine child safety:

1. Conduct a review of all relevant, available information specific to the child and family and alleged maltreatment; family child welfare history; local, state, and federal criminal records checks; and requests for law enforcement assistance provided by the abuse hotline. Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the Child Protection Team, a domestic violence shelter or advocate, or a substance abuse or mental health professional. Such consultations should include discussion as to whether a joint response is necessary and feasible. A determination shall be made as to whether the person making the report should be contacted before the face-to-face interviews with the child and family members.

2. Conduct face-to-face interviews with the child; other siblings, if any; and the parents, legal custodians, or caregivers.

3. Assess the child's residence, including a determination of the composition of the family and household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

4. Determine whether there is any indication that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

5. Complete assessment of immediate child safety for each child based on available records, interviews, and observations with all persons named in subparagraph 2. and appropriate collateral contacts, which may include other professionals*, and continually assess the child's safety throughout the investigation*. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and may not be further disseminated or used for any other purpose.

6. Document the present and impending dangers to each child based on the identification of inadequate protective capacity through utilization of a standardized safety assessment instrument. If present or impending danger is identified, the child protective investigator must implement a safety plan or take the child into custody. If present danger is identified and the child is not removed, the child protective investigator shall create and implement a safety plan before leaving the home or the location where there is present danger. If impending danger is identified, the child protective investigator shall create and implement a safety plan as soon as necessary to protect the safety of the child. The child protective investigator may modify the safety plan if he or she identifies additional impending danger.

a. If the child protective investigator implements a safety plan, the plan must be specific, sufficient, feasible, and sustainable in response to the realities of the present or impending danger. A safety plan may be an in-home plan or an out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent, caregiver, or legal custodian who is currently not able to protect the child or on services that are not available or will not result in the safety of the child. A safety plan may not be implemented if for any reason the parents, guardian, or legal custodian lacks the capacity or ability to comply with the plan. If the department is not able to develop a plan that is specific, sufficient, feasible, and sustainable, the department shall file a shelter petition. A child pro-

tective investigator shall implement separate safety plans for the perpetrator of domestic violence, if the investigator, using reasonable efforts, can locate the perpetrator to implement a safety plan, and for the parent who is a victim of domestic violence as defined in s. 741.28. Reasonable efforts to locate a perpetrator include, but are not limited to, a diligent search pursuant to the same requirements as in s. 39.503. If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of any child in the home and if the department does not intend to file a shelter petition or dependency petition that will assert allegations against the perpetrator as a parent of a child in the home, the child protective investigator shall seek issuance of an injunction authorized by s. 39.504 to implement a safety plan for the perpetrator and impose any other conditions to protect the child. The safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. If any party to a safety plan fails to comply with the safety plan resulting in the child being unsafe, the department shall file a shelter petition.

b. The child protective investigator shall collaborate with the community-based care lead agency in the development of the safety plan as necessary to ensure that the safety plan is specific, sufficient, feasible, and sustainable. The child protective investigator shall identify services necessary for the successful implementation of the safety plan. The child protective investigator and the community-based care lead agency shall mobilize service resources to assist all parties in complying with the safety plan. The community-based care lead agency shall prioritize safety plan services to families who have multiple risk factors, including, but not limited to, two or more of the following:

(I) The parent or legal custodian is of young age;

(II) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has a history of substance abuse, mental illness, or domestic violence;

(III) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has been previously found to have physically or sexually abused a child;

(IV) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has been the subject of multiple allegations by reputable reports of abuse or neglect;

(V) The child is physically or developmentally disabled; or

(VI) The child is 3 years of age or younger.

c. The child protective investigator shall monitor the implementation of the plan to ensure the child's safety until the case is transferred to the lead agency at which time the lead agency shall monitor the implementation.

d. The department may file a petition for shelter or dependency without a new child protective investigation or the concurrence of the child protective investigator if the child is unsafe but for the use of a safety plan and the parent or caregiver has not sufficiently increased protective capacities within 90 days after the transfer of the safety plan to the lead agency.

(24) At the beginning of and throughout an investigation of an allegation of sexual abuse of a child placed in out-of-home care, the child protective investigator must assess and take appropriate protective actions to address the safety of other children in the out-of-home placement, or who are accessible to the alleged perpetrator, who are not the subject of the allegation.

Section 9. 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(37) or (54), 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(2)* ~~s. 39.201(5)~~ 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 *business* ~~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) During an 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 other 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 accompanying person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse, abandonment, or neglect cases when the institution is not operational and the child cannot otherwise be located, the investigation must commence immediately upon the institution resuming 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.

(c)~~(b)~~ 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.

Section 10. Subsections (1), (2), and (3) of section 39.3035, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, present subsection (3) is amended, and a new subsection (1) is added to that section, to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) Child advocacy centers are facilities that offer multidisciplinary services in a community-based, child-focused environment to children who are alleged to be victims of child abuse, abandonment, or neglect. The children served by such centers may have experienced a variety of

types of child abuse, abandonment, or neglect, including, but not limited to, sexual abuse or severe physical abuse. The centers bring together, often in one location, child protective investigators, law enforcement officers, prosecutors, health care professionals, and mental health professionals to provide a coordinated, comprehensive response to victims and their caregivers.

(4)~~(3)~~ A child advocacy center within this state may not receive the funds generated pursuant to s. 938.10, state or federal funds administered by a state agency, or any other funds appropriated by the Legislature unless all of the standards of subsection *(2)* ~~(1)~~ are met and the screening requirement of subsection *(3)* ~~(2)~~ is met. The Florida Network of Children's Advocacy Centers, Inc., shall be responsible for tracking and documenting compliance with subsections *(2) and (3)* ~~(1) and (2)~~ for any of the funds it administers to member child advocacy centers.

(a) Funds for the specific purpose of funding children's advocacy centers shall be appropriated to the Department of Children and Families from funds collected from the additional court cost imposed in cases of certain crimes against minors under s. 938.10. Funds shall be disbursed to the Florida Network of Children's Advocacy Centers, Inc., as established under this section, for the purpose of providing community-based services that augment, but do not duplicate, services provided by state agencies.

(b) The board of directors of the Florida Network of Children's Advocacy Centers, Inc., shall retain 10 percent of all revenues collected to be used to match local contributions, at a rate not to exceed an equal match, in communities establishing children's advocacy centers. The board of directors may use up to 5 percent of the remaining funds to support the activities of the network office and must develop funding criteria and an allocation methodology that ensures an equitable distribution of remaining funds among network participants. The criteria and methodologies must take into account factors that include, but need not be limited to, the center's accreditation status with respect to the National Children's Alliance, the number of clients served, and the population of the area being served by the children's advocacy center.

(c) At the end of each fiscal year, each children's advocacy center receiving revenue as provided in this section must provide a report to the board of directors of the Florida Network of Children's Advocacy Centers, Inc., which reflects center expenditures, all sources of revenue received, and outputs that have been standardized and agreed upon by network members and the board of directors, such as the number of clients served, client demographic information, and number and types of services provided. The Florida Network of Children's Advocacy Centers, Inc., must compile reports from the centers and provide a report to the President of the Senate and the Speaker of the House of Representatives in August of each year.

Section 11. Subsection (3) of section 39.4015, Florida Statutes, is amended to read:

39.4015 Family finding.—

(3) FAMILY-FINDING PROGRAM.~~ Subject to available resources,~~ The department, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, *shall* ~~may~~ develop a formal family-finding program to be implemented by child protective investigators and community-based care lead agencies ~~as resources permit~~.

(a) *Family-finding efforts shall* ~~Family finding may~~ begin as soon as a child is taken into custody of the department, pursuant to s. 39.401, and throughout the duration of the case as necessary, finding and engaging with as many family members and fictive kin as possible for each child who may help with care or support for the child. The department or community-based care lead agency must specifically document strategies taken to locate and engage relatives and fictive kin. Strategies of engagement may include, but are not limited to, asking the relatives and fictive kin to:

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;

2. Attend visitations with the child;

3. Assist in transportation of the child;

4. Provide respite or child care services; or

5. Provide actual kinship care.

(b) The *family-finding* ~~family finding~~ program shall provide the department and the community-based care lead agencies with best practices for identifying family and fictive kin. The *family-finding* ~~family finding~~ program must use diligent efforts in family finding *and*~~,~~ must continue those efforts until multiple relatives and fictive kin are identified~~, and must go beyond basic searching tools by exploring alternative tools and methodologies~~. *Family-finding* ~~Family finding~~ efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and fictive kin.

2. Identifying and building positive connections between the child and the child's relatives and fictive kin.

3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate.

4. Maintaining family connections, when possible.

5. Keeping siblings together in care, when in the best interest of each child and when possible.

(c) *To be compliant with this section, family-finding efforts must go beyond basic searching tools by exploring alternative tools and methodologies.* A basic computer search using the Internet or attempts to contact known relatives at a last known address or telephone number do not constitute effective family finding.

Section 12. Section 39.4085, Florida Statutes, is amended to read:

39.4085 ~~Legislative findings and declaration of intent for~~ Goals for dependent children*; responsibilities; education*.—

(1) The Legislature finds ~~and declares~~ that the design and delivery of child welfare services should be directed by the principle that the health and safety of children*, including the freedom from abuse, abandonment, or neglect, is* ~~should be~~ of paramount concern and, therefore, establishes the following goals for children in shelter or foster care:

(a)~~(1)~~ To receive a copy of this act and have it fully explained to them when they are placed in the custody of the department.

(b)~~(2)~~ To enjoy individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state.

(c)~~(3)~~ To have their privacy protected, have their personal belongings secure and transported with them, and, unless otherwise ordered by the court, have uncensored communication, including receiving and sending unopened communications and having access to a telephone.

(d)~~(4)~~ To have personnel providing services who are sufficiently qualified and experienced to assess the risk children face *before* ~~prior to~~ removal from their homes and to meet the needs of the children once they are in the custody of the department.

(e)~~(5)~~ To remain in the custody of their parents or legal custodians unless and until there has been a determination by a qualified person exercising competent professional judgment that removal is necessary to protect their physical, mental, or emotional health or safety.

(f)~~(6)~~ To have a full risk, health, educational, medical, and psychological screening and, if needed, assessment and testing upon adjudication into foster care; and to have their photograph and fingerprints included in their case management file.

(g)~~(7)~~ To be referred to and receive services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identification of the need for such services by the screening and assessment process.

(h)~~(8)~~ To be placed in a home with no more than one other child, unless they are part of a sibling group.

(i)~~(9)~~ To be placed away from other children known to pose a threat of harm to them, either because of their own risk factors or those of the other child.

(j)~~(10)~~ To be placed in a home where the shelter or foster caregiver is aware of and understands the child's history, needs, and risk factors.

(k)~~(11)~~ To be the subject of a plan developed by the counselor and the shelter or foster caregiver to deal with identified behaviors that may present a risk to the child or others.

(l)~~(12)~~ To be involved and incorporated, *if* ~~where~~ appropriate, in the development of the case plan, to have a case plan which will address their specific needs, and to object to any of the provisions of the case plan.

(m)~~(13)~~ To receive meaningful case management and planning that will quickly return the child to his or her family or move the child on to other forms of permanency.

(n)~~(14)~~ To receive regular communication with a *case manager* ~~caseworker~~, at least once a month, which shall include meeting with the child alone and conferring with the shelter or foster caregiver.

(o)~~(15)~~ To enjoy regular visitation, at least once a week, with their siblings unless the court orders otherwise.

(p)~~(16)~~ To enjoy regular visitation with their parents, at least once a month, unless the court orders otherwise.

(q)~~(17)~~ To receive a free and appropriate education; minimal disruption to their education and retention in their home school, if appropriate; referral to the child study team; all special educational services, including, *if* ~~where~~ appropriate, the appointment of a parent surrogate; *and* the sharing of all necessary information between the school board and the department, including information on attendance and educational progress.

(r)~~(18)~~ To be able to raise grievances with the department over the care they are receiving from their caregivers, *case managers* ~~caseworkers~~, or other service providers.

(s)~~(19)~~ To be heard by the court, if appropriate, at all review hearings.

(t)~~(20)~~ To have a guardian ad litem appointed to represent, within reason, their best interests and, *if* ~~where~~ appropriate, an attorney ad litem appointed to represent their legal interests; the guardian ad litem and attorney ad litem shall have immediate and unlimited access to the children they represent.

(u)~~(21)~~ To have all their records available for review by their guardian ad litem and attorney ad litem if they deem such review necessary.

(v)~~(22)~~ To organize as a group for purposes of ensuring that they receive the services and living conditions to which they are entitled and to provide support for one another while in the custody of the department.

(w)~~(23)~~ To be afforded prompt access to all available state and federal programs, including, but not limited to: Early Periodic Screening, Diagnosis, and Testing (EPSDT) services, developmental services programs, Medicare and supplemental security income, Children's Medical Services, and programs for severely emotionally disturbed children.

~~The provisions of~~ This *subsection establishes* ~~section establish~~ goals and not rights. ~~Nothing in~~ This *subsection does not require* ~~section shall be interpreted as requiring~~ the delivery of any particular service or level of service in excess of existing appropriations. *A* ~~No~~ person *does not* ~~shall~~ have a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents, based upon the adoption of or failure to provide adequate funding for the achievement of these goals by the Legislature. *This subsection does not* ~~Nothing herein shall~~ require the expenditure of funds to meet the goals established *in this subsection* ~~herein~~ except *those* funds specifically appropriated for such purpose.

(2) The department shall operate with the understanding that the rights of children in shelter or foster care are critical to their safety, permanency, and well-being. The department shall work with all stakeholders to help such children become knowledgeable about their rights.

(3)(a) The case manager or other staff shall provide verbal and written instructions to a child entering shelter or foster care to educate the child on identifying and reporting abuse, abandonment, or neglect. The verbal and written instructions must use words and phrasing that each child can understand and must occur in a manner that is most effective for each child. The written instructions are only required if the child is of a sufficient age and understanding to receive such instructions. The case manager or other staff must give each child the opportunity to ask questions about his or her rights and how to identify and report abuse, abandonment, or neglect. The case manager or other staff shall document in court reports and case notes the date the information was provided to the child. The case manager or other staff must review the information with the child every 6 months and upon every placement change until the child leaves shelter or foster care.

(b) District school boards are authorized and encouraged to establish educational programs for students ages 5 through 18 relating to identifying and reporting abuse, abandonment, or neglect and the effects of such abuse, abandonment, or neglect on a child. The district school boards may provide such programs in conjunction with the youth mental health awareness and assistance training program required under s. 1012.584, any other mental health education program offered by the school district, or any of the educational instruction required under s. 1003.42(2).

Section 13. Paragraphs (c), (k), and (l) of subsection (1) of section 39.4087, Florida Statutes, are amended to read:

39.4087 Department goals and requirements relating to caregivers; dispute resolution.—

(1) To provide the best care to children, the Legislature establishes as goals for the department to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring delivery of child welfare services is focused on the best interest of the child. To that end, regarding foster parents, kinship caregivers, and nonrelative caregivers caring for dependent children in their home, to the extent not otherwise prohibited by state or federal law and to the extent of current resources, the department will strive to:

(c)*1.* Fully disclose all relevant information regarding the child and the background of his or her biological family. ~~A caregiver must maintain the confidentiality of any information as required by law.~~ Such disclosure includes, but is not limited to:

a.~~1.~~ Any issues relative to the child that may jeopardize the health and safety of the caregiver or other individuals residing in the household or alter the manner in which the caregiver would normally provide care.

b.~~2.~~ Any delinquency or criminal record of the child, including, but not limited to, any pending petitions or adjudications of delinquency when the conduct constituting the delinquent act, if committed by an adult, would constitute murder in the first degree, murder in the second degree, rape, robbery, or kidnapping.

c.~~3.~~ Information about any physical or sexual abuse the child has experienced.

d.~~4.~~ Any behavioral issues that may affect the care and supervision of the child.

e.~~5.~~ With parental consent to the extent required by law, any known health history and medical, psychological, or *behavioral* ~~mental~~ health issues or needs of the child, including, but not limited to, current in-

fectious diseases the child has or any episodes of hospitalization due to mental or physical illness.

2. A caregiver must maintain the confidentiality of any information provided under this paragraph as required by law.

(k) Give at least 7 days' notice to a caregiver, to the extent possible, of any meeting or court hearing related to a child in his or her care. The notice *must* ~~shall~~ include*, at minimum*, ~~but is not limited to,~~ the name of the judge or hearing officer, the docket number, and the purpose and location of the hearing or meeting. If the department is providing such information to a child's biological parent, the department shall provide notice to the caregiver at the same time as the biological parent.

(l) ~~If the caregiver agrees,~~ Consider the caregiver as a placement option for a child if such child*, who* was formerly placed with the caregiver*, reenters out-of-home care and the caregiver agrees to the child being placed with the caregiver upon reentry* ~~and reenters out-of-home care~~.

Section 14. Section 39.4092, Florida Statutes, is created to read:

39.4092 Multidisciplinary legal representation model program for parents of children in the dependency system.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that the use of a specialized team that includes an attorney, a social worker, and a parent-peer specialist, also known as a multidisciplinary legal representation model program, in dependency judicial matters is effective in reducing safety risks to children and providing families with better outcomes, such as significantly reducing the time the children spend in out-of-home care and achieving permanency more quickly.

(b) The Legislature finds that parents in dependency court often suffer from multiple challenges, such as mental illness, substance use disorder, domestic violence or other trauma, unstable housing, or unemployment. These challenges are often a contributing factor to children experiencing instability or safety risks. While these challenges may result in legal involvement or require legal representation, addressing the underlying challenges in a manner that achieves stability often falls within the core functions of the practice of social work.

(c) The Legislature also finds that social work professionals have a unique skill set, including client assessment and clinical knowledge of family dynamics. This unique skill set allows these professionals to interact and engage with families in meaningful and unique ways that are distinct from the ways in which the families interact with attorneys or other professional staff involved in dependency matters. Additionally, social work professionals are skilled at quickly connecting families facing crisis to resources that can address the specific underlying challenges.

(d) The Legislature finds that there is a great benefit to using parent-peer specialists in the dependency system, which allows parents who have successfully navigated the dependency system and have been successfully reunified with their children to be paired with parents whose children are currently involved in the dependency system. By working with someone who has personally lived the experience of overcoming great personal crisis, parents currently involved in the dependency system have a greater ability to address the underlying challenges that resulted in the instability and safety risk to their children, to provide a safe and stable home environment, and to be successfully reunified.

(e) The Legislature further finds that current federal law authorizes the reimbursement of a portion of the cost of attorneys for parents and children in eligible cases, whereas such funds were formerly restricted to foster care administrative costs.

(f) The Legislature finds it is necessary to encourage and facilitate the use of a multidisciplinary legal representation model for parents and their children in order to improve outcomes for those families involved in the dependency system and to provide the families who find themselves in a crisis with the best opportunity to be successful in creating safe and stable homes for their children.

(2) ESTABLISHMENT.—Each office of criminal conflict and civil regional counsel established under s. 27.511 may establish a multidisciplinary legal representation model program to serve families in the dependency system.

(3) DUTIES.—

(a) The department shall collaborate with the office of criminal conflict and civil regional counsel to determine and execute any necessary documentation for approval of federal Title IV-E matching funding. The department shall submit such documentation as promptly as possible upon the establishment of a multidisciplinary legal representation model program and shall execute the necessary agreements to ensure the program accesses available federal matching funding for the program in order to help eligible families involved in the dependency system.

(b) An office of criminal conflict and civil regional counsel that establishes a multidisciplinary legal representation model program must, at a minimum:

1. Use a team that consists of an attorney, a forensic social worker, and a parent-peer specialist. For purposes of this section, the term "parent-peer specialist" means a person who has:

a. Previously had his or her child removed from his or her care and placed in out-of-home care.

b. Been successfully reunified with the child for more than 2 years.

c. Received specialized training to become a parent-peer specialist.

2. Comply with any necessary cost-sharing or other agreements to maximize financial resources and enable access to available federal Title IV-E matching funding.

3. Provide specialized training and support for attorneys, forensic social workers, and parent-peer specialists involved in the model program.

4. Collect uniform data on each child whose parent is served by the program and ensure that reporting of data is conducted through the child's unique identification number in the Florida Safe Families Network or any successor system, if applicable.

5. Develop consistent operational program policies and procedures throughout each region that establishes the model program.

6. Obtain agreements with universities relating to approved placements for social work students to ensure the placement of social workers in the program.

7. Execute conflict of interest agreements with each team member.

(4) REPORTING.—

(a) Beginning October 1, 2022, and annually thereafter through October 1, 2025, each office of criminal conflict and civil regional counsel that establishes a multidisciplinary legal representation model program must submit an annual report to the Office of Program Policy Analysis and Government Accountability. The annual report must use the uniform data collected on each unique child whose parents are served by the program and must detail, at a minimum, all of the following:

1. Reasons the family became involved in the dependency system.

2. Length of time it takes to achieve a permanency goal for children whose parents are served by the program.

3. Frequency of each type of permanency goal achieved by children whose parents are served by the program.

4. Rate of subsequent abuse or neglect which results in the removal of children whose parents are served by the program.

5. Any other relevant factors that tend to show the impact of the use of such multidisciplinary legal representation model programs on the outcomes for children in the dependency system. Each region that has established a model program must agree on the additional factors and how to collect data on such additional factors for the annual report.

(b) The Office of Program Policy Analysis and Government Accountability shall compile the results of the reports required under paragraph (a) and conduct an analysis comparing the reported outcomes from the multidisciplinary legal representation model program to known outcomes of children in the dependency system whose parents are not served by a multidisciplinary legal representation model program. Each office of criminal conflict and civil regional counsel shall provide any additional information or data requested by the Office of Program Policy Analysis and Government Accountability for its analysis. By December 1, 2022, and annually thereafter through December 1, 2025, the Office of Program Policy Analysis and Government Accountability must submit its analysis in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 15. Paragraph (b) of subsection (2) of section 39.5086, Florida Statutes, is amended to read:

39.5086 Kinship navigator programs.—

(2) PURPOSE AND SERVICES.—

(b) ~~Subject to available resources,~~ Each community-based care lead agency *shall* ~~may~~ establish a kinship navigator program that:

1. Coordinates with other state or local agencies that promote service coordination or provide information and referral services, including any entities that participate in the Florida 211 Network, to avoid duplication or fragmentation of services to kinship care families;

2. Is planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;

3. Has a toll-free telephone hotline to provide information to link kinship caregivers, kinship support group facilitators, and kinship service providers to:

a. One another;

b. Eligibility and enrollment information for federal, state, and local benefits;

c. Relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

d. Relevant knowledge related to legal options available for child custody, other legal assistance, and help in obtaining legal services.

4. Provides outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and

5. Promotes partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant governmental agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

Section 16. Subsection (15) of section 39.6225, Florida Statutes, is renumbered as subsection (13), and present subsections (13) and (14) are amended to read:

39.6225 Guardianship Assistance Program.—

~~(13) The Florida Institute for Child Welfare shall evaluate the implementation of the Guardianship Assistance Program. This evaluation shall be designed to determine the impact of implementation of the Guardianship Assistance Program, identify any barriers that may prevent eligible caregivers from participating in the program, and identify recommendations regarding enhancements to the state's system of supporting kinship caregivers. The institute shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2021. At a minimum, the evaluation shall include:~~

~~(a) Information about the perspectives and experiences of program participants, individuals who applied for licensure as child specific foster homes or program participation but were determined to be ineligible, and individuals who were likely eligible for licensure as a child specific foster home or for the program but declined to apply. The institute shall collect this information through methodologies including, but not limited to, surveys and focus groups.~~

~~(b) An assessment of any communications procedures and print and electronic materials developed to publicize the program and recommendations for improving these materials. If possible, individuals with expertise in marketing and communications shall contribute to this assessment.~~

~~(c) An analysis of the program's impact on caregivers and children, including any differences in impact on children placed with caregivers who were licensed and those who were not.~~

~~(d) Recommendations for maximizing participation by eligible caregivers and improving the support available to kinship caregivers.~~

~~(14) The program shall take effect July 1, 2019.~~

Section 17. Paragraph (m) is added to subsection (3) and paragraph (u) is added to subsection (5) of section 394.9082, Florida Statutes, to read:

394.9082 Behavioral health managing entities.—

(3) DEPARTMENT DUTIES.—The department shall:

(m) Collect and publish, and update annually, all of the following information on its website for each managing entity:

1. All compensation earned or awarded, whether paid or accrued, regardless of contingency, by position, for any employee, and any other person compensated through a contract for services whose services include those commonly associated with a chief executive, chief administrator, or other chief officer of a business or corporation, who receives compensation from state-appropriated funds in excess of 150 percent of the annual salary paid to the secretary of the department. For purposes of this paragraph, the term "employee" has the same meaning as in s. 448.095(1).

2. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990 and related documents filed with the Internal Revenue Service, auditor reports, and annual reports for each managing entity or affiliated entity.

(5) MANAGING ENTITY DUTIES.—A managing entity shall:

(u) Include the statement "(managing entity name) is a managing entity contracted with the Department of Children and Families" on its website and, at a minimum, in its promotional literature, managing entity-created documents and forms provided to families served by the managing entity, business cards, and stationery letterhead.

Section 18. Section 394.90825, Florida Statutes, is created to read:

394.90825 Boards of behavioral health managing entities; conflicts of interest.—

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

(a) "Activity" includes, but is not limited to, a contract for goods and services, a contract for the purchase of any real or tangible property, or an agreement to engage with the managing entity for the benefit of a third party in exchange for an interest in real or tangible property, a monetary benefit, or an in-kind contribution.

(b) "Conflict of interest" means when a board member or an officer, or a relative of a board member or an officer, of the managing entity does any of the following:

1. Enters into a contract or other transaction for goods or services with the managing entity.

2. Holds a direct or indirect interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the managing entity or proposes to enter into a contract or other transaction with the managing

entity. For purposes of this paragraph, the term "indirect interest" has the same meaning as in s. 112.312.

3. Knowingly obtains a direct or indirect personal, financial, professional, or other benefit as a result of the relationship of such board member or officer, or relative of the board member or officer, with the managing entity. For purposes of this paragraph, the term "benefit" does not include per diem and travel expenses paid or reimbursed to board members or officers of the managing entity in connection with their service on the board.

(c) "Managing entity" has the same meaning as in s. 394.9082.

(d) "Relative" means a relative within the third degree of consanguinity by blood or marriage.

(2)(a) For any activity that is presented to the board of a managing entity for its initial consideration and approval after July 1, 2021, or any activity that involves a contract that is being considered for renewal on or after July 1, 2021, but before January 1, 2022, a board member or an officer of a managing entity shall disclose to the board any activity that may reasonably be construed to be a conflict of interest before such activity is initially considered and approved or a contract is renewed by the board. A rebuttable presumption of a conflict of interest exists if the activity was acted on by the board without prior notice as required under subsection (3).

(b) For contracts with a managing entity which are in existence on July 1, 2021, and are not subject to renewal before January 1, 2022, a board member or an officer of the managing entity shall disclose to the board any activity that may reasonably be construed to be a conflict of interest under this section by December 31, 2021.

(3)(a) If a board member or an officer of the managing entity, or a relative of a board member or an officer, proposes to engage in an activity as described in paragraph (2)(a), the proposed activity must be listed on the meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the proposed activity must be included in the agenda. The meeting agenda must clearly identify the existence of a potential conflict of interest for the proposed activity. Before a board member or an officer of the managing entity, or a relative of a board member or an officer, engages in the proposed activity, the activity and contract or other transactional documents must be approved by an affirmative vote of two-thirds of all other board members present.

(b) If a board member or an officer of the managing entity notifies the board of a potential conflict of interest with the board member or officer, or a relative of the board member or officer, under an existing contract as described in paragraph (2)(b), the board must notice the activity on a meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the activity must be attached. The meeting agenda must clearly identify the existence of a potential conflict of interest. The board must be given the opportunity to approve or disapprove the conflict of interest by a vote of two-thirds of all other board members present.

(4)(a) If the board votes against the proposed activity under paragraph (3)(a), the board member or officer of the managing entity, or the relative of the board member or officer, must notify the board in writing of his or her intention, or his or her relative's intention, not to pursue the proposed activity, or the board member or officer shall withdraw from office before the next scheduled board meeting. If the board finds that a board member or officer has violated this paragraph, the board member or officer shall be removed from office before the next scheduled board meeting.

(b) In the event that the board does not approve a conflict of interest as required under paragraph (3)(b), the parties to the activity may opt to cancel the activity or, in the alternative, the board member or officer of the managing entity must resign from the board before the next scheduled board meeting. If the activity canceled is a contract, the managing entity is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(5) A board member or an officer of the managing entity, or a relative of a board member or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest may attend the meeting at which the activity is considered by the board and may make a presentation to the board regarding the activity. After the presentation, the board member or officer, or the relative of the board member or officer, must leave the meeting during the discussion of, and the vote on, the activity. A board member or an officer who is a party to, or has an interest in, the activity shall recuse himself or herself from the vote.

(6) A contract entered into between a board member or an officer of the managing entity, or a relative of a board member or an officer, and the managing entity which has not been properly disclosed as a conflict of interest or potential conflict of interest under this section is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the managing entity.

Section 19. Section 394.9086, Florida Statutes, is created to read:

394.9086 Commission on Mental Health and Substance Abuse.—

(1) CREATION.—The Commission on Mental Health and Substance Abuse, a commission as defined in s. 20.03(10), is created adjunct to the department. The department shall provide administrative and staff support services relating to the functions of the commission.

(2) PURPOSES.—The purposes of the commission are to examine the current methods of providing mental health and substance abuse services in the state and to improve the effectiveness of current practices, procedures, programs, and initiatives in providing such services; identify any barriers or deficiencies in the delivery of such services; and recommend changes to existing laws, rules, and policies necessary to implement the commission's recommendations.

(3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

(a) The commission shall be composed of 19 members as follows:

1. A member of the Senate, appointed by the President of the Senate.

2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. The Secretary of Children and Families or his or her designee.

4. The Secretary of the Agency for Health Care Administration or his or her designee.

5. A person living with a mental health disorder, appointed by the President of the Senate.

6. A family member of a consumer of publicly funded mental health services, appointed by the President of the Senate.

7. A representative of the Louis de la Parte Florida Mental Health Institute within the University of South Florida, appointed by the President of the Senate.

8. A representative of a county school district, appointed by the President of the Senate.

9. A representative of mental health courts, appointed by the Governor.

10. A representative of a treatment facility, as defined in s. 394.455, appointed by the Speaker of the House of Representatives.

11. A representative of a managing entity, as defined in s. 394.9082(2), appointed by the Speaker of the House of Representatives.

12. A representative of a community substance abuse provider, appointed by the Speaker of the House of Representatives.

13. A psychiatrist licensed under chapter 458 or chapter 459 practicing within the mental health delivery system, appointed by the Speaker of the House of Representatives.

14. A psychologist licensed under chapter 490 practicing within the mental health delivery system, appointed by the Governor.

15. A mental health professional licensed under chapter 491, appointed by the Governor.

16. An emergency room physician, appointed by the Governor.

17. A representative from the field of law enforcement, appointed by the Governor.

18. A representative from the criminal justice system, appointed by the Governor.

19. A representative of a child welfare agency involved in the delivery of behavioral health services, appointed by the Governor.

(b) The Governor shall appoint the chair from the members of the commission. Appointments to the commission must be made by August 1, 2021. Members shall be appointed to serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

(c) The commission shall convene no later than September 1, 2021. The commission shall meet quarterly or upon the call of the chair. The commission shall hold its meetings via teleconference or other electronic means.

(4) DUTIES.—

(a) The duties of the Commission on Mental Health and Substance Abuse include the following:

1. Conducting a review and evaluation of the management and functioning of the existing publicly supported mental health and substance abuse systems and services in the department, the Agency for Health Care Administration, and all other departments which administer mental health and substance abuse services. Such review shall include, at a minimum, a review of current goals and objectives, current planning, services strategies, coordination management, purchasing, contracting, financing, local government funding responsibility, and accountability mechanisms.

2. Considering the unique needs of persons who are dually diagnosed.

3. Addressing access to, financing of, and scope of responsibility in the delivery of emergency behavioral health care services.

4. Addressing the quality and effectiveness of current mental health and substance abuse services delivery systems, and professional staffing and clinical structure of services, roles, and responsibilities of public and private providers, such as community mental health centers, community substance abuse agencies, hospitals, including emergency services departments, law enforcement agencies, and the judicial system.

5. Addressing priority population groups for publicly funded mental health and substance abuse services, identifying the comprehensive mental health and substance abuse services delivery systems, mental health and substance abuse needs assessment and planning activities, and local government funding responsibilities for mental health and substance abuse services.

6. Reviewing the implementation of chapter 2020-107, Laws of Florida.

7. Identifying any gaps in the provision of mental health and substance use disorder services.

8. Providing recommendations on how behavioral health managing entities may fulfill their purpose of promoting service continuity.

9. Making recommendations regarding the mission and objectives of state-supported mental health and substance abuse services and the planning, management, staffing, financing, contracting, coordination, and accountability mechanisms which will best foster the recommended mission and objectives.

10. Evaluating and making recommendations regarding the establishment of a permanent, agency-level entity to manage mental health, substance abuse, and related services statewide. At a minimum, the evaluation must consider and describe the:

a. Specific duties and organizational structure proposed for the entity;

b. Resource needs of the entity and possible sources of funding;

c. Estimated impact on access to and quality of services;

d. Impact on individuals with behavioral health needs and their families, both those currently served through the affected systems providing behavioral health services and those in need of services; and

e. Relation to, integration with, and impact on providers, managing entities, communities, state agencies, and systems which provide mental health and substance abuse services in this state. Such recommendations must ensure that the ability of such other agencies and systems to carry out their missions and responsibilities is not impaired.

(b) The commission may call upon appropriate departments and agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such departments and agencies shall provide such assistance in a timely manner.

(5) REPORTS.—By September 1, 2022, the commission shall submit an interim report to the President of the Senate, the Speaker of the House of Representatives, and the Governor containing its findings and recommendations on how to best provide and facilitate mental health and substance abuse services in the state. The commission shall submit its final report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by September 1, 2023.

(6) REPEAL.—This section is repealed September 1, 2023, unless saved from repeal through reenactment by the Legislature.

Section 20. Subsection (3) of section 409.1415, Florida Statutes, is renumbered as subsection (4), paragraphs (b) and (c) of subsection (2) are amended, and a new subsection (3) is added to that section, to read:

409.1415 Parenting partnerships for children in out-of-home care*; resources*.—

(2) PARENTING PARTNERSHIPS.—

(b) To ensure that a child in out-of-home care receives support for healthy development which gives the child the best possible opportunity for success, caregivers, birth or legal parents, the department, and the community-based care lead agency shall work cooperatively in a respectful partnership by adhering to the following requirements:

1. All members of the partnership must interact and communicate professionally with one another, must share all relevant information promptly, and must respect the confidentiality of all information related to the child and his or her family.

2. The caregiver; the birth or legal parent; the child, if appropriate; the department; and the community-based care lead agency must participate in developing a case plan for the child and the birth or legal parent. All members of the team must work together to implement the case plan. The caregiver must have the opportunity to participate in all team meetings or court hearings related to the child's care and future plans. The department and community-based care lead agency must support and facilitate caregiver participation through timely notification of such meetings and hearings and provide alternative methods for participation for a caregiver who cannot be physically present at a meeting or hearing.

3. A caregiver must strive to provide, and the department and community-based care lead agency must support, excellent parenting, which includes:

a. A loving commitment to the child and the child's safety and well-being.

b. Appropriate supervision and positive methods of discipline.

c. Encouragement of the child's strengths.

d. Respect for the child's individuality and likes and dislikes.

e. Providing opportunities to develop the child's interests and skills.

f. Being aware of the impact of trauma on behavior.

g. Facilitating equal participation of the child in family life.

h. Involving the child within his or her community.

i. A commitment to enable the child to lead a normal life.

4. A child in out-of-home care must be placed with a caregiver who has the ability to care for the child, is willing to accept responsibility for providing care, and is willing and able to learn about and be respectful of the child's culture, religion, and ethnicity; special physical or psychological needs; circumstances unique to the child; and family relationships. The department, the community-based care lead agency, and other agencies must provide a caregiver with all available information necessary to assist the caregiver in determining whether he or she is able to appropriately care for a particular child.

5. A caregiver must have access to and take advantage of all training that he or she needs to improve his or her skills in parenting a child who has experienced trauma due to neglect, abuse, or separation from home; to meet the child's special needs; and to work effectively with child welfare agencies, the courts, the schools, and other community and governmental agencies.

6. The department and community-based care lead agency must provide a caregiver with the services and support they need to enable them to provide quality care for the child *pursuant to subsection (3)*.

7. Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only if:

a. The caregiver is clearly unable to safely or legally care for the child;

b. The child and the birth or legal parent are reunified;

c. The child is being placed in a legally permanent home in accordance with a case plan or court order; or

d. The removal is demonstrably in the best interests of the child.

8. If a child must leave the caregiver's home for one of the reasons stated in subparagraph 7., and in the absence of an unforeseeable emergency, the transition must be accomplished according to a plan that involves cooperation and sharing of information among all persons involved, respects the child's developmental stage and psychological needs, ensures the child has all of his or her belongings, allows for a gradual transition from the caregiver's home, and, if possible, allows for continued contact with the caregiver after the child leaves.

9. When the case plan for a child includes reunification, the caregiver, the department, and the community-based care lead agency must work together to assist the birth or legal parent in improving his or her ability to care for and protect the child and to provide continuity for the child.

10. A caregiver must respect and support the child's ties to his or her birth or legal family, including parents, siblings, and extended family members, and must assist the child in maintaining allowable visitation and other forms of communication. The department and community-based care lead agency must provide a caregiver with the information, guidance, training, and support necessary for fulfilling this responsibility.

11. A caregiver must work in partnership with the department and community-based care lead agency to obtain and maintain records that are important to the child's well-being, including, but not limited to, child resource records, medical records, school records, photographs, and records of special events and achievements.

12. A caregiver must advocate for a child in his or her care with the child welfare system, the court, and community agencies, including schools, child care providers, health and mental health providers, and employers. The department and community-based care lead agency must support a caregiver in advocating for a child and may not retaliate against the caregiver as a result of this advocacy.

13. A caregiver must be as fully involved in the child's medical, psychological, and dental care as he or she would be for his or her biological child. The department and community-based care lead agency must support and facilitate such participation. The caregiver, the department, and the community-based care lead agency must share information with each other about the child's health and well-being.

14. A caregiver must support a child's school success, including, when possible, maintaining school stability by participating in school activities and meetings. The department and community-based care lead agency must facilitate this participation and be informed of the child's progress and needs.

15. A caregiver must ensure that a child in his or her care who is between 13 and 17 years of age learns and masters independent living skills. *The department shall make available training for caregivers developed in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative on the life skills necessary for children in out-of-home care.*

16. The case manager and case manager supervisor must mediate disagreements that occur between a caregiver and the birth or legal parent.

(c) An employee of a residential group home must meet the background screening requirements under s. 39.0138 and the level 2 screening standards for screening under chapter 435. An employee of a residential group home who works directly with a child as a caregiver must meet, at a minimum, the same education *and* ~~,~~ training ~~, background, and other screening~~ requirements as caregivers in family foster homes licensed as level II under s. 409.175(5).

(3) RESOURCES AND SUPPORT FOR CAREGIVERS.—

(a) Foster parents.—The department shall establish the Foster Information Center to connect current and former foster parents, known as foster parent advocates, to prospective and current foster parents in order to provide information and services, including, but not limited to:

1. Navigating the application and approval process, including timelines for each; preparing for transitioning from approval for placement to accepting a child into the home; and learning about and connecting with any available resources in the prospective foster parent's community.

2. Accessing available resources and services, including, but not limited to, those from the Florida Foster and Adoptive Parent Association, for any current foster parents who need additional assistance.

3. Providing information specific to a foster parent's individual needs.

4. Providing immediate assistance when needed.

(b) Kinship caregivers.—

1. A community-based care lead agency shall provide a caregiver with resources and supports that are available and discuss whether the caregiver meets any eligibility criteria for such resources and supports. If the caregiver is unable to access resources and supports beneficial to the well-being of the child, the community-based care lead agency or case management agency must assist the caregiver in initiating access to resources by:

a. Providing referrals to kinship navigation services, if available.

b. Assisting with linkages to community resources and completion of program applications.

c. Scheduling appointments.

d. Initiating contact with community service providers.

2. The community-based care lead agency shall provide each caregiver with a telephone number to call during normal business hours whenever immediate assistance is needed and the child's caseworker is unavailable. The telephone number must be staffed and answered by individuals possessing the knowledge and authority necessary to assist caregivers.

Section 21. *Section 409.1453, Florida Statutes, is repealed.*

Section 22. Subsection (3) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(3)(a) The total number of children placed in *a* ~~each~~ family foster home shall be based on ~~the recommendation of the department, or the community-based care lead agency where one is providing foster care and related services, based on~~ the needs of each child in care, the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home, the amount of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, and skill of the family foster parents.

(b) *The department must grant a capacity waiver before another child may be placed in the home* if*:*

1. The total number of *dependent* children in a family foster home *is six or more; or* ~~will exceed five, including the family's own children,~~

2. The total number of children in a family foster home, including both dependent children and the family's own children, is eight or more.

(c) Before granting a capacity waiver, the department must conduct an assessment of each child to be placed in the home. ~~must be completed by a family services counselor and approved in writing by the counselor's supervisor prior to placement of any additional children in the home, except that,~~ If the placement involves a child whose sibling is already in the home or a child who has been in placement in the home previously, the assessment must be completed within 72 hours after placement. The assessment must assess and document the mental, physical, and psychosocial needs of the child *and whether those needs will be met by placement in the home* ~~and recommend the maximum number of children in a family foster home that will allow the child's needs to be met~~.

(d)~~(c)~~ For any licensed family foster home, the appropriateness of the number of children in the home must be reassessed annually as part of the relicensure process. For a home with more than *eight* ~~five~~ children, *including the family's own children,* if it is determined by the licensure study at the time of relicensure that the total number of children in the home is appropriate and that there have been no substantive licensure violations and no indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home *may* ~~shall~~ not be denied based on the total number of children in the home.

(e) The department may adopt rules to implement this subsection.

Section 23. *Section 409.1753, Florida Statutes, is repealed.*

Section 24. Subsections (6) and (7) are added to section 409.987, Florida Statutes, to read:

409.987 Lead agency procurement*; boards; conflicts of interest*.—

(6) In communities in which conditions make it not feasible to competitively contract with a lead agency, the department may collaborate with the local community alliance to establish an alternative approach to providing community-based child welfare services in the service area that would otherwise be served by a lead agency.

(a) The department and local community alliance shall develop a plan that must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified entities as part of the community's efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of service provision. At a minimum, the plan must describe the reasons for the department's inability to competitively contract for lead agency services, the proposed alternative approach to providing lead agency services, the entities that will be involved in service provision, how local control will be maintained, how services will be managed to ensure that federal and state requirements are met and outcome goals under s. 409.986 are achieved, and recommendations for increasing the ability of the department to contract with a lead agency in that area.

(b) The department shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives before implementation. The department shall submit quarterly updates about the plan's implementation to the Governor, the President of the Senate, and the Speaker of the House of Representatives until 2 years after full implementation of the plan.

(7)(a) As used in this subsection, the term:

1. "Activity" includes, but is not limited to, a contract for goods and services, a contract for the purchase of any real or tangible property, or an agreement to engage with a lead agency for the benefit of a third party in exchange for an interest in real or tangible property, a monetary benefit, or an in-kind contribution.

2. "Conflict of interest" means when a board member or an officer, or a relative of a board member or an officer, of a lead agency does any of the following:

a. Enters into a contract or other transaction for goods or services with the lead agency.

b. Holds a direct or indirect interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the lead agency or proposes to enter into a contract or other transaction with the lead agency. For purposes of this paragraph, the term "indirect interest" has the same meaning as in s. 112.312.

c. Knowingly obtains a direct or indirect personal, financial, professional, or other benefit as a result of the relationship of such board member or officer, or relative of the board member or officer, with the lead agency. For purposes of this paragraph, the term "benefit" does not include per diem and travel expenses paid or reimbursed to board members or officers of the lead agency in connection with their service on the board.

3. "Relative" means a relative within the third degree of consanguinity by blood or marriage.

(b)1. For any activity that is presented to the board of a lead agency for its initial consideration and approval after July 1, 2021, or any activity that involves a contract that is being considered for renewal on or after July 1, 2021, but before January 1, 2022, a board member or an officer of a lead agency shall disclose to the board any activity that may reasonably be construed to be a conflict of interest before such activity is initially considered and approved or a contract is renewed by the board. A rebuttable presumption of a conflict of interest exists if the activity was acted on by the board without prior notice as required under paragraph (c).

2. For contracts with a lead agency which are in existence on July 1, 2021, and are not subject to renewal before January 1, 2022, a board member or an officer of the lead agency shall disclose to the board any activity that may reasonably be construed to be a conflict of interest under this section by December 31, 2021.

(c)1. If a board member or an officer of a lead agency, or a relative of a board member or an officer, proposes to engage in an activity as described in subparagraph (b)1., the proposed activity must be listed on the meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the proposed activity must be included in the agenda. The meeting agenda must clearly identify the existence of a potential conflict of interest for the proposed activity. Before a board member or an officer of the lead agency, or a relative of a board member or an officer, engages in the proposed activity, the activity and contract or other transactional documents must be approved by an affirmative vote of two-thirds of all other board members present.

2. If a board member or an officer of the lead agency notifies the board of a potential conflict of interest with the board member or officer, or a relative of the board member or officer, under an existing contract as

described in subparagraph (b)2., the board must notice the activity on a meeting agenda for the next general or special meeting of the board members, and copies of all contracts and transactional documents related to the activity must be attached. The meeting agenda must clearly identify the existence of a potential conflict of interest. The board must be given the opportunity to approve or disapprove the conflict of interest by a vote of two-thirds of all other board members present.

(d)1. If the board votes against the proposed activity under subparagraph (c)1., the board member or officer of the lead agency, or the relative of the board member or officer, must notify the board in writing of his or her intention, or his or her relative's intention, not to pursue the proposed activity, or the board member or officer shall withdraw from office before the next scheduled board meeting. If the board finds that a board member or officer has violated this paragraph, the board member or officer shall be removed from office before the next scheduled board meeting.

2. In the event that the board does not approve a conflict of interest as required under subparagraph (c)2., the parties to the activity may opt to cancel the activity or, in the alternative, the board member or officer of the lead agency must resign from the board before the next scheduled board meeting. If the activity canceled is a contract, the lead agency is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

(e) A board member or an officer of a lead agency, or a relative of a board member or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest may attend the meeting at which the activity is considered by the board and may make a presentation to the board regarding the activity. After the presentation, the board member or officer, or the relative of the board member or officer, must leave the meeting during the discussion of, and the vote on, the activity. A board member or an officer who is a party to, or has an interest in, the activity shall recuse himself or herself from the vote.

(f) A contract entered into between a board member or an officer of a lead agency, or a relative of a board member or an officer, and the lead agency which has not been properly disclosed as a conflict of interest or potential conflict of interest under this section is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the lead agency.

Section 25. Subsection (1) of section 409.988, Florida Statutes, is amended to read:

409.988 Lead agency duties; general provisions.—

(1) DUTIES.—A lead agency:

(a) Shall serve all children referred as a result of a report of abuse, neglect, or abandonment to the department's central abuse hotline, including, but not limited to, children who are the subject of verified reports and children who are not the subject of verified reports but who are at moderate to extremely high risk of abuse, neglect, or abandonment, as determined using the department's risk assessment instrument, regardless of the level of funding allocated to the lead agency by the state if all related funding is transferred. The lead agency may also serve children who have not been the subject of reports of abuse, neglect, or abandonment, but who are at risk of abuse, neglect, or abandonment, to prevent their entry into the child protection and child welfare system.

(b) Shall provide accurate and timely information necessary for oversight by the department pursuant to the child welfare results-oriented accountability system required by s. 409.997.

(c) Shall follow the financial guidelines developed by the department and provide for a regular independent auditing of its financial activities. Such financial information shall be provided to the community alliance established under s. 20.19(5).

~~(d) Shall post on its website the current budget for the lead agency, including the salaries, bonuses, and other compensation paid, by position, for the agency's chief executive officer, chief financial officer, and chief operating officer, or their equivalents.~~

(d)~~(e)~~ Shall prepare all judicial reviews, case plans, and other reports necessary for court hearings for dependent children, except those related to the investigation of a referral from the department's child abuse hotline, and shall submit these documents timely to the department's attorneys for review, any necessary revision, and filing with the court. The lead agency shall make the necessary staff available to department attorneys for preparation for dependency proceedings, and shall provide testimony and other evidence required for dependency court proceedings in coordination with the department's attorneys. This duty does not include the preparation of legal pleadings or other legal documents, which remain the responsibility of the department.

(e)~~(f)~~ Shall ensure that all individuals providing care for dependent children receive:

1. Appropriate training and meet the minimum employment standards established by the department. Appropriate training shall include, but is not limited to, training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age developed by the Child Protection Team Program within the Department of Health.

2. Contact information for the local mobile response team established under s. 394.495.

(f)~~(g)~~ Shall maintain eligibility to receive all available federal child welfare funds.

(g) Shall adhere to all best child welfare practices under ss. 39.4087, 39.523, 409.1415, and 409.145.

(h) Shall maintain written agreements with Healthy Families Florida lead entities in its service area pursuant to s. 409.153 to promote cooperative planning for the provision of prevention and intervention services.

(i) Shall comply with federal and state statutory requirements and agency rules in the provision of contractual services.

(j) May subcontract for the provision of services required by the contract with the lead agency and the department; however, the subcontracts must specify how the provider will contribute to the lead agency meeting the performance standards established pursuant to the child welfare results-oriented accountability system required by s. 409.997. The lead agency shall directly provide no more than 35 percent of all child welfare services provided unless it can demonstrate a need, within the lead agency's geographic service area, to exceed this threshold. The local community alliance in the geographic service area in which the lead agency is seeking to exceed the threshold shall review the lead agency's justification for need and recommend to the department whether the department should approve or deny the lead agency's request for an exemption from the services threshold. If there is not a community alliance operating in the geographic service area in which the lead agency is seeking to exceed the threshold, such review and recommendation shall be made by representatives of local stakeholders, including at least one representative from each of the following:

1. The department.

2. The county government.

3. The school district.

4. The county United Way.

5. The county sheriff's office.

6. The circuit court corresponding to the county.

7. The county children's board, if one exists.

(k) Shall *publish* ~~post~~ on its website by the 15th day of each month at a minimum the *data specified* ~~information contained~~ in *subparagraphs 1.-5., calculated using a standard methodology determined by the department,* ~~subparagraphs 1. 4.~~ for the preceding calendar month regarding its case management services. The following information shall be reported by each individual subcontracted case management provider, by the lead agency, if the lead agency provides

case management services, and in total for all case management services subcontracted or directly provided by the lead agency:

1. The average caseload of case managers, including only filled positions;

2. The total number and percentage of case managers who have 25 or more cases on their caseloads;

3.~~2.~~ The turnover rate for case managers and case management supervisors for the previous 12 months;

4.~~3.~~ The percentage of required home visits completed; and

5.~~4.~~ Performance on outcome measures required pursuant to s. 409.997 for the previous 12 months.

(l) Shall identify an employee to serve as a liaison with the community alliance and community-based and faith-based organizations interested in collaborating with the lead agency or offering services or other assistance on a volunteer basis to the children and families served by the lead agency. The lead agency shall ensure that appropriate lead agency staff and subcontractors, including, but not limited to, case managers, are informed of the specific services or assistance available from community-based and faith-based organizations.

(m) Shall include the statement "(community-based care lead agency name) is a community-based care lead agency contracted with the Department of Children and Families" on its website and, at a minimum, in its promotional literature, lead agency-created documents and forms provided to families served by the lead agency, business cards, and stationery letterhead.

Section 26. Subsection (7) of section 409.990, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

409.990 Funding for lead agencies.—A contract established between the department and a lead agency must be funded by a grant of general revenue, other applicable state funds, or applicable federal funding sources.

(7) If subcontracted service providers must provide services that are beyond the contract limits due to increased client need or caseload, the lead agencies shall fund the cost of increased care.

Section 27. Subsections (3) through (25) of section 409.996, Florida Statutes, are renumbered as subsections (5) through (27), respectively, subsections (1) and (2) and paragraph (d) of present subsection (25) are amended, and new subsections (3) and (4) are added to that section, to read:

409.996 Duties of the Department of Children and Families.—The department shall contract for the delivery, administration, or management of care for children in the child protection and child welfare system. In doing so, the department retains responsibility for the quality of contracted services and programs and shall ensure that, at a minimum, services are delivered in accordance with applicable federal and state statutes and regulations and the performance standards and metrics specified in the strategic plan created under s. 20.19(1).

(1) The department shall enter into contracts with lead agencies for the performance of the duties by the lead agencies established in s. 409.988. At a minimum, the contracts must *do all of the following*:

(a) Provide for the services needed to accomplish the duties established in s. 409.988. ~~and~~

(b) Require the lead agency to provide information to the department which specifies how the lead agency will adhere to all best child welfare practices under ss. 39.4087, 39.523, 409.1415, and 409.145.

(c) Provide information to the department which is necessary to meet the requirements for a quality assurance program under subsection *(21)* ~~(19)~~ and the child welfare results-oriented accountability system under s. 409.997.

(d)~~(b)~~ Provide for tiered interventions and graduated penalties for failure to comply with contract terms or in the event of performance deficiencies. Such interventions and penalties shall include, but are not limited to:

1. Enhanced monitoring and reporting.

2. Corrective action plans.

3. Requirements to accept technical assistance and consultation from the department under subsection *(6)* ~~(4)~~.

4. Financial penalties, which shall require a lead agency to reallocate funds from administrative costs to direct care for children.

5. Early termination of contracts, as provided in s. 402.1705(3)(f).

(e)~~(c)~~ Ensure that the lead agency shall furnish current and accurate information on its activities in all cases in client case records in the state's statewide automated child welfare information system.

(f)~~(d)~~ Specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(2) The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead agencies which must be *published* ~~posted~~ on the department's website. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely followup of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead agencies are communicated to the director of the provider agency and the community alliance as expeditiously as possible.

(3) The department shall annually conduct a comprehensive, multiyear review of the revenues, expenditures, and financial position of all community-based care lead agencies which must cover the most recent 2 consecutive fiscal years. The review must include a comprehensive system-of-care analysis. All community-based care lead agencies must develop and maintain a plan to achieve financial viability. The department's review and the agency's plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year.

(4)(a) The department shall collect and publish on its website, and annually update, all of the following information for each lead agency under contract with the department:

1. All compensation earned or awarded, whether paid or accrued, regardless of contingency, by position, for any employee, and any other person who is compensated through a contract for services whose services include those commonly associated with a chief executive, chief administrator, or other chief officer of a business or corporation, who receives compensation from state-appropriated funds in excess of 150 percent of the annual salary paid to the secretary of the department. For purposes of this paragraph, the term "employee" has the same meaning as in s. 448.095.

2. All findings of the review under subsection (3).

(b) The department shall collect and publish on its website, and update monthly, the information required under s. 409.988(1)(k).

(27)~~(25)~~ Subject to an appropriation, for the 2020-2021 and 2021-2022 fiscal years, the department shall implement a pilot project in the Sixth and Thirteenth Judicial Circuits, respectively, aimed at improving child welfare outcomes.

(d) The department shall include the results of the pilot projects in the report required in subsection *(26)* ~~(24)~~ of this section. The report must include the department's findings and recommendations relating to the pilot projects.

Section 28. Paragraph (a) of subsection (4) of section 828.27, Florida Statutes, is amended to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(4)(a)1. County-employed animal control officers must, and *municipally-employed* ~~municipally employed~~ animal control officers may, successfully complete a 40-hour minimum standards training course. Such course must include, but is not limited to, training for: animal 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 pursuant to s. 39.208(5). Animal control officers must be provided with opportunities to attend the training during their normal work hours.

3.~~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.

4.~~3.~~ 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 29. Paragraph (c) is added to subsection (6) of s. 1012.795, Florida Statutes, to read:

1012.795 Education Practices Commission; authority to discipline.—

(6)

(c) If the Department of Education determines that any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), respectively, has knowingly failed to report known or suspected child abuse as required under s. 39.201, and the Education Practices Commission has issued a final order for a previous instance of failure to report by the individual, the Education Practices Commission shall, at a minimum, suspend the educator certificate of the instructional personnel or school administrator for a period of at least 1 year.

Section 30. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges

of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of *s. 39.3035(2)* ~~s. 39.3035(1)~~ and fulfills the screening requirement of *s. 39.3035(3)* ~~s. 39.3035(2)~~, and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the desig-

nated employee submits a written request for maintenance of the exemption to the custodial agency.

4. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party that is authorized to receive the information. Upon receipt of the written request, the custodial agency shall release the specified information to the party authorized to receive such information.

5. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 31. 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.—

(2)

(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 *under s. 39.101* ~~pursuant to s. 39.201~~

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 32. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to child welfare; providing a directive to the Division of Law Revision; creating s. 39.101, F.S.; transferring existing provisions relating to the central abuse hotline of the Department of Children and Families; providing additional requirements relating to the central abuse hotline; revising requirements for certain statistical reports that the department is required to collect and analyze; amending s. 39.201, F.S.; revising reporting requirements for the central abuse hotline; requiring animal control officers and certain agents to provide their names to central abuse hotline counselors; requiring such counselors to advise reporters of certain information; requiring such counselors to receive specified periodic training; revising requirements relating to reports of abuse involving impregnation of children; providing requirements for reports of child abuse, abandonment, or neglect by a parent or legal custodian, child-on-child sexual abuse, juvenile sexual abuse, and children who exhibit inappropriate sexual behavior; amending s. 39.2015, F.S.; revising membership of multiagency teams; requiring the department to conduct investigations of reports of sexual abuse of children in out-of-home care under certain circumstances; providing requirements for such investigations; requiring the Secretary of Children and Families to create guidelines for such investigations; requiring a report to the secretary within a specified time; requiring the advisory committee to review the reports and investigations; amending s. 39.202, F.S.; expanding the list of entities that have access to child abuse or neglect records; requiring access to certain confidential and exempt records by legislative committees, upon request, within a specified timeframe; amending s. 39.205, F.S.; providing construction; specifying that certain persons are not relieved from the duty to report to the central abuse hotline by notifying their supervisors; creating s. 39.208, F.S.; providing legislative findings and intent; providing responsibilities for child protective investigators relating to animal cruelty; providing criminal, civil, and administrative immunity to child protective investigators who report known or suspected animal cruelty; providing responsibilities for animal control officers relating to child abuse, abandonment, and neglect; providing criminal penalties; requiring the department to develop training which relates to child abuse, abandonment, and neglect and animal cruelty; providing requirements for such training; requiring the department to adopt rules; amending s. 39.301, F.S.; conforming a cross-reference; requiring the department to continually assess child safety throughout a protective investigation; requiring a child protective investigator to take specified actions in certain protective investigations involving sexual abuse; amending s. 39.302, F.S.; conforming a cross-reference; authorizing certain persons to be represented by an attorney or accompanied by another person under certain circumstances during protective investigations of institutional child abuse, abandonment, or neglect; providing requirements relating to such investigations; amending s. 39.3035, F.S.; providing a description of child advocacy centers; conforming cross-references; amending s. 39.4015, F.S.; requiring, rather than authorizing, the department to develop a family-finding program; removing the limitation that the development of family-finding programs is subject to available resources; requiring, rather than authorizing, that family-finding efforts begin as soon as a child is taken into the custody of the department; making technical changes; amending s. 39.4085, F.S.; revising legislative intent; specifying goals of children in shelter or foster care; providing responsibilities of the Department of Children and Families, case managers, and other staff; authorizing district school boards to establish specified educational programs for certain students and provide such programs in conjunction with other specified programs; amending s. 39.4087, F.S.; requiring the department to provide certain information to, and training for, caregivers of children in foster care; expanding certain information that is required to be fully disclosed to a caregiver; requiring a caregiver to maintain the confidentiality of certain information; making technical changes; creating s. 39.4092, F.S.; providing legislative findings; authorizing offices of criminal conflict and civil regional counsel to establish a multidisciplinary legal representation model program to serve families in the dependency system; requiring the department to collaborate with the office of criminal conflict and civil regional counsel regarding documentation for federal matching funding; requiring the department to submit such documentation upon the establishment of a model program; specifying program requirements; defining the term "parent-peer specialist"; requiring each office of criminal conflict and civil regional counsel that establishes a model program to submit an annual report by a specified date to the Office of Program Policy Analysis and Government Accountability; specifying report requirements; requiring the Office of Program Policy Analysis and Government Accountability to compile the results of the reports, conduct an analysis, and annually submit the analysis to the Governor and Legislature by a specified date; requiring offices of criminal conflict and civil regional counsel to provide additional information or data upon request; amending s. 39.5086, F.S.; removing the limitation that the development of kinship navigator programs is subject to available resources; requiring, rather than authorizing, each community-based care lead agency to establish a kinship navigator program; amending s. 39.6225, F.S.; deleting obsolete provisions; amending s. 394.9082, F.S.; requiring the department to collect and publish, and update annually, specified information on its website for each managing entity under contract with the department; defining the term "employee"; requiring managing entities to include a specified statement on their websites and in certain documents and materials; creating s. 394.90825, F.S.; providing definitions; requiring a board member or an officer of a managing entity to disclose specified activity that may reasonably be construed to be a conflict of interest; creating a rebuttable presumption of a conflict

of interest if the activity was acted on by the board without prior notice; establishing a process for the managing entity's board of directors to address the activity within certain timelines; providing for certain consequences for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; creating s. 394.9086, F.S.; creating the Commission on Mental Health and Substance Abuse adjunct to the department; requiring the department to provide administrative and staff support services to the commission; providing purposes of the commission; providing for membership, term limits, meetings, and duties of the commission; requiring the commission to submit reports of its findings and recommendations to the Legislature and Governor by specified dates; providing for future repeal unless saved by the Legislature through reenactment; amending s. 409.1415, F.S.; requiring the department to make available specified training for caregivers of children in out-of-home care; requiring the department to establish the Foster Information Center for specified purposes; requiring community-based care lead agencies to provide certain resources, supports, and assistance to kinship caregivers; requiring community-based care lead agencies to provide caregivers with a certain telephone number; repealing s. 409.1453, F.S., relating to the design and dissemination of training for foster care caregivers; amending s. 409.175, F.S.; requiring the department to conduct certain assessments and grant a capacity waiver under certain conditions; authorizing the department to adopt rules; repealing s. 409.1753, F.S.; relating to duties of the department relating to foster care; amending s. 409.987, F.S.; requiring the department to develop an alternative plan for providing community-based child welfare services under certain circumstances; providing requirements for the plan; requiring the department to submit the plan and certain quarterly updates to the Governor and Legislature; providing definitions; requiring a board member or an officer of a lead agency to disclose specified activity that may reasonably be construed to be a conflict of interest; creating a rebuttable presumption of a conflict of interest if the activity was acted on by the board without prior notice; establishing a process for the lead agency's board of directors to address the activity within certain timelines; providing for certain consequences for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; amending s. 409.988, F.S.; deleting a requirement that lead agencies publish their current budgets on their websites; specifying additional data lead agencies must publish on their websites; requiring the department to determine a standard methodology for use in calculating specified data; requiring lead agencies to adhere to specified best child welfare practices; requiring lead agencies to include a specified statement on their websites and in certain documents and materials; amending s. 409.990, F.S.; requiring lead agencies to fund the cost of increased care under certain circumstances; amending s. 409.996, F.S.; requiring contracts between the department and community-based care lead agencies to provide specified information to the department; requiring the department to annually conduct a specified review of community-based care lead agencies; requiring such agencies to develop and maintain a specified plan; requiring the department to collect and publish on its website specified information relating to lead agencies under contract with the department; amending s. 828.27, F.S.; requiring county and municipal animal control officers to complete specified training; requiring that animal control officers be provided with opportunities to attend such training during normal work hours; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend the educator certificate of instructional personnel and school administrators for failing to report known or suspected child abuse under certain circumstances; amending ss. 119.071 and 934.03, F.S.; conforming cross-references; providing effective dates.

On motion by Senator Book, the Senate concurred in **House Amendment 1 (198175)**.

CS for CS for SB 96 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Book	Broxson
Albritton	Boyd	Burgess
Ausley	Bracy	Cruz
Baxley	Bradley	Diaz
Bean	Brandes	Farmer
Berman	Brodeur	Gainer
Garcia	Mayfield	Rodriguez
Gibson	Passidomo	Rouson
Gruters	Perry	Stargel
Harrell	Pizzo	Stewart
Hooper	Polsky	Taddeo
Hutson	Powell	Torres
Jones	Rodrigues	Wright

Nays—None

Vote preference:

April 29, 2021: Yea—Thurston

COMMUNICATION

Debbie Brown April 29, 2021
Secretary of the Senate
404 S. Monroe Street
Suite 405, The Capitol
Tallahassee, FL 32399-1100

Dear Secretary Brown,

I, Senator Perry E. Thurston, Jr., hereby request a vote preference of yes on CS/CS/SB 96: Child Welfare.

Respectfully,
Perry E. Thurston, Jr.
State Senate, District 33

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1108, with 2 amendments, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 1108—A bill to be entitled An act relating to education; amending s. 1001.23, F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State in writing when property rights by patent, copyright, trademark, or service marks are secured by the department; requiring, except for educational materials and products, any proceeds received by the department from the exercise of its rights to be deposited in the department's Operating Trust Fund; creating s. 1002.334, F.S.; establishing the Innovative Blended Learning and Real-Time Student Assessment Pilot Program within the department; providing the purpose of the program; defining the term "innovative blended learning"; specifying program eligibility; requiring program applicants to submit applications to the department in a format prescribed by the department; requiring program applications to include specified information; requiring applications to be considered only for synchronous innovative blended learning programs; requiring the Commissioner of Education to select applicants to participate in the program; providing a start date for the program; providing for funding; authorizing the commissioner to remove an approved applicant from the program under certain circumstances; providing for future expiration; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; conforming a cross-reference; amending s. 1003.4996, F.S.; extending the timeframe for the Competency-Based Education Pilot Program; amending s. 1007.25, F.S.; requiring certain postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; providing for rulemaking; authorizing the development of new civic literacy courses; providing requirements for such courses; amending s. 1008.212, F.S.; conforming cross-references; amending s. 1008.22, F.S.; revising the purpose of the assessment program; deleting obsolete lan-

guage; requiring that certain assessments be given in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting specified reporting requirements; deleting a requirement that the Commissioner of Education maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; conforming provisions to changes made by the act; amending s. 1008.24, F.S.; revising the tests that are included under test administration and security rules; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references; amending s. 1009.286, F.S.; providing an additional exception to credit hours used when calculating baccalaureate degrees; providing an effective date.

House Amendment 1 (710649) (with title amendment)—Between lines 165 and 166, insert:

Section 3. Paragraph (s) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval.

1. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.

2. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

3. The character development curriculum for grades 11 and 12 shall include instruction on voting using the uniform primary and general election ballot described in s. 101.151(9).

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

And the title is amended as follows:

Remove line 30 and insert: expiration; amending s. 1003.42, F.S.; requiring character development curriculum for certain grades to include instruction on voting using specified ballot; amending s. 1003.4282, F.S.; deleting

House Amendment 2 (592685) (with title amendment)—Between lines 227 and 228, insert:

Section 4. Subsection (3) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 or alternate assessment may*:*

(a) Receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment or alternate assessment and receive a standard high school diploma upon passage of the required assessment or alternate assessment. This *paragraph* subsection shall be implemented to the extent funding is provided in the General Appropriations Act.

(b) Beginning with the 2022-2023 school year, meet the requirement to pass the statewide, standardized grade 10 English Language Arts assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with state board rule.

And the title is amended as follows:

Between lines 35 and 36, insert: s. 1003.433, F.S.; authorizing certain students to meet the grade 10 English Language Arts assessment requirements in a specified manner; amending

On motion by Senator Diaz, the Senate concurred in **House Amendment 1 (710649)** and **House Amendment 2 (592685)**.

CS for CS for SB 1108 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
Albritton	Cruz	Perry
Ausley	Diaz	Pizzo
Baxley	Farmer	Polsky
Bean	Gainer	Powell
Berman	Garcia	Rodrigues
Book	Gibson	Rodriguez
Boyd	Gruters	Rouson
Bracy	Harrell	Stargel
Bradley	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Torres
Broxson	Mayfield	Wright

Nays—None

Vote preference:

April 29, 2021: Yea—Thurston

COMMUNICATION

Debbie Brown April 29, 2021
Secretary of the Senate
404 S. Monroe Street
Suite 405, The Capitol
Tallahassee, FL 32399-1100

Dear Secretary Brown,

I, Senator Perry E. Thurston, Jr., hereby request a vote preference of yes on CS/CS/SB 1108: Education.

Respectfully,
Perry E. Thurston, Jr.
State Senate, District 33

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 9:00 p.m.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 357618 to House amendment 436105 and further amended by House amendment 649221 and passed CS/CS/SB 1028 as further amended and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 1028—A bill to be entitled An act relating to charter schools; amending s. 1002.32, F.S.; providing that the limitation on lab schools does not apply to a school serving a military installation; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; prohibiting certain charter schools from being sponsored by a Florida College System institution until such charter schools' existing charter expires; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; revising provisions relating to Florida College System institutions that are operating charter schools; prohibiting certain interlocal agreements; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; requiring the department to compile results in a specified manner; deleting obsolete language; revising requirements for the charter school application process; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file monthly reports; authorizing school districts to resume withholding the full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; requiring the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination of a charter; authorizing the award of specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising the student populations for which a charter school is authorized to limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; authorizing a sponsor to withhold an administrative fee for the provision of certain services to an exceptional student education center that meets specified requirements; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising provisions relating to the opening of additional high-performing charter schools; amending s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; providing that certain nonprofit entities may be designated as a local education agency; providing that certain entities report students to the department in a specified manner; specifying reporting provisions that apply only to certain schools of hope; providing that schools of hope may comply with certain financial reporting in a specified manner; revising the manner in which underused, vacant, or surplus facilities owned or operated by school districts are identified; authorizing a nonprofit entity designated as a local education agency to use any capital assets identified in a certain annual financial audit for another school of hope operated by the local education agency within the same district; amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction; amending s. 1003.493, F.S.; authorizing a charter school to offer a career and professional academy; amending s. 1008.3415, F.S.; requiring the Commissioner of Education, upon request by a charter school that meets specified criteria, to provide a letter to the charter school and the charter school's sponsor authorizing the charter school to replicate its educational program; amending s. 1012.32, F.S.; providing an alternate screening method for specified persons employed by certain schools of hope or serving on certain school of hope governing boards; amending s. 1013.62, F.S.; expanding eligibility to receive capital outlay funds to schools of hope operated by a hope operator; providing for severability; providing an effective date.

House Amendment 1 (649221) (with title amendment) to Senate Amendment 1 (357618) to House Amendment 1 (436105)—Between lines 1621 and 1622, insert:

Section 12. Section 1006.205, Florida Statutes, is created to read:

1006.205 Fairness in Women's Sports Act.—

(1) SHORT TITLE.—This section may be cited as the "Fairness in Women's Sports Act."

(2) LEGISLATIVE INTENT AND FINDINGS.—

(a) It is the intent of the Legislature to maintain opportunities for female athletes to demonstrate their strength, skills, and athletic abilities and to provide them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that result from participating and competing in athletic endeavors.

(b) The Legislature finds that maintaining the fairness for women athletic opportunities is an important state interest. The Legislature finds that requiring the designation of separate sex-specific athletic teams or sports is necessary to maintain fairness for women's athletic opportunities.

(3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.—

(a) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members:

1. Males, men, or boys;

2. Females, women, or girls; or

3. Coed or mixed, including both males and females.

(b) Athletic teams or sports designated for males, men, or boys may be open to students of the female sex.

(c) Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.

(d) For purposes of this section, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

(4) CAUSE OF ACTION; CIVIL REMEDIES.—

(a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school or public postsecondary institution.

(b) Any student who is subject to retaliation or other adverse action by a school, public postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or public postsecondary institutions in the state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization.

(c) Any school or public postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.

(d) All civil actions brought under this section must be initiated within 2 years after the alleged harm occurred. Persons or organizations who prevail on a claim brought under this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney fees and costs, and any other appropriate relief.

And the title is amended as follows:

Remove line 1993 and insert: comply with a specified provision; creating s. 1006.205, F.S.; providing a short title; providing legislative intent; requiring that certain athletic teams or sports sponsored by certain educational institutions be designated on the basis of students' biological sex at birth; authorizing athletic teams or sports designated for male students to be open to female students; prohibiting athletic teams or sports designated for female students to be open to male students; providing civil remedies for students and educational institutions for certain violations of this section; providing a statute of limitation; providing for damages; amending s.

POINT OF ORDER

Senator Farmer raised a point of order that **House Amendment 1 (649221)** to **CS for CS for SB 1028** deals with a proposition on a subject different from that under consideration and therefore is barred under Rule 7.1(3). Senator Farmer further stated the amendment violates Rule 7.1(8)(c) in that the language is the substance of a bill that has not been reported favorably from all committees of reference. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

RULING ON POINT OF ORDER

On recommendation of Senator Passidomo, Senator Farmer's point of order on **House Amendment 1 (649221)** to **CS for CS for SB 1028** is out of order under Rule 7.1(8)(c). Rule 7.8 guides the Senate's consideration of receiving a House amendment. Senate rules cannot be made to apply to a House amendment without constraining the House's constitutional right to legislate within its legitimate powers and according to its own rules. Therefore, the amendment from the House is in order because Rule 7.1 does not apply. The Rule that does apply is Rule 7.8, which provides that after reading a House amendment to a Senate bill, the Senate may consider the following motions in order of precedence: amend the House amendment, concur in the House amendment, refuse to concur in the House amendment and ask the House to recede, or request a conference committee. The President accepted the recommendation of the Rules Chair and ruled the point not well taken.

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 10:00 p.m.

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (649221) to Senate Amendment 1 (357618) to House Amendment 1 (436105)**.

The vote was:

Yeas—23

Mr. President	Broxson	Mayfield
Albritton	Burgess	Passidomo
Baxley	Diaz	Perry
Bean	Gainer	Rodrigues
Boyd	Garcia	Rodriguez
Bradley	Gruters	Stargel
Brandes	Hooper	Wright
Brodeur	Hutson	

Nays—16

Ausley	Gibson	Rouson
Berman	Harrell	Stewart
Book	Jones	Taddeo
Bracy	Pizzo	Torres
Cruz	Polsky	
Farmer	Powell	

CS for CS for SB 1028 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—23

Mr. President	Broxson	Mayfield
Albritton	Burgess	Passidomo
Baxley	Diaz	Perry
Bean	Gainer	Rodrigues
Boyd	Garcia	Rodriguez
Bradley	Gruters	Stargel
Brandes	Hooper	Wright
Brodeur	Hutson	

Nays—16

Ausley	Gibson	Rouson
Berman	Harrell	Stewart
Book	Jones	Taddeo
Bracy	Pizzo	Torres
Cruz	Polsky	
Farmer	Powell	

Vote preference:

April 29, 2021: Nay—Thurston

COMMUNICATION

Debbie Brown April 29, 2021
Secretary of the Senate
404 S. Monroe Street
Suite 405, The Capitol
Tallahassee, FL 32399-1100

Dear Secretary Brown,

I, Senator Perry E. Thurston, Jr., hereby request a vote preference of no on CS/CS/SB 1028: Charter Schools.

Respectfully,
Perry E. Thurston, Jr.
State Senate, District 33

COMMUNICATION

Members of the Senate
Democratic Caucus
The Florida Senate
delivered by electronic mail

April 28, 2021

Fellow Democratic Caucus Members,

I hereby resign as Democratic Leader in the Florida State Senate, and pursuant to Senate and Caucus rules Leader Pro Tempore Senator Bobby Powell shall assume the role and responsibilities of the Senate Democratic Leader effective immediately.

State Senator Gary M. Farmer, Jr.

Debbie Brown
Secretary of the Senate
404 S. Monroe Street
Tallahassee, FL 32399-1100

April 28, 2021

Madam Secretary,

This memo will certify that the majority of the Senate Democratic Caucus met today for the purpose of electing Senator Lauren Book as the new Democratic Leader, effective immediately.

Loranne Ausley District 3	*Lori Berman* District 31
Lauren Book District 32	*Randolph Bracy* District 11
Janet Cruz District 18	Gary Farmer District 34
Audrey Gibson District 6	*Shevrin Jones* District 35
Jason Pizzo District 38	*Tina Polsky* District 29
Bobby Powell District 30	*Darryl Rouson* District 19
Linda Stewart District 13	*Annette Taddeo* District 40
Perry Thurston, Jr. District 33	*Victor Torres, Jr.* District 14

MOTIONS

On motion by Senator Passidomo, the rules were waived and all bills temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar.

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, April 28, 2021: CS for CS for SB 266, CS for SB 1508, CS for CS for SB 1616, CS for CS for SB 1734, SB 7064, CS for HB 1055.

Respectfully submitted,
Kathleen Passidomo, Rules Chair
Debbie Mayfield, Majority Leader
Gary M. Farmer, Jr., Minority Leader

REPORTS OF COMMITTEES

The Committee on Rules recommends the following pass: HB 7051

The bill was placed on the Calendar.

EXECUTIVE BUSINESS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	*For Term Ending*
Florida State Boxing Commission Appointee: Patel, Anup, Winter Park	09/30/2021
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: Molina, Joaquin, Miami	10/31/2022
Board of Trustees of State College of Florida, Manatee-Sarasota Appointee: Goodson, Mark, Palmetto	05/31/2023
Board of Trustees of St. Petersburg College Appointee: Butts, Jason, Palm Harbor	05/31/2023
Board of Directors, Enterprise Florida, Inc. Appointee: Deen Hartley, Sonya, Tallahassee	09/30/2023
Environmental Regulation Commission Appointee: McCarthy, James W., Ponte Vedra	07/01/2023
Board of Massage Therapy Appointee: Atkinson, Sandra, Fort Walton Beach	10/31/2021
Board of Pilot Commissioners Appointee: Jaccoma, Michael Z., Davie	10/31/2022
Tampa Port Authority Appointee: Manelli, Dennis, Tampa	02/06/2024
Board of Trustees, University of South Florida Appointee: Carrere, Michael L., Tampa	01/06/2026

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 52.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 56.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 60.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 82.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 666848 to House amendment 853337 and passed CS/SB 148 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 252.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 262.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 272.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 286.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 388.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 524.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 566.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 628.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 768.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 794.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 890.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 896.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 904.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 920.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1048 by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1060.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1070.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1080.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1120.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1126.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 116138 to House amendment 672415 and passed CS/CS/CS/SB 1194 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1532.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1598.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 1634 by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1770.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 1884.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1892 by the required constitutional three-fifths vote of the membership.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1944.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1946.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1966.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7074 by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 427668 and passed CS/CS/CS/HB 53, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 738392 and passed CS/CS/HB 421 & HB 1101, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 725860 and passed CS/HB 921, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 418456 and passed CS/HB 1055, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 767526 and passed CS/CS/HB 1239, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 214326 and 140176 and passed CS/HB 1261, as amended.

Jeff Takacs, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Gibson—SB 370; Rodriguez—SB 7072

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 8:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 29 or upon call of the President.