

Tab 14	SB 1320 by Cruz ; (Similar to H 00819) Postsecondary Fee Waivers				
417762	A	S	ED, Cruz	Delete L.14:	01/31 12:39 PM

Tab 15	SB 1402 by Diaz ; (Similar to CS/H 00613) Higher Education				
312448	A	S	ED, Diaz	Delete L.97 - 144:	01/30 09:58 AM

Tab 16	SB 1438 by Harrell (CO-INTRODUCERS) Perry ; (Identical to H 01411) Dyslexia				
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Tab 17	SB 1578 by Hutson ; (Compare to H 00953) Education				
941682	A	S	ED, Hutson	Delete L.1102 - 1108:	01/30 04:49 PM

Tab 18	SB 1746 by Stargel ; (Similar to H 01335) Florida Virtual Education				
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Tab 19	SB 1784 by Gainer ; (Compare to CS/H 00901) Vocational Rehabilitation Services				
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Tab 20	SB 7000 by CF ; Reporting Abuse, Abandonment, and Neglect				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

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

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

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Board of Governors of the State University System			
1	Lamb, Brian D. (Mason)	01/06/2026	
	Scott, Steven M. (Boca Raton)	01/06/2026	
	Silagy, Eric E. (Palm Beach Gardens)	01/06/2026	
	Stermon, Kent (Jacksonville)	01/06/2026	
Board of Trustees, Florida A & M University			
2	Harper, Kristin R. (Lewis Center)	01/06/2021	
Board of Trustees, Florida Atlantic University			
3	Dennis, Michael T.B. (Palm Beach)	01/06/2025	
	Morris, Elycia (Boca Raton)	01/06/2025	
Board of Trustees, University of Central Florida			
4	McAlpin, Caryl C. (Orlando)	01/06/2025	
	Mills, Harold F. (Windermere)	01/06/2021	
	Okaty, Michael A. (Maitland)	01/06/2025	
Board of Trustees, Florida State University			
5	Sasser, Bobby L. (Virginia Beach)	01/06/2025	
	Thiel, John William (Clearwater)	01/06/2025	
Board of Trustees, Florida Gulf Coast University			
6	Coone, Ashley (Arcadia)	01/06/2021	
	Morton, Edward Allen (Naples)	01/06/2025	
	Semrod, Jaye (Naples)	01/06/2025	
Board of Trustees, Florida International University			
7	Lowell, Natasha (Coral Gables)	01/06/2025	
Board of Trustees, New College of Florida			
8	Christaldi, Ronald A. (Tampa)	01/06/2025	
	Ruiz, Mary (Bradenton)	01/06/2021	

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 3, 2020, 1:30—3:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Board of Trustees, Florida Polytechnic University			
9	Sasser, W. Earl, Jr. (Winter Park)	07/15/2024	
Board of Trustees, University of Florida			
10	Brandon, David Lee (Palm Harbor)	01/06/2025	
	Zucker, Anita G. (Charleston)	01/06/2025	
Board of Trustees, University of North Florida			
11	Davis, Jill Smith (Jacksonville)	01/06/2025	
	Patel, Nikul (Jacksonville)	01/06/2025	
Board of Trustees, University of South Florida			
12	Callahan, Sandra W. (St. Petersburg)	01/06/2025	
	Griffin, Michael E. (Tampa)	01/06/2025	
Board of Trustees, University of West Florida			
13	Scott, Alonzie III (Philadelphia)	01/06/2023	
	Singer, Jill Anne (Reston)	01/06/2025	
	White, Stephanie S. (Pensacola)	01/06/2025	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1320 Cruz (Similar H 819)	Postsecondary Fee Waivers; Providing specified fee waivers for graduate students who meet certain requirements, etc. ED 02/03/2020 AED AP	
15	SB 1402 Diaz (Similar CS/H 613, Compare S 72)	Higher Education; Revising standards for the preeminent state research universities program; requiring the Board of Governors to establish standards and measures for specific state university competencies; revising the performance-based metrics for state universities to include specific data beginning in a certain fiscal year; requiring innovative pricing techniques and payment options to include an opt-out provision; prohibiting the growth rate of administrators at a state university from exceeding the growth rate of faculty at such university, etc. ED 02/03/2020 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 3, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 1438 Harrell (Identical H 1411)	Dyslexia; Requiring public schools to screen all students in kindergarten through grade 3 for dyslexia within a certain timeframe; requiring public school students with a substantial deficiency in reading to be placed in an intensive remedial intervention program; requiring public schools to have at least one person on staff trained in the instruction of students with dyslexia; creating the Dyslexia Task Force within the Department of Education, etc. ED 02/03/2020 AED AP	
17	SB 1578 Hutson (Compare H 953)	Education; Requiring the Department of Education to collect certain information about career preparation and placement in this state; authorizing state universities designated by the State Board of Education to sponsor a charter school; providing that charter schools operated by a municipality, a public entity, or a private, not-for-profit organization are eligible for a 15-year charter if approved by the sponsor; requiring that any arrangement entered into to borrow or otherwise secure funds for a charter school from certain sources indemnify the sponsor, rather than the school district; authorizing charter schools to offer career and professional academies, etc. ED 02/03/2020 AED AP	
18	SB 1746 Stargel (Similar H 1335)	Florida Virtual Education; Providing that certain employees of the Florida Virtual School are entitled to sovereign immunity; revising the students given priority by the Florida Virtual School; authorizing the Florida Virtual School to accrue supplemental revenue from a specified organization; providing that all Florida Virtual School employees are subject to specified policies; deleting a requirement that certain school districts provide a specified number of virtual instruction options, etc. ED 02/03/2020 JU AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 3, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	SB 1784 Gainer (Compare CS/H 901)	Vocational Rehabilitation Services; Revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; requiring the division to provide preemployment transition services to certain eligible persons with disabilities; providing eligibility requirements for the provision of preemployment transition services; revising the composition of the Florida Rehabilitation Council, etc.	
		ED 02/03/2020 AED AP	
20	SB 7000 Children, Families, and Elder Affairs	Reporting Abuse, Abandonment, and Neglect; Relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; revising when a person is required to report to the central abuse hotline; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing responsibilities for child protective investigators relating to animal abuse and neglect; requiring the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse, etc.	
		ED 02/03/2020 RC	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1320

INTRODUCER: Senator Cruz

SUBJECT: Postsecondary Fee Waivers

DATE: January 31, 2020

REVISED: _____

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

I. Summary:

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

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

The bill takes effect on July 1, 2020.

II. Present Situation:

State University Student Fees

Florida law provides that all students enrolled in college credit programs at state universities will be charged fees, except students that are exempt or those whose fees are waived.¹ In addition to tuition charges, the law specifically allows a state university to assess fees, which include:

- A financial aid fee that cannot exceed five percent of the tuition and out-of-state fee.²
- A Capital Improvement Trust Fund fee as established in law.³
- A student activity and service fee.⁴

¹ Section 1009.24(1) and (2), F.S.

² Section 1009.24(7), F.S. The State University System (SUS) average resident graduate student financial aid fee 2019-2020 is \$17.94, nonresident is \$45.18. Board of Governors, *State University System of Florida, Tuition and Required Fees (Fees), 2019-20 (January Update)*, available at <https://www.flbog.edu/wp-content/uploads/2019-2020-SUS-Tuition-and-Fees-Report-January-Update.pdf>.

³ Section 1009.24(8)(a), F.S. The SUS average graduate student Capital Improvement Trust Fund fee is \$6.32. Fees, *supra* note 2.

⁴ Section 1009.24(10)(a). The SUS average graduate student per credit hour activity & service fee is \$14.67. Fees, *supra* note 2.

- A student health fee on the main campus and on any branch campus or center.⁵
- A separate athletic fee on the main campus and on any branch campus or center.⁶
- A technology fee of up to 5 percent of the tuition per credit hour.⁷
- A per-credit-hour distance learning course fee, for students who enroll in a course listed in the statewide distance learning catalog.⁸ The distance learning course fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course.⁹
- Additional miscellaneous fees that may not exceed an amount established in law, including an application fee, orientation fee; a fee for security, access or identification cards; registration fees for audit and zero-hours registration; a service charge for installment payments; a late registration fee; a late-payment fee; fees for transcript and diploma replacements; and an admissions deposit for undergraduate, graduate, and professional degree programs.¹⁰
- Additional miscellaneous fees that may not exceed reasonable costs of services: health-related charges for services provided at cost by the university health center that are not covered by the health fee; materials and supplies fees for consumables; housing rental rates and miscellaneous housing charges; a charge for the reasonable cost of efforts to collect overdue payments; a service charge on university loans in lieu of interest and administrative handling charges; certain fees for off-campus course offerings; fees for duplicating, photocopying, binding, microfilming, copyright services, and standardized tests; fees and fines related to the use, late return and loss and damage of facilities and equipment; a returned check-fee; traffic and parking fines, charges for parking decals, and transportation access fees; an educational research center for child development fee for child care and services offered by the center; and a transient student fee.¹¹

Fee Waivers

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

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

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

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

⁸ Section 1009.24(17)(a), F.S.

⁹ Section 1009.24(17)(b), F.S.

¹⁰ Section 1009.24(14)(a)-(g), F.S.

¹¹ Section 1009.24(14)(h)-(t), F.S.

¹² Section 1009.26, F.S.

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

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

¹⁵ Section 1009.26(9), F.S.

Typically, graduate assistants receive tuition waivers and some form of compensation from universities, but fees associated with enrollment are not necessarily waived.¹⁶

III. Effect of Proposed Changes:

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

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

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

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁶ Board of Governors, *2020 Legislative Bill Analysis* (Jan. 9, 2020), at 1.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

¹⁷ Board of Governors, *2020 Legislative Bill Analysis* (Jan. 9, 2020), at 2.

¹⁸ *Id.*

VIII. Statutes Affected:

This bill substantially amends section 1009.26 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



417762

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Education (Cruz) recommended the following:

Senate Amendment

Delete line 14

and insert:

s. 1009.24(7)-(13) for a graduate student who has a

By Senator Cruz

18-01406-20

20201320__

1 A bill to be entitled
2 An act relating to postsecondary fee waivers; amending
3 s. 1009.26, F.S.; providing specified fee waivers for
4 graduate students who meet certain requirements;
5 providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Present subsection (16) of section 1009.26,
10 Florida Statutes, is redesignated as subsection (17), and a new
11 subsection (16) is added to that section, to read:
12 1009.26 Fee waivers.—
13 (16) Each state university shall waive the cost of fees in
14 s. 1009.24(7)-(14) and (17) for a graduate student who has a
15 0.25 full-time equivalent appointment or greater as a graduate
16 assistant, graduate research assistant, graduate teaching
17 assistant, graduate research associate, or graduate teaching
18 associate.
19 Section 2. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1402

INTRODUCER: Senator Diaz

SUBJECT: Higher Education

DATE: January 31, 2020

REVISED: _____

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

I. Summary:

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

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

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020, unless otherwise specified.

II. Present Situation:

The State University System (SUS) is comprised of 12 public universities.¹ The Board of Governors (BOG) of the SUS is required to operate, regulate, control, and be fully responsible for the management of the whole university system.²

Preeminent State Research Universities Program

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.³ Academic and research excellence standards are established in law,⁴ which include:

- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).⁵
- A 4-year graduation rate of 60 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS. However, for the 2018 determination of a state university's preeminence designation and the related distribution of the 2018-2019 fiscal year appropriation associated with preeminence and emerging preeminence, a university is considered to have satisfied this graduation rate measure by attaining a 6-year graduation rate of 70 percent or higher by October 1, 2017, for full-time, first-time-in-college students, as reported to the IPEDS and confirmed by the BOG.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU)⁶ annual report or the official membership directories maintained by each national academy.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the BOG Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

¹ Art. IX, s. 7(b), Fla. Const. The state universities are defined in s. 1000.21(6), F.S.

² Art. IX, s. 7(d), Fla. Const.

³ Section 1001.7065(1), F.S.

⁴ Section 1001.7065(2), F.S.

⁵ IPEDS is the Integrated Postsecondary Education Data System. It is a system of interrelated surveys conducted annually by the U.S. Department of Education's National Center for Education Statistics (NCES). IPEDS gathers information from every college, university, and technical and vocational institution that participates in the federal student financial aid programs. National Center for Education Statistics, *About IPEDS*, <https://nces.ed.gov/ipeds/about-ipeds> (last visited Jan. 25, 2020).

⁶ The Top American Research Universities (TARU) report offers analysis and data intended to help understand American research university performance. A key feature of the report is classification of universities into groups based upon nine specified quality indicators. The Center for Measuring University Performance, *Top American Research Universities*, <https://mup.umass.edu/Top-Universities> (last visited Jan. 25, 2020).

- An endowment of \$500 million or more, as reported in the BOG Annual Accountability Report.

A state university that meets 11 of the 12 academic and research excellent standards specified in law⁷ based on data from specified sources is designated a “preeminent state research university.”⁸ Currently, the University of Florida, Florida State University, and the University of South Florida (Tampa) are designated as preeminent state research universities.⁹

A state university that meets at least 6 of the 12 academic and research excellence standards is identified as an “emerging preeminent state research university.”¹⁰ Currently, Florida International University and the University of Central Florida are designated as emerging preeminent state research universities.¹¹

State University System Programs of Excellence

In 2018,¹² the BOG was required to establish standards and measures whereby individual degree programs that objectively reflect national excellence in state universities could be identified, and make recommendations to the Legislature by September 1, 2018, regarding the enhancement and promotion of such programs.¹³

The goal of this initiative was to achieve and improve upon world-class, nationally recognized university programs of excellence within the SUS. The BOG approved a framework to identify programs of excellence that:¹⁴

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

⁷ Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

⁸ Section 1001.7065(3)(a), F.S.

⁹ Board of Governors, *2019 System Accountability Plan* (Oct. 30, 2019), available at https://www.flbog.edu/wp-content/uploads/2019_System_Accountability_Plan_FINAL_2019-10-30.pdf, at 10.

¹⁰ Section 1001.7065(3)(b), F.S.

¹¹ Board of Governors, *2019 System Accountability Plan* (Oct. 30, 2019), available at https://www.flbog.edu/wp-content/uploads/2019_System_Accountability_Plan_FINAL_2019-10-30.pdf, at 10.

¹² Section 3, ch. 2018-4, L.O.F.

¹³ Section 1001.7065(7), F.S.

¹⁴ Board of Governors, *Programs of Excellence Report* (Sept. 2018), available at https://www.flbog.edu/wp-content/uploads/0273_1154_8738_10.3.2-AREC-03b-Programs-of-Excellence-Report_CE.pdf.

The BOG requested \$30 million for this initiative in its 2019-2020 legislative budget request.¹⁵ This request was not funded by the 2019 Legislature.

State University System Performance-Based Incentive

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics that are identified in law¹⁶ and adopted by the BOG.¹⁷ The BOG model contains ten performance metrics that evaluate each state university on the following:¹⁸

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

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

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

¹⁵ Board of Governors, *State University System of Florida, Education and General, 2019-2020 Executive Summary, Universities and Special Units* (Sept. 13, 2018), available at https://www.flbog.edu/wp-content/uploads/0273_1152_8727_8.8.1.2-BUD-10a-2019-20-LBR_SUS-Executive-Summary-updated-8-31.pdf.

¹⁶ Section 1001.92(1), F.S.

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

¹⁸ Board of Governors, *Performance Funding Model Overview* (Nov. 2019), available at <https://www.flbog.edu/wp-content/uploads/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-Nov-2019.pdf>.

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

²⁰ Section 1001.92(1), F.S.

²¹ Section 1001.92(2), F.S.

Textbook and Instructional Materials Affordability

Present Situation

In 2008, the federal government²² and Florida Legislature²³ addressed measures to reduce costs and make textbooks more affordable for needy students. Since 2016,²⁴ each FCS institution and state university BOT has been authorized to adopt policies in consultation with textbook and instructional materials providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such policies are authorized to include bulk pricing arrangements that enable students to purchase course materials or texts that are delivered digitally; delivered through other technologies that are, or the licenses of which are, required for use within a course; or delivered in a print format.²⁵

FCS institution and state university BOT innovative pricing techniques and payment options policies may only be approved if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course and if the policy includes an opt-in provision for students.²⁶ An institution may not automatically enroll students in services that provide textbooks or other materials electronically, students must opt in to such programs.

State University Administration and Faculty

A 2010 study of higher education costs at 198 leading public and private colleges and universities found a 39 percent increase between 1993 and 2007 in instructional spending per student, but a 61 percent increase in administrative spending per student.²⁷ Data from the National Center for Education Statistics show that doctoral research universities spend about 17 cents on administration for every dollar spent on instruction.²⁸

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

²² The Higher Education Opportunity Act (Public Law 110-315).

²³ Section 1004.0085, F.S.

²⁴ Section 3, ch. 2016-236, L.O.F.

²⁵ Section 1004.085(4), F.S. Such policies are often called “inclusive access.” Where previously students might have been assigned textbooks individually, now many institutions are signing up whole classes of students to automatically receive digital course materials at a discounted rate, rather than purchasing individually. Every student has the same materials on the first day of class, with the charge included as part of their tuition. Many institutions automatically sign up students for such services, requiring students to opt-out if they do not wish to receive such digital materials or services. Inside Higher Education, *‘Inclusive Access’ Takes Off*, <https://www.insidehighered.com/news/2017/11/07/inclusive-access-takes-model-college-textbook-sales> (last visited Jan. 2, 2020). For federal financial assistance, an institution may include the cost of textbooks and supplies as part of tuition and fees if the institution has an arrangement with a publisher or other entity that makes books or supplies cheaper, provides a way for students to get timely access to materials, and includes a student opt out provision. Section 668.164(c) (2)(i), C.F.R.

²⁶ Section 1004.085(4), F.S.

²⁷ American Council of Trustees and Alumni, Institute for Effective Governance, *How Much is Too Much? Controlling Administrative Costs through Effective Oversight* (July 2017), available at <https://www.goacta.org/images/download/controlling-administrative-costs.pdf>, at 2. The report attributed part of the growth on rising compliance costs; the number of federal requirements placed on colleges and universities grew by 56 percent between 1997 and 2012. *Id.*

²⁸ *Id.* at 7. At similar private universities the figure was about 25 cents spent on administration for each dollar spent for instruction.

faster rate than that of faculty.²⁹ Most of growth was due to the increase in non-faculty administrators, which includes coordinators, directors, managers, and associate and assistant vice-presidents.³⁰ During that time the percentage of staff with administrative duties ranged from 29 percent to 34 percent of the total university staff.³¹

The BOG defines in regulation³² the position of university president, university administrative employees, and university teaching faculty or medical school faculty for the purpose of regulating remuneration for such employees.

Phosphate Research and Activities Board

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

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

III. Effect of Proposed Changes:

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

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

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

³⁰ *Id.*

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

³² Board of Governors Regulation 9.006.

³³ Section 1004.346(1), F.S.

³⁴ Section 1004.346(2), F.S.

³⁵ Section 1004.346(2)(b), F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 1004.346(2)(c), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

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

Preeminent State Research Universities Program

The bill amends s. 1001.7065, F.S., to change the data sources for specified metrics to the BOG Accountability Plan⁴¹ from the BOG Annual Accountability Report, the Integrated Postsecondary Education Data System (IPEDS), or the Top American Research Universities (TARU) report. Therefore, the bill requires that data reported annually in the BOG Accountability Plan, which is more timely than IPEDS or other sources, be used to determine whether an institution is designated as a preeminent state research university. The bill also repeals the emerging preeminent state research university designation and associated requirements.

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

State University System Programs of Excellence

The bill modifies s. 1001.7065, F.S., to replace the SUS Programs of Excellence with a State Universities of Distinction program, which requires the BOG to establish standards and measures to identify state universities that focus on one core competency unique to the SUS that:

- Achieves excellence at the national or state level;
- Meets state workforce needs; and
- Fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management.

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

⁴¹ Board of Governors Regulation 2.002 requires the BOG to institute a planning and performance monitoring system for state universities designed to inform strategic planning, budgeting, and other policy decisions for the State University System; the BOG must annually submit the university accountability plans and the system summary of the university plans to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Board of Governors *2019 System Accountability Plan* is available at https://www.flbog.edu/wp-content/uploads/2019_System_Accountability_Plan_FINAL_2019-10-30.pdf.

This bill provision aligns with a recent BOG initiative targeting Universities of Distinction as a path towards excellence that will produce high-quality talent to diversify Florida's economy, stimulate innovation, and provide a return on investment to the state.⁴² In its 2020-2021 legislative budget request (LBR), the BOG has requested \$67,000,000 for the Universities of Distinction program.⁴³

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

State University System Performance-Based Incentive

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

- Clarifying that the 4-year graduation rate is for first-time-in-college students, and adding to the metric a 2-year graduation rate for full-time 2+2 associate in arts degree transfer students from FCS institutions.⁴⁴
- Adding an additional metric relating to students who receive a Pell Grant, to require a metric for the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

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

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

Textbook and Instructional Materials Affordability

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

⁴² Board of Governors, *Universities of Distinction* (draft document), available at <https://www.flbog.edu/wp-content/uploads/University-of-Distinction.pdf>.

⁴³ Board of Governors, *Pillars of Excellence, 2020-2021 Proposed Allocation*, available at https://www.flbog.edu/wp-content/uploads/PBF_PRE_UofD_11-22-19.pdf.

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

State University Administration and Faculty

The BOG is required to prepare an LBR for the SUS for inclusion in the K-20 LBR.⁴⁵ The bill amends s. 1011.90, F.S., to require that the BOG LBR must also include 5-year trend information on the number of faculty and administrators at each state university and the proportion of full-time equivalent (FTE) membership is dedicated to instruction and research compared to administration. The bill specifies that the growth rate of administrators at any state university may not exceed the growth rate of faculty. The bill also provides, consistent with current BOG regulation, that the BOG must define faculty and administrator classifications, and must also report the definitions in the LBR. The requirement to define personnel classifications provides the authority for the BOG to establish in regulation pay schedules for the various personnel classifications.

Phosphate Research and Activities Board

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴⁵ Section 1001.706(4)(b), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.



312448

LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Education (Diaz) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 97 - 144

and insert:

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
SUPPORT.—

(a) A state university that is designated as a preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan



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12 goals annually, the Board of Governors shall award the
13 university its proportionate share of any funds provided
14 annually to support the program created under this section.

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

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

30 1. ~~each designated preeminent state research university~~
31 ~~that meets the criteria in paragraph (a) shall receive an equal~~
32 ~~amount of funding.~~

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

39
40 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====



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41 And the directory clause is amended as follows:

42 Delete lines 41 - 43

43 and insert:

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

47

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

49 And the title is amended as follows:

50 Delete lines 6 - 9

51 and insert:

52 removing funding provisions for emerging preeminent
53 state research universities; deleting the programs of
54 excellence designation

By Senator Diaz

36-01365-20

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1 A bill to be entitled
 2 An act relating to higher education; amending s.
 3 1001.7065, F.S.; revising standards for the preeminent
 4 state research universities program; requiring such
 5 standards to be reported annually in a specified plan;
 6 deleting the "emerging preeminent state research
 7 university" designation within the State University
 8 System; conforming provisions to changes made by the
 9 act; deleting the programs of excellence designation
 10 within the State University System; creating the
 11 "state universities of distinction" designation within
 12 the State University System; requiring the Board of
 13 Governors to establish standards and measures for
 14 specific state university competencies; providing
 15 requirements for such standards and measures;
 16 authorizing the Board of Governors to annually submit
 17 such programs to the Legislature for funding by a
 18 specified date; amending s. 1001.92, F.S.; revising
 19 the performance-based metrics for state universities
 20 to include specific data beginning in a certain fiscal
 21 year; authorizing the Board of Governors to approve
 22 other metrics; prohibiting the adjustment of such
 23 metrics and benchmarks once specified data has been
 24 received; amending s. 1004.085, F.S.; requiring
 25 innovative pricing techniques and payment options to
 26 include an opt-out provision; amending s. 1004.346,
 27 F.S.; removing a limitation on the length of time a
 28 Phosphate Research and Activities Board member may
 29 serve after expiration of his or her term; amending s.

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30 1011.90, F.S.; providing requirements for a specified
 31 legislative budget request; requiring the Board of
 32 Governors to define specified classifications in
 33 regulation and provide such classifications in
 34 specified budget requests; prohibiting the growth rate
 35 of administrators at a state university from exceeding
 36 the growth rate of faculty at such university;
 37 providing effective dates.
 38

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

40
 41 Section 1. Effective upon this act becoming a law,
 42 subsections (2), (3), (5), (6), and (7) of section 1001.7065,
 43 Florida Statutes, are amended to read:
 44 1001.7065 Preeminent state research universities program.—
 45 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
 46 following academic and research excellence standards are
 47 established for the preeminent state research universities
 48 program and shall be reported annually in the Board of Governors
 49 Accountability Plan:
 50 (a) An average weighted grade point average of 4.0 or
 51 higher on a 4.0 scale and an average SAT score of 1800 or higher
 52 on a 2400-point scale or 1200 or higher on a 1600-point scale
 53 for fall semester incoming freshmen, as reported annually.
 54 (b) A top-50 ranking on at least two well-known and highly
 55 respected national public university rankings, including, but
 56 not limited to, the U.S. News and World Report rankings,
 57 reflecting national preeminence, using most recent rankings.
 58 (c) A freshman retention rate of 90 percent or higher for

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59 full-time, first-time-in-college students, ~~as reported annually~~
60 ~~to the Integrated Postsecondary Education Data System (IPEDS).~~

61 (d) A 4-year graduation rate of 60 percent or higher for
62 full-time, first-time-in-college students, ~~as reported annually~~
63 ~~to the IPEDS. However, for the 2018 determination of a state~~
64 ~~university's preeminence designation and the related~~
65 ~~distribution of the 2018-2019 fiscal year appropriation~~
66 ~~associated with preeminence and emerging preeminence, a~~
67 ~~university is considered to have satisfied this graduation rate~~
68 ~~measure by attaining a 6-year graduation rate of 70 percent or~~
69 ~~higher by October 1, 2017, for full-time, first-time-in-college~~
70 ~~students, as reported to the IPEDS and confirmed by the Board of~~
71 ~~Governors.~~

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

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

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

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

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

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88 period.

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

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

95 (l) An endowment of \$500 million or more, ~~as reported in~~
96 ~~the Board of Governors Annual Accountability Report.~~

97 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

98 ~~(a)~~ The Board of Governors shall designate each state
99 university that annually meets at least 11 of the 12 academic
100 and research excellence standards identified in subsection (2)
101 as a "preeminent state research university."

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

106 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
107 SUPPORT.—

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

116 (b) ~~A state university designated as an emerging preeminent~~

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117 ~~state research university shall submit to the Board of Governors~~
 118 ~~a 5-year benchmark plan with target rankings on key performance~~
 119 ~~metrics for national excellence. Upon approval by the Board of~~
 120 ~~Governors, and upon the university's meeting the benchmark plan~~
 121 ~~goals annually, the Board of Governors shall award the~~
 122 ~~university its proportionate share of any funds provided~~
 123 ~~annually to support the program created under this section.~~

124 ~~(e)~~ The award of funds under this subsection is contingent
 125 upon funding provided by the Legislature to support the
 126 preeminent state research universities program created under
 127 this section. Funding increases appropriated beyond the amounts
 128 funded in the previous fiscal year shall be distributed equally
 129 to as follows:

130 1. each designated preeminent state research university
 131 that meets the criteria in paragraph (a) ~~shall receive an equal~~
 132 ~~amount of funding.~~

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

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

145 (7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE

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

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

162 1001.92 State University System Performance-Based
 163 Incentive.—

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

172 (a) Beginning in fiscal year 2021-2022, a single graduation
 173 rate metric comprised of 4-year graduation rates for first-time-
 174 in-college students and 2-year graduation rates for Florida

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175 College System institution associate in arts transfer students;
 176 (b) Retention rates;
 177 (c) Postgraduation education rates;
 178 (d) Degree production;
 179 (e) Affordability;
 180 (f) Postgraduation employment and salaries, including wage
 181 thresholds that reflect the added value of a baccalaureate
 182 degree;
 183 (g) Access rate, based on the percentage of undergraduate
 184 students enrolled during the fall term who received a Pell Grant
 185 during the fall term; and
 186 (h) Beginning in fiscal year 2021-2022, the 6-year
 187 graduation rate for students who are awarded a Pell Grant in
 188 their first year.

189
 190 The Board of Governors may approve and other metrics approved by
 191 the board in a publicly formally noticed meeting. The board
 192 shall adopt benchmarks to evaluate each state university's
 193 performance on the metrics to measure the state university's
 194 achievement of institutional excellence or need for improvement
 195 and minimum requirements for eligibility to receive performance
 196 funding. Benchmarks and metrics may not be adjusted after
 197 university performance data has been received by the Board of
 198 Governors ~~Access rate benchmarks must be differentiated and~~
 199 ~~scored to reflect the varying access rate levels among the state~~
 200 ~~universities; however, the scoring system may not include bonus~~
 201 ~~points.~~

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

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204 1004.085 Textbook and instructional materials
 205 affordability.-
 206 (4) Each Florida College System institution and state
 207 university board of trustees is authorized to adopt policies in
 208 consultation with providers, including bookstores, which allow
 209 for the use of innovative pricing techniques and payment options
 210 for textbooks and instructional materials. Such policies may
 211 include bulk pricing arrangements that enable students to
 212 purchase course materials or texts that are delivered digitally;
 213 delivered through other technologies that are, or the licenses
 214 of which are, required for use within a course; or delivered in
 215 a print format. Innovative pricing techniques and payment
 216 options must include an opt-in or opt-out provision for students
 217 and may be approved only if there is documented evidence that
 218 the options reduce the cost of textbooks and instructional
 219 materials for students taking a course.
 220 Section 4. Paragraph (c) of subsection (2) of section
 221 1004.346, Florida Statutes, is amended to read:
 222 1004.346 Florida Industrial and Phosphate Research
 223 Institute.-
 224 (2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate
 225 Research and Activities Board is created to monitor the
 226 expenditure of funds appropriated to the university from the
 227 Phosphate Research Trust Fund.
 228 (c) Members of the board appointed by the Governor shall be
 229 appointed to 3-year terms. A board member may continue to serve
 230 until a successor is appointed, ~~but not more than 180 days after~~
 231 ~~the expiration of his or her term.~~ A board member is eligible
 232 for reappointment to subsequent terms.

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233 Section 5. Subsection (4) of section 1011.90, Florida
 234 Statutes, is amended to read:
 235 1011.90 State university funding.—
 236 (4) The Board of Governors shall establish and validate a
 237 cost-estimating system consistent with the requirements of
 238 subsection (1) and shall report as part of its legislative
 239 budget request the actual expenditures for the fiscal year
 240 ending the previous June 30. The legislative budget request must
 241 also include 5-year trend information on the number of faculty
 242 and administrators at each university and the proportion of FTE
 243 dedicated to instruction and research compared to
 244 administration. The Board of Governors, by regulation, shall
 245 define faculty and administrator classifications and shall also
 246 report the definitions in the legislative budget request. The
 247 growth rate of administrators at a state university may not
 248 exceed the growth rate of faculty at such university.
 249 Expenditure analysis, operating budgets, and annual financial
 250 statements of each university must be prepared using the
 251 standard financial reporting procedures and formats prescribed
 252 by the Board of Governors. These formats shall be the same as
 253 used for the 2000-2001 fiscal year reports. Any revisions to
 254 these financial and reporting procedures and formats must be
 255 approved by the Executive Office of the Governor and the
 256 appropriations committees of the Legislature jointly under ~~the~~
 257 ~~provisions of~~ s. 216.023(3). The Board of Governors shall
 258 continue to collect and maintain at a minimum management
 259 information existing on June 30, 2002. The expenditure analysis
 260 report shall include total expenditures from all sources for the
 261 general operation of the university and shall be in such detail

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262 as needed to support the legislative budget request.
 263 Section 6. Except as otherwise expressly provided in this
 264 act and except for this section, which shall take effect upon
 265 this act becoming a law, this act shall take effect July 1,
 266 2020.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1438

INTRODUCER: Senator Harrell

SUBJECT: Dyslexia

DATE: January 31, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

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

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

The fiscal impact is discussed in section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Public School Student Progression

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

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

¹ Section 1008.25(1), F.S.

² See s. 1003.41, F.S.

³ Section 1008.25(2), F.S.

⁴ *Id.*

- List the student eligibility and procedural requirements established by the school district for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school.⁵
- Notify parents and students of the school district's process by which a parent may request student participation in promotion or acceleration that would result in a student attending a different school.⁶
- Advise parents and students that additional options may be available at the student's school.⁷

Student English Language Arts Assessment

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

A student not meeting the school district or state requirements for satisfactory performance must be covered by one of the following plans:¹⁰

- A federally required student plan such as an individual education plan (IEP);
- A schoolwide system of progress monitoring for all students; or
- An individualized progress monitoring plan.

Reading Deficiencies and Parental Notification

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

The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the following:¹⁴

- That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation of the student's difficulty.
- A description of the current services provided to the child.
- A description of the proposed intensive interventions and supports to be provided to the child to remediate the identified area of reading deficiency.

⁵ See s. 1002.3105(2)(b), F.S.

⁶ See s. 1002.3105(4)(b)2, F.S.

⁷ See s. 1002.3105, F.S.

⁸ See s. 1008.22, F.S.

⁹ Section 1008.25(4)(a), F.S.

¹⁰ Section 1008.25(4)(b), F.S.

¹¹ Section 1008.25(3)(a), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ Section 1008.25(5)(c), F.S.

- That if the child’s reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
- Strategies, including multisensory strategies, through a read-at-home plan the parent can use in helping his or her child succeed in reading.
- That the statewide, standardized ELA assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.
- The district’s specific criteria and policies for a portfolio and the evidence required for a student to demonstrate mastery of standards for ELA.
- The district’s specific criteria and policies for midyear promotion.¹⁵

In addition, each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency of specified subjects, including ELA. The district school board must report to the parent the student’s results on each statewide, standardized assessment.¹⁶

If a student’s reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required by law¹⁷ for grade 3, the student must be retained.¹⁸

Specific Learning Disabilities

According to the Individuals with Disabilities Education Act (IDEA), conditions such as dyslexia classify as specific learning disabilities.¹⁹ State Board of Education (SBE) rule²⁰ defines a specific learning disability as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. SBE rule references dyslexia as a condition associated with a specific learning disability.

¹⁵ Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level. *Id.*

¹⁶ Section 1008.25(8)(a), F.S.

¹⁷ *See s.* 1008.22, F.S.

¹⁸ Section 1008.25(5)(b), F.S. The district school board may only exempt students from mandatory retention for a good cause, limited to the following: students with limited English proficiency who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States; students whose IEP indicates that participation in the statewide assessment program is not appropriate; students who demonstrate an acceptable level of performance on an alternative standardized SBE-approved reading or ELA assessment; students who demonstrate through a student portfolio active performance at least at Level 2 on the statewide, standardized ELA assessment; students who take the statewide, standardized ELA assessment and who have an IEP or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in a relevant grade; or students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in a relevant grade for a total of 2 years. Section 1008.25(6)(b), F.S.

¹⁹ 20 U.S.C. s. 1401(30)(B).

²⁰ Rule 6A-6.03018(1), F.A.C. A specific learning disability is a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. *Id.*

SBE rule also requires a school district to request, prior to conducting an evaluation for a specific learning disability, parental or legal guardian consent to conduct an evaluation to determine if a student needs specially designed instruction in circumstances in which the student does not make adequate progress, including:²¹

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

III. Effect of Proposed Changes:

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

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

Dyslexia Diagnostic Assessment

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

Parental Notification

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

- Immediately notified by the student's school of the student's deficiency.²²
- Provided a progress report issued at two week intervals while the child continues to exhibit dyslexia. The parent must be notified in writing by the school of the process to request a special education evaluation.

Repeated Assessment and Remedial Intervention

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

²¹ Rule 6A-6.03018(3)(a), F.A.C.

²² See s. 1008.25(5), F.S.

Additional Requirements

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

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

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

Specific Learning Disabilities

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

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

The Dyslexia Task Force

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

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

The bill requires the task force to recommend amendments to uniform IEP documents, such that they require a drop down menu under specific learning disabilities that allows child study teams

to check all learning disabilities that are exhibited by the student, including dyslexia, dysgraphia, and dyscalculia.

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

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

Within 90 days after the bill becoming law, a majority of the members of the task force must be appointed, and the task force must have its first meeting. The task force is required to elect one of its members to serve as chair, and members of the task force serve for the duration of the existence of the task force. Any vacancy that occurs must be filled in the same manner as the original appointment. Task force members are to serve without compensation, but are entitled to reimbursement for per diem and travel expenses.²³

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

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²³ See s. 112.061, F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

This bill creates the section 1001.2151 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to dyslexia; creating s. 1001.2151,
 3 F.S.; providing legislative intent; requiring public
 4 schools to screen all students in kindergarten through
 5 grade 3 for dyslexia within a certain timeframe;
 6 requiring public school students with a substantial
 7 deficiency in reading to be placed in an intensive
 8 remedial intervention program; requiring parental
 9 notification of dyslexia diagnoses and bi-weekly
 10 progress reports; providing for subsequent diagnostic
 11 assessment; requiring that intensive remedial
 12 intervention meet certain requirements; requiring
 13 remedial intervention to continue until the student
 14 can perform at a certain level; requiring public
 15 schools to have at least one person on staff trained
 16 in the instruction of students with dyslexia;
 17 requiring the State Board of Education to adopt rules;
 18 amending s. 1003.01, F.S.; defining the terms
 19 "dyscalculia," "dysgraphia," and "dyslexia"; creating
 20 the Dyslexia Task Force within the Department of
 21 Education; specifying the purpose and membership of
 22 the task force; requiring the task force to be
 23 appointed and to hold its first meeting within a
 24 certain timeframe; providing that task force members
 25 serve without compensation, but may receive
 26 reimbursement for certain expenses; amending ss.
 27 11.45, 39.0016, 414.1251, 1002.01, 1002.20, 1002.3105,
 28 1002.33, 1002.385, 1002.42, 1002.43, 1003.03, 1003.21,
 29 1003.26, 1003.4282, 1003.52, 1003.575, 1006.07,

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30 1008.24, and 1012.2315, F.S.; conforming cross-
 31 references; providing an effective date.
 32

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

34
 35 Section 1. Section 1001.2151, Florida Statutes, is created
 36 to read:

37 1001.2151 LITERACY-BASED PROMOTION.—It is the intent of the
 38 Legislature to ensure that each student's progression in
 39 kindergarten through grade 3 is determined in part upon the
 40 student's proficiency in reading. Local school board policies
 41 shall facilitate this proficiency, and each student and the
 42 student's parent or legal guardian shall be informed of the
 43 student's academic progress.

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

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

54 (3) The parent of any student in kindergarten through grade
 55 3 who exhibits dyslexia shall be immediately notified by the
 56 student's school of the student's deficiency pursuant to s.
 57 1008.25(5) and the parent shall be provided a progress report
 58 issued at 2 week intervals while the child continues to exhibit

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59 dyslexia. The parent shall also be notified in writing by the
 60 school of the process to request a special education evaluation.

61 (4) The dyslexia diagnostic assessment screener may be
 62 repeated at midyear and at the end of the school year to
 63 determine student progression in reading. If it is determined
 64 that the student continues to exhibit a reading deficiency, he
 65 or she must be provided with continued intensive remedial
 66 intervention by the school district until the deficiency is
 67 remedied. Every public school must provide intensive
 68 interventions for every student in kindergarten through grade 3
 69 identified with a deficiency in reading or with dyslexia to
 70 ameliorate the student's specific deficiency.

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

80 (6) Every public school is required to have employed on
 81 staff at least one person trained in the instruction of students
 82 with dyslexia.

83 (7) The State Board of Education shall adopt rules that
 84 require students to be evaluated for phonological awareness to
 85 determine whether the student has a specific learning
 86 disability.

87 Section 2. Section 1003.01, Florida Statutes, is amended to

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88 read:

89 1003.01 Definitions.—As used in this chapter, the term:

90 (6)~~(1)~~ "District school board" means the members who are
 91 elected by the voters of a school district created and existing
 92 pursuant to s. 4, Art. IX of the State Constitution to operate
 93 and control public K-12 education within the school district.

94 (18)~~(2)~~ "School" means an organization of students for
 95 instructional purposes on an elementary, middle or junior high
 96 school, secondary or high school, or other public school level
 97 authorized under rules of the State Board of Education.

98 (8) "Dyscalculia" means a specific learning disability that
 99 is:

100 (a) Neurological in origin;

101 (b) Characterized by difficulties with learning and
 102 comprehending arithmetic, understanding numbers, performing
 103 mathematical calculations, and learning mathematics; and

104 (c) Often unexpected in relation to other cognitive
 105 abilities and the provision of effective classroom instruction.

106 (9) "Dysgraphia" means a specific learning disability that
 107 is:

108 (a) Neurological in origin;

109 (b) Characterized by difficulties with accurate writing
 110 abilities, spelling, handwriting, and putting thoughts on paper;
 111 and

112 (c) Often unexpected in relation to other cognitive
 113 abilities and the provision of effective classroom instruction.

114 (10) "Dyslexia" means a specific learning disability that
 115 is:

116 (a) Neurological in origin;

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117 (b) Characterized by difficulties with accurate and fluent
 118 word recognition, spelling, and decoding which typically result
 119 from a deficit in the phonological component of language; and

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

125 ~~(11)~~~~(3)~~(a) "Exceptional student" means any student who has
 126 been determined eligible for a special program in accordance
 127 with rules of the State Board of Education. The term includes
 128 students who are gifted and students with disabilities who have
 129 an intellectual disability; autism spectrum disorder; a speech
 130 impairment; a language impairment; an orthopedic impairment; any
 131 ~~an~~ other health impairment; traumatic brain injury; a visual
 132 impairment; an emotional or behavioral disability; or a specific
 133 learning disability, including, but not limited to, dyslexia,
 134 dyscalculia, or developmental aphasia; students who are deaf or
 135 hard of hearing or dual sensory impaired; students who are
 136 hospitalized or homebound; children with developmental delays
 137 ages birth through 5 years, or children, ages birth through 2
 138 years, with established conditions that are identified in State
 139 Board of Education rules pursuant to s. 1003.21(1)(e).

140 (b) "Special education services" means specially designed
 141 instruction and such related services as are necessary for an
 142 exceptional student to benefit from education. Such services may
 143 include: transportation; diagnostic and evaluation services;
 144 social services; physical and occupational therapy; speech and
 145 language pathology services; job placement; orientation and

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146 mobility training; brailleists, typists, and readers for the
 147 blind; interpreters and auditory amplification; services
 148 provided by a certified listening and spoken language
 149 specialist; rehabilitation counseling; transition services;
 150 mental health services; guidance and career counseling;
 151 specified materials, assistive technology devices, and other
 152 specialized equipment; and other such services as approved by
 153 rules of the state board.

154 ~~(2)~~~~(4)~~ "Career education" means education that provides
 155 instruction for the following purposes:

156 (a) At the elementary, middle, and high school levels,
 157 exploratory courses designed to give students initial exposure
 158 to a broad range of occupations to assist them in preparing
 159 their academic and occupational plans, and practical arts
 160 courses that provide generic skills that may apply to many
 161 occupations but are not designed to prepare students for entry
 162 into a specific occupation. Career education provided before
 163 high school completion must be designed to strengthen both
 164 occupational awareness and academic skills integrated throughout
 165 all academic instruction.

166 (b) At the secondary school level, job-preparatory
 167 instruction in the competencies that prepare students for
 168 effective entry into an occupation, including diversified
 169 cooperative education, work experience, and job-entry programs
 170 that coordinate directed study and on-the-job training.

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

174 ~~(19)~~~~(5)~~(a) "Suspension," also referred to as out-of-school

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175 suspension, means the temporary removal of a student from all
 176 classes of instruction on public school grounds and all other
 177 school-sponsored activities, except as authorized by the
 178 principal or the principal's designee, for a period not to
 179 exceed 10 school days and remanding of the student to the
 180 custody of the student's parent with specific homework
 181 assignments for the student to complete.

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

187 (12)~~(6)~~ "Expulsion" means the removal of the right and
 188 obligation of a student to attend a public school under
 189 conditions set by the district school board, and for a period of
 190 time not to exceed the remainder of the term or school year and
 191 1 additional year of attendance. Expulsions may be imposed with
 192 or without continuing educational services and shall be reported
 193 accordingly.

194 (5)~~(7)~~ "Corporal punishment" means the moderate use of
 195 physical force or physical contact by a teacher or principal as
 196 may be necessary to maintain discipline or to enforce school
 197 rule. However, the term "corporal punishment" does not include
 198 the use of such reasonable force by a teacher or principal as
 199 may be necessary for self-protection or to protect other
 200 students from disruptive students.

201 (14)~~(8)~~ "Habitual truant" means a student who has 15
 202 unexcused absences within 90 calendar days with or without the
 203 knowledge or consent of the student's parent, is subject to

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204 compulsory school attendance under s. 1003.21(1) and (2) (a), and
 205 is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
 206 the criteria for any other exemption specified by law or rules
 207 of the State Board of Education. Such a student must have been
 208 the subject of the activities specified in ss. 1003.26 and
 209 1003.27(3), without resultant successful remediation of the
 210 truancy problem before being dealt with as a child in need of
 211 services according to the provisions of chapter 984.

212 (7)~~(9)~~ "Dropout" means a student who meets any one or more
 213 of the following criteria:

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

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

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

229 (d) The student has withdrawn from school due to hardship,
 230 unless such withdrawal has been granted under the provisions of
 231 s. 322.091, court action, expulsion, medical reasons, or
 232 pregnancy; or

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233 (e) The student is not eligible to attend school because of
 234 reaching the maximum age for an exceptional student program in
 235 accordance with the district's policy.

236
 237 The State Board of Education may adopt rules to implement the
 238 provisions of this subsection.

239 (1)~~(10)~~ "Alternative measures for students with special
 240 needs" or "special programs" means measures designed to meet the
 241 special needs of a student that cannot be met by regular school
 242 curricula.

243 (15)~~(11)~~(a) "Juvenile justice education programs or
 244 schools" means programs or schools operating for the purpose of
 245 providing educational services to youth in Department of
 246 Juvenile Justice programs, for a school year comprised of 250
 247 days of instruction distributed over 12 months. At the request
 248 of the provider, a district school board may decrease the
 249 minimum number of days of instruction by up to 10 days for
 250 teacher planning for residential programs and up to 20 days for
 251 teacher planning for nonresidential programs, subject to the
 252 approval of the Department of Juvenile Justice and the
 253 Department of Education.

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

260 (3)~~(12)~~ "Children and youths who are experiencing
 261 homelessness," for programs authorized under subtitle B,

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262 Education for Homeless Children and Youths, of Title VII of the
 263 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
 264 seq., means children and youths who lack a fixed, regular, and
 265 adequate nighttime residence, and includes:

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

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

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

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

282 (17)~~(13)~~ "Regular school attendance" means the actual
 283 attendance of a student during the school day as defined by law
 284 and rules of the State Board of Education. Regular attendance
 285 within the intent of s. 1003.21 may be achieved by attendance
 286 in:

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

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

289 (c) A private school supported in whole or in part by
 290 tuition charges or by endowments or gifts;

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291 (d) A home education program that meets the requirements of
292 chapter 1002; or

293 (e) A private tutoring program that meets the requirements
294 of chapter 1002.

295 ~~(4)(14)~~ "Core-curricula courses" means:

296 (a) Courses in language arts/reading, mathematics, social
297 studies, and science in prekindergarten through grade 3,
298 excluding extracurricular courses pursuant to subsection (13)
299 ~~subsection (15)~~;

300 (b) Courses in grades 4 through 8 in subjects that are
301 measured by state assessment at any grade level and courses
302 required for middle school promotion, excluding extracurricular
303 courses pursuant to subsection (13) ~~subsection (15)~~;

304 (c) Courses in grades 9 through 12 in subjects that are
305 measured by state assessment at any grade level and courses that
306 are specifically identified by name in statute as required for
307 high school graduation and that are not measured by state
308 assessment, excluding extracurricular courses pursuant to
309 subsection (13) ~~subsection (15)~~;

310 (d) Exceptional student education courses; and

311 (e) English for Speakers of Other Languages courses.

312

313 The term is limited in meaning and used for the sole purpose of
314 designating classes that are subject to the maximum class size
315 requirements established in s. 1, Art. IX of the State
316 Constitution. This term does not include courses offered under
317 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
318 1003.499.

319 (13)~~(15)~~ "Extracurricular courses" means all courses that

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320 are not defined as "core-curricula courses," which may include,
321 but are not limited to, physical education, fine arts,
322 performing fine arts, career education, and courses that may
323 result in college credit. The term is limited in meaning and
324 used for the sole purpose of designating classes that are not
325 subject to the maximum class size requirements established in s.
326 1, Art. IX of the State Constitution.

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

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

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

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

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

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

347 (d) Recommendations for provision of assistive technology
348 guidelines; and

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349 (e) Recommendations for the creation of a parent handbook
 350 regarding dyslexia, dysgraphia, and dyscalculia.

351 (2) The task force shall recommend amendments to uniform
 352 IEP documents to require a drop down menu under specific
 353 learning disabilities that allows child study teams to check all
 354 learning disabilities that are exhibited by the student,
 355 including dyslexia, dysgraphia, and dyscalculia.

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

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

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

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

361 (d) A public school teacher.

362 (e) A public school principal.

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

373 Section 4. Paragraph (k) of subsection (2) of section
 374 11.45, Florida Statutes, is amended to read:

375 11.45 Definitions; duties; authorities; reports; rules.—

376 (2) DUTIES.—The Auditor General shall:

377 (k) Contact each district school board, as defined in s.

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378 1003.01 ~~s. 1003.01(1)~~, with the findings and recommendations
 379 contained within the Auditor General's previous operational
 380 audit report. The district school board shall provide the
 381 Auditor General with evidence of the initiation of corrective
 382 action within 45 days after the date it is requested by the
 383 Auditor General and evidence of completion of corrective action
 384 within 180 days after the date it is requested by the Auditor
 385 General. If the district school board fails to comply with the
 386 Auditor General's request or is unable to take corrective action
 387 within the required timeframe, the Auditor General shall notify
 388 the Legislative Auditing Committee.

389
 390 The Auditor General shall perform his or her duties
 391 independently but under the general policies established by the
 392 Legislative Auditing Committee. This subsection does not limit
 393 the Auditor General's discretionary authority to conduct other
 394 audits or engagements of governmental entities as authorized in
 395 subsection (3).

396 Section 5. Paragraph (b) of subsection (3) of section
 397 39.0016, Florida Statutes, is amended to read:

398 39.0016 Education of abused, neglected, and abandoned
 399 children; agency agreements; children having or suspected of
 400 having a disability.—

401 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

402 (b)1. Each district school superintendent or dependency
 403 court must appoint a surrogate parent for a child known to the
 404 department who has or is suspected of having a disability, as
 405 defined in s. 1003.01(11)(a) ~~s. 1003.01(3)~~, when:

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

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407 b. A court of competent jurisdiction over a child under
 408 this chapter has determined that no person has the authority
 409 under the Individuals with Disabilities Education Act, including
 410 the parent or parents subject to the dependency action, or that
 411 no person has the authority, willingness, or ability to serve as
 412 the educational decisionmaker for the child without judicial
 413 action.

414 2. A surrogate parent appointed by the district school
 415 superintendent or the court must be at least 18 years old and
 416 have no personal or professional interest that conflicts with
 417 the interests of the student to be represented. Neither the
 418 district school superintendent nor the court may appoint an
 419 employee of the Department of Education, the local school
 420 district, a community-based care provider, the Department of
 421 Children and Families, or any other public or private agency
 422 involved in the education or care of the child as appointment of
 423 those persons is prohibited by federal law. This prohibition
 424 includes group home staff and therapeutic foster parents.
 425 However, a person who acts in a parental role to a child, such
 426 as a foster parent or relative caregiver, is not prohibited from
 427 serving as a surrogate parent if he or she is employed by such
 428 agency, willing to serve, and knowledgeable about the child and
 429 the exceptional student education process. The surrogate parent
 430 may be a court-appointed guardian ad litem or a relative or
 431 nonrelative adult who is involved in the child's life regardless
 432 of whether that person has physical custody of the child. Each
 433 person appointed as a surrogate parent must have the knowledge
 434 and skills acquired by successfully completing training using
 435 materials developed and approved by the Department of Education

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436 to ensure adequate representation of the child.

437 3. If a guardian ad litem has been appointed for a child,
 438 the district school superintendent must first consider the
 439 child's guardian ad litem when appointing a surrogate parent.
 440 The district school superintendent must accept the appointment
 441 of the court if he or she has not previously appointed a
 442 surrogate parent. Similarly, the court must accept a surrogate
 443 parent duly appointed by a district school superintendent.

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

454 5. For a child known to the department, the responsibility
 455 to appoint a surrogate parent resides with both the district
 456 school superintendent and the court with jurisdiction over the
 457 child. If the court elects to appoint a surrogate parent, notice
 458 shall be provided as soon as practicable to the child's school.
 459 At any time the court determines that it is in the best
 460 interests of a child to remove a surrogate parent, the court may
 461 appoint a new surrogate parent for educational decisionmaking
 462 purposes for that child.

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

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- 465 a. The child is determined to no longer be eligible or in
 466 need of special programs, except when termination of special
 467 programs is being contested.
- 468 b. The child achieves permanency through adoption or legal
 469 guardianship and is no longer in the custody of the department.
- 470 c. The parent who was previously unknown becomes known,
 471 whose whereabouts were unknown is located, or who was
 472 unavailable is determined by the court to be available.
- 473 d. The appointed surrogate no longer wishes to represent
 474 the child or is unable to represent the child.
- 475 e. The superintendent of the school district in which the
 476 child is attending school, the Department of Education contract
 477 designee, or the court that appointed the surrogate determines
 478 that the appointed surrogate parent no longer adequately
 479 represents the child.
- 480 f. The child moves to a geographic location that is not
 481 reasonably accessible to the appointed surrogate.
- 482 7. The appointment and termination of appointment of a
 483 surrogate under this paragraph shall be entered as an order of
 484 the court with a copy of the order provided to the child's
 485 school as soon as practicable.
- 486 8. The person appointed as a surrogate parent under this
 487 paragraph must:
- 488 a. Be acquainted with the child and become knowledgeable
 489 about his or her disability and educational needs.
- 490 b. Represent the child in all matters relating to
 491 identification, evaluation, and educational placement and the
 492 provision of a free and appropriate education to the child.
- 493 c. Represent the interests and safeguard the rights of the

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- 494 child in educational decisions that affect the child.
- 495 9. The responsibilities of the person appointed as a
 496 surrogate parent shall not extend to the care, maintenance,
 497 custody, residential placement, or any other area not
 498 specifically related to the education of the child, unless the
 499 same person is appointed by the court for such other purposes.
- 500 10. A person appointed as a surrogate parent shall enjoy
 501 all of the procedural safeguards afforded a parent with respect
 502 to the identification, evaluation, and educational placement of
 503 a student with a disability or a student who is suspected of
 504 having a disability.
- 505 11. A person appointed as a surrogate parent shall not be
 506 held liable for actions taken in good faith on behalf of the
 507 student in protecting the special education rights of the child.
- 508 Section 6. Subsection (1) of section 414.1251, Florida
 509 Statutes, is amended to read:
- 510 414.1251 Learnfare program.—
- 511 (1) The department shall reduce the temporary cash
 512 assistance for a participant's eligible dependent child or for
 513 an eligible teenage participant who has not been exempted from
 514 education participation requirements, if the eligible dependent
 515 child or eligible teenage participant has been identified either
 516 as a habitual truant, pursuant to s. 1003.01 ~~s. 1003.01(8)~~, or
 517 as a dropout, pursuant to s. 1003.01 ~~s. 1003.01(9)~~. For a
 518 student who has been identified as a habitual truant, the
 519 temporary cash assistance must be reinstated after a subsequent
 520 grading period in which the child's attendance has substantially
 521 improved. For a student who has been identified as a dropout,
 522 the temporary cash assistance must be reinstated after the

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523 student enrolls in a public school, receives a high school
524 diploma or its equivalency, enrolls in preparation for the high
525 school equivalency examination, or enrolls in other educational
526 activities approved by the district school board. Good cause
527 exemptions from the rule of unexcused absences include the
528 following:

529 (a) The student is expelled from school and alternative
530 schooling is not available.

531 (b) No licensed day care is available for a child of teen
532 parents subject to Learnfare.

533 (c) Prohibitive transportation problems exist (e.g., to and
534 from day care).

535

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

540 Section 7. Section 1002.01, Florida Statutes, is amended to
541 read:

542 1002.01 Definitions.—

543 (1) A "home education program" means the sequentially
544 progressive instruction of a student directed by his or her
545 parent in order to satisfy the attendance requirements of ss.
546 1002.41, 1003.01(17) ~~1003.01(13)~~, and 1003.21(1).

547 (2) A "private school" is a nonpublic school defined as an
548 individual, association, copartnership, or corporation, or
549 department, division, or section of such organizations, that
550 designates itself as an educational center that includes
551 kindergarten or a higher grade or as an elementary, secondary,

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552 business, technical, or trade school below college level or any
553 organization that provides instructional services that meet the
554 intent of s. 1003.01(17) ~~s. 1003.01(13)~~ or that gives
555 preemployment or supplementary training in technology or in
556 fields of trade or industry or that offers academic, literary,
557 or career training below college level, or any combination of
558 the above, including an institution that performs the functions
559 of the above schools through correspondence or extension, except
560 those licensed under the provisions of chapter 1005. A private
561 school may be a parochial, religious, denominational, for-
562 profit, or nonprofit school. This definition does not include
563 home education programs conducted in accordance with s. 1002.41.

564 Section 8. Paragraph (b) of subsection (2) of section
565 1002.20, Florida Statutes, is amended to read:

566 1002.20 K-12 student and parent rights.—Parents of public
567 school students must receive accurate and timely information
568 regarding their child's academic progress and must be informed
569 of ways they can help their child to succeed in school. K-12
570 students and their parents are afforded numerous statutory
571 rights including, but not limited to, the following:

572 (2) ATTENDANCE.—

573 (b) *Regular school attendance*.—Parents of students who have
574 attained the age of 6 years by February 1 of any school year but
575 who have not attained the age of 16 years must comply with the
576 compulsory school attendance laws. Parents have the option to
577 comply with the school attendance laws by attendance of the
578 student in a public school; a parochial, religious, or
579 denominational school; a private school; a home education
580 program; or a private tutoring program, in accordance with the

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581 provisions of s. 1003.01(17) ~~s. 1003.01(13)~~.

582 Section 9. Paragraph (d) of subsection (3) of section
583 1002.3105, Florida Statutes, is amended to read:

584 1002.3105 Academically Challenging Curriculum to Enhance
585 Learning (ACCEL) options.—

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

589 (d) Recommendations from one or more of the student's
590 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~
591 ~~1003.01(14)(a)–(e)~~.

592 Section 10. Paragraph (a) of subsection (20) of section
593 1002.33, Florida Statutes, is amended to read:

594 1002.33 Charter schools.—

595 (20) SERVICES.—

596 (a)1. A sponsor shall provide certain administrative and
597 educational services to charter schools. These services shall
598 include contract management services; full-time equivalent and
599 data reporting services; exceptional student education
600 administration services; services related to eligibility and
601 reporting duties required to ensure that school lunch services
602 under the National School Lunch Program, consistent with the
603 needs of the charter school, are provided by the school district
604 at the request of the charter school, that any funds due to the
605 charter school under the National School Lunch Program be paid
606 to the charter school as soon as the charter school begins
607 serving food under the National School Lunch Program, and that
608 the charter school is paid at the same time and in the same
609 manner under the National School Lunch Program as other public

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610 schools serviced by the sponsor or the school district; test
611 administration services, including payment of the costs of
612 state-required or district-required student assessments;
613 processing of teacher certificate data services; and information
614 services, including equal access to student information systems
615 that are used by public schools in the district in which the
616 charter school is located. Student performance data for each
617 student in a charter school, including, but not limited to, FCAT
618 scores, standardized test scores, previous public school student
619 report cards, and student performance measures, shall be
620 provided by the sponsor to a charter school in the same manner
621 provided to other public schools in the district.

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

630 a. Up to 5 percent for:

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

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

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

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

638 (C) Has a total enrollment exceeding the total enrollment

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639 of at least one school district in the state.

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

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

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

645 b. Up to 2 percent for enrollment of up to and including
646 250 students in a high-performing charter school as defined in
647 s. 1002.331.

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

652 4. A sponsor shall provide to the department by September
653 15 of each year the total amount of funding withheld from
654 charter schools pursuant to this subsection for the prior fiscal
655 year. The department must include the information in the report
656 required under sub-sub-subparagraph (5)(b)1.k.(III).

657 Section 11. Paragraph (h) of subsection (5) and paragraph
658 (a) of subsection (11) of section 1002.385, Florida Statutes,
659 are amended to read:

660 1002.385 The Gardiner Scholarship.—

661 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
662 used to meet the individual educational needs of an eligible
663 student and may be spent for the following purposes:

664 (h) Tuition and fees for part-time tutoring services
665 provided by a person who holds a valid Florida educator's
666 certificate pursuant to s. 1012.56; a person who holds an
667 adjunct teaching certificate pursuant to s. 1012.57; a person

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668 who has a bachelor's degree or a graduate degree in the subject
669 area in which instruction is given; or a person who has
670 demonstrated a mastery of subject area knowledge pursuant to s.
671 1012.56(5). As used in this paragraph, the term "part-time
672 tutoring services" does not qualify as regular school attendance
673 as defined in s. 1003.01 ~~s. 1003.01(13)(e)~~.

674
675 A provider of any services receiving payments pursuant to this
676 subsection may not share, refund, or rebate any moneys from the
677 Gardiner Scholarship with the parent or participating student in
678 any manner. A parent, student, or provider of any services may
679 not bill an insurance company, Medicaid, or any other agency for
680 the same services that are paid for using Gardiner Scholarship
681 funds.

682 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
683 PARTICIPATION.—A parent who applies for program participation
684 under this section is exercising his or her parental option to
685 determine the appropriate placement or the services that best
686 meet the needs of his or her child. The scholarship award for a
687 student is based on a matrix that assigns the student to support
688 Level III services. If a parent receives an IEP and a matrix of
689 services from the school district pursuant to subsection (7),
690 the amount of the payment shall be adjusted as needed, when the
691 school district completes the matrix.

692 (a) To satisfy or maintain program eligibility, including
693 eligibility to receive and spend program payments, the parent
694 must sign an agreement with the organization and annually submit
695 a notarized, sworn compliance statement to the organization to:

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

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697 meets regular school attendance requirements as provided in s.
 698 1003.01(17)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

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

702 3. Affirm that the parent is responsible for the education
 703 of his or her student by, as applicable:

704 a. Requiring the student to take an assessment in
 705 accordance with paragraph (8)(b);

706 b. Providing an annual evaluation in accordance with s.
 707 1002.41(1)(f); or

708 c. Requiring the child to take any preassessments and
 709 postassessments selected by the provider if the child is 4 years
 710 of age and is enrolled in a program provided by an eligible
 711 Voluntary Prekindergarten Education Program provider. A student
 712 with disabilities for whom a preassessment and postassessment is
 713 not appropriate is exempt from this requirement. A participating
 714 provider shall report a student's scores to the parent.

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

718

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

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

723 1002.42 Private schools.—

724 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
 725 private, parochial, religious, or denominational school

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726 satisfies the attendance requirements of ss. 1003.01(17) ~~ss.~~
 727 ~~1003.01(13)~~ and 1003.21(1).

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

730 1002.43 Private tutoring programs.—

731 (1) Regular school attendance as defined in s. 1003.01 ~~s.~~
 732 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
 733 program if the person tutoring the student meets the following
 734 requirements:

735 (a) Holds a valid Florida certificate to teach the subjects
 736 or grades in which instruction is given.

737 (b) Keeps all records and makes all reports required by the
 738 state and district school board and makes regular reports on the
 739 attendance of students in accordance with the provisions of s.
 740 1003.23(2).

741 (c) Requires students to be in actual attendance for the
 742 minimum length of time prescribed by s. 1011.60(2).

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

745 1003.03 Maximum class size.—

746 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(4)
 747 ~~s. 1003.01(14)~~, the Department of Education shall identify from
 748 the Course Code Directory the core-curricula courses for the
 749 purpose of satisfying the maximum class size requirement in this
 750 section. The department may adopt rules to implement this
 751 subsection, if necessary.

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

754 1003.21 School attendance.—

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755 (4) Before admitting a child to kindergarten, the principal
 756 shall require evidence that the child has attained the age at
 757 which he or she should be admitted in accordance with the
 758 provisions of subparagraph (1)(a)2. The district school
 759 superintendent may require evidence of the age of any child who
 760 is being enrolled in public school and who the district school
 761 superintendent believes to be within the limits of compulsory
 762 attendance as provided for by law; however, the district school
 763 superintendent may not require evidence from any child who meets
 764 regular attendance requirements by attending a school or program
 765 listed in s. 1003.01(17)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the
 766 first prescribed evidence is not available, the next evidence
 767 obtainable in the order set forth below shall be accepted:

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

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

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

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

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

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

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784 (g) If none of these evidences can be produced, an
 785 affidavit of age sworn to by the parent, accompanied by a
 786 certificate of age signed by a public health officer or by a
 787 public school physician, or, if these are not available in the
 788 county, by a licensed practicing physician designated by the
 789 district school board, which states that the health officer or
 790 physician has examined the child and believes that the age as
 791 stated in the affidavit is substantially correct. Children and
 792 youths who are experiencing homelessness and children who are
 793 known to the department, as defined in s. 39.0016, shall be
 794 given temporary exemption from this section for 30 school days.

795 Section 16. Paragraph (f) of subsection (1) of section
 796 1003.26, Florida Statutes, is amended to read:

797 1003.26 Enforcement of school attendance.—The Legislature
 798 finds that poor academic performance is associated with
 799 nonattendance and that school districts must take an active role
 800 in promoting and enforcing attendance as a means of improving
 801 student performance. It is the policy of the state that each
 802 district school superintendent be responsible for enforcing
 803 school attendance of all students subject to the compulsory
 804 school age in the school district and supporting enforcement of
 805 school attendance by local law enforcement agencies. The
 806 responsibility includes recommending policies and procedures to
 807 the district school board that require public schools to respond
 808 in a timely manner to every unexcused absence, and every absence
 809 for which the reason is unknown, of students enrolled in the
 810 schools. District school board policies shall require the parent
 811 of a student to justify each absence of the student, and that
 812 justification will be evaluated based on adopted district school

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813 board policies that define excused and unexcused absences. The
 814 policies must provide that public schools track excused and
 815 unexcused absences and contact the home in the case of an
 816 unexcused absence from school, or an absence from school for
 817 which the reason is unknown, to prevent the development of
 818 patterns of nonattendance. The Legislature finds that early
 819 intervention in school attendance is the most effective way of
 820 producing good attendance habits that will lead to improved
 821 student learning and achievement. Each public school shall
 822 implement the following steps to promote and enforce regular
 823 school attendance:

824 (1) CONTACT, REFER, AND ENFORCE.—

825 (f)1. If the parent of a child who has been identified as
 826 exhibiting a pattern of nonattendance enrolls the child in a
 827 home education program pursuant to chapter 1002, the district
 828 school superintendent shall provide the parent a copy of s.
 829 1002.41 and the accountability requirements of this paragraph.
 830 The district school superintendent shall also refer the parent
 831 to a home education review committee composed of the district
 832 contact for home education programs and at least two home
 833 educators selected by the parent from a district list of all
 834 home educators who have conducted a home education program for
 835 at least 3 years and who have indicated a willingness to serve
 836 on the committee. The home education review committee shall
 837 review the portfolio of the student, as defined by s. 1002.41,
 838 every 30 days during the district's regular school terms until
 839 the committee is satisfied that the home education program is in
 840 compliance with s. 1002.41(1)(d). The first portfolio review
 841 must occur within the first 30 calendar days of the

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842 establishment of the program. The provisions of subparagraph 2.
 843 do not apply once the committee determines the home education
 844 program is in compliance with s. 1002.41(1)(d).

845 2. If the parent fails to provide a portfolio to the
 846 committee, the committee shall notify the district school
 847 superintendent. The district school superintendent shall then
 848 terminate the home education program and require the parent to
 849 enroll the child in an attendance option that meets the
 850 definition of "regular school attendance" under s.
 851 1003.01(17)(a), (b), (c), or (e) ~~s. 1003.01(13)(a), (b), (c), or~~
 852 ~~(e)~~, within 3 days. Upon termination of a home education program
 853 pursuant to this subparagraph, the parent shall not be eligible
 854 to reenroll the child in a home education program for 180
 855 calendar days. Failure of a parent to enroll the child in an
 856 attendance option as required by this subparagraph after
 857 termination of the home education program pursuant to this
 858 subparagraph shall constitute noncompliance with the compulsory
 859 attendance requirements of s. 1003.21 and may result in criminal
 860 prosecution under s. 1003.27(2). Nothing contained herein shall
 861 restrict the ability of the district school superintendent, or
 862 the ability of his or her designee, to review the portfolio
 863 pursuant to s. 1002.41(1)(e).

864 Section 17. Paragraph (b) of subsection (1) of section
 865 1003.4282, Florida Statutes, is amended to read:

866 1003.4282 Requirements for a standard high school diploma.—

867 (1) TWENTY-FOUR CREDITS REQUIRED.—

868 (b) The required credits may be earned through equivalent,
 869 applied, or integrated courses or career education courses as
 870 defined in s. 1003.01 ~~s. 1003.01(4)~~, including work-related

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871 internships approved by the State Board of Education and
 872 identified in the course code directory. However, any must-pass
 873 assessment requirements must be met. An equivalent course is one
 874 or more courses identified by content-area experts as being a
 875 match to the core curricular content of another course, based
 876 upon review of the Next Generation Sunshine State Standards for
 877 that subject. An applied course aligns with Next Generation
 878 Sunshine State Standards and includes real-world applications of
 879 a career and technical education standard used in business or
 880 industry. An integrated course includes content from several
 881 courses within a content area or across content areas.

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

884 1003.52 Educational services in Department of Juvenile
 885 Justice programs.—

886 (4) Educational services shall be provided at times of the
 887 day most appropriate for the juvenile justice program. School
 888 programming in juvenile justice detention, prevention, day
 889 treatment, and residential programs shall be made available by
 890 the local school district during the juvenile justice school
 891 year, as provided in s. 1003.01(15) ~~s. 1003.01(11)~~. In addition,
 892 students in juvenile justice education programs shall have
 893 access to courses offered pursuant to ss. 1002.37, 1002.45, and
 894 1003.498. The Department of Education and the school districts
 895 shall adopt policies necessary to provide such access.

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

898 1003.575 Assistive technology devices; findings;
 899 interagency agreements.—Accessibility, utilization, and

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900 coordination of appropriate assistive technology devices and
 901 services are essential as a young person with disabilities moves
 902 from early intervention to preschool, from preschool to school,
 903 from one school to another, from school to employment or
 904 independent living, and from school to home and community. If an
 905 individual education plan team makes a recommendation in
 906 accordance with State Board of Education rule for a student with
 907 a disability, as defined in s. 1003.01(11) ~~s. 1003.01(3)~~, to
 908 receive an assistive technology assessment, that assessment must
 909 be completed within 60 school days after the team's
 910 recommendation. To ensure that an assistive technology device
 911 issued to a young person as part of his or her individualized
 912 family support plan, individual support plan, individualized
 913 plan for employment, or individual education plan remains with
 914 the individual through such transitions, the following agencies
 915 shall enter into interagency agreements, as appropriate, to
 916 ensure the transaction of assistive technology devices:

917 (1) The Early Steps Program in the Division of Children's
 918 Medical Services of the Department of Health.

919 (2) The Division of Blind Services, the Bureau of
 920 Exceptional Education and Student Services, the Office of
 921 Independent Education and Parental Choice, and the Division of
 922 Vocational Rehabilitation of the Department of Education.

923 (3) The Voluntary Prekindergarten Education Program
 924 administered by the Department of Education and the Office of
 925 Early Learning.

926
 927 Interagency agreements entered into pursuant to this section
 928 shall provide a framework for ensuring that young persons with

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929 disabilities and their families, educators, and employers are
 930 informed about the utilization and coordination of assistive
 931 technology devices and services that may assist in meeting
 932 transition needs, and shall establish a mechanism by which a
 933 young person or his or her parent may request that an assistive
 934 technology device remain with the young person as he or she
 935 moves through the continuum from home to school to postschool.

936 Section 20. Paragraph (d) of subsection (2) of section
 937 1006.07, Florida Statutes, is amended to read:

938 1006.07 District school board duties relating to student
 939 discipline and school safety.—The district school board shall
 940 provide for the proper accounting for all students, for the
 941 attendance and control of students at school, and for proper
 942 attention to health, safety, and other matters relating to the
 943 welfare of students, including:

944 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
 945 conduct for elementary schools and a code of student conduct for
 946 middle and high schools and distribute the appropriate code to
 947 all teachers, school personnel, students, and parents, at the
 948 beginning of every school year. Each code shall be organized and
 949 written in language that is understandable to students and
 950 parents and shall be discussed at the beginning of every school
 951 year in student classes, school advisory council meetings, and
 952 parent and teacher association or organization meetings. Each
 953 code shall be based on the rules governing student conduct and
 954 discipline adopted by the district school board and shall be
 955 made available in the student handbook or similar publication.
 956 Each code shall include, but is not limited to:

957 (d)1. An explanation of the responsibilities of each

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958 student with regard to appropriate dress, respect for self and
 959 others, and the role that appropriate dress and respect for self
 960 and others has on an orderly learning environment. Each district
 961 school board shall adopt a dress code policy that prohibits a
 962 student, while on the grounds of a public school during the
 963 regular school day, from wearing clothing that exposes underwear
 964 or body parts in an indecent or vulgar manner or that disrupts
 965 the orderly learning environment.

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

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

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

976 c. For a third or subsequent offense, a student shall
 977 receive an in-school suspension pursuant to s. 1003.01 ~~or~~
 978 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
 979 ineligible to participate in any extracurricular activity for a
 980 period not to exceed 30 days, and the school principal shall
 981 call the student's parent or guardian and send the parent or
 982 guardian a written letter regarding the student's in-school
 983 suspension and ineligibility to participate in extracurricular
 984 activities.

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

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987 1008.24 Test administration and security; public records
988 exemption.-

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

993 Section 22. Paragraph (c) of subsection (6) of section
994 1012.2315, Florida Statutes, is amended to read:

995 1012.2315 Assignment of teachers.-

996 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
997 EVALUATIONS.-

998 (c) For a student enrolling in an extracurricular course as
999 defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to
1000 have the student taught by a teacher who received a performance
1001 evaluation of "needs improvement" or "unsatisfactory" in the
1002 preceding school year if the student and the student's parent
1003 receive an explanation of the impact of teacher effectiveness on
1004 student learning and the principal receives written consent from
1005 the parent.

1006 Section 23. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1578

INTRODUCER: Senator Hutson

SUBJECT: Education

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues, Dew, Brick	Sikes	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

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

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

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

The bill takes effect on July 1, 2020.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Economic Security Reporting

Present Situation

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

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

Effect of Proposed Changes

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

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

¹ Section 445.07(1), F.S.

² Beyond posting this information online, there is no provision in law to require this information to be distributed to school districts, public schools, or students. Section 445.07(2), F.S.

- The percentage of college graduates working in occupations that do not require a college degree, listed by major.
- The average starting salaries for individuals graduating from career and technical education programs in this state, FCS institutions, and state universities.

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

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

Charter Schools

Present Situation

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

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

Charter School Sponsors

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

³ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 5.

⁴ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁵ Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited Jan. 15, 2020).

⁶ National Center for Education Statistics, *Fast Facts Charter Schools*, <https://nces.ed.gov/fastfacts/display.asp?id=30> (last visited Jan. 15, 2020).

⁷ Section 1002.33(1), F.S.

⁸ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁹ *Id.*

¹⁰ Section 1002.33(5)(a)1., F.S.

sponsor a charter developmental research school (charter lab school).¹¹ FCS institutions may work with school districts to develop charter schools as provided for in law, but may not sponsor a K-12 charter school.¹²

A charter school sponsor has several responsibilities, including:¹³

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

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

Charter School Sponsor Reporting

A charter school sponsor must submit an annual report to the DOE summarizing the following:¹⁵

- The number of draft applications received on or before May 1 and each applicant's contact information;
- The number of final applications received on or before August 1 and each applicant's contact information;
- The date each application was approved, denied, or withdrawn; and
- The date each final contract was executed.

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

Establishing a Charter School

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

¹¹ Section 1002.33(5)(a)2., F.S.

¹² FCS institutions may only sponsor a charter technical career center. Section 1002.33(5)(b)4., F.S. and Section 1002.34(3)(b), F.S.

¹³ Section 1002.33(5)(b), F.S.

¹⁴ Administrative services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program. Section 1002.33(20)(a)2., F.S.

¹⁵ Section 1002.33(5)(b)1.k.(I)-(II), F.S.

¹⁶ Section 1002.33(5)(b)1.k.(III), F.S. See Florida Department of Education, *Annual Authorizer Report 2018* (2018), available at <http://www.fldoe.org/core/fileparse.php/9905/urlt/18-AuthorizerReport.pdf>.

¹⁷ Section 1002.33(3)(a), F.S.

¹⁸ Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.¹⁹

A sponsor receives and reviews all charter school applications²⁰ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.²¹ A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.²²

Non-renewing or Terminating a Charter

A sponsor may choose not to renew or may terminate the charter if the sponsor finds clear and convincing evidence of one of the following:

- Failure to participate in the state's education accountability system as required.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

Charter School Students

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

¹⁹ Section 1002.45(1)(d), F.S.

²⁰ Section 1002.33(6)(b), F.S.

²¹ Section 1002.33(6)(b)3.a., F.S.

²² A sponsor may receive and consider applications after February 1, if it chooses. Section 1002.33(6)(b), F.S.

in which the charter school is located.²³ A charter school may limit the enrollment process only to target the following student populations:²⁴

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.²⁵
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million.

Florida College System and State University Charter Schools

FCS institutions may work with school districts in the FCS institution's designated service area to develop charter schools that offer secondary education, including an option for students to receive an associate degree upon high school graduation. If a FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through grade 12 and must implement innovative blended learning instructional models for students in kindergarten through grade 8.²⁶

There are 11 FCS institution-operated charter schools in Florida:²⁷

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

²³ Section 1002.33(10)(a), F.S.

²⁴ Section 1002.33(10)(e), F.S.

²⁵ Section 1002.33(15), F.S.

²⁶ Section 1002.33(5)(b)4., F.S.

²⁷ Email, Department of Education (Jan. 23, 2020).

There are six existing university developmental research (laboratory schools). Of these, three are charter lab schools.²⁸ Charter lab schools are not required to be established by the nearest state university.²⁹ In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university denies or does not act on the application, the applicant may appeal such decision to the State Board of Education (SBE).³⁰

The three charter lab schools operating in Florida, are:³¹

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

Charter School Facilities

A startup charter school must utilize facilities which comply with the Florida Building code pursuant to law except for the State Requirements for Educational Facilities (SREF).³²

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

Effect of Proposed Changes

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

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

²⁸ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 2. Developmental research (laboratory) schools (lab schools) are public schools. Each lab school must be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued is known as a charter lab school. Section 1002.32(2), F.S.

²⁹ Section 1002.32(2), F.S.

³⁰ Section 1002.33(6)(g), F.S.

³¹ Email, Department of Education (Jan. 23, 2020).

³² Section 1002.33(18), F.S.

not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. An FCS-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.

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

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

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

- The sponsor's strategic vision for charter school authorizing and progress towards that vision;

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

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

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

Charter School Funding

Present Situation

Charter school operations, like other public schools, are funded through the Florida Education Finance Program (FEFP). Each charter school reports student enrollment to its sponsor for inclusion in the district’s report of student enrollment for FEFP funding.³³ Operating funds from the FEFP are distributed to the charter school by the sponsor. A charter school is entitled to receive its proportionate share of categorical funds included in the FEFP for qualifying students.³⁴ Categorical funds must be spent for specified purposes, such as student transportation, safe schools, and supplemental academic instruction.

Charter schools are eligible to receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA), Title I programs for disadvantaged students, and Title II programs for improving teaching and leadership in the same manner as district school board-operated public schools and must be included in requests for federal funding by the school district or the DOE.³⁵ A high performing charter school system³⁶ governing board may be designated as a local educational agency for the purpose of receiving federal funds, the same as if the charter school system were in the school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the DOE.³⁷

³³ Section 1002.33(17)(a) and (b), F.S.

³⁴ Section 1002.33(17)(b), F.S.

³⁵ Section 1002.33(17)(c), F.S.

³⁶ A high-performing charter school system is an entity that operated at least three high-performing charter schools in the state during each of the previous 3 school years; operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of “D” or “F”, and did not receive a financial audit that revealed one or more of the financial emergency conditions. Section 1002.332 (1)(b), F.S.

³⁷ Section, 1002.33(25), F.S.

Capital outlay funding for charter schools consists of state funds when appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary millage authorized in law.³⁸ To be eligible to receive capital outlay funds, a charter school must:³⁹

- Have operated for two or more years and meet specified requirements.⁴⁰
- Have an annual audit that does not reveal any financial emergency conditions.
- Have satisfactory student achievement based on state accountability standards.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

While each university receives additional state capital funding, unlike local school districts, university lab schools are dependent on funding from the Legislature for both operational and capital needs.⁴¹

Effect of Proposed Changes

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

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

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

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

³⁸ Section 10013.62, F.S.

³⁹ Section 10013.62(1)(a), F.S.

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

⁴¹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 3.

Persistently Low Performing Schools

Present Situation

A persistently low-performing school is a school that has earned three grades lower than a “C” in at least three of the previous five years and has not earned a grade of “B” or higher in the most recent two school years, and a school that was closed pursuant to the school’s turnaround option plan within two years after the submission of a notice of intent.⁴² The SBE is required to publish annually a list of persistently low-performing schools⁴³ and must provide students in persistently low-performing schools with a public school that meets accountability standards.⁴⁴

Schools of Hope

A hope operator, designated by the SBE based on criteria established in law, is a nonprofit organization with tax-exempt status under the Internal Revenue Code which operates three or more charter schools that serve students in grades K-12 in Florida or other states and has a record of serving students from low-income families.⁴⁵ An entity’s initial status as a hope operator is valid for five years from the opening of a school of hope.⁴⁶

A school of hope is a charter school operated by a hope operator, which:⁴⁷

- Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;⁴⁸
- Is located in a Florida Opportunity Zone, in the attendance zone of a persistently low-performing school, or within a five-mile radius of such school; and
- Is a Title I eligible school.⁴⁹

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

There are currently four Florida designated hope operators: Democracy Prep Public Schools, Inc., IDEA Public Schools, KIPP New Jersey, and Somerset Academy, Inc.⁵⁰

A school of hope must use facilities that comply with the Florida Building Code, except for the SREF.⁵¹ A school of hope that uses school district facilities must comply with SREF only if the

⁴² Section 1002.333(1)(b), F.S.

⁴³ Section 1002.333(1)(a), F.S.

⁴⁴ Section 1002.333(1)(d), F.S.

⁴⁵ Section 1002.333(2), F.S.

⁴⁶ Section 1002.333(3), F.S.

⁴⁷ Section 1002.333(1)(c), F.S.

⁴⁸ Florida Opportunity Zone means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code. Section 1002.333(1)(a), F.S.

⁴⁹ Florida Department of Education, *Title I, Part A: Improving the Academic Achievement of the Disadvantaged*, <http://www.fldoe.org/policy/federal-edu-programs/title-i-part-a-improving-the-academic-/> (last visited Jan. 20, 2020).

⁵⁰ Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Jan. 27, 2020).

⁵¹ Section 1002.333(7)(a), F.S.

school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.⁵²

The Schools of Hope Program is created within the DOE for a school of hope to receive additional funding for certain expenses specified in law.⁵³ Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to five years. In 2019, \$40 million was appropriated for the Schools of Hope Program.⁵⁴ Since the program's inception in the 2017-2018 fiscal year, \$320 million has been appropriated for the Schools of Hope Program and \$33.8 million has been expended. As of January 2020, the Schools of Hope Program has a \$286.2 million remaining balance.

Effect of Proposed Changes

The bill clarifies facility reporting requirements for identifying educational facilities that may be used by a school of hope. The bill requires the DOE to provide to school districts a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses,⁵⁵ by January 1 each year. A school district has the option to provide evidence to the DOE within 30 days after the list is provided if it contains errors or omissions. By April 1 of each year, the DOE must update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based on the updated information provided.

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

Educational Facilities

Present Situation

School District Construction Flexibility

All public educational and ancillary plants constructed by a district school board must conform to the Florida Building Code, the Florida Fire Prevention Code, and the SREF.⁵⁶ A district school board may, with a majority vote, adopt a resolution to implement exceptions to the educational facilities construction requirements. An adopted resolution may propose to implement exceptions

⁵² *Id.*

⁵³ Section 1002.333(10), F.S.

⁵⁴ Section 2, ch. 2019-115, L.O.F.

⁵⁵ Florida Department of Education, *Florida Inventory Of School Houses (FISH)*, <http://www.fldoe.org/finance/educational-facilities/fl-inventory-of-school-houses-fish.stml> (last visited Jan. 16, 2020)

⁵⁶ Section 1013.371, F.S. The State Requirements for Educational Facilities (SREF) are incorporated in Rule 6A-2.0010, F.A.C., and are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664> (last visited Jan. 13, 2020). The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.*

to the requirements of the uniform statewide building code⁵⁷ for the planning and construction of public educational and ancillary plants relating to:⁵⁸

- Interior non-load-bearing walls.
- Walkways, roadways, driveways, and parking areas.
- Standards for relocatables used as classroom space.
- Site lighting.
- Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to law so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.⁵⁹

Charter School Construction Flexibility

Facilities for charter schools must meet the requirements of the uniform statewide building code, except for the SREF⁶⁰ and must comply with the Florida Fire Prevention Code.⁶¹ Charter school facilities that are specifically created to mitigate the educational impact created by the development of new residential dwelling units and are constructed with educational impact fees required to be paid in connection with the new residential dwelling units are required to be built to the SREF.⁶²

Effect of Proposed Changes

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

Career and Professional Academies

Present Situation

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁶³ The primary purpose of the CAPE Act is to:⁶⁴

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;

⁵⁷ Sections 553.73 and 1013.37, F.S.

⁵⁸ Section 1013.385, F.S.

⁵⁹ See Section. 252.385(2)(b), F.S.

⁶⁰ Section 1002.33(18)(a), F.S. Conversion charter schools must use facilities that comply with the SREF. Section 1002.33(18)(a), F.S.

⁶¹ Sections 633.208 and 1002.33(18)(b), F.S.

⁶² Section 1002.33(18)(f), F.S.

⁶³ Section 1003.491, F.S.

⁶⁴ *Id.* at (1).

- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Each school board must offer career and professional academies⁶⁵ and include plans to implement a career and professional academy or career-themed course in at least one middle school in the district as part of its three-year strategic plan.⁶⁶ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs.⁶⁷ During the 2017-18 school year, 58 school districts and the Florida State University School registered 1,786 high school and 246 middle school career and professional academies with 233,124 participating students.⁶⁸

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

Effect of Proposed Changes

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

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

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁵ Section 1003.493(1)(a), F.S.

⁶⁶ Section 1003.4935(1), F.S.

⁶⁷ Section 1003.493(1)(a), F.S.

⁶⁸ Florida Department of Education, *Career and Professional Education Act, Enrollment and Performance Report, 2017-18 (2018)*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1718scapepr.pdf>.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

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

VI. Technical Deficiencies:

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

⁶⁹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 4.

⁷⁰ *Id.*

⁷¹ Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 5.

VII. Related Issues:**VIII. Statutes Affected:**

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

This bill creates section 1002.24 of the Florida Statutes.

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

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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. .

House

The Committee on Education (Hutson) recommended the following:

Senate Amendment

Delete lines 1102 - 1108

and insert:

site-specific or use requirements or processes. The educational
occupant load for the charter school within these facilities
shall be based solely on the criteria set forth in the Florida
Building Code and the Florida Fire Prevention Code. No other
restrictions on the number of students in the facility apply
change.

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to education; creating s. 1002.24,
 3 F.S.; providing legislative findings and intent;
 4 requiring the Department of Education to collect
 5 certain information about career preparation and
 6 placement in this state; requiring the department to
 7 annually distribute such information to school
 8 guidance counselors at each public high school in this
 9 state; requiring such career preparation and placement
 10 information to be distributed to students by a certain
 11 date each year; authorizing the department to enter
 12 into a memorandum of understanding to share the career
 13 preparation and placement information with other state
 14 agencies; amending s. 1002.33, F.S.; authorizing state
 15 universities designated by the State Board of
 16 Education to sponsor a charter school; authorizing a
 17 Florida College System institution designated by the
 18 state board to sponsor a charter school under certain
 19 circumstances; authorizing a state university or
 20 Florida College System institution to deny an
 21 application for a charter school; revising
 22 requirements for the report made by sponsors to the
 23 Department of Education; eliminating a requirement
 24 that a charter school working with a Florida College
 25 System institution must implement a blended learning
 26 instructional model; providing that the board of
 27 trustees of a sponsoring state university or Florida
 28 College System institution is the local educational
 29 agency for purposes of receiving federal funds for

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30 sponsored charter schools; providing that a student
 31 enrolled in a charter school that is sponsored by a
 32 state university or a Florida College System
 33 institution may not be included in the calculation of
 34 a school district's grade; requiring the department,
 35 in collaboration with charter school sponsors and
 36 charter school operators, to develop a sponsor
 37 evaluation framework that must address certain
 38 requirements; deleting a provision related to
 39 acceptance and consideration of charter school
 40 applications; deleting a provision requiring that
 41 initial startup of a charter school commence within a
 42 specified timeframe; providing that charter schools
 43 operated by a municipality, a public entity, or a
 44 private, not-for-profit organization are eligible for
 45 a 15-year charter if approved by the sponsor;
 46 requiring sponsors to report a charter school that
 47 closes as part of a consolidation; clarifying the
 48 circumstances under which a charter may be terminated
 49 immediately; providing for certain property,
 50 improvements, furnishings, and equipment to revert to
 51 the sponsor upon dissolution of a charter school;
 52 providing that a sponsor may not assume charter school
 53 debt except under certain circumstances; authorizing
 54 charter schools to limit the enrollment process to
 55 target certain additional student populations;
 56 requiring that any arrangement entered into to borrow
 57 or otherwise secure funds for a charter school from
 58 certain sources indemnify the sponsor, rather than the

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59 school district; specifying funding requirements for
 60 students enrolled in a charter school sponsored by a
 61 state university or a Florida College System
 62 institution; requiring a local governing authority to
 63 provide a written justification for any challenged
 64 requirements, restrictions, and site planning
 65 processes, under certain circumstances; requiring
 66 courts to award attorney fees and court costs to a
 67 charter school if they determine that a local
 68 governing authority failed to treat a charter school
 69 equitably; providing that places of worship, rather
 70 than only specifically churches, may provide space to
 71 charter schools in their facilities; prohibiting local
 72 governing authorities from imposing additional
 73 requirements on such facilities; requiring that the
 74 educational occupant load for a charter school within
 75 such facilities be based solely on the criteria set
 76 forth in the Florida Building Code and the Florida
 77 Fire Prevention Code; authorizing a school district to
 78 enter into an agreement to plan, design, and construct
 79 a charter school and to serve as the financial agent,
 80 lienholder, or lessor; requiring a sponsor to provide
 81 access to the sponsor's student information systems
 82 and student performance data in certain circumstances;
 83 amending s. 1002.333, F.S.; requiring the department
 84 to annually provide to school districts a list of
 85 certain facilities; requiring the department to update
 86 and publish a final list of such facilities owned or
 87 operated by each school district by a certain date;

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88 authorizing allocated funds that are not disbursed by
 89 a certain date to be carried forward for up to 7 years
 90 after the date of the original appropriation; amending
 91 s. 1003.493, F.S.; authorizing charter schools to
 92 offer career and professional academies; amending s.
 93 1013.385, F.S.; deleting provisions authorizing
 94 certain resolutions to propose the implementation of
 95 specified exceptions to certain building code
 96 requirements; providing that resolutions may implement
 97 exceptions to certain sections of the Florida Building
 98 Code that limit the ability of a school district to
 99 design and construct a facility in the same manner as
 100 a charter school; reenacting ss. 11.40(c)(2),
 101 163.3180(6)(h), 196.1983, 218.39(1)(e),
 102 381.0056(4)(a), 409.1664(1)(b), 409.9072(1),
 103 944.801(7), 951.176(1), 1006.15(3)(d), 1008.33(3)(c),
 104 and 1011.61(1)(c), F.S., relating to the Legislative
 105 Auditing Committee, concurrency, the charter school
 106 exemption from ad valorem taxes, annual financial
 107 audit reports, the school health services program,
 108 adoption benefits for qualifying adoptive employees of
 109 state agencies, Medicaid provider agreements for
 110 charter schools and private schools, education for
 111 state prisoners, provision of education, student
 112 standards for participation in interscholastic and
 113 intrascholastic extracurricular student activities,
 114 authority to enforce public school improvement, and
 115 definitions for the Florida Education Finance Program,
 116 respectively, to incorporate the amendment made to s.

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117 1002.33, F.S., in references thereto; providing
118 effective dates.

119
120 Be It Enacted by the Legislature of the State of Florida:

121
122 Section 1. Effective January 1, 2021, section 1002.24,
123 Florida Statutes, is created to read:

124 1002.24 Career landscape information.--

125 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds
126 that high school students should be provided the information
127 necessary to make informed decisions about their futures and to
128 ensure that they are aware of the costs of attending a
129 postsecondary institution. The Legislature also finds that high
130 school students should be provided with information regarding
131 alternative career paths.

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

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

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

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

145 (d) The respective average 3-year student loan default

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146 rates for such programs, institutions, and universities.

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

149 (f) The completion rates for apprenticeship programs,
150 educational credential programs, career and technical education
151 programs, and first-term military enlisted personnel,
152 respectively.

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

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

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

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

169 Section 2. Paragraph (c) of subsection (2), subsection (5),
170 paragraph (b) of subsection (6), paragraphs (a) and (d) of
171 subsection (7), paragraphs (c), (d), and (e) of subsection (8),
172 paragraphs (g) and (n) of subsection (9), paragraph (e) of
173 subsection (10), subsection (14), paragraph (c) of subsection
174 (15), paragraphs (a), (b), and (e) of subsection (17),

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175 paragraphs (a), (c), and (e) of subsection (18), subsections
 176 (20) and (21), paragraph (a) of subsection (25), and subsection
 177 (28) of section 1002.33, Florida Statutes, are amended to read:
 178 1002.33 Charter schools.—
 179 (2) GUIDING PRINCIPLES; PURPOSE.—
 180 (c) Charter schools may fulfill the following purposes:
 181 1. Create innovative measurement tools.
 182 2. Provide rigorous competition within the public school
 183 ~~system district~~ to stimulate continual improvement in all public
 184 schools.
 185 3. Expand the capacity of the public school system.
 186 4. Mitigate the educational impact created by the
 187 development of new residential dwelling units.
 188 5. Create new professional opportunities for teachers,
 189 including ownership of the learning program at the school site.
 190 (5) SPONSOR; DUTIES.—
 191 (a) *Sponsoring entities.*—
 192 1. A district school board may sponsor a charter school in
 193 the county over which the district school board has
 194 jurisdiction.
 195 2. A state university may grant a charter to a lab school
 196 created under s. 1002.32 and shall be considered to be the
 197 school's sponsor. Such school shall be considered a charter lab
 198 school.
 199 3. Because needs relating to educational capacity,
 200 workforce qualifications, and career education opportunities are
 201 constantly changing and extend beyond school district
 202 boundaries:
 203 a. A state university, upon receiving approval from the

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204 State Board of Education, may solicit applications and sponsor a
 205 charter school to meet regional education or workforce demands
 206 by serving students from multiple school districts.
 207 b. A Florida College System institution, upon receiving
 208 approval from the State Board of Education, may solicit
 209 applications and sponsor a charter school in any county within
 210 its service area to meet workforce demands and may offer
 211 postsecondary programs leading to industry certifications to
 212 eligible charter school students. A charter school developed
 213 under subparagraph (b)4. is not eligible to be sponsored by a
 214 Florida College System institution until its existing charter
 215 with the school district expires, as provided in subsection (7).
 216 c. Notwithstanding paragraph (6)(b), a state university or
 217 a Florida College System institution may deny an application for
 218 a charter school, at which point provisions outlined in
 219 subsection (6)(c)1. are not applicable.
 220 (b) *Sponsor duties.*—
 221 1.a. The sponsor shall monitor and review the charter
 222 school in its progress toward the goals established in the
 223 charter.
 224 b. The sponsor shall monitor the revenues and expenditures
 225 of the charter school and perform the duties provided in s.
 226 1002.345.
 227 c. The sponsor may approve a charter for a charter school
 228 before the applicant has identified space, equipment, or
 229 personnel, if the applicant indicates approval is necessary for
 230 it to raise working funds.
 231 d. The sponsor shall not apply its policies to a charter
 232 school unless mutually agreed to by both the sponsor and the

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233 charter school. If the sponsor subsequently amends any agreed-
234 upon sponsor policy, the version of the policy in effect at the
235 time of the execution of the charter, or any subsequent
236 modification thereof, shall remain in effect and the sponsor may
237 not hold the charter school responsible for any provision of a
238 newly revised policy until the revised policy is mutually agreed
239 upon.

240 e. The sponsor shall ensure that the charter is innovative
241 and consistent with the state education goals established by s.
242 1000.03(5).

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

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

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

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

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

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

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262 by the department.

263 (I) The report must ~~shall~~ include the following
264 information:

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

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

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

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

273 (II) By each November 1 ~~Beginning August 31, 2013, and each~~
274 ~~year thereafter~~, the sponsor shall submit to the department the
275 information for the applications submitted the previous year.

276 (III) The department shall compile an annual report, by
277 sponsor district, and post the report on its website by January
278 15 November ~~1~~ of each year.

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

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

285 4. A Florida College System institution may work with the
286 school district or school districts in its designated service
287 area to develop charter schools that offer secondary education.
288 These charter schools must include an option for students to
289 receive an associate degree upon high school graduation. If a
290 Florida College System institution operates an approved teacher

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291 preparation program under s. 1004.04 or s. 1004.85, the
 292 institution may operate ~~no more than one charter schools school~~
 293 that ~~serve~~ serves students in kindergarten through grade 12 in
 294 any school district within county or counties served by the
 295 institution as specified in s. 1000.21(3). ~~In kindergarten~~
 296 ~~through grade 8, the charter school shall implement innovative~~
 297 ~~blended learning instructional models in which, for a given~~
 298 ~~course, a student learns in part through online delivery of~~
 299 ~~content and instruction with some element of student control~~
 300 ~~over time, place, path, or pace and in part at a supervised~~
 301 ~~brick-and-mortar location away from home. A student in a blended~~
 302 ~~learning course must be a full time student of the charter~~
 303 ~~school and receive the online instruction in a classroom setting~~
 304 ~~at the charter school.~~ District school boards shall cooperate
 305 with and assist the Florida College System institution on the
 306 charter application. Florida College System institution
 307 applications for charter schools are not subject to the time
 308 deadlines outlined in subsection (6) and may be approved by the
 309 district school board at any time during the year. Florida
 310 College System institutions may not report FTE for any students
 311 participating under this subparagraph who receive FTE funding
 312 through the Florida Education Finance Program.

313 5. A school district may enter into nonexclusive interlocal
 314 agreements with federal and state agencies, counties,
 315 municipalities, and other governmental entities that operate
 316 within the geographical borders of the school district to act on
 317 behalf of such governmental entities in the inspection,
 318 issuance, and other necessary activities for all necessary
 319 permits, licenses, and other permissions that a charter school

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320 needs in order for development, construction, or operation. A
 321 charter school may use, but may not be required to use, a school
 322 district for these services. The interlocal agreement must
 323 include, but need not be limited to, the identification of fees
 324 that charter schools will be charged for such services. The fees
 325 must consist of the governmental entity's fees plus a fee for
 326 the school district to recover no more than actual costs for
 327 providing such services. These services and fees are not
 328 included within the services to be provided pursuant to
 329 subsection (20).

330 6. The board of trustees of a state university or a Florida
 331 College System institution that sponsors a charter school as
 332 provided in paragraph (a) is the local educational agency for
 333 any charter school it sponsors for the purpose of receiving
 334 federal funds and shall accept full responsibility for
 335 compliance with all requirements imposed by law on local
 336 educational agencies and the schools for which it performs local
 337 educational agency responsibilities. A student enrolled in a
 338 charter school that is sponsored by a state university or a
 339 Florida College System institution may not be included in the
 340 calculation of the school district's grade under s. 1008.34(5)
 341 for the school district in which the student resides.

342 (c) Sponsor accountability.-

343 1. The department, in collaboration with charter school
 344 sponsors and charter school operators, shall develop a sponsor
 345 evaluation framework that, at a minimum, addresses all of the
 346 following:

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

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349 b. The alignment of the sponsor's policies and practices
 350 with best practices for charter school authorization.
 351 c. The academic and financial performance of all operating
 352 charter schools overseen by the sponsor.
 353 d. The status of all charter schools authorized by the
 354 sponsor, including approved, operating, and closed schools.
 355 2. The department shall compile the results of the
 356 evaluation conducted under subparagraph 1., by sponsor, and
 357 include them in the annual report required under sub-sub-
 358 subparagraph (b)1.k.(III).
 359 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 360 applications are subject to the following requirements:
 361 (b) A sponsor shall receive and review all applications for
 362 a charter school using the evaluation instrument developed by
 363 the Department of Education. ~~A sponsor shall receive and~~
 364 ~~consider charter school applications received on or before~~
 365 ~~August 1 of each calendar year for charter schools to be opened~~
 366 ~~at the beginning of the school district's next school year, or~~
 367 ~~to be opened at a time agreed to by the applicant and the~~
 368 ~~sponsor. A sponsor may not refuse to receive a charter school~~
 369 ~~application submitted before August 1 and may receive an~~
 370 ~~application submitted later than August 1 if it chooses.~~
 371 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
 372 consider charter school applications received on or before
 373 February 1 of each calendar year for charter schools to be
 374 opened 18 months later at the beginning of the ~~school district's~~
 375 school year, or to be opened at a time determined by the
 376 applicant. A sponsor may not refuse to receive a charter school
 377 application submitted before February 1 and may receive an

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378 application submitted later than February 1 if it chooses. A
 379 sponsor may not charge an applicant for a charter any fee for
 380 the processing or consideration of an application, and a sponsor
 381 may not base its consideration or approval of a final
 382 application upon the promise of future payment of any kind.
 383 Before approving or denying any application, the sponsor shall
 384 allow the applicant, upon receipt of written notification, at
 385 least 7 calendar days to make technical or nonsubstantive
 386 corrections and clarifications, including, but not limited to,
 387 corrections of grammatical, typographical, and like errors or
 388 missing signatures, if such errors are identified by the sponsor
 389 as cause to deny the final application.
 390 1. In order to facilitate an accurate budget projection
 391 process, a sponsor shall be held harmless for FTE students who
 392 are not included in the FTE projection due to approval of
 393 charter school applications after the FTE projection deadline.
 394 In a further effort to facilitate an accurate budget projection,
 395 within 15 calendar days after receipt of a charter school
 396 application, a sponsor shall report to the Department of
 397 Education the name of the applicant entity, the proposed charter
 398 school location, and its projected FTE.
 399 2. In order to ensure fiscal responsibility, an application
 400 for a charter school shall include a full accounting of expected
 401 assets, a projection of expected sources and amounts of income,
 402 including income derived from projected student enrollments and
 403 from community support, and an expense projection that includes
 404 full accounting of the costs of operation, including start-up
 405 costs.
 406 3.a. A sponsor shall by a majority vote approve or deny an

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

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

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

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

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

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

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436 during the application process; or

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

440
 441 Material noncompliance is a failure to follow requirements or a
 442 violation of prohibitions applicable to charter school
 443 applications, which failure is quantitatively or qualitatively
 444 significant either individually or when aggregated with other
 445 noncompliance. An applicant is considered to be replicating a
 446 high-performing charter school if the proposed school is
 447 substantially similar to at least one of the applicant's high-
 448 performing charter schools and the organization or individuals
 449 involved in the establishment and operation of the proposed
 450 school are significantly involved in the operation of replicated
 451 schools.

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

461 4. For budget projection purposes, the sponsor shall report
 462 to the Department of Education the approval or denial of an
 463 application within 10 calendar days after such approval or
 464 denial. In the event of approval, the report to the Department

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465 of Education shall include the final projected FTE for the
466 approved charter school.

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

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

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

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

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

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

508 b. In order to provide students with access to diverse
509 instructional delivery models, to facilitate the integration of
510 technology within traditional classroom instruction, and to
511 provide students with the skills they need to compete in the
512 21st century economy, the Legislature encourages instructional
513 methods for blended learning courses consisting of both
514 traditional classroom and online instructional techniques.
515 Charter schools may implement blended learning courses which
516 combine traditional classroom instruction and virtual
517 instruction. Students in a blended learning course must be full-
518 time students of the charter school pursuant to s.
519 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
520 1012.55 who provide virtual instruction for blended learning
521 courses may be employees of the charter school or may be under
522 contract to provide instructional services to charter school

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523 students. At a minimum, such instructional personnel must hold
 524 an active state or school district adjunct certification under
 525 s. 1012.57 for the subject area of the blended learning course.
 526 The funding and performance accountability requirements for
 527 blended learning courses are the same as those for traditional
 528 courses.

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

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

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

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

541
 542 The district school board is required to provide academic
 543 student performance data to charter schools for each of their
 544 students coming from the district school system, as well as
 545 rates of academic progress of comparable student populations in
 546 the district school system.

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

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552 student performance data and by evaluating the effectiveness and
 553 efficiency of its major educational programs. Students in
 554 charter schools shall, at a minimum, participate in the
 555 statewide assessment program created under s. 1008.22.

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

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

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

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

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

580 10. The asset and liability projections required in the

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

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

592 12. The term of the charter which shall provide for
593 cancellation of the charter if insufficient progress has been
594 made in attaining the student achievement objectives of the
595 charter and if it is not likely that such objectives can be
596 achieved before expiration of the charter. The initial term of a
597 charter shall be for 5 years, excluding 2 planning years. In
598 order to facilitate access to long-term financial resources for
599 charter school construction, charter schools that are operated
600 by a municipality or other public entity as provided by law are
601 eligible for up to a 15-year charter, subject to approval by the
602 sponsor ~~district school board~~. A charter lab school is eligible
603 for a charter for a term of up to 15 years. In addition, to
604 facilitate access to long-term financial resources for charter
605 school construction, charter schools that are operated by a
606 private, not-for-profit, s. 501(c)(3) status corporation are
607 eligible for up to a 15-year charter, subject to approval by the
608 sponsor ~~district school board~~. Such long-term charters remain
609 subject to annual review and may be terminated during the term

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610 of the charter, but only according to the provisions set forth
611 in subsection (8).

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

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

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

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

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

638 18. Full disclosure of the identity of all relatives

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639 employed by the charter school who are related to the charter
 640 school owner, president, chairperson of the governing board of
 641 directors, superintendent, governing board member, principal,
 642 assistant principal, or any other person employed by the charter
 643 school who has equivalent decisionmaking authority. For the
 644 purpose of this subparagraph, the term "relative" means father,
 645 mother, son, daughter, brother, sister, uncle, aunt, first
 646 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 647 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 648 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 649 stepsister, half brother, or half sister.

650 19. Implementation of the activities authorized under s.
 651 1002.331 by the charter school when it satisfies the eligibility
 652 requirements for a high-performing charter school. A high-
 653 performing charter school shall notify its sponsor in writing by
 654 March 1 if it intends to increase enrollment or expand grade
 655 levels the following school year. The written notice shall
 656 specify the amount of the enrollment increase and the grade
 657 levels that will be added, as applicable.

658 (d) A charter may be modified during its initial term or
 659 any renewal term upon the recommendation of the sponsor or the
 660 charter school's governing board and the approval of both
 661 parties to the agreement. Modification during any term may
 662 include, but is not limited to, consolidation of multiple
 663 charters into a single charter if the charters are operated
 664 under the same governing board, regardless of the renewal cycle.
 665 A charter school that is not subject to a school improvement
 666 plan and that closes as part of a consolidation shall be
 667 reported by the sponsor ~~school district~~ as a consolidation.

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668 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—
 669 (c) A charter may be terminated immediately if the sponsor
 670 sets forth in writing the particular facts and circumstances
 671 demonstrating indicating that an immediate and serious danger to
 672 the health, safety, or welfare of the charter school's students
 673 exists, that the immediate and serious danger is likely to
 674 continue, and that an immediate termination of the charter is
 675 necessary. The sponsor's determination is subject to the
 676 procedures set forth in paragraph (b), except that the hearing
 677 may take place after the charter has been terminated. The
 678 sponsor shall notify in writing the charter school's governing
 679 board, the charter school principal, and the department of the
 680 facts and circumstances supporting the emergency termination if
 681 a charter is terminated immediately. The sponsor shall clearly
 682 identify the specific issues that resulted in the immediate
 683 termination and provide evidence of prior notification of issues
 684 resulting in the immediate termination, if applicable ~~when~~
 685 ~~appropriate~~. Upon receiving written notice from the sponsor, the
 686 charter school's governing board has 10 calendar days to request
 687 a hearing. A requested hearing must be expedited and the final
 688 order must be issued within 60 days after the date of request.
 689 The sponsor shall assume operation of the charter school
 690 throughout the pendency of the hearing under paragraph (b)
 691 unless the continued operation of the charter school would
 692 materially threaten the health, safety, or welfare of the
 693 students. Failure by the sponsor to assume and continue
 694 operation of the charter school shall result in the awarding of
 695 reasonable costs and attorney's fees to the charter school if
 696 the charter school prevails on appeal.

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697 (d) When a charter is not renewed or is terminated, the
 698 school shall be dissolved under the provisions of law under
 699 which the school was organized, and any unencumbered public
 700 funds, except for capital outlay funds and federal charter
 701 school program grant funds, from the charter school shall revert
 702 to the sponsor. Capital outlay funds provided pursuant to s.
 703 1013.62 and federal charter school program grant funds that are
 704 unencumbered shall revert to the department to be redistributed
 705 among eligible charter schools. In the event a charter school is
 706 dissolved or is otherwise terminated, all sponsor district
 707 ~~school board~~ property and improvements, furnishings, and
 708 equipment purchased with public funds shall automatically revert
 709 to full ownership by the sponsor district school board, subject
 710 to complete satisfaction of any lawful liens or encumbrances.
 711 Any unencumbered public funds from the charter school, ~~district~~
 712 ~~school board~~ property and improvements, furnishings, and
 713 equipment purchased with public funds, or financial or other
 714 records pertaining to the charter school, in the possession of
 715 any person, entity, or holding company, other than the charter
 716 school, shall be held in trust upon the sponsor's district
 717 ~~school board's~~ request, until any appeal status is resolved.

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

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726 (9) CHARTER SCHOOL REQUIREMENTS.—
 727 (g)1. In order to provide financial information that is
 728 comparable to that reported for other public schools, charter
 729 schools are to maintain all financial records that constitute
 730 their accounting system:
 731 a. In accordance with the accounts and codes prescribed in
 732 the most recent issuance of the publication titled "Financial
 733 and Program Cost Accounting and Reporting for Florida Schools";
 734 or
 735 b. At the discretion of the charter school's governing
 736 board, a charter school may elect to follow generally accepted
 737 accounting standards for not-for-profit organizations, but must
 738 reformat this information for reporting according to this
 739 paragraph.

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

748 3. A charter school shall, upon approval of the charter
 749 contract, provide the sponsor with a concise, uniform, monthly
 750 financial statement summary sheet that contains a balance sheet
 751 and a statement of revenue, expenditures, and changes in fund
 752 balance. The balance sheet and the statement of revenue,
 753 expenditures, and changes in fund balance shall be in the
 754 governmental funds format prescribed by the Governmental

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755 Accounting Standards Board. A high-performing charter school
 756 pursuant to s. 1002.331 may provide a quarterly financial
 757 statement in the same format and requirements as the uniform
 758 monthly financial statement summary sheet. The sponsor shall
 759 review each monthly or quarterly financial statement to identify
 760 the existence of any conditions identified in s. 1002.345(1)(a).

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

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

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

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

783 (II) Contract with an outside entity that has a

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784 demonstrated record of effectiveness to operate the school;

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

787 (IV) Voluntarily close the charter school.

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

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

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

805 e. A charter school implementing a corrective action that
 806 does not improve to a "C" or higher after 2 full school years of
 807 implementing the corrective action must select a different
 808 corrective action. Implementation of the new corrective action
 809 must begin in the school year following the implementation
 810 period of the existing corrective action, unless the sponsor
 811 determines that the charter school is likely to improve to a "C"
 812 or higher if additional time is provided to implement the

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813 existing corrective action. Notwithstanding this sub-
814 subparagraph, a charter school that earns a second consecutive
815 grade of "F" while implementing a corrective action is subject
816 to subparagraph 3.

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

820 a. The charter school is established to turn around the
821 performance of a district public school pursuant to s.
822 1008.33(4)(b)2. Such charter schools shall be governed by s.
823 1008.33;

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

831 c. The state board grants the charter school a waiver of
832 termination. The charter school must request the waiver within
833 15 days after the department's official release of school
834 grades. The state board may waive termination if the charter
835 school demonstrates that the Learning Gains of its students on
836 statewide assessments are comparable to or better than the
837 Learning Gains of similarly situated students enrolled in nearby
838 ~~district~~ public schools. The waiver is valid for 1 year and may
839 only be granted once. Charter schools that have been in
840 operation for more than 5 years are not eligible for a waiver
841 under this sub-subparagraph.

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842
843 The sponsor shall notify the charter school's governing board,
844 the charter school principal, and the department in writing when
845 a charter contract is terminated under this subparagraph. A
846 charter terminated under this subparagraph must follow the
847 procedures for dissolution and reversion of public funds
848 pursuant to paragraphs (8)(d)-(f) and (9)(o).

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

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

862 (10) ELIGIBLE STUDENTS.—

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

- 865 1. Students within specific age groups or grade levels.
- 866 2. Students considered at risk of dropping out of school or
867 academic failure. Such students shall include exceptional
868 education students.
- 869 3. Students enrolling in a charter school-in-the-workplace
870 or charter school-in-a-municipality established pursuant to

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871 subsection (15).

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

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

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

891 7. Students living in a development in which a developer,
892 including any affiliated business entity or charitable
893 foundation, contributes to the formation, acquisition,
894 construction, or operation of one or more charter schools or
895 charter provides the school facilities facility and related
896 property in an amount equal to or having a total ~~an~~ appraised
897 value of at least \$5 million to be used as ~~a~~ charter schools
898 ~~school~~ to mitigate the educational impact created by the
899 development of new residential dwelling units. Students living

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900 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
901 percent of the student stations in the charter schools ~~school~~.
902 The students who are eligible for enrollment are subject to a
903 random lottery, the racial/ethnic balance provisions, or any
904 federal provisions, as described in subparagraph 4. The
905 remainder of the student stations must ~~shall~~ be filled in
906 accordance with subparagraph 4.

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

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

926 (c) A charter school-in-a-municipality designation may be
927 granted to a municipality that possesses a charter; enrolls
928 students based upon a random lottery that involves all of the

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929 children of the residents of that municipality who are seeking
 930 enrollment, as provided for in subsection (10); and enrolls
 931 students according to the racial/ethnic balance provisions
 932 described in subparagraph (7) (a)8. When a municipality has
 933 submitted charter applications for the establishment of a
 934 charter school feeder pattern, consisting of elementary, middle,
 935 and senior high schools, and each individual charter application
 936 is approved by the sponsor district school board, such schools
 937 shall then be designated as one charter school for all purposes
 938 listed pursuant to this section. Any portion of the land and
 939 facility used for a public charter school shall be exempt from
 940 ad valorem taxes, as provided for in s. 1013.54, for the
 941 duration of its use as a public school.

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

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

957 (b) 1. The basis for the agreement for funding students

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958 enrolled in a charter school shall be the sum of the school
 959 district's operating funds from the Florida Education Finance
 960 Program as provided in s. 1011.62 and the General Appropriations
 961 Act, including gross state and local funds, discretionary
 962 lottery funds, and funds from the school district's current
 963 operating discretionary millage levy; divided by total funded
 964 weighted full-time equivalent students in the school district;
 965 and multiplied by the weighted full-time equivalent students for
 966 the charter school. Charter schools whose students or programs
 967 meet the eligibility criteria in law are entitled to their
 968 proportionate share of categorical program funds included in the
 969 total funds available in the Florida Education Finance Program
 970 by the Legislature, including transportation, the research-based
 971 reading allocation, and the Florida digital classrooms
 972 allocation. Total funding for each charter school shall be
 973 recalculated during the year to reflect the revised calculations
 974 under the Florida Education Finance Program by the state and the
 975 actual weighted full-time equivalent students reported by the
 976 charter school during the full-time equivalent student survey
 977 periods designated by the Commissioner of Education. For charter
 978 schools operated by a not-for-profit or municipal entity, any
 979 unrestricted current and capital assets identified in the
 980 charter school's annual financial audit may be used for other
 981 charter schools operated by the not-for-profit or municipal
 982 entity within the school district. Unrestricted current assets
 983 shall be used in accordance with s. 1011.62, and any
 984 unrestricted capital assets shall be used in accordance with s.
 985 1013.62(2).

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

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987 state university or a Florida College System institution
 988 pursuant to paragraph (5) (a) must be funded as if they are in a
 989 basic program or a special program in the school district. The
 990 basis for funding these students is the sum of the total
 991 operating funds from the Florida Education Finance Program for
 992 the school district in which the school is located as provided
 993 in s. 1011.62 and the General Appropriations Act, including
 994 gross state and local funds, discretionary lottery funds, and
 995 funds from each school district's current operating
 996 discretionary millage levy; divided by the total funded weighted
 997 full-time equivalent students in the district; and multiplied by
 998 the full-time equivalent membership of the charter school. The
 999 Department of Education shall develop a tool that each state
 1000 university or Florida College System institution that sponsors a
 1001 charter school must use for purposes of calculating the funding
 1002 amount for each eligible charter school student. The total
 1003 amount obtained on the basis of the calculation must be
 1004 appropriated to the charter school from state funds in the
 1005 General Appropriations Act.

1006 b. Capital outlay funding for a charter school sponsored by
 1007 a state university or a Florida College System institution
 1008 pursuant to paragraph (5) (a) is determined pursuant to s.
 1009 1013.62 and the General Appropriations Act.

1010 (e) ~~Sponsors District school boards~~ shall make timely and
 1011 efficient payment and reimbursement to charter schools,
 1012 including processing paperwork required to access special state
 1013 and federal funding for which they may be eligible. Payments of
 1014 funds under paragraph (b) shall be made monthly or twice a
 1015 month, beginning with the start of the sponsor's district school

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1016 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
 1017 twenty-fourth, as applicable, of the total state and local funds
 1018 described in paragraph (b) and adjusted as set forth therein.
 1019 For the first 2 years of a charter school's operation, if a
 1020 minimum of 75 percent of the projected enrollment is entered
 1021 into the sponsor's student information system by the first day
 1022 of the current month, the sponsor ~~district school board~~ shall
 1023 distribute funds to the school for the months of July through
 1024 October based on the projected full-time equivalent student
 1025 membership of the charter school as submitted in the approved
 1026 application. If less than 75 percent of the projected enrollment
 1027 is entered into the sponsor's student information system by the
 1028 first day of the current month, the sponsor shall base payments
 1029 on the actual number of student enrollment entered into the
 1030 sponsor's student information system. Thereafter, the results of
 1031 full-time equivalent student membership surveys shall be used in
 1032 adjusting the amount of funds distributed monthly to the charter
 1033 school for the remainder of the fiscal year. The payments shall
 1034 be issued no later than 10 working days after the sponsor
 1035 ~~district school board~~ receives a distribution of state or
 1036 federal funds or the date the payment is due pursuant to this
 1037 subsection. If a warrant for payment is not issued within 10
 1038 working days after receipt of funding by the sponsor ~~district~~
 1039 ~~school board~~, the sponsor ~~school district~~ shall pay to the
 1040 charter school, in addition to the amount of the scheduled
 1041 disbursement, interest at a rate of 1 percent per month
 1042 calculated on a daily basis on the unpaid balance from the
 1043 expiration of the 10 working days until such time as the warrant
 1044 is issued. The district school board may not delay payment to a

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1045 charter school of any portion of the funds provided in paragraph
 1046 (b) based on the timing of receipt of local funds by the
 1047 district school board.

1048 (18) FACILITIES.—

1049 (a) A startup charter school shall utilize facilities which
 1050 comply with the Florida Building Code pursuant to chapter 553
 1051 except for the State Requirements for Educational Facilities.
 1052 Conversion charter schools shall utilize facilities that comply
 1053 with the State Requirements for Educational Facilities provided
 1054 that the school district and the charter school have entered
 1055 into a mutual management plan for the reasonable maintenance of
 1056 such facilities. The mutual management plan shall contain a
 1057 provision by which the district school board agrees to maintain
 1058 charter school facilities in the same manner as its other public
 1059 schools within the district. Charter schools, with the exception
 1060 of conversion charter schools, are not required to comply, but
 1061 may choose to comply, with the State Requirements for
 1062 Educational Facilities of the Florida Building Code adopted
 1063 pursuant to s. 1013.37. The local governing authority shall not
 1064 adopt or impose any local building requirements or site-
 1065 development restrictions, such as parking and site-size
 1066 criteria, student enrollment, and occupant load, that are
 1067 addressed by and more stringent than those found in the State
 1068 Requirements for Educational Facilities of the Florida Building
 1069 Code. A local governing authority must treat charter schools
 1070 equitably in comparison to similar requirements, restrictions,
 1071 and site planning processes imposed upon public schools that are
 1072 not charter schools. Within 14 days after receiving a request
 1073 from a charter school, the local governing authority for that

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1074 school shall provide a written justification for any challenged
 1075 requirements, restrictions, and site planning processes. The
 1076 agency having jurisdiction for inspection of a facility and
 1077 issuance of a certificate of occupancy or use shall be the local
 1078 municipality or, if in an unincorporated area, the county
 1079 governing authority. If an official or employee of the local
 1080 governing authority refuses to comply with this paragraph, the
 1081 aggrieved school or entity has an immediate right to bring an
 1082 action in circuit court to enforce its rights by injunction. If
 1083 the court finds that the local governing authority failed to
 1084 treat the charter school equitably, the court shall award
 1085 attorney fees and court costs to the charter school. An
 1086 aggrieved party that receives injunctive relief may be awarded
 1087 attorney fees and court costs.

1088 (c) Any facility, or portion thereof, used to house a
 1089 charter school whose charter has been approved by the sponsor
 1090 and the governing board, pursuant to subsection (7), is shall be
 1091 exempt from ad valorem taxes pursuant to s. 196.1983. Libraries,
 1092 community organizations, museums, performing arts organizations,
 1093 theaters, cinemas, churches and other places of worship, and
 1094 Florida College System institutions Library, community service,
 1095 museum, performing arts, theatre, cinema, church, Florida
 1096 College System institution, college, and university facilities
 1097 may provide space to charter schools within their facilities
 1098 under their preexisting zoning and land use designations. Local
 1099 governing authorities may not impose any additional
 1100 requirements, including, without limitation, without obtaining a
 1101 special exception, rezoning, or a land use changes, or other
 1102 site-specific or use requirements or processes.

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1103
1104 The educational occupant load for the charter school within
1105 these facilities shall be based solely on the criteria set forth
1106 in the Florida Building Code and the Florida Fire Prevention
1107 Code. No other restrictions on the number of students in the
1108 facility apply ~~change~~.

1109 (e) If a district school board facility or property is
1110 available because it is surplus, marked for disposal, or
1111 otherwise unused, it shall be provided for a charter school's
1112 use on the same basis as it is made available to other public
1113 schools in the district. A charter school receiving property
1114 from the sponsor school district may not sell or dispose of such
1115 property without written permission of the sponsor school
1116 district. Similarly, for an existing public school converting to
1117 charter status, no rental or leasing fee for the existing
1118 facility or for the property normally inventoried to the
1119 conversion school may be charged by the district school board to
1120 the parents and teachers organizing the charter school. The
1121 charter school shall agree to reasonable maintenance provisions
1122 in order to maintain the facility in a manner similar to
1123 district school board standards. The Public Education Capital
1124 Outlay maintenance funds or any other maintenance funds
1125 generated by the facility operated as a conversion school shall
1126 remain with the conversion school. A school district may enter
1127 into an agreement to plan, design, and construct a charter
1128 school and may serve as one or more of the following with regard
1129 to the property and building:

- 1130 1. The financial agent.
1131 2. The lienholder.

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1132 3. The lessor.
1133 (20) SERVICES.—
1134 (a)1. A sponsor shall provide certain administrative and
1135 educational services to charter schools. These services shall
1136 include contract management services; full-time equivalent and
1137 data reporting services; exceptional student education
1138 administration services; services related to eligibility and
1139 reporting duties required to ensure that school lunch services
1140 under the National School Lunch Program, consistent with the
1141 needs of the charter school, are provided by the sponsor school
1142 ~~district~~ at the request of the charter school, that any funds
1143 due to the charter school under the National School Lunch
1144 Program be paid to the charter school as soon as the charter
1145 school begins serving food under the National School Lunch
1146 Program, and that the charter school is paid at the same time
1147 and in the same manner under the National School Lunch Program
1148 as other public schools serviced by the sponsor or the school
1149 district; test administration services, including payment of the
1150 costs of state-required or district-required student
1151 assessments; processing of teacher certificate data services;
1152 and information services, including equal access to the
1153 sponsor's student information systems that are used by public
1154 schools in the district in which the charter school is located
1155 or, if the sponsor is not a school district, by schools in the
1156 sponsor's portfolio of charter schools. Student performance data
1157 for each student in a charter school, including, but not limited
1158 to, FCAT scores, standardized test scores, previous public
1159 school student report cards, and student performance measures,
1160 shall be provided by the sponsor to a charter school in the same

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1161 manner provided to other public schools in the district or, if
 1162 the sponsor is not a school district, by schools in the
 1163 sponsor's portfolio of charter schools.

1164 2. A sponsor may withhold an administrative fee for the
 1165 provision of such services which shall be a percentage of the
 1166 available funds defined in paragraph (17)(b) calculated based on
 1167 weighted full-time equivalent students. If the charter school
 1168 serves 75 percent or more exceptional education students as
 1169 defined in s. 1003.01(3), the percentage shall be calculated
 1170 based on unweighted full-time equivalent students. The
 1171 administrative fee shall be calculated as follows:

1172 a. Up to 5 percent for:

1173 (I) Enrollment of up to and including 250 students in a
 1174 charter school as defined in this section.

1175 (II) Enrollment of up to and including 500 students within
 1176 a charter school system which meets all of the following:

1177 (A) Includes conversion charter schools and nonconversion
 1178 charter schools.

1179 (B) Has all of its schools located in the same county.

1180 (C) Has a total enrollment exceeding the total enrollment
 1181 of at least one school district in the state.

1182 (D) Has the same governing board for all of its schools.

1183 (E) Does not contract with a for-profit service provider
 1184 for management of school operations.

1185 (III) Enrollment of up to and including 250 students in a
 1186 virtual charter school.

1187 b. Up to 2 percent for enrollment of up to and including
 1188 250 students in a high-performing charter school as defined in
 1189 s. 1002.331.

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1190 3. A sponsor may not charge charter schools any additional
 1191 fees or surcharges for administrative and educational services
 1192 in addition to the maximum percentage of administrative fees
 1193 withheld pursuant to this paragraph.

1194 4. A sponsor shall provide to the department by September
 1195 15 of each year the total amount of funding withheld from
 1196 charter schools pursuant to this subsection for the prior fiscal
 1197 year. The department must include the information in the report
 1198 required under sub-sub-paragraph (5)(b)1.k.(III).

1199 (b) If goods and services are made available to the charter
 1200 school through the contract with the sponsor ~~school district~~,
 1201 they shall be provided to the charter school at a rate no
 1202 greater than the sponsor's ~~district's~~ actual cost unless
 1203 mutually agreed upon by the charter school and the sponsor in a
 1204 contract negotiated separately from the charter. When mediation
 1205 has failed to resolve disputes over contracted services or
 1206 contractual matters not included in the charter, an appeal may
 1207 be made to an administrative law judge appointed by the Division
 1208 of Administrative Hearings. The administrative law judge has
 1209 final order authority to rule on the dispute. The administrative
 1210 law judge shall award the prevailing party reasonable attorney
 1211 fees and costs incurred during the mediation process,
 1212 administrative proceeding, and any appeals, to be paid by the
 1213 party whom the administrative law judge rules against. To
 1214 maximize the use of state funds, sponsors ~~school districts~~ shall
 1215 allow charter schools to participate in the sponsor's bulk
 1216 purchasing program if applicable.

1217 (c) Transportation of charter school students shall be
 1218 provided by the charter school consistent with the requirements

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1219 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
 1220 body of the charter school may provide transportation through an
 1221 agreement or contract with the sponsor ~~district school board~~, a
 1222 private provider, or parents. The charter school and the sponsor
 1223 shall cooperate in making arrangements that ensure that
 1224 transportation is not a barrier to equal access for all students
 1225 residing within a reasonable distance of the charter school as
 1226 determined in its charter.

1227 (d) Each charter school shall annually complete and submit
 1228 a survey, provided in a format specified by the Department of
 1229 Education, to rate the timeliness and quality of services
 1230 provided by the sponsor ~~district~~ in accordance with this
 1231 section. The department shall compile the results, by sponsor
 1232 ~~district~~, and include the results in the report required under
 1233 sub-sub-subparagraph (5) (b)1.k.(III).

1234 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1235 (a) The Department of Education shall provide information
 1236 to the public, directly and through sponsors, on how to form and
 1237 operate a charter school and how to enroll in a charter school
 1238 once it is created. This information shall include the standard
 1239 application form, standard charter contract, standard evaluation
 1240 instrument, and standard charter renewal contract, which shall
 1241 include the information specified in subsection (7) and shall be
 1242 developed by consulting and negotiating with both sponsors
 1243 ~~school districts~~ and charter schools before implementation. The
 1244 charter and charter renewal contracts shall be used by charter
 1245 school sponsors.

1246 (b)1. The Department of Education shall report to each
 1247 charter school receiving a school grade pursuant to s. 1008.34

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1248 or a school improvement rating pursuant to s. 1008.341 the
 1249 school's student assessment data.

1250 2. The charter school shall report the information in
 1251 subparagraph 1. to each parent of a student at the charter
 1252 school, the parent of a child on a waiting list for the charter
 1253 school, the sponsor ~~district in which the charter school is~~
 1254 ~~located~~, and the governing board of the charter school. This
 1255 paragraph does not abrogate the provisions of s. 1002.22,
 1256 relating to student records, or the requirements of 20 U.S.C. s.
 1257 1232g, the Family Educational Rights and Privacy Act.

1258 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 1259 SCHOOL SYSTEMS.—

1260 (a) A charter school system's governing board shall be
 1261 designated a local educational agency for the purpose of
 1262 receiving federal funds, the same as though the charter school
 1263 system were a school district, if the governing board of the
 1264 charter school system has adopted and filed a resolution with
 1265 its sponsor ~~sponsoring district school board~~ and the Department
 1266 of Education in which the governing board of the charter school
 1267 system accepts the full responsibility for all local education
 1268 agency requirements and the charter school system meets all of
 1269 the following:

- 1270 1. Has all schools located in the same county;
- 1271 2. Has a total enrollment exceeding the total enrollment of
 1272 at least one school district in the state; and
- 1273 3. Has the same governing board.

1274
 1275 Such designation does not apply to other provisions unless
 1276 specifically provided in law.

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1277 (28) RULEMAKING.—The Department of Education, after
 1278 consultation with sponsors ~~school districts~~ and charter school
 1279 directors, shall recommend that the State Board of Education
 1280 adopt rules to implement specific subsections of this section.
 1281 Such rules shall require minimum paperwork and shall not limit
 1282 charter school flexibility authorized by statute. The State
 1283 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
 1284 and 120.54, to implement a standard charter application form,
 1285 standard application form for the replication of charter schools
 1286 in a high-performing charter school system, standard evaluation
 1287 instrument, and standard charter and charter renewal contracts
 1288 in accordance with this section.

1289 Section 3. Paragraph (d) of subsection (7) and paragraph
 1290 (b) of subsection (10) of section 1002.333, Florida Statutes,
 1291 are amended to read:

1292 1002.333 Persistently low-performing schools.—

1293 (7) FACILITIES.—

1294 (d) No later than January ~~October~~ 1 of each year, the
 1295 department ~~each school district~~ shall annually provide to school
 1296 districts ~~the Department of Education~~ a list of all underused,
 1297 vacant, or surplus facilities owned or operated by the school
 1298 district, as reported in the Florida Inventory of School Houses.
 1299 A school district may provide evidence to the department within
 1300 30 days after the list is provided that it contains errors or
 1301 omissions. No later than April 1 of each year, the department
 1302 shall update and publish a final list of all underused, vacant,
 1303 or surplus facilities owned or operated by each school district,
 1304 based upon the updated information provided by each school
 1305 district. A hope operator establishing a school of hope may use

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1306 an educational facility identified in this paragraph at no cost
 1307 or at a mutually agreeable cost not to exceed \$600 per student.
 1308 A hope operator using a facility pursuant to this paragraph may
 1309 not sell or dispose of such facility without the written
 1310 permission of the school district. For purposes of this
 1311 paragraph, the term “underused, vacant, or surplus facility”
 1312 means an entire facility or portion thereof which is not fully
 1313 used or is used irregularly or intermittently by the school
 1314 district for instructional or program use.

1315 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
 1316 is created within the Department of Education.

1317 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1318 funds allocated for the purpose of this subsection which are not
 1319 disbursed by June 30 of the fiscal year in which the funds are
 1320 allocated may be carried forward for up to 7 ~~5~~ years after the
 1321 effective date of the original appropriation.

1322 Section 4. Paragraph (a) of subsection (1) of section
 1323 1003.493, Florida Statutes, is amended to read:

1324 1003.493 Career and professional academies and career-
 1325 themed courses.—

1326 (1) (a) A “career and professional academy” is a research-
 1327 based program that integrates a rigorous academic curriculum
 1328 with an industry-specific curriculum aligned directly to
 1329 priority workforce needs established by the local workforce
 1330 development board or the Department of Economic Opportunity.
 1331 Career and professional academies must ~~shall~~ be offered by
 1332 public schools and school districts and may be offered by
 1333 charter schools. The Florida Virtual School is encouraged to
 1334 develop and offer rigorous career and professional courses as

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1335 appropriate. Students completing career and professional academy
 1336 programs must receive a standard high school diploma, the
 1337 highest available industry certification, and opportunities to
 1338 earn postsecondary credit if the academy partners with a
 1339 postsecondary institution approved to operate in the state.

1340 Section 5. Section 1013.385, Florida Statutes, is amended
 1341 to read:

1342 1013.385 School district construction flexibility.—

1343 ~~(1) Upon a majority vote at a public meeting that begins no~~
 1344 ~~earlier than 5 p.m., a district school board may, with a~~
 1345 ~~majority vote at a public meeting that begins no earlier than 5~~
 1346 ~~p.m., adopt a resolution to implement exceptions to s. 453 of~~
 1347 ~~the Florida Building Code which one or more of the exceptions to~~
 1348 ~~the educational facilities construction requirements provided in~~
 1349 ~~this section.~~

1350 (2) A resolution adopted under this section may propose
 1351 implementation of exceptions to requirements of the uniform
 1352 statewide building code for the planning and construction of
 1353 public educational and ancillary plants adopted pursuant to ss.
 1354 553.73 and 1013.37 relating to:

1355 (a) Interior non-load-bearing walls, by approving the use
 1356 of fire-rated wood stud walls in new construction or remodeling
 1357 for interior non-load-bearing wall assemblies that will not be
 1358 exposed to water or located in wet areas.

1359 (b) Walkways, roadways, driveways, and parking areas, by
 1360 approving the use of designated, stabilized, and well-drained
 1361 gravel or grassed student parking areas.

1362 (c) Standards for relocatables used as classroom space, as
 1363 specified in s. 1013.20, by approving construction

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1364 specifications for installation of relocatable buildings that do
 1365 not have covered walkways leading to the permanent buildings
 1366 onsite.

1367 ~~(d) Site lighting, by approving construction specifications~~
 1368 ~~regarding site lighting that:~~

1369 1. Do not provide for lighting of gravel or grassed
 1370 auxiliary or student parking areas.

1371 2. Provide lighting for walkways, roadways, driveways,
 1372 paved parking lots, exterior stairs, ramps, and walkways from
 1373 the exterior of the building to a public walkway through
 1374 installation of a timer that is set to provide lighting only
 1375 during periods when the site is occupied.

1376 3. Allow lighting for building entrances and exits to be
 1377 installed with a timer that is set to provide lighting only
 1378 during periods in which the building is occupied. The minimum
 1379 illumination level at single-door exits may be reduced to no
 1380 less than 1 foot-candle.

1381 (e) Any other provisions that limit the ability of a school
 1382 district to design and construct a facility in the same manner
 1383 as a charter school, or to operate in a facility on the same
 1384 basis as a charter school pursuant to s. 1002.33(18), so long as
 1385 the regional planning council determines that there is
 1386 sufficient shelter capacity within the school district as
 1387 documented in the Statewide Emergency Shelter Plan.

1388 Section 6. For the purpose of incorporating the amendment
 1389 made by this act to section 1002.33, Florida Statutes, in a
 1390 reference thereto, paragraph (c) of subsection (2) of section
 1391 11.40, Florida Statutes, is reenacted to read:

1392 11.40 Legislative Auditing Committee.—

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1393 (2) Following notification by the Auditor General, the
 1394 Department of Financial Services, the Division of Bond Finance
 1395 of the State Board of Administration, the Governor or his or her
 1396 designee, or the Commissioner of Education or his or her
 1397 designee of the failure of a local governmental entity, district
 1398 school board, charter school, or charter technical career center
 1399 to comply with the applicable provisions within s. 11.45(5)-(7),
 1400 s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative
 1401 Auditing Committee may schedule a hearing to determine if the
 1402 entity should be subject to further state action. If the
 1403 committee determines that the entity should be subject to
 1404 further state action, the committee shall:

1405 (c) In the case of a charter school or charter technical
 1406 career center, notify the appropriate sponsoring entity, which
 1407 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

1408 Section 7. For the purpose of incorporating the amendment
 1409 made by this act to section 1002.33, Florida Statutes, in a
 1410 reference thereto, paragraph (h) of subsection (6) of section
 1411 163.3180, Florida Statutes, is reenacted to read:

1412 163.3180 Concurrency.—

1413 (6)

1414 (h)1. In order to limit the liability of local governments,
 1415 a local government may allow a landowner to proceed with
 1416 development of a specific parcel of land notwithstanding a
 1417 failure of the development to satisfy school concurrency, if all
 1418 the following factors are shown to exist:

1419 a. The proposed development would be consistent with the
 1420 future land use designation for the specific property and with
 1421 pertinent portions of the adopted local plan, as determined by

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1422 the local government.

1423 b. The local government's capital improvements element and
 1424 the school board's educational facilities plan provide for
 1425 school facilities adequate to serve the proposed development,
 1426 and the local government or school board has not implemented
 1427 that element or the project includes a plan that demonstrates
 1428 that the capital facilities needed as a result of the project
 1429 can be reasonably provided.

1430 c. The local government and school board have provided a
 1431 means by which the landowner will be assessed a proportionate
 1432 share of the cost of providing the school facilities necessary
 1433 to serve the proposed development.

1434 2. If a local government applies school concurrency, it may
 1435 not deny an application for site plan, final subdivision
 1436 approval, or the functional equivalent for a development or
 1437 phase of a development authorizing residential development for
 1438 failure to achieve and maintain the level-of-service standard
 1439 for public school capacity in a local school concurrency
 1440 management system where adequate school facilities will be in
 1441 place or under actual construction within 3 years after the
 1442 issuance of final subdivision or site plan approval, or the
 1443 functional equivalent. School concurrency is satisfied if the
 1444 developer executes a legally binding commitment to provide
 1445 mitigation proportionate to the demand for public school
 1446 facilities to be created by actual development of the property,
 1447 including, but not limited to, the options described in sub-
 1448 subparagraph a. Options for proportionate-share mitigation of
 1449 impacts on public school facilities must be established in the
 1450 comprehensive plan and the interlocal agreement pursuant to s.

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1451 163.31777.

1452 a. Appropriate mitigation options include the contribution
 1453 of land; the construction, expansion, or payment for land
 1454 acquisition or construction of a public school facility; the
 1455 construction of a charter school that complies with the
 1456 requirements of s. 1002.33(18); or the creation of mitigation
 1457 banking based on the construction of a public school facility in
 1458 exchange for the right to sell capacity credits. Such options
 1459 must include execution by the applicant and the local government
 1460 of a development agreement that constitutes a legally binding
 1461 commitment to pay proportionate-share mitigation for the
 1462 additional residential units approved by the local government in
 1463 a development order and actually developed on the property,
 1464 taking into account residential density allowed on the property
 1465 prior to the plan amendment that increased the overall
 1466 residential density. The district school board must be a party
 1467 to such an agreement. As a condition of its entry into such a
 1468 development agreement, the local government may require the
 1469 landowner to agree to continuing renewal of the agreement upon
 1470 its expiration.

1471 b. If the interlocal agreement and the local government
 1472 comprehensive plan authorize a contribution of land; the
 1473 construction, expansion, or payment for land acquisition; the
 1474 construction or expansion of a public school facility, or a
 1475 portion thereof; or the construction of a charter school that
 1476 complies with the requirements of s. 1002.33(18), as
 1477 proportionate-share mitigation, the local government shall
 1478 credit such a contribution, construction, expansion, or payment
 1479 toward any other impact fee or exaction imposed by local

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1480 ordinance for public educational facilities, on a dollar-for-
 1481 dollar basis at fair market value. The credit must be based on
 1482 the total impact fee assessed and not on the impact fee for any
 1483 particular type of school.

1484 c. Any proportionate-share mitigation must be directed by
 1485 the school board toward a school capacity improvement identified
 1486 in the 5-year school board educational facilities plan that
 1487 satisfies the demands created by the development in accordance
 1488 with a binding developer's agreement.

1489 3. This paragraph does not limit the authority of a local
 1490 government to deny a development permit or its functional
 1491 equivalent pursuant to its home rule regulatory powers, except
 1492 as provided in this part.

1493 Section 8. For the purpose of incorporating the amendment
 1494 made by this act to section 1002.33, Florida Statutes, in a
 1495 reference thereto, section 196.1983, Florida Statutes, is
 1496 reenacted to read:

1497 196.1983 Charter school exemption from ad valorem taxes.—
 1498 Any facility, or portion thereof, used to house a charter school
 1499 whose charter has been approved by the sponsor and the governing
 1500 board pursuant to s. 1002.33(7) shall be exempt from ad valorem
 1501 taxes. For leasehold properties, the landlord must certify by
 1502 affidavit to the charter school that the required payments under
 1503 the lease, whether paid to the landlord or on behalf of the
 1504 landlord to a third party, will be reduced to the extent of the
 1505 exemption received. The owner of the property shall disclose to
 1506 a charter school the full amount of the benefit derived from the
 1507 exemption and the method for ensuring that the charter school
 1508 receives such benefit. The charter school shall receive the full

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1509 benefit derived from the exemption.

1510 Section 9. For the purpose of incorporating the amendment
1511 made by this act to section 1002.33, Florida Statutes, in a
1512 reference thereto, paragraph (e) of subsection (1) of section
1513 218.39, Florida Statutes, is reenacted to read:

1514 218.39 Annual financial audit reports.—

1515 (1) If, by the first day in any fiscal year, a local
1516 governmental entity, district school board, charter school, or
1517 charter technical career center has not been notified that a
1518 financial audit for that fiscal year will be performed by the
1519 Auditor General, each of the following entities shall have an
1520 annual financial audit of its accounts and records completed
1521 within 9 months after the end of its fiscal year by an
1522 independent certified public accountant retained by it and paid
1523 from its public funds:

1524 (e) Each charter school established under s. 1002.33.

1525 Section 10. For the purpose of incorporating the amendment
1526 made by this act to section 1002.33, Florida Statutes, in a
1527 reference thereto, paragraph (a) of subsection (4) of section
1528 381.0056, Florida Statutes, is reenacted to read:

1529 381.0056 School health services program.—

1530 (4)(a) Each county health department shall develop, jointly
1531 with the district school board and the local school health
1532 advisory committee, a school health services plan. The plan must
1533 include, at a minimum, provisions for all of the following:

- 1534 1. Health appraisal;
- 1535 2. Records review;
- 1536 3. Nurse assessment;
- 1537 4. Nutrition assessment;

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1538 5. A preventive dental program;

1539 6. Vision screening;

1540 7. Hearing screening;

1541 8. Scoliosis screening;

1542 9. Growth and development screening;

1543 10. Health counseling;

1544 11. Referral and followup of suspected or confirmed health
1545 problems by the local county health department;

1546 12. Meeting emergency health needs in each school;

1547 13. County health department personnel to assist school
1548 personnel in health education curriculum development;

1549 14. Referral of students to appropriate health treatment,
1550 in cooperation with the private health community whenever
1551 possible;

1552 15. Consultation with a student's parent or guardian
1553 regarding the need for health attention by the family physician,
1554 dentist, or other specialist when definitive diagnosis or
1555 treatment is indicated;

1556 16. Maintenance of records on incidents of health problems,
1557 corrective measures taken, and such other information as may be
1558 needed to plan and evaluate health programs; except, however,
1559 that provisions in the plan for maintenance of health records of
1560 individual students must be in accordance with s. 1002.22;

1561 17. Health information which will be provided by the school
1562 health nurses, when necessary, regarding the placement of
1563 students in exceptional student programs and the reevaluation at
1564 periodic intervals of students placed in such programs;

1565 18. Notification to the local nonpublic schools of the
1566 school health services program and the opportunity for

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1567 representatives of the local nonpublic schools to participate in
 1568 the development of the cooperative health services plan; and
 1569 19. Immediate notification to a student's parent, guardian,
 1570 or caregiver if the student is removed from school, school
 1571 transportation, or a school-sponsored activity and taken to a
 1572 receiving facility for an involuntary examination pursuant to s.
 1573 394.463, including the requirements established under ss.
 1574 1002.20(3) and 1002.33(9), as applicable.

1575 Section 11. For the purpose of incorporating the amendment
 1576 made by this act to section 1002.33, Florida Statutes, in a
 1577 reference thereto, paragraph (b) of subsection (1) of section
 1578 409.1664, Florida Statutes, is reenacted to read:

1579 409.1664 Adoption benefits for qualifying adoptive
 1580 employees of state agencies.—

1581 (1) As used in this section, the term:

1582 (b) "Qualifying adoptive employee" means a full-time or
 1583 part-time employee of a state agency, a charter school
 1584 established under s. 1002.33, or the Florida Virtual School
 1585 established under s. 1002.37 who is paid from regular salary
 1586 appropriations, or otherwise meets his or her employer's
 1587 definition of a regular rather than temporary employee, and who
 1588 adopts a child within the child welfare system pursuant to
 1589 chapter 63 on or after July 1, 2015. The term includes
 1590 instructional personnel, as defined in s. 1012.01, who are
 1591 employed by the Florida School for the Deaf and the Blind.

1592 Section 12. For the purpose of incorporating the amendment
 1593 made by this act to section 1002.33, Florida Statutes, in a
 1594 reference thereto, subsection (1) of section 409.9072, Florida
 1595 Statutes, is reenacted to read:

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1596 409.9072 Medicaid provider agreements for charter schools
 1597 and private schools.—

1598 (1) Subject to a specific appropriation by the Legislature,
 1599 the agency shall reimburse private schools as defined in s.
 1600 1002.01 and schools designated as charter schools under s.
 1601 1002.33 which are Medicaid providers for school-based services
 1602 pursuant to the rehabilitative services option provided under 42
 1603 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age
 1604 with specified disabilities who are eligible for both Medicaid
 1605 and part B or part H of the Individuals with Disabilities
 1606 Education Act (IDEA) or the exceptional student education
 1607 program, or who have an individualized educational plan.

1608 Section 13. For the purpose of incorporating the amendment
 1609 made by this act to section 1002.33, Florida Statutes, in a
 1610 reference thereto, subsection (7) of section 944.801, Florida
 1611 Statutes, is reenacted to read:

1612 944.801 Education for state prisoners.—

1613 (7) The department may contract with a district school
 1614 board, the Florida Virtual School, or a charter school
 1615 authorized to operate under s. 1002.33 to provide education
 1616 services in the Correctional Education Program. The education
 1617 services may include any educational, career, or vocational
 1618 training that is authorized by the department.

1619 Section 14. For the purpose of incorporating the amendment
 1620 made by this act to section 1002.33, Florida Statutes, in a
 1621 reference thereto, subsection (1) of section 951.176, Florida
 1622 Statutes, is reenacted to read:

1623 951.176 Provision of education.—

1624 (1) Each county may contract with a district school board,

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1625 the Florida Virtual School, or a charter school authorized to
 1626 operate under s. 1002.33 to provide education services for
 1627 inmates at county detention facilities. The education services
 1628 may include any educational, career, or vocational training that
 1629 is authorized by the sheriff or chief correctional officer, or
 1630 his or her designee.

1631 Section 15. For the purpose of incorporating the amendment
 1632 made by this act to section 1002.33, Florida Statutes, in a
 1633 reference thereto, paragraph (d) of subsection (3) of section
 1634 1006.15, Florida Statutes, is reenacted to read:

1635 1006.15 Student standards for participation in
 1636 interscholastic and intrascholastic extracurricular student
 1637 activities; regulation.-

1638 (3)

1639 (d) An individual charter school student pursuant to s.
 1640 1002.33 is eligible to participate at the public school to which
 1641 the student would be assigned according to district school board
 1642 attendance area policies or which the student could attend in
 1643 any interscholastic extracurricular activity of that school,
 1644 unless such activity is provided by the student's charter
 1645 school, if the following conditions are met:

1646 1. The charter school student must meet the requirements of
 1647 the charter school education program as determined by the
 1648 charter school governing board.

1649 2. During the period of participation at a school, the
 1650 charter school student must demonstrate educational progress as
 1651 required in paragraph (b).

1652 3. The charter school student must meet the same residency
 1653 requirements as other students in the school at which he or she

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1654 participates.

1655 4. The charter school student must meet the same standards
 1656 of acceptance, behavior, and performance that are required of
 1657 other students in extracurricular activities.

1658 5. The charter school student must register with the school
 1659 his or her intent to participate in interscholastic
 1660 extracurricular activities as a representative of the school
 1661 before participation. A charter school student must be able to
 1662 participate in curricular activities if that is a requirement
 1663 for an extracurricular activity.

1664 6. A student who transfers from a charter school program to
 1665 a traditional public school before or during the first grading
 1666 period of the school year is academically eligible to
 1667 participate in interscholastic extracurricular activities during
 1668 the first grading period if the student has a successful
 1669 evaluation from the previous school year, pursuant to
 1670 subparagraph 2.

1671 7. Any public school or private school student who has been
 1672 unable to maintain academic eligibility for participation in
 1673 interscholastic extracurricular activities is ineligible to
 1674 participate in such activities as a charter school student until
 1675 the student has successfully completed one grading period in a
 1676 charter school pursuant to subparagraph 2. to become eligible to
 1677 participate as a charter school student.

1678 Section 16. For the purpose of incorporating the amendment
 1679 made by this act to section 1002.33, Florida Statutes, in a
 1680 reference thereto, paragraph (c) of subsection (3) of section
 1681 1008.33, Florida Statutes, is reenacted to read:

1682 1008.33 Authority to enforce public school improvement.-

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1683 (3)
 1684 (c) The state board shall adopt by rule a differentiated
 1685 matrix of intervention and support strategies for assisting
 1686 traditional public schools identified under this section and
 1687 rules for implementing s. 1002.33(9)(n), relating to charter
 1688 schools. The intervention and support strategies must address
 1689 student performance and may include improvement planning;
 1690 leadership quality improvement; educator quality improvement;
 1691 professional development; curriculum review, pacing, and
 1692 alignment across grade levels to improve background knowledge in
 1693 social studies, science, and the arts; and the use of continuous
 1694 improvement and monitoring plans and processes. In addition, the
 1695 state board may prescribe reporting requirements to review and
 1696 monitor the progress of the schools. The rule must define the
 1697 intervention and support strategies for school improvement for
 1698 schools earning a grade of "D" or "F" and the roles for the
 1699 district and department.

1700 Section 17. For the purpose of incorporating the amendment
 1701 made by this act to section 1002.33, Florida Statutes, in a
 1702 reference thereto, paragraph (c) of subsection (1) of section
 1703 1011.61, Florida Statutes, is reenacted to read:

1704 1011.61 Definitions.—Notwithstanding the provisions of s.
 1705 1000.21, the following terms are defined as follows for the
 1706 purposes of the Florida Education Finance Program:

1707 (1) A "full-time equivalent student" in each program of the
 1708 district is defined in terms of full-time students and part-time
 1709 students as follows:

1710 (c)1. A "full-time equivalent student" is:

1711 a. A full-time student in any one of the programs listed in

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1712 s. 1011.62(1)(c); or

1713 b. A combination of full-time or part-time students in any
 1714 one of the programs listed in s. 1011.62(1)(c) which is the
 1715 equivalent of one full-time student based on the following
 1716 calculations:

1717 (I) A full-time student in a combination of programs listed
 1718 in s. 1011.62(1)(c) shall be a fraction of a full-time
 1719 equivalent membership in each special program equal to the
 1720 number of net hours per school year for which he or she is a
 1721 member, divided by the appropriate number of hours set forth in
 1722 subparagraph (a)1. The difference between that fraction or sum
 1723 of fractions and the maximum value as set forth in subsection
 1724 (4) for each full-time student is presumed to be the balance of
 1725 the student's time not spent in a special program and shall be
 1726 recorded as time in the appropriate basic program.

1727 (II) A prekindergarten student with a disability shall meet
 1728 the requirements specified for kindergarten students.

1729 (III) A full-time equivalent student for students in
 1730 kindergarten through grade 12 in a full-time virtual instruction
 1731 program under s. 1002.45 or a virtual charter school under s.
 1732 1002.33 shall consist of six full-credit completions or the
 1733 prescribed level of content that counts toward promotion to the
 1734 next grade in programs listed in s. 1011.62(1)(c). Credit
 1735 completions may be a combination of full-credit courses or half-
 1736 credit courses.

1737 (IV) A full-time equivalent student for students in
 1738 kindergarten through grade 12 in a part-time virtual instruction
 1739 program under s. 1002.45 shall consist of six full-credit
 1740 completions in programs listed in s. 1011.62(1)(c)1. and 3.

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1741 Credit completions may be a combination of full-credit courses
1742 or half-credit courses.

1743 (V) A Florida Virtual School full-time equivalent student
1744 shall consist of six full-credit completions or the prescribed
1745 level of content that counts toward promotion to the next grade
1746 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1747 participating in kindergarten through grade 12 part-time virtual
1748 instruction and the programs listed in s. 1011.62(1)(c) for
1749 students participating in kindergarten through grade 12 full-
1750 time virtual instruction. Credit completions may be a
1751 combination of full-credit courses or half-credit courses.

1752 (VI) Each successfully completed full-credit course earned
1753 through an online course delivered by a district other than the
1754 one in which the student resides shall be calculated as 1/6 FTE.

1755 (VII) A full-time equivalent student for courses requiring
1756 passage of a statewide, standardized end-of-course assessment
1757 under s. 1003.4282 to earn a standard high school diploma shall
1758 be defined and reported based on the number of instructional
1759 hours as provided in this subsection.

1760 (VIII) For students enrolled in a school district as a
1761 full-time student, the district may report 1/6 FTE for each
1762 student who passes a statewide, standardized end-of-course
1763 assessment without being enrolled in the corresponding course.

1764 2. A student in membership in a program scheduled for more
1765 or less than 180 school days or the equivalent on an hourly
1766 basis as specified by rules of the State Board of Education is a
1767 fraction of a full-time equivalent membership equal to the
1768 number of instructional hours in membership divided by the
1769 appropriate number of hours set forth in subparagraph (a)1.;

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1770 however, for the purposes of this subparagraph, membership in
1771 programs scheduled for more than 180 days is limited to students
1772 enrolled in:

- 1773 a. Juvenile justice education programs.
- 1774 b. The Florida Virtual School.
- 1775 c. Virtual instruction programs and virtual charter schools
1776 for the purpose of course completion and credit recovery
1777 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1778 only to a student who is reported during the second or third
1779 membership surveys and who does not complete a virtual education
1780 course by the end of the regular school year. The course must be
1781 completed no later than the deadline for amending the final
1782 student enrollment survey for that year. Credit recovery applies
1783 only to a student who has unsuccessfully completed a traditional
1784 or virtual education course during the regular school year and
1785 must retake the course in order to be eligible to graduate with
1786 the student's class.

1787
1788 The full-time equivalent student enrollment calculated under
1789 this subsection is subject to the requirements in subsection
1790 (4).

1791
1792 The department shall determine and implement an equitable method
1793 of equivalent funding for schools operating under emergency
1794 conditions, which schools have been approved by the department
1795 to operate for less than the minimum term as provided in s.
1796 1011.60(2).

1797 Section 18. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1746

INTRODUCER: Senator Stargel

SUBJECT: Florida Virtual Education

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	Pre-meeting
2.			JU	
3.			AP	

I. Summary:

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

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

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

The bill takes effect on July 1, 2020.

II. Present Situation:

Virtual learning is a rapidly growing space in education policy, seeking to maximize potential for instructional innovation, prepare students for life in the digital age and meet students' unique needs.¹ Virtual learning takes a variety of forms, including full-time virtual schools, supplemental course offerings and blended learning programs. Virtual schools, including charters, single-district schools and statewide programs, have emerged as educational options for students and parents seeking flexibility and individualized learning. Full-time virtual schools

¹ Education Commission of the States, *Virtual School Policies December 2019*, available at <https://www.ecs.org/wp-content/uploads/Virtual-School-Policies.pdf>.

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

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

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

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

Digital Learning Now Act

In 2011, the Florida Legislature created the Digital Learning Now Act to provide all kindergarten through grade 12 students with access to multiple high quality part-time and full-time digital learning options, including:⁷

- Full-time virtual charter school instruction.

² Education Commission of the States, *Virtual School Policies December 2019* (2019), available at <https://www.ecs.org/wp-content/uploads/Virtual-School-Policies.pdf>.

³ Digital Learning Collaborative, *Snapshot 2019 A review of K-12 online, blended, and digital learning April 2019* (2019), available at: <https://static1.squarespace.com/static/5a98496696d4556b01f86662/t/5df14341d5d15f7ed7bf8c93/1576092485377/DLC-KP-Snapshot2019.pdf> at 18.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Section 1002.321(4) and Section 1002.455, F.S.

- Florida Virtual School (FLVS).
- School district operated part-time and full-time virtual instruction program (VIP) options.
- Other online and blended courses.

Virtual Charter Schools

Virtual charter schools are charter schools that are full-time public virtual schools. Students access the curriculum and instruction, and interact with teachers, outside of a traditional school setting, usually from home.⁸ An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application to become a virtual charter school.⁹ An approved virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 by:¹⁰

- Contracting with FLVS.
- Contracting with an approved provider.
- Entering into a VIP agreement with a school district.

Virtual charter schools enrolled 3,456 students in the 2018-2019 school year,¹¹ and currently 4,374 students are enrolled in seven virtual charter schools for the 2019-2020 school year.¹²

Florida Virtual School (FLVS)

FLVS was established to develop and deliver online and distance learning education,¹³ and is part of the Florida public school system.¹⁴ The Commissioner of Education (commissioner) is charged with monitoring FLVS.¹⁵ Current law requires FLVS to serve any student in the state who meets the profile for success, giving priority to:¹⁶

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools.
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.
- Students who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

During the 2018-2019 school year, FLVS served more than 215,000 students in Florida through full- and part-time instruction, including 5,540 full-time students and 209,965 part-time students, who completed a total of 518,045 semester courses.¹⁷

⁸ Florida Department of Education, *General Information on Virtual Charter Schools*, <http://www.fldoe.org/schools/school-choice/virtual-edu/virtual-charter-school/vcs-info.stml> (last visited Jan. 22, 2020).

⁹ Section 1002.33(1), F.S.

¹⁰ Section 1002.45(1), F.S.

¹¹ Florida Department of Education, *Fact Sheet, Office of Independent Education and Parental Choice* (2019), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

¹² Email, Florida Department of Education (Jan. 22, 2020).

¹³ Section 1002.37(1), F.S.

¹⁴ Section 1000.04(4), F.S.

¹⁵ Section 1002.37(1)(a), F.S.

¹⁶ *Id.*

¹⁷ FLVS Global served 3,316 students in 50 states and over 100 countries and territories in 2018-2019. Florida Department of Education, *Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School* (2019), available at <http://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf>.

FLVS Global

FLVS Global provides instruction courseware, training, and expertise to online and blended programs for schools, districts, states, and international agencies.¹⁸ FLVS Global School serves middle and high school students around the nation and world through tuition-based instruction. During the 2018-2019 school year, FLVS Global School served 3,316 students in 50 states and over 100 countries and territories, who completed 6,832 semester courses.¹⁹

FLVS Governance

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

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

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

- The operations and accomplishments of FLVS and FLVS Global;
- The marketing and operational plan for FLVS and FLVS Global;
- The assets and liabilities of FLVS and FLVS Global at the end of the fiscal year;
- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global; and
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by FLVS and FLVS Global.²⁰

¹⁸ FLVS Global, *About us*, <https://www.flvsglobal.net/about-us/> (last visited Jan. 22, 2020).

¹⁹ Florida Department of Education, *Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School* (2019), available at <http://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf>.

²⁰ Section 1002.37(6), F.S.

Recent operational and governance related issues at FLVS prompted a temporary change in governance in ch. 2019-116, L.O.F., the implementing bill for the 2019 General Appropriations Act,²¹ while the condition of FLVS could be assessed. Identified issues include:²²

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

Ch. 2019-116, L.O.F., requires the SBE to serve as the BOT of FLVS. The SBE sitting as the BOT of FLVS must appoint an executive director, who reports directly to the commissioner. The executive director must competitively award a contract for an independent third-party consulting firm to conduct financial, operational, or performance audits, and the Office of the Inspector General of the DOE must oversee the audit. The DOE must provide recommendations regarding the governance, operation, and organization of FLVS to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2019.²³

The DOE submitted its required recommendations on November 1, 2019. These recommendations were developed around the following three goals:²⁴

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

Virtual Instruction Program (VIP)

A VIP is defined as a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.²⁵ Each VIP is required to:²⁶

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

²¹ Section 12, ch. 2019-116, L.O.F.

²² Florida Department of Education, *Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School* (2019), available at <http://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf>.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 1002.45(1)(a)2., F.S.

²⁶ Section 1002.45(3), F.S.

- Provide qualified²⁷ full-time students with equipment and internet access.
- Not require tuition or student registration fees.

Smaller school districts receiving the sparsity supplement²⁸ are required to offer at least one full-time and part-time VIP option²⁹ and schools districts not receiving the sparsity supplement are required to offer at least three options.³⁰

In order to provide students the opportunity to participate in VIP options, a school district may:³¹

- Contract with FLVS or establish an FLVS franchise.³²
- Contract with an approved provider.³³
- Enter into an agreement with other school districts.
- Establish school district operated part-time or full-time VIP options.
- Enter into an agreement with a virtual charter school.

The DOE is tasked with annually publishing a list of providers approved to offer VIP options.³⁴ To be approved, a provider must document that the provider possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by student learning gains in each grade level subject provided for consideration.³⁵

Once approved, a VIP provider retains its status for three years.³⁶ However, for a provider without sufficient prior, successful experience offering online courses, the DOE may conditionally approve the provider to offer courses for one school year.³⁷

More than 11,000 students participated in school district VIP options during the 2018-2019 school year.³⁸

²⁷ Any student who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home. Section 1002.45 (3)(d), F.S.

²⁸ School districts with a student population between 17,000 and 24,000 full-time equivalent students may receive additional funding through the sparsity supplement as determined through a statutory formula and provided in the General Appropriations Act. Florida Department of Education, *2019-20 Funding for Florida School Districts* (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 18.

²⁹ Florida Department of Education, *District Virtual Options for Students*, <http://www.fldoe.org/schools/school-choice/virtual-edu/parent-resources/district-virtual-options.stml> (last visited Jan. 23, 2020).

³⁰ Section 1002.45(1)(b), F.S.

³¹ Section 1002.45(1)(c), F.S.

³² FLVS, *County Virtual Schools*, <https://www.flvs.net/florida-school-solutions/county-virtual-schools> (last visited Jan. 22, 2020).

³³ Approved providers include a provider that is approved by the DOE, FLVS, a franchise of FLVS, or a Florida College System institution. Section 1002.45(1)(a)1., F.S. and Rule 6A-6.0981, F.A.C.

³⁴ Section 1002.45(2)(a), F.S.

³⁵ Section 1002.45(2)(a)5., F.S.

³⁶ Section 1002.45(2)(b), F.S.

³⁷ *Id.*

³⁸ Florida Department of Education, *Fact Sheet, Office of Independent Education and Parental Choice* (2019), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

III. Effect of Proposed Changes:

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

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

Florida Virtual School (FLVS)

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

The bill adds new requirements to establish FLVS as a state agency and require the BOT to establish an OIG within the school just like other state agencies. The OIG provides a central point of coordination and is responsible for activities that promote accountability, integrity and efficiency in state government.³⁹ The OIG is required to investigate allegations or reports of possible fraud or abuse against the school, staff or students.

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

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

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

³⁹ Florida Department of State, *Inspector General*, <https://dos.myflorida.com/offices/inspector-general/> (last visited Jan. 29, 2020).

Virtual Charter Schools

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

Virtual Instruction Program (VIP)

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

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

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.37, and 1002.45.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By Senator Stargel

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1 A bill to be entitled
 2 An act relating to Florida virtual education; amending
 3 s. 1002.33, F.S.; conforming provisions to changes
 4 made by the act; amending s. 1002.37, F.S.; providing
 5 that certain employees of the Florida Virtual School
 6 are entitled to sovereign immunity; revising the
 7 students given priority by the Florida Virtual School;
 8 revising the number of members appointed to the board
 9 of trustees of the Florida Virtual School; providing
 10 term limits for members of the board; providing that
 11 the board members are governed by a specified code of
 12 ethics; prohibiting members of the board and any
 13 member of a governing body for a direct-support
 14 organization or supplemental support organization
 15 associated with the Florida Virtual School from having
 16 specified business relationships or interest in the
 17 Florida Virtual School; requiring the board to appoint
 18 an executive director; providing duties of the
 19 executive director; requiring the board of trustees to
 20 meet at the call of the executive director;
 21 authorizing, rather than requiring, the board of
 22 trustees to participate in specified marketing
 23 activities; requiring the board of trustees to be
 24 responsible for all internal funds of the school;
 25 authorizing the Florida Virtual School to accrue
 26 supplemental revenue from a specified organization;
 27 requiring the executive director of the Florida
 28 Virtual School to review and approve specified
 29 expenditures; deleting a provision authorizing the

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30 executive director to override such expenditures under
 31 certain circumstances; deleting provisions authorizing
 32 the board of trustees to adopt certain rules and
 33 procedures; providing that all Florida Virtual School
 34 employees are subject to specified policies; requiring
 35 all the employees to receive a specified contract;
 36 deleting a requirement that the board of trustees
 37 distribute certain procedures to high schools in this
 38 state; requiring student records held by the school to
 39 meet specified provisions; providing requirements for
 40 meetings of the board of trustees; revising the
 41 requirements for a specified plan; deleting a
 42 requirement that the Florida Virtual School board of
 43 trustees submit specified information to certain
 44 entities for the Florida Virtual School Global;
 45 requiring the board to establish an Office of
 46 Inspector General within the school; providing duties
 47 and responsibilities of the office; amending s.
 48 1002.45, F.S.; deleting a requirement that certain
 49 school districts provide a specified number of virtual
 50 instruction options; authorizing a virtual charter
 51 school to provide part-time instruction under certain
 52 circumstances; authorizing the Department of Education
 53 to conditionally approve a virtual instruction
 54 provider for 2 years, rather than 1 year; providing an
 55 effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:
 58

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59 Section 1. Subsection (1) of section 1002.33, Florida
 60 Statutes, is amended to read:
 61 1002.33 Charter schools.—
 62 (1) AUTHORIZATION.—All charter schools in Florida are
 63 public schools and shall be part of the state’s program of
 64 public education. A charter school may be formed by creating a
 65 new school or converting an existing public school to charter
 66 status. A charter school may operate a virtual charter school
 67 pursuant to s. 1002.45(1)(d) to provide full-time or part-time
 68 online instruction to students, pursuant to s. 1002.455, in
 69 kindergarten through grade 12. The school district in which the
 70 student enrolls in the virtual charter school shall report the
 71 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
 72 the home school district shall not report the student for
 73 funding. An existing charter school that is seeking to become a
 74 virtual charter school must amend its charter or submit a new
 75 application pursuant to subsection (6) to become a virtual
 76 charter school. A virtual charter school is subject to the
 77 requirements of this section; however, a virtual charter school
 78 is exempt from subsections (18) and (19), paragraph (20)(c), and
 79 s. 1003.03. A public school may not use the term charter in its
 80 name unless it has been approved under this section.
 81 Section 2. Paragraphs (a) and (b) of subsection (1),
 82 subsections (2) and (4), and paragraph (b) of subsection (7) of
 83 section 1002.37, Florida Statutes, are amended, and subsection
 84 (12) is added to that section, to read:
 85 1002.37 The Florida Virtual School.—
 86 (1)(a) The Florida Virtual School is an agency of the state
 87 established for the development and delivery of world-class

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88 online and distance learning education. The Florida Virtual
 89 School, its board of trustees, officers, and employees are
 90 entitled to sovereign immunity pursuant to s. 768.28. The
 91 Commissioner of Education shall monitor the school’s performance
 92 and report its performance to the State Board of Education and
 93 the Legislature.
 94 (b) The mission of the Florida Virtual School is to provide
 95 students with technology-based educational opportunities to gain
 96 the knowledge and skills necessary to succeed. The school shall
 97 serve any student in the state who meets the profile for success
 98 in this educational delivery context and shall give priority to:
 99 1. Students who need expanded access to courses in order to
 100 meet their educational goals, such as home education students,
 101 ~~and~~ students in inner-city and rural areas high schools who do
 102 not have access to higher-level courses, English language
 103 learners, students with exceptionalities who currently do not
 104 have access to higher-level courses, including gifted students.
 105 2. Students seeking accelerated access in order to obtain a
 106 high school diploma at least one semester early.
 107 3. Students who are children of an active duty member of
 108 the United States Armed Forces who is not stationed in this
 109 state and whose home of record or state of legal residence is
 110 Florida.
 111 4. Students who are in an alternative setting or a
 112 Department of Juvenile Justice program.
 113
 114 The board of trustees of the Florida Virtual School shall
 115 identify appropriate performance measures and standards based on
 116 student achievement that reflect the school’s statutory mission

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117 and priorities, and shall implement an accountability system for
 118 the school that includes assessment of its effectiveness and
 119 efficiency in providing quality services that encourage high
 120 student achievement, seamless articulation, and maximum access.

121 (2) (a) The Florida Virtual School shall be governed by a
 122 board of trustees comprised of five ~~seven~~ members appointed by
 123 the Governor to 4-year staggered terms. A member may not serve
 124 more than two consecutive 4-year terms on the board. ~~The board~~
 125 ~~of trustees shall be a public agency entitled to sovereign~~
 126 ~~immunity pursuant to s. 768.28, and board members shall be~~
 127 ~~public officers who shall bear fiduciary responsibility for the~~
 128 ~~Florida Virtual School. The board of trustees shall be governed~~
 129 ~~by the code of ethics for public officers and employees as set~~
 130 ~~forth in part III of chapter 112. A member of the board of~~
 131 ~~trustees may not have any business relationship with or~~
 132 ~~pecuniary interest in the Florida Virtual School while serving~~
 133 ~~on the board or for 6 years after serving on the board.~~

134 (b) The board of trustees shall have the following powers
 135 and duties:

136 1. The board of trustees shall appoint an executive
 137 director. The executive director is responsible for executing
 138 the Florida Virtual School's mission, vision, and goals; for
 139 proposing policies and policy revisions to the board of
 140 trustees; and for the day-to-day operations of the Florida
 141 Virtual School.

142 2.a. ~~(a)1-~~ The board of trustees shall meet at least 4 times
 143 each year, upon the call of the chair or executive director, or
 144 at the request of a majority of the board membership.

145 b.2- The fiscal year for the Florida Virtual School shall

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146 be the state fiscal year as provided in s. 216.011(1)(o).

147 ~~3.(b)~~ The board of trustees shall be responsible for the
 148 Florida Virtual School's development of a state-of-the-art
 149 technology-based education delivery system that is cost-
 150 effective, educationally sound, marketable, and capable of
 151 sustaining a self-sufficient delivery system through the Florida
 152 Education Finance Program.

153 ~~4.(e)~~ The board of trustees shall aggressively seek avenues
 154 to generate revenue to support its future endeavors, and shall
 155 enter into agreements with distance learning providers. The
 156 board of trustees may acquire, enjoy, use, and dispose of
 157 patents, copyrights, and trademarks and any licenses and other
 158 rights or interests thereunder or therein. Ownership of all such
 159 patents, copyrights, trademarks, licenses, and rights or
 160 interests thereunder or therein shall vest in the state, with
 161 the board of trustees having full right of use and full right to
 162 retain the revenues derived therefrom. Any funds realized from
 163 patents, copyrights, trademarks, or licenses shall be considered
 164 internal funds ~~as provided in s. 1011.07.~~ Such funds shall be
 165 used to support the school's marketing, if the school chooses to
 166 participate in any marketing, and research and development
 167 activities in order to improve courseware and services to its
 168 students.

169 ~~5.(d)~~ The board of trustees shall be responsible for the
 170 administration and control of all internal and local school
 171 funds derived from all activities or sources and shall prescribe
 172 the principles and procedures to be followed in administering
 173 these funds.

174 6.(e) The Florida Virtual School may accrue supplemental

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175 revenue from a direct-support organization in accordance with s.
 176 1001.453. The Florida Virtual School may also accrue
 177 ~~supplemental~~ revenue from supplemental support organizations,
 178 which include, but are not limited to, alumni associations,
 179 ~~foundations,~~ parent-teacher associations, and booster
 180 associations. However, a member of the governing body of such an
 181 organization may not have a business relationship with or
 182 pecuniary interest in the Florida Virtual School. The governing
 183 body of each ~~supplemental-support~~ organization shall recommend
 184 the expenditure of moneys collected or generated by it the
 185 ~~organization~~ for the benefit of the school. Such expenditures
 186 shall be contingent upon the review and approval of the
 187 executive director of the Florida Virtual School. ~~The executive~~
 188 ~~director may override any proposed expenditure of the~~
 189 ~~organization that would violate Florida law or breach sound~~
 190 ~~educational management.~~

191 7.(f) In accordance with law and rules of the State Board
 192 of Education, the board of trustees shall administer and
 193 maintain personnel programs for all employees of the board of
 194 trustees and the Florida Virtual School. The board of trustees
 195 may adopt ~~rules, policies, and procedures~~ related to the
 196 appointment, employment, and removal of personnel.

197 a.1- The board of trustees shall determine the
 198 compensation, including salaries and fringe benefits, and other
 199 conditions of employment for such personnel.

200 b.2- The board of trustees may establish and maintain a
 201 personnel loan or exchange program by which persons employed by
 202 the board of trustees for the Florida Virtual School as academic
 203 administrative and instructional staff may be loaned to, or

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204 exchanged with persons employed in like capacities by, public
 205 agencies either within or without this state, or by private
 206 industry. With respect to public agency employees, the program
 207 authorized by this subparagraph shall be consistent with the
 208 requirements of part II of chapter 112. The salary and benefits
 209 of board of trustees personnel participating in the loan or
 210 exchange program shall be continued during the period of time
 211 they participate in a loan or exchange program, and such
 212 personnel shall be deemed to have no break in creditable or
 213 continuous service or employment during such time. The salary
 214 and benefits of persons participating in the personnel loan or
 215 exchange program who are employed by public agencies or private
 216 industry shall be paid by the originating employers of those
 217 participants, and such personnel shall be deemed to have no
 218 break in creditable or continuous service or employment during
 219 such time.

220 c.3- The employment of all Florida Virtual School ~~academic~~
 221 ~~administrative and instructional~~ personnel shall be subject to
 222 ~~rejection for cause by the board of trustees, and shall be~~
 223 ~~subject to~~ policies of the board of trustees relative to
 224 certification, tenure, leaves of absence, sabbaticals,
 225 remuneration; ~~subject to, and~~ such other conditions of
 226 employment as the board of trustees deems necessary and proper;
 227 and consistent, not inconsistent with law, including s.
 228 1001.42(5), (6), and (7).

229 d.4- Each person employed by ~~the board of trustees in an~~
 230 ~~academic administrative or instructional capacity with~~ the
 231 Florida Virtual School shall be entitled to an annual, written a
 232 contract as provided by policies ~~rules~~ of the board of trustees.

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233 ~~e.5.~~ All employees except temporary, seasonal, and student
 234 employees may be state employees for the purpose of being
 235 eligible to participate in the Florida Retirement System and
 236 receive benefits. The classification and pay plan, including
 237 terminal leave and other benefits, and any amendments thereto,
 238 shall be subject to review and approval by the Department of
 239 Management Services and the Executive Office of the Governor
 240 prior to adoption.

241 ~~8.(g)~~ The board of trustees shall establish priorities for
 242 admission of students in accordance with paragraph (1)(b).

243 ~~9.(h)~~ The board of trustees shall establish and distribute
 244 to all school districts ~~and high schools~~ in the state procedures
 245 for enrollment of students in courses offered by the Florida
 246 Virtual School.

247 ~~10.(i)~~ The board of trustees shall establish criteria
 248 defining the elements of an approved franchise. The board of
 249 trustees may enter into franchise agreements with Florida
 250 district school boards and may establish the terms and
 251 conditions governing such agreements. The board of trustees
 252 shall establish the performance and accountability measures and
 253 report the performance of each school district franchise to the
 254 Commissioner of Education.

255 ~~11.(j)~~ The board of trustees shall submit to the State
 256 Board of Education both forecasted and actual enrollments and
 257 credit completions for the Florida Virtual School, according to
 258 procedures established by the State Board of Education. At a
 259 minimum, such procedures must include the number of public,
 260 private, and home education students served by program and by
 261 county of residence.

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262 ~~12.(k)~~ The board of trustees shall provide for the content
 263 and custody of student and employee personnel records. Student
 264 records shall be subject to the provisions of ~~ss. 1002.22,~~
 265 1002.221, and 1002.222. Employee records shall be subject to the
 266 provisions of s. 1012.31.

267 ~~13.(l)~~ The financial records and accounts of the Florida
 268 Virtual School shall be maintained under the direction of the
 269 board of trustees and under rules adopted by the State Board of
 270 Education for the uniform system of financial records and
 271 accounts for the schools of the state.

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

274
 275 The Governor shall designate the initial chair of the board of
 276 trustees to serve a term of 4 years. Members of the board of
 277 trustees shall serve without compensation, but may be reimbursed
 278 for per diem and travel expenses pursuant to s. 112.061. The
 279 board of trustees shall be a body corporate with all the powers
 280 of a body corporate and such authority as is needed for the
 281 proper operation and improvement of the Florida Virtual School.
 282 The board of trustees is specifically authorized to adopt ~~rules,~~
 283 ~~policies, and procedures,~~ consistent with law and rules of the
 284 State Board of Education related to governance, personnel,
 285 budget and finance, administration, programs, curriculum and
 286 instruction, travel and purchasing, technology, students,
 287 contracts and grants, and property as necessary for optimal,
 288 efficient operation of the Florida Virtual School. Tangible
 289 personal property owned by the board of trustees shall be
 290 subject to the provisions of chapter 273.

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291 (4) School districts operating a virtual school that is an
 292 approved franchise of the Florida Virtual School may count full-
 293 time equivalent students, as provided in paragraph (3) (a), if
 294 such school has been certified as an approved franchise by the
 295 Commissioner of Education based on criteria established by the
 296 board of trustees pursuant to subparagraph (2) (b) 10. paragraph
 297 ~~(2) (i).~~

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

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

308 (12) The board of trustees shall establish an Office of the
 309 Inspector General within the school using existing resources and
 310 funds. The office is responsible for promoting accountability,
 311 efficiency, and effectiveness and detecting fraud and abuse
 312 within the school. If there are substantiated allegations made
 313 by any person relating to waste, fraud, or financial
 314 mismanagement within the school, the office shall conduct,
 315 coordinate, or request investigations into such substantiated
 316 allegations. The office shall investigate allegations or reports
 317 of possible fraud or abuse against the school or its staff or
 318 students. The office shall have access to all information and
 319 personnel necessary to perform its duties.

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320 Section 3. Paragraphs (b) and (d) of subsection (1) and
 321 paragraph (a) of subsection (2) of section 1002.45, Florida
 322 Statutes, are amended to read:

323 1002.45 Virtual instruction programs.—

324 (1) PROGRAM.—

325 (b) Each school district ~~that is eligible for the sparsity~~
 326 ~~supplement pursuant to s. 1011.62(7) (a) and (b)~~ shall provide
 327 all enrolled public school students within its boundaries the
 328 option of participating in part-time and full-time virtual
 329 instruction programs and. ~~Each school district that is not~~
 330 ~~eligible for the sparsity supplement pursuant to s.~~
 331 ~~1011.62(7) (a) and (b) shall provide at least three options for~~
 332 ~~part time and full time virtual instruction. All school~~
 333 ~~districts~~ must provide parents with timely written notification
 334 of at least one open enrollment period for full-time students of
 335 90 days or more which ends 30 days before the first day of the
 336 school year. The purpose of the program is to make quality
 337 virtual instruction available to students using online and
 338 distance learning technology in the nontraditional classroom. A
 339 school district virtual instruction program shall consist of the
 340 following:

341 1. Full-time and part-time virtual instruction for students
 342 enrolled in kindergarten through grade 12.

343 2. Full-time or part-time virtual instruction for students
 344 enrolled in dropout prevention and academic intervention
 345 programs under s. 1003.53, Department of Juvenile Justice
 346 education programs under s. 1003.52, core-curricula courses to
 347 meet class size requirements under s. 1003.03, or Florida
 348 College System institutions under this section.

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349 (d) A virtual charter school may provide full-time virtual
 350 instruction for students in kindergarten through grade 12 if the
 351 virtual charter school has a charter approved pursuant to s.
 352 1002.33 authorizing full-time virtual instruction. A virtual
 353 charter school may provide part-time virtual instruction for
 354 such students if the school has provided full-time instruction
 355 for at least 1 school year. A virtual charter school may:

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

363 (2) PROVIDER QUALIFICATIONS.—

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

- 367 1. Is nonsectarian in its programs, admission policies,
 368 employment practices, and operations;
- 369 2. Complies with the antidiscrimination provisions of s.
 370 1000.05;
- 371 3. Locates an administrative office or offices in this
 372 state, requires its administrative staff to be state residents,
 373 requires all instructional staff to be Florida-certified
 374 teachers under chapter 1012 and conducts background screenings
 375 for all employees or contracted personnel, as required by s.
 376 1012.32, using state and national criminal history records;
- 377 4. Provides to parents and students specific information

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

- 381 a. How to contact the instructor via phone, e-mail, or
 382 online messaging tools.
 - 383 b. How to contact technical support via phone, e-mail, or
 384 online messaging tools.
 - 385 c. How to contact the administration office via phone, e-
 386 mail, or online messaging tools.
 - 387 d. Any requirement for regular contact with the instructor
 388 for the course and clear expectations for meeting the
 389 requirement.
 - 390 e. The requirement that the instructor in each course must,
 391 at a minimum, conduct one contact via phone with the parent and
 392 the student each month;
- 393 5. Possesses prior, successful experience offering online
 394 courses to elementary, middle, or high school students as
 395 demonstrated by quantified student learning gains in each
 396 subject area and grade level provided for consideration as an
 397 instructional program option. However, for a provider without
 398 sufficient prior, successful experience offering online courses,
 399 the department may conditionally approve the provider to offer
 400 courses measured pursuant to subparagraph (8) (a)2. Conditional
 401 approval shall be valid for 1 school year only and, based on the
 402 provider's experience in offering the courses, the department
 403 shall determine whether to grant approval to offer a virtual
 404 instruction program. However, the department may conditionally
 405 approve a provider for 2 school years at its discretion based on
 406 the provider's success in other states;

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- 407 6. Is accredited by a regional accrediting association as
408 defined by State Board of Education rule;
- 409 7. Ensures instructional and curricular quality through a
410 detailed curriculum and student performance accountability plan
411 that addresses every subject and grade level it intends to
412 provide through contract with the school district, including:
- 413 a. Courses and programs that meet the standards of the
414 International Association for K-12 Online Learning and the
415 Southern Regional Education Board.
- 416 b. Instructional content and services that align with, and
417 measure student attainment of, student proficiency in the Next
418 Generation Sunshine State Standards.
- 419 c. Mechanisms that determine and ensure that a student has
420 satisfied requirements for grade level promotion and high school
421 graduation with a standard diploma, as appropriate;
- 422 8. Publishes for the general public, in accordance with
423 disclosure requirements adopted in rule by the State Board of
424 Education, as part of its application as a provider and in all
425 contracts negotiated pursuant to this section:
- 426 a. Information and data about the curriculum of each full-
427 time and part-time program.
- 428 b. School policies and procedures.
- 429 c. Certification status and physical location of all
430 administrative and instructional personnel.
- 431 d. Hours and times of availability of instructional
432 personnel.
- 433 e. Student-teacher ratios.
- 434 f. Student completion and promotion rates.
- 435 g. Student, educator, and school performance accountability

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- 436 outcomes;
- 437 9. If the provider is a Florida College System institution,
438 employs instructors who meet the certification requirements for
439 instructional staff under chapter 1012; and
- 440 10. Performs an annual financial audit of its accounts and
441 records conducted by an independent certified public accountant
442 which is in accordance with rules adopted by the Auditor
443 General, is conducted in compliance with generally accepted
444 auditing standards, and includes a report on financial
445 statements presented in accordance with generally accepted
446 accounting principles.
- 447 Section 4. This act shall take effect July 1, 2020.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1784

INTRODUCER: Senator Gainer

SUBJECT: Vocational Rehabilitation Services

DATE: January 31, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1784 aligns Florida law with federal requirements for state vocational rehabilitation programs to provide preemployment transition services for eligible individuals with a disability who are between 14 and 21 years of age. Specifically, the bill:

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

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

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

¹ U.S. Census Bureau, *Florida 2018: ACS 5-Year Estimates Data*, available at <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=0400000US12&lastDisplayedRow=104> (last visited Jan. 28, 2020).

individuals with a disability.² Individuals with a disability have an unemployment rate of twice the state average and may be eligible for vocational rehabilitation services.³

Vocational rehabilitation is a federal-state program that helps people who have a physical or mental disability get or keep a job.⁴ The Rehabilitation Services Administration (RSA) within the U.S. Department of Education oversees and administers the program and provides funds to state agencies for these services.⁵ In Fiscal Year 2019, the vocational rehabilitation program in Florida received 78.7 percent of its funding, or \$161,156,579, through a grant from the RSA.⁶ The remaining 21.3 percent of the costs, or \$43,616,711, were funded by other state appropriations.⁷

The Florida Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation (DVR) within the Department of Education (DOE) administers the vocational rehabilitation program in Florida.⁸ The DVR provides services to help individuals with a disability find, advance in, or retain employment, and provides services to youth and students with a disability to aid in the transition from high school to a meaningful career path.⁹ In the 2018-2019 fiscal year, DVR served 48,439 individuals, including 26,086 customers who were between the ages of 14 through 21.¹⁰

An individual with a disability¹¹ is presumed eligible for vocational rehabilitation services if the person requires rehabilitation services to prepare for, enter, engage in, or retain gainful employment.¹² After determining eligibility, the DVR must complete an assessment to determine rehabilitation needs and ensure that an individualized plan for employment (IPE)¹³ is prepared.¹⁴ The IPE must be designed to achieve the specific employment outcome of the individual and may include services such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement, job coaching, and on-the-job training.¹⁵

² U.S. Census Bureau, *supra* note 1.

³ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>, at 6.

⁴ Florida Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Jan. 28, 2020).

⁵ U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, *RSA's mission*, <https://rsa.ed.gov/> (last visited Jan. 28, 2020).

⁶ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf>, at 16.

⁷ *Id.*

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.* at 10.

¹¹ Disability means “a physical or mental impairment that constitutes or results in a substantial impediment to employment.” Section 413.20(7), F.S.

¹² Section 413.30(1), F.S.

¹³ An individualized plan for employment includes a “comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services.” Section 413.20(3), F.S.

¹⁴ See Section 413.30(4)-(5), F.S.

¹⁵ Florida Department of Education, Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Jan. 28, 2020).

The DVR is only required to provide services to the extent they are funded by the Legislature.¹⁶ All individuals eligible for services are placed in categories on a prioritized waiting list based on the significance of their disability.¹⁷ Categories include:¹⁸

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

In the 2018-2019 fiscal year, the DVR served 26,744 individuals in category 1, and, as of June 30, 2019, had a waiting list of 300 individuals in category 3.¹⁹

The Florida Rehabilitation Council

The Florida Rehabilitation Council (Council) is responsible for assisting the DVR in the planning and development of statewide rehabilitation programs and services, recommending improvements to such programs and services, and performing other statutory directives as required.²⁰ Members of the Council are appointed by the Governor and must include current or former applicants for, or recipients of, vocational rehabilitation services.²¹

The Council must also consult with the board of directors of CareerSource Florida, Inc.,²² in carrying out its functions, including the duty to conduct a review and analysis of:²³

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

Preemployment Transition Services

Eligibility for Preemployment Transition Services

The Workforce Innovation and Opportunity Act of 2014 (WIOA)²⁴ aims to increase opportunities for individuals facing barriers to employment and focus on the connection between education and career preparation.²⁵ The WIOA requires that state vocational rehabilitation

¹⁶ Section 413.731, F.S.

¹⁷ *Id.*

¹⁸ Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), at 10, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>.

¹⁹ *Id.*

²⁰ Section 413.405, F.S.

²¹ Section 413.405(1), F.S.

²² CareerSource Florida, Inc., is the principal workforce policy organization for the state. Section 445.004, F.S.

²³ Section 413.405(9), F.S.

²⁴ Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

²⁵ See U.S. Department of Labor, Employment & Training Administration, *WIOA Overview*, <https://www.doleta.gov/wioa/about/overview/> (last visited Jan. 9, 2020).

agencies set aside at least 15 percent of their federal funds to provide preemployment transition services to eligible individuals with a disability who:²⁶

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

Section 504 of the Rehabilitation Act of 1973²⁷ prohibits any program or activity that receives federal financial assistance from discriminating against an otherwise qualified individual solely by reason of his or her disability. State and local agencies that administer federally funded programs or activities may devise an accommodation plan for someone with a disability to allow the disabled person's participation in the program.²⁸

All students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education.²⁹ The IEP is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.³⁰ To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an IEP team begins the process of identifying the need for transition services before the student with a disability attains the age of 14 years. When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.³¹

Required Preemployment Transition Services

Under the WIOA, the DVR must provide five preemployment transition services, including:³²

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

²⁶ Workforce Innovation Technical Assistance Center, *Preemployment Transition Services*, <http://www.wintac.org/topic-areas/pre-employment-transition-services> (last visited Jan. 28, 2020).

²⁷ Pub. L. No. 93-112, s. 504, 83 Stat. 355, 361 (1973), as amended and codified in 29 U.S.C. s. 794.

²⁸ See *Alexander v. Choate*, 469 U.S. 287 (1985).

²⁹ Section 1003.5716, F.S.

³⁰ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

³¹ Section 1003.5716(2), F.S.

³² Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 20, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

Student Transition Activities Record (STAR)

The DVR may also cooperate with other agencies in the provision of vocational rehabilitation services.³³ The DVR may attend IEP meetings for students, work with local workforce development boards to develop work opportunities, and work with schools to coordinate and provide preemployment transition services.³⁴

The DVR operates a web-based platform known as the Student Transition Activities Record (STAR) to facilitate the delivery of preemployment transition services.³⁵ The STAR program is designed to help DVR staff and school districts work together in the provision of preemployment transition services.³⁶ The STAR program provides a platform for school personnel to make referrals to the DVR for preemployment transition services for students who do not wish to apply to or participate in the vocational rehabilitation eligibility process.³⁷

In the 2018-2019 fiscal year, the DVR provided preemployment transition services to 15,402 students with a disability.³⁸ In June 2019, the DVR was providing vocational rehabilitation services to 21,248 youth and students between the ages of 14 to 21 years, including 11,779 who were receiving preemployment transition services.³⁹

Annual Performance Report

The DVR submits an annual performance report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes:⁴⁰

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

III. Effect of Proposed Changes:

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

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

³³ Section 413.731, F.S.

³⁴ Workforce Innovation Technical Assistance Center, *supra* note 26.

³⁵ Florida Department of Education, Division of Vocational Rehabilitation, *STAR Program*, http://www.rehabworks.org/stw_star.shtml (last visited Jan. 28, 2020).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Email, Florida Department of Education, (Jan. 29, 2020).

³⁹ Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 25, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

⁴⁰ Section 413.207(4), F.S.

- Modifies the requirements of the assessment performed by the Florida Rehabilitation Council to include an analysis of the alignment of preemployment transition services with labor market demands.
- Enhances the required annual performance report provided by the DVR by requiring the report to include the timeframes for handling cases, the uses of matching federal funds, and preemployment transition services data.

Preemployment Transition Services

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

Eligibility for Preemployment Transition Services

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

The bill provides eligibility for preemployment transition services for an individual with a disability who is between 14 and 21 years of age; who is eligible or potentially eligible for vocational rehabilitation services in a secondary, postsecondary, or other recognized education program; and who has:

- A current individual education plan developed by a local school board in accordance with rules of the State Board of Education; or
- A 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973.

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

Coordination of Services

The bill modifies s. 413.41, F.S., to require the DVR to enter into a formal interagency agreement with the state education agency to provide for the transition of students with a disability, including preemployment transition services and other vocational rehabilitation services. The DVR must also enter into formal interagency agreements with all local educational agencies that are consistent with the state-level agreement and:

- Address the referral of eligible students with a disability for preemployment transition services through the Student Transition Activities Record (STAR) program. The bill modifies s. 413.74, F.S., to require school districts and public agencies to use the STAR program to

refer students with a disability who are potentially eligible for preemployment transition services to the DVR.

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

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

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

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

Individualized Education Plan

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

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

The Florida Rehabilitation Council

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

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

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

Annual Performance Report

The bill modifies s. 413.207, F.S., to add requirements to the performance report that the DVR must annually submit to the Governor, the President of the Senate, and the Speaker of the House

of Representatives. The caseload data required in the report must include the timeframes in which eligibility is determined, plans are developed, and services are provided. The bill adds that the report must also include:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Gainer

2-01188A-20

20201784__

1 A bill to be entitled
 2 An act relating to vocational rehabilitation services;
 3 amending s. 413.20, F.S.; revising and providing
 4 definitions; amending s. 413.207, F.S.; revising
 5 information that the Division of Vocational
 6 Rehabilitation must include in its annual performance
 7 report to the Governor and the Legislature; amending
 8 s. 413.23, F.S.; requiring the division to provide
 9 preemployment transition services to certain eligible
 10 persons with disabilities; requiring the division to
 11 cooperate with contracted providers to provide such
 12 services; amending s. 413.30, F.S.; providing
 13 eligibility requirements for the provision of
 14 preemployment transition services; requiring the
 15 division to assess the service needs of eligible
 16 individuals within a specified period; providing for
 17 an extension of such assessment under certain
 18 circumstances; amending s. 413.405, F.S.; revising the
 19 composition of the Florida Rehabilitation Council;
 20 revising the responsibilities of the Florida
 21 Rehabilitation Council to conform to changes made by
 22 the act; amending s. 413.41, F.S.; requiring the
 23 division to enter into formal interagency agreements
 24 with certain entities for certain purposes; requiring
 25 that such agreements meet specified requirements;
 26 amending s. 413.731, F.S.; requiring the division to
 27 contract with other providers to provide preemployment
 28 transition services under certain circumstances;
 29 amending s. 413.74, F.S.; requiring school districts

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30 and public agencies to use the Student Transition
 31 Activities Record program for the referral of certain
 32 students with disabilities; amending s. 1003.5716,
 33 F.S.; requiring that a student's individual education
 34 plan contain a statement regarding preemployment
 35 transition services; providing an effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Present subsections (20) through (27) of section
 40 413.20, Florida Statutes, are redesignated as subsections (21)
 41 through (28), respectively, a new subsection (20) is added to
 42 that section, and subsection (3) of that section is amended, to
 43 read:
 44 413.20 Definitions.—As used in this part, the term:
 45 (3) "Assessment for determining eligibility and vocational
 46 rehabilitation needs" means a review of existing data to
 47 determine whether an individual is eligible for vocational
 48 rehabilitation services, including preemployment transition
 49 services, and to assign the priority, and, to the extent
 50 additional data is necessary to make such determination and
 51 assignment, a preliminary assessment of such data, including the
 52 provision of goods and services during such assessment. If
 53 additional data is necessary, the division must make a
 54 comprehensive assessment of the unique strengths, resources,
 55 priorities, concerns, abilities, capabilities, interests, and
 56 informed choice, including the need for supported employment, of
 57 an eligible individual to make a determination of the goals,
 58 objectives, nature, and scope of vocational rehabilitation

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59 services to be included in the individualized plan for
60 employment.

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

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

73 413.207 Division of Vocational Rehabilitation; quality
74 assurance; performance improvement plan.—

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

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

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

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

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

95 413.23 Administration.—The division shall provide
96 vocational rehabilitation services, including preemployment
97 transition services, to persons who have disabilities determined
98 to be eligible therefor and, in carrying out the purposes of
99 this part, is authorized, among other things:

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

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

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

113 (4) To prepare a federally required state plan for
114 vocational rehabilitation, as required by the act. The state
115 plan must contain all of the elements required by s. 101 of the
116 act, including an assessment of the needs of persons who have

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117 disabilities and how those needs may be most effectively met.
 118 The division is authorized to make amendments to the state plan
 119 considered necessary to maintain compliance with the act and to
 120 implement such changes in order to qualify for and maintain
 121 federal funding. After completion of the state plan or making
 122 amendments to the state plan, the division must distribute
 123 copies of the state plan to the Governor, the President of the
 124 Senate, the Speaker of the House of Representatives, and the
 125 United States Secretary of Education.

126 Section 4. Present subsections (2) through (8) of section
 127 413.30, Florida Statutes, are redesignated as subsections (3)
 128 through (9), respectively, a new subsection (2) is added to that
 129 section, and present subsections (3) and (5) of that section are
 130 amended, to read:

131 413.30 Eligibility for vocational rehabilitation services.-

132 (2) Preemployment transition services shall be provided to
 133 an individual with disabilities who is between 14 and 21 years
 134 of age; who is eligible or potentially eligible for vocational
 135 rehabilitation services in a secondary, postsecondary, or other
 136 recognized education program; and who has:

137 (a) A current individual education plan developed by a
 138 local school board in accordance with rules of the State Board
 139 of Education; or

140 (b) A 504 accommodation plan issued under s. 504 of the
 141 Rehabilitation Act of 1973.

142 (4)(3) An individual is presumed to benefit in terms of an
 143 employment outcome from vocational rehabilitation services or
 144 preemployment transition services under this part unless the
 145 division can demonstrate by clear and convincing evidence that

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

164 (6)(5) When the division determines that an individual is
 165 eligible for vocational rehabilitation services or preemployment
 166 transition services, the division must complete an assessment
 167 for determining ~~eligibility and~~ vocational rehabilitation or
 168 preemployment transition needs and ensure that an individualized
 169 plan for employment is prepared within a reasonable period of
 170 time, not to exceed 90 days after the date of eligibility
 171 determination, unless unforeseen circumstances beyond the
 172 control of the division prevent the division from completing the
 173 assessment and individualized plan for employment within the 90-
 174 day timeframe and the division and the individual agree that an

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175 extension of time is warranted.

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

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

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

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

198 413.405 Florida Rehabilitation Council.—There is created
199 the Florida Rehabilitation Council to assist the division in the
200 planning and development of statewide rehabilitation programs
201 and services, to recommend improvements to such programs and
202 services, and to perform the functions listed in this section.

203 (1) The council shall be composed of:

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

207 (9) In addition to the other functions specified in this
208 section, the council shall, after consulting with the board of
209 directors of CareerSource Florida, Inc.:

210 (d) To the extent feasible, conduct a review and analysis
211 of the effectiveness of, and consumer satisfaction with:

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

215 2. Vocational rehabilitation services:

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

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

221 3. Preemployment transition services:

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

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

227 ~~4.3-~~ The employment outcomes achieved by eligible
228 individuals receiving services under this part, including the
229 availability of health or other employment benefits in
230 connection with those employment outcomes; alignment with labor
231 market demands in the state; and, for youth with disabilities,
232 the availability of career pathways, including work-based

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233 learning experiences and customized employment.

234 Section 6. Section 413.41, Florida Statutes, is amended to
235 read:

236 413.41 Cooperation by division with state agencies.—

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

246 (2) (a) The division shall enter into a formal interagency
247 agreement with the state education agency that provides for the
248 transition of students with disabilities, including
249 preemployment transition services and other vocational
250 rehabilitation services as required by s. 101(a) (11) (D) of the
251 Rehabilitation Act of 1973, as amended. The formal interagency
252 agreement shall comply with the requirements of 34 C.F.R. s.
253 361.22 (b).

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

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262 such as attending individual education plan meetings for
263 students with disabilities or attending person-centered planning
264 meetings for students with disabilities who are receiving
265 services under title XIX of the Social Security Act.

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

269 413.731 Legislative funding; contracting for services.—

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

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

276 413.74 Other agencies; cooperation and referral.—

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

281 Section 9. Paragraph (c) of subsection (2) of section
282 1003.5716, Florida Statutes, is amended to read:

283 1003.5716 Transition to postsecondary education and career
284 opportunities.—All students with disabilities who are 3 years of
285 age to 21 years of age have the right to a free, appropriate
286 public education. As used in this section, the term "IEP" means
287 individual education plan.

288 (2) Beginning not later than the first IEP to be in effect
289 when the student attains the age of 16, or younger if determined
290 appropriate by the parent and the IEP team, the IEP must include

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291 the following statements that must be updated annually:

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

299 Section 10. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 7000

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Reporting Abuse, Abandonment, and Neglect

DATE: January 31, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Preston</u>	<u>Hendon</u>		CF Submitted as Committee Bill
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	Pre-meeting
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

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

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

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

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

The bill provides penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.

The bill amends current law related to sexual abuse of animals to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2020.

II. Present Situation:

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

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

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

Penalties for Failing to Report Child Abuse

According to s. 39.205, F.S., a person who fails to report known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.³

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

Postsecondary educational entities including Florida College System institutions, state universities, or nonpublic colleges, universities, or schools, as defined in s. 1000.21 or s. 1005.02, F.S., whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or

¹ Section 39.201, F.S.

² *Id.*

³ Section 39.205, F.S.

⁴ *Id.*

during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevent another person from doing so, are subject to fines of \$1 million for each such failure.⁵

Child-on-Child Sexual Abuse

Child-on-child sexual abuse is a specific category of child sexual abuse that has not typically been recognized by the general public. There is a growing concern among parents, educators, and child safety experts related to children who sexually abuse other children. Generally, such scenarios include a child who uses their age, physical strength, or positions of status or authority, to engage another child in sexual activity. Typically, child-on-child sexual abuse includes a wide range of sexual behaviors from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape and various other sexually aggressive acts. Child-on-child sexual abuse does not include normative sexual play or anatomical curiosity and exploration.⁶

This issue is complicated because there is a child who is a victim whose life has often been deeply impacted by the abuse and he or she needs help and healing and there is also a child who is the offender who needs help. Our judicial and mental health systems often treat children with illegal or problematic sexual behaviors as adults. Depending upon local, state, and federal laws, children involved in this form of abuse may be considered a child with sexual behavior problems in need of child welfare services, may be legally defined as juvenile sex offenders or molesters, and/or may be permanently placed on a sex offender registry for involvement in such abuse.⁷

There are many social stigmas and misunderstandings that these children are “monsters” who are destined to act out again. These issues and more make it difficult to report these cases of abuse and to get help for all involved. Nonetheless, it has been repeatedly documented through robust empirical evidence that children with sexual behavior problems and juvenile sex offenders have relatively low future sex offending rates. While these findings may seem counterintuitive when compared to adult sex offenders who report childhood onset of their sexual aggression, recent longitudinal studies suggest that childhood sexual behavioral problems and even juvenile sex offending does not significantly predispose one to engage in adult sex offenses.⁸

Research on the effectiveness of treatment interventions for juvenile sex offenders and children with sexual behavior problems has demonstrated positive outcomes for treatment approaches based upon cognitive-behavioral therapy. While sexual re-offense rates are relatively low for children with sexual behavior problems and juvenile sex offenders, studies have documented program success in reducing recidivism among this population. Other research has indicated that

⁵ Section 39.205, F.S.

⁶ National Center on Sexual Exploitation, <https://endsexualexploitation.org/cochsb/> (last visited October 3, 2019).

⁷ Florida Department of Children and Families, *Child-on-Child Needs Assessment – White Paper* (February 2010), available at: <http://thejrc.com/docs/Child%20on%20Child%20Sexual%20Abuse%20Needs%20Assessment%20-%20White%20Paper.pdf>.

⁸ *Id.* Each district school board charter school, and private school that accepts scholarship students who participate in a state scholarship program must post in a prominent place in each school policies relating to reporting actual or suspected cases of child abuse, abandonment, or neglect. Section 1006.061, F.S.

program effectiveness is dependent in part on the type of intervention and type of sexual behavior problems. What has been noted in the research is that juvenile sex offenders are more likely than adults to respond positively to treatment and that they are also less likely to recidivate than adults.⁹

In 2009, former DCF Secretary George Sheldon established the Gabriel Myers Work Group to examine the case of Gabriel Myers, a 7-year-old who, on April 16, 2009, was found hanging in the home of his foster parents in Margate, Florida. The second of two reports prepared by the work group, focused on the issue of child-on-child sexual abuse and identified 107 findings and 84 recommendations relating to the issue of child-on-child sexual abuse, including a number related to labeling sexual behaviors¹⁰ It is unknown how many of these recommendations have been implemented.

Current law frequently causes labeling of children as sex offenders or predators. These labels cause stigma that adversely affects children in whatever setting they are in. The label follows them through their child welfare existence and may continue into adulthood. Treatment programs are often labeled “sex offender programs.” This is not conducive to positive treatment outcomes. The state’s child welfare system may need to change its language to encourage prevention and research-based treatment. Research clearly shows that children seldom reoffend as adults. The system should encourage supportive treatment experiences.¹¹

The 1995 enactment of legislation that criminalized sexual behavior problems and labeled some children as juvenile sex offenders further complicated the ability to treat effectively children with sexual behavior problems and to protect other children from child on child sexual abuse. This terminology should be avoided unless criminally proven and the child is assessed and a professional determination is made that the child poses a risk to society. Research has proven that the significant majority of children with sexual behavior problems do not become adult sex offenders or predators; those who receive proper and timely assessment and treatment have an even lower risk of future sexual behavior problems.¹²

While current law requires the hotline to collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports, no current data has been received from the department relating to child-on-child sexual abuse cases. The Gabriel Myers Work Group reported that in FY 2008-09, 8,321 children were identified as being either alleged perpetrators or victims of child on child sexual abuse by the department and approximately 700

⁹ Florida Department of Children and Families, *Child-on-Child Needs Assessment – White Paper* (February 2010), available at: <http://thejrc.com/docs/Child%20on%20Child%20Sexual%20Abuse%20Needs%20Assessment%20-%20White%20Paper.pdf>.

¹⁰ Florida Department of Children and Families, *Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse* (May 14, 2010), available at: <https://www.myflfamilies.com/initiatives/GMWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%20010.pdf>.

¹¹ *Id.*

¹² *Juvenile Sexual Offenders and Their Victims: Final Report Task Force on Juvenile Sexual Offenders And Their Victims* (January 18, 2006), available at: <http://centerforchildwelfare.fmhi.usf.edu/kb/bppub/JuvSexOffenderTaskForceReport.pdf>. See Appendix II 1995 Task Force on Juvenile Sex Offenders and Victims of Juvenile Sex Offense and Crimes.

youths were found to be verified victims of child on child sexual abuse by DCF in fiscal year 2007.¹³

Florida law currently requires child-on-child sexual abuse to be reported to the central abuse hotline.¹⁴

Sexual Abuse of Children in Schools

The reporting of sexual assault and harassment on college campuses has received a great deal of attention in the media, and prompted calls to action from students, legislators, and advocates around the country. This attention is prompting important questions about what school administrators are doing, and what they should be doing, to prevent and address sexual harassment at the elementary and secondary school level, before students get to college. Title IX of the Education Amendments of 1972 (Title IX) has long recognized sexual harassment of students – whether by their peers or by school employees – as a form of prohibited sex discrimination. Despite this legal prohibition, which applies at all schools and educational programs that receive federal funding, harassment based on sex is still a common and harmful phenomenon in K-12 schools, and it has a particularly negative impact on girls.¹⁵

Recently, reviewing state education records and federal crime data, which allows for a more thorough analysis than state education records, a yearlong investigation by the Associated Press (AP) uncovered roughly 17,000 official reports of sexual assaults by students over a four-year period, from fall 2011 to spring 2015. Though that figure represents the most complete record yet of sexual assaults among the nation’s 50 million K-12 students, it does not completely represent the problem because such attacks are greatly under-reported, some states don’t track them and those that do vary widely in how they classify and catalog sexual violence. There are academic estimates that range sharply higher.¹⁶

Elementary and secondary schools have no national requirement to track or disclose sexual violence, and they feel tremendous pressure to hide it. Even under varying state laws, acknowledging an incident can trigger liabilities and requirements to act. When schools don’t act children are harmed and justice is not served. Children remain most vulnerable to sexual assaults by other children in the privacy of a home, but schools where many more adults are keeping watch, and where parents trust their kids will be kept safe are the number two site where children are sexually assaulted by their peers.¹⁷

¹³ Florida Department of Children and Families, *Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse* (May 14, 2010), available at: <https://www.myflfamilies.com/initiatives/GMWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%202010.pdf>.

¹⁴ Section 39.201, F.S.

¹⁵ Equal Rights Advocates, *Ending Harassment Now: Keeping our Kids Safe at Schools*, 2017, available at: <https://cdn.atixa.org/website-media/atixa.org/wp-content/uploads/2015/12/12193459/Ending-Harrasment-Now-Keeping-Our-Kids-Safe-At-School.pdf>.

¹⁶ The Associated Press, *Hidden horror of school sexual assaults revealed by AP*, May 23, 2017, <https://www.apnews.com/afs:Content:965140127> (Last visited October 10, 2019).

¹⁷ *Id.* Instructional personnel or administrative personnel must report a sexual battery committed by a student upon another student to a law enforcement agency having jurisdiction over the school or over the place where the sexual battery occurred if not on the grounds of the school. Section 1012.799, F.S.

Ranging from rape and sodomy to forced oral sex and fondling, the sexual violence that the AP tracked often was mischaracterized as bullying, hazing or consensual behavior. It occurred anywhere students were left unsupervised: buses and bathrooms, hallways and locker rooms. No type of school was immune, whether it be in an upper-class suburb, an inner-city neighborhood or a blue-collar farm town. The AP investigation also found:

- Unwanted fondling was the most common form of assault, but about one in five of the students assaulted were raped, sodomized or penetrated with an object, according to AP's analysis of the federal incident-based crime data.
- About 5 percent of the sexual violence involved 5 and 6 year-olds. But the numbers increased significantly between ages 10 and 11 about the time many students start their middle-school years and continued rising up until age 14. They then dropped as students progressed through their high school years.
- Contrary to public perception, data showed that student sexual assaults by peers were far more common than those by teachers. For every adult-on-child sexual attack reported on school property, there were seven assaults by students.
- Laws and legal hurdles also favor silence. Schools have broadly interpreted rules protecting student and juvenile privacy to withhold basic information about sexual attacks from their communities. Victims and their families face high legal thresholds to successfully sue school districts for not maintaining safe learning environments.

Schools frequently were unwilling or ill-equipped to address the problems the AP found, despite having long been warned by the U.S. Supreme Court¹⁸ that they could be liable for monetary damages.

In October 2010 the U.S. Education Department (USDOE) reminded public school districts that Title IX obligates them to act on bullying and sexual violence. The USDOE specifically referenced anti-gay slurs, sexual remarks, physical harm and unwanted touching.¹⁹ School districts have had to report all sorts of data about students, from those who received free lunches to those who brought in firearms. But there is no federal mandate to track sexual violence. By contrast, colleges and universities must keep a public crime log, send emergency alerts about sexual assaults, train staff and aid victims under a federal law named for a student who was raped and murdered in 1986.²⁰ Whether and how school sexual violence is tracked is determined by individual states the AP found, with wide variations in whether that information is verified or any training on student-on-student sexual assault is required.

Because experiences that girls have in school are crucial to their overall well-being, recent reports released by the Delores Barr Weaver Policy Center examined the experiences of girls in middle and high school in Florida communities statewide on a variety of well-being indicators. The report examined educational attainment and disparities and girls' overall well-being in relation to school connectedness, safety, access to safe adults including parents and teachers, freedom from violence and victimization in their homes, schools and communities, and

¹⁸ *Davis v. Monroe County Bd. Of Educ.*, 526 U.S. 629, (1999).

¹⁹ U.S. Department of Education, Office of Civil Rights, *Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability* (October 26, 2010), available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

²⁰ Public Law No: 99-654, 100 STAT. 3660.

emotional well-being.²¹ National and state data were analyzed for the studies including those from the Department of Children and Families, the Department of Juvenile Justice, the Department of Education and survey data²² of 27,000 girls in middle and high schools collected by the Department of Health. The data revealed that:

- 33 percent of girls in middle or high schools do not feel safe in school;
- 63 percent of girls in high school reported being verbally bullied, 30 percent have experienced physical bullying, and 35 percent have experienced cyberbullying; the rates are higher for girls in middle schools; and
- 25 percent of girls reported they have no teacher they can speak to one-on-one about problems.²³

Link Between Child Abuse and Animal Abuse

Since the 1970s agencies such as the Federal Bureau of Investigation (FBI or Bureau) and the Humane Society of the United States have conducted research on the connection between animal abuse and later violence towards humans, finding a strong correlation. Research indicates:

Young people who are cruel to animals are more likely to become aggressive toward humans as they develop.

- Violent, imprisoned offenders have usually abused animals during their childhood.
- Children learn cruel behaviors from adults and may reenact them on animals. Children may abuse animals to release the aggression they feel toward abusive adults or because of psychological trauma

Animal abuse, cruelty and neglect are often considered isolated incidents completely separated from other forms of family violence. Today, however, professionals involved with victims of family violence are not surprised when they learn that often these acts are linked, and that various agencies are working with the same families. The intentional harming or killing of pets by adults or children is now recognized as an sentinel indicator of violence in the home and often the first sign of other family and community violence. Intentional abuse in any form should be taken seriously. Knowing that there is a “link,” agencies involved in preventing family violence are increasingly beginning to work together for a more effective, species-spanning response.²⁴

It is reported by advocacy groups to be essential that all those who seek to identify and reduce such violence be alert to this connection. Likewise, it is deemed important for professionals in domestic violence intervention, law-enforcement, child protection, human and veterinary medicine, education and animal care and control get to know their counterparts in other professions and work together to establish strategies for a coordinated response to these needs.

Statistics support the efficacy of mandatory cross-reporting.

- Animal abusers are five times as likely to harm humans.

²¹ Delores Barr Weaver Policy Center, *Status of Florida Girls Report* (September 2019), available at: <https://www.seethegirl.org/wp-content/uploads/2019/09/Full-Report-WellBeing.pdf>.

²² Survey data does not represent all middle and high school students in Florida. Private, alternative, vocational and special education schools are excluded from the sample.

²³ Delores Barr Weaver Policy Center, *Status of Florida Girls Report* (September 2019), available at: <https://www.seethegirl.org/wp-content/uploads/2019/09/Full-Report-WellBeing.pdf>.

²⁴ National Link Coalition, *What is the Link?* <http://nationallinkcoalition.org/what-is-the-link> (last visited October 14, 2019).

- In 88 percent of the families of children referred for services because a child had been abused, at least one person had abused pets.
- In approximately two-thirds of those families, it was the abusive parent who had injured or killed a pet. In the remaining one-third, it was a child who abused the pet.
- Seventy percent of people charged with cruelty to animals were known by police for other violent behavior — including homicide.
- Sixty percent of the homes where child abuse or neglect occurred had abused animals.
- Seventy-one percent of abused women said their partners harmed, killed or threatened pets.
- Twelve independent surveys found that between 18 and 48 percent) of battered women delayed their decision to leave, or returned to their abusers out of fear for the welfare of their animals.
- Children exposed to domestic violence were three times more likely to be cruel to animals. In addition, 26.8 percent of boys and 29.4 percent of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse the family pets, and 75 percent of the incidents of animal abuse occurred in the presence of children to psychologically control and coerce them.²⁵

School Specific Violence and Animal Abuse

While some researchers disagree,²⁶ the National School Safety Council, the USDOE, the American Psychological Association and the National Crime Prevention Council agree that animal cruelty is a warning sign for at-risk youth. A number of studies have drawn links between the abuse of animals and violent incidents in schools. A 2001-2004 study by the Chicago Police Department discovered that in seven school shootings that took place across the country between 1997 and 2001, all involved boys had previously committed acts of animal cruelty.²⁷

Florida and Other States

Fifteen states now have cross-reporting laws²⁸ where officials investigating child abuse must report animal abuse and officials investigating animal abuse must report child abuse. The increasing availability of orders of protection is widely viewed as an acknowledgement of the link and a step in the right direction.²⁹ Twenty-four states, the District of Columbia, and the territory of Puerto Rico have statutes granting courts the power to enter orders of protection protecting against child abuse and domestic violence by protecting pets. The New York Family

²⁵ Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals* (June 17, 2014), available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/>.

²⁶ Psychology Today, *Animal Cruelty Does Not Predict Who Will Be A School Shooter* (February 21, 2018). <https://www.psychologytoday.com/us/blog/animals-and-us/201802/animal-cruelty-does-not-predict-who-will-be-school-shooter> (last visited March 20, 2019).

²⁷ The Humane Society of the United States *Animal cruelty and human violence FAQ*, <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (last visited March 21, 2019).

²⁸ Those states are California, Colorado, Connecticut, District of Columbia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Nebraska, Ohio, Oregon, Tennessee, Virginia and West Virginia. Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals*. June 17, 2014, Available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/> (last visited October 11, 2019).

²⁹ *Id.*

Court Act, for example, allows an order of protection “to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.”

At least 28 states have counseling provisions in their animal cruelty laws. Four of these states require psychological counseling for anyone convicted of animal cruelty and six mandate counseling for juveniles convicted of animal cruelty.³⁰

The FBI and Federal Tracking

On January 1, 2016, the FBI’s National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse. Before this year, crimes that involved animals were lumped into an “All Other Offenses” category in the FBI’s Uniform Crime Reporting (UCR) Program’s annual Crime in the United States report, a survey of crime data provided by about 18,000 city, county, state, tribal, and federal law enforcement agencies. Acts of cruelty against animals are now counted alongside felony crimes like arson, burglary, assault, and homicide in the FBI’s expansive criminal database.³¹

The National Sheriffs’ Association was a leading advocate for adding animal cruelty as a data set in the Bureau’s collection of crime statistics. The association for years has cited studies linking animal abuse and other types of crimes—most famously, murders committed by serial killers like Ted Bundy, Jeffrey Dahmer, and the “Son of Sam” killer David Berkowitz. The organization also points out the overlap animal abuse has with domestic violence and child abuse. John Thompson, deputy executive director of the National Sheriffs’ Association stated that “If somebody is harming an animal, there is a good chance they also are hurting a human. If we see patterns of animal abuse, the odds are that something else is going on.”³²

A first look at NIBRS animal cruelty statistics will be available next year, but it will take at least three to five years for the data to begin showing helpful patterns. Groups that advocated for the new animal cruelty data hope that by adding it to NIBRS, rather than the summary-based statistics agencies provide the Bureau each year, they will get a much richer data set from which to mine. That’s because NIBRS requires participating agencies to not only report crimes but also all the circumstances of a crime. Additionally, the Bureau plans to phase out summary-based UCR statistics—which have been collected roughly the same way since 1930—in favor of NIBRS by 2021.³³

³⁰ The Humane Society of the United States. Available at: <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (last visited October 11, 2019).

³¹ Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, Available at: <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (Last visited October 14, 2019).

³² Sheltering Animals Of Abuse Victims, <http://www.saaavprogram.org/blog/2018/3/8/t49dzj8ci62m7cera4bc5enfoe8ct7> (last visited October 11, 2019).

³³ Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (last visited October 14, 2019).

Sexual Abuse of Animals

Animal sexual abuse is the sexual molestation of an animal by a human. It can also include the killing or injuring of an animal for sexual gratification. Studies have shown that bestiality is strongly related to child sexual abuse or pedophilia. In fact, bestiality is the single largest predictor of future risk to molest a child. In a recent study of about 500 bestiality-related arrests in the U.S., more than a third of the incidents involved not only the sexual abuse of an animal, but of a child or adult. Children under the age of 12 were frequently solicited or manipulated into having sex with a family pet or forced to watch a parent or other guardian do so. Many of them were shown animal pornography as a way of grooming them to perform sexual acts.³⁴

Laws related to animal sexual abuse as a form of cruelty are typically more specialized than animal cruelty laws in general. There is wide variability in how bestiality laws are written and enforced across the U.S., and not every state has one. Although attitudes are changing, animals have traditionally been thought of as property, and in sixteen U.S. states, laws prohibiting bestiality are housed in the animal cruelty codes. In the remaining states with laws, bestiality is considered a sexual assault or a crime against public morals. In 23 states, a violation of the law is a misdemeanor with penalties ranging from 30 days to 18 months. In the remaining states bestiality is a felony with penalties ranging from 5 months to 20 years. More problematic than how bestiality laws are codified is the definition of what bestiality entails. A law that is too general or too specific can result in loopholes that affect the kind of charges that can be laid or successfully prosecuted.³⁵

Current law in Florida includes provisions related to animal sexual abuse and violators commit a misdemeanor of the first degree.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, F.S., relating to definitions, to delete the definition of the terms “juvenile sexual abuse” and “child who has exhibited inappropriate sexual behavior” and create a definition for the term “child-on-child sexual abuse.”

Section 2 creates s. 39.101, F.S., relating to the central abuse hotline, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the operation of the central abuse hotline. It also adds a requirement that the Department of Children and Families (department) collect and analyze, in separate statistical reports, reports of child abuse and sexual abuse which are reported from or which occurred on school premises; on school transportation; at school-sponsored off-campus events; at any school readiness program provider determined to be eligible under s. 1002.88, F.S.; at a private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51, F.S.; at a public K-12 school as described in s. 1000.04, F.S.; or at a home education program or a private school, as those terms are defined in s. 1002.01, F.S. Those reports are already required for reports from a Florida College System

³⁴ National Sheriff’s Association, Sheriff’s and Deputy Magazine, *The Law Enforcement Guide: What You Should Know About Bestiality, 2019 Special Edition*, available at: https://www.sheriffs.org/sites/default/files/2019_SD_AA.pdf.

³⁵ *Id.*

³⁶ Section 828.126, F.S.

institution or a state university, as those terms are defined in s. 1000.21, F.S.; or at any school, as defined in s. 1005.02, F.S.

Section 3 amends s. 39.201, F.S., relating to mandatory reporting of child abuse, abandonment or neglect, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the child abuse, abandonment, or neglect mandatory reporting process. New requirements include a provision for the department to investigate reports of child-on-child sexual abuse that occur in specified educational settings; and that an animal control officer as defined in s. 828.27, F.S.; or agent appointed under s. 828.03, F.S.; is required to provide his or her name to the hotline when making a report.

Section 4 amends s. 39.205, F.S., relating to penalties for reporting of child abuse, abandonment or neglect, to provide penalties for educational institutions that fail to report child abuse, abandonment or neglect as follows:

- Any school readiness program provider determined to be eligible under s. 1002.88, F.S.; private prekindergarten provider or public school prekindergarten provider, as those terms are defined in s. 1002.51, F.S.; public K-12 school as described in s. 1000.04, F.S.; home education program as defined in s. 1002.01, F.S.; or private school as defined in s. 1002.01, F.S., that accepts scholarship students who participate in a state scholarship program under chapter 1002, F.S.; whose employees knowingly and willingly fail to report known or suspected child abuse, abandonment, or neglect to the central abuse hotline pursuant to this chapter, is subject to a penalty for each such failure.
 - An early learning coalition may suspend or terminate a provider from participating in the school readiness program or Voluntary Prekindergarten Education Program if an employee of the provider fails to report known or suspected child abuse, abandonment, or neglect.
 - If the State Board of Education (state board) determines that policies of the district school board regarding reporting known or suspected child abuse, abandonment, or neglect by school employees do not comply with statute or state board rule, the state board may enforce compliance pursuant to s. 1008.32, F.S.
 - The Department of Education may prohibit a private school whose employees fail to report known or suspected child abuse, abandonment, or neglect from enrolling new students in a state scholarship program under chapter 1002 for 1 fiscal year. If employees at a private school knew of, should have known of, or suspected child abuse, abandonment, or neglect in two or more instances, the Commissioner of Education may determine that the private school is ineligible to participate in scholarship programs.

The bill also provides that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.

Section 5 creates s. 39.208, F.S., relating to reporting of child and animal abuse, to recognize the importance of the strong link between child abuse and animal abuse and cruelty by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency. The bill specifies the information that is to be

included in a report. The bill provides for penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.

Section 6 amends s. 39.302, F.S., relating to institutional investigations of child abuse, abandonment and neglect, to provide that in an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202, F.S., This provision is currently in s. 39.201, F.S., and is being relocated to the more appropriate section.

Section 7 amends s. 828.126, F.S., relating to sexual activities involving animals, to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

Section 8 amends s. 828.27, F.S., relating to local animal control or cruelty ordinances, to require county and municipally employed animal control officers to complete a 1-hour training course developed by the department and the Florida Animal Control Association on how to recognize and report child abuse, abandonment and neglect.

Section 9 amends s. 921.0022, F.S., relating to the criminal punishment code and the offense severity ranking chart, to add violations of s. 828.126, F.S., relating to sexual activities with animals, to Level 6 of the Offense Severity Ranking Chart.

Section 10 amends s. 1006.061, F.S., relating to child abuse abandonment and neglect policy in schools, to clarify that child-on-child sexual abuse must also be included in school policies and on posters required to be posted in every school setting. Requires those posters to be updated in collaboration with the department.

Section 11 amends s. 1012.795, F.S., relating to the Education Practices Commission and the authority to discipline, to require at least a one year suspension of the educator certificate of instructional personnel or school administrator who knowingly fails to report child abuse.

Section 12 amends s. 39.307, F.S., relating to reports of child-on-child sexual abuse, to conform to changes made by this act.

Section 13 amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect, to conform a reference to changes made by this act.

Section 14 amends s. 39.301, F.S., relating to the initiation of protective investigations, to conform a reference to changes made by this act.

Section 15 amends s. 39.521, F.S., relating to disposition hearings and powers of disposition, to conform a reference to changes made by this act.

Section 16 amends s. 39.6012, F.S., relating to case plan tasks and services, to conform a reference to changes made by this act.

Section 17 amends s. 322.09, F.S., relating to the responsibility for negligence or misconduct of a minor, to conform a reference to changes made by this act.

Section 18 amends s. 394.495, F.S., relating to child and adolescent mental health system of care, to conform a reference to changes made by this act.

Section 19 amends s. 627.746, F.S., relating to coverage for minors who have a learner's driver license, to conform a reference to changes made by this act.

Section 20 amends s. 934.03, F.S., relating to interception and disclosure of wire, oral, or electronic communications prohibitions, to conform a reference to changes made by this act.

Section 21 amends s. 934.255, F. S., relating to subpoenas in investigations of sexual offenses, to conform a reference to changes made by this act.

Section 22 amends s. 960.065, F.S., relating to eligibility for awards, to conform a reference to changes made by this act.

Section 23 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has not been reviewed by the Criminal Justice Estimating Conference to determine the impact on the state's prison population. Animal abuse is a low volume offense and is not expected to have a fiscal impact on the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.201, 39.205, 39.302, 828.126, 828.27, 921.0022, 1006.061, 1012.795, 39.307, 39.202, 39.301, 39.521, 39.6012, 322.09, 394.495, 627.746, 934.03, 934.255, and 960.065.

This bill creates the following sections of the Florida Statutes: 39.101 and 39.208.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs

586-00997-20

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1 A bill to be entitled
 2 An act relating to reporting abuse, abandonment, and
 3 neglect; amending s. 39.01, F.S.; deleting the terms
 4 "juvenile sexual abuse" and "child who has exhibited
 5 inappropriate sexual behavior"; defining the term
 6 "child-on-child sexual abuse"; conforming cross-
 7 references; creating s. 39.101, F.S.; relocating
 8 existing provisions relating to the central abuse
 9 hotline of the Department of Children and Families;
 10 providing additional requirements relating to the
 11 hotline; amending s. 39.201, F.S.; revising when a
 12 person is required to report to the central abuse
 13 hotline; requiring the department to conduct a child
 14 protective investigation under certain circumstances;
 15 requiring the department to notify certain persons and
 16 agencies when certain child protection investigations
 17 are initiated; providing requirements relating to such
 18 investigations; requiring animal control officers and
 19 certain agents to provide their names to hotline
 20 staff; requiring central abuse hotline counselors to
 21 advise reporters of certain information; requiring
 22 that counselors receive specified periodic training;
 23 revising requirements relating to reports of abuse
 24 involving impregnation of children; amending s.
 25 39.205, F.S.; providing penalties for the failure to
 26 report known or suspected child abuse, abandonment, or
 27 neglect; providing construction; specifying that
 28 certain persons are not relieved from the duty to
 29 report by notifying a supervisor; creating s. 39.208,

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30 F.S.; providing legislative findings and intent;
 31 providing responsibilities for child protective
 32 investigators relating to animal abuse and neglect;
 33 providing criminal, civil, and administrative immunity
 34 to certain persons; providing responsibilities for
 35 animal control officers relating to child abuse,
 36 abandonment, and neglect; providing criminal
 37 penalties; requiring the department to develop certain
 38 training in consultation with the Florida Animal
 39 Control Association which relates to child and animal
 40 abuse, abandonment, and neglect; requiring the
 41 department to adopt rules; amending s. 39.302, F.S.;
 42 conforming cross-references; authorizing certain
 43 persons to be represented by an attorney during
 44 institutional investigations and under certain
 45 circumstances; providing requirements relating to
 46 institutional investigations; amending s. 828.126,
 47 F.S.; providing a purpose; revising the definition of
 48 the term "sexual contact"; revising prohibitions
 49 relating to sexual conduct and sexual contact with an
 50 animal; revising criminal penalties; requiring a court
 51 to issue certain orders; amending s. 828.27, F.S.;
 52 requiring certain animal control officers to complete
 53 specified training; providing requirements for the
 54 training; amending s. 921.0022, F.S.; assigning
 55 offense severity rankings for sexual activities
 56 involving animals; amending s. 1006.061, F.S.;
 57 conforming provisions to changes made by the act;
 58 requiring the Department of Education to coordinate

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59 with the Department of Children and Families to
 60 develop, update, and publish certain notices; amending
 61 s. 1012.795, F.S.; requiring the Education Practices
 62 Commission to suspend the educator certificate of
 63 certain personnel and administrators for failing to
 64 report known or suspected child abuse; amending s.
 65 39.307, F.S.; conforming provisions to changes made by
 66 the act; amending ss. 39.202, 39.301, 39.521, 39.6012,
 67 322.09, 394.495, 627.746, 934.03, 934.255, and
 68 960.065, F.S.; conforming cross-references; providing
 69 an effective date.

70
 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Present subsections (8) through (12) and (15)
 74 through (87) of section 39.01, Florida Statutes, are
 75 redesignated as subsections (7) through (11) and (14) through
 76 (86), respectively, a new subsection (12) is added to that
 77 section, and present subsections (7), (10), (14), and (37) of
 78 that section are amended, to read:

79 39.01 Definitions.—When used in this chapter, unless the
 80 context otherwise requires:

81 ~~(7) "Juvenile sexual abuse" means any sexual behavior by a~~
 82 ~~child which occurs without consent, without equality, or as a~~
 83 ~~result of coercion. For purposes of this subsection, the~~
 84 ~~following definitions apply:~~

85 ~~(a) "Coercion" means the exploitation of authority or the~~
 86 ~~use of bribes, threats of force, or intimidation to gain~~
 87 ~~cooperation or compliance.~~

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88 ~~(b) "Equality" means two participants operating with the~~
 89 ~~same level of power in a relationship, neither being controlled~~
 90 ~~nor coerced by the other.~~

91 ~~(c) "Consent" means an agreement, including all of the~~
 92 ~~following:~~

93 ~~1. Understanding what is proposed based on age, maturity,~~
 94 ~~developmental level, functioning, and experience.~~

95 ~~2. Knowledge of societal standards for what is being~~
 96 ~~proposed.~~

97 ~~3. Awareness of potential consequences and alternatives.~~

98 ~~4. Assumption that agreement or disagreement will be~~
 99 ~~accepted equally.~~

100 ~~5. Voluntary decision.~~

101 ~~6. Mental competence.~~

102
 103 ~~Juvenile sexual behavior ranges from noncontact sexual behavior~~
 104 ~~such as making obscene phone calls, exhibitionism, voyeurism,~~
 105 ~~and the showing or taking of lewd photographs to varying degrees~~
 106 ~~of direct sexual contact, such as frottage, fondling, digital~~
 107 ~~penetration, rape, fellatio, sodomy, and various other sexually~~
 108 ~~aggressive acts.~~

109 ~~(9)(10)~~ "Caregiver" means the parent, legal custodian,
 110 permanent guardian, adult household member, or other person
 111 responsible for a child's welfare as defined in subsection (53)
 112 ~~(54).~~

113 (12) (a) "Child-on-child sexual abuse" means inappropriate
 114 sexual activity or behavior between children and without the
 115 direct involvement of an adult which:

116 1. Is overt and deliberate;

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117 2. Is directed at sexual stimulation; and
 118 3.a. Occurs without consent or without equality mentally,
 119 physically, or in age; or
 120 b. Occurs as a result of physical or emotional coercion.
 121 (b) For purposes of this subsection, the following
 122 definitions apply:
 123 1. "Coercion" means the exploitation of authority or the
 124 use of bribes, threats of force, or intimidation to gain
 125 cooperation or compliance.
 126 2. "Consent" means an agreement including all of the
 127 following:
 128 a. Understanding of what is proposed which is based on age,
 129 maturity, and developmental level.
 130 b. Knowledge of societal standards for what is being
 131 proposed.
 132 c. Awareness of the potential consequences.
 133 d. Assumption that participation or nonparticipation will
 134 be accepted equally.
 135 e. Voluntariness of decisions made.
 136 f. Mental competence.
 137 3. "Equality" means two participants operating with the
 138 same level of power in a relationship, without one being
 139 controlled or coerced by the other.
 140
 141 The term includes both noncontact sexual behavior, such as
 142 making obscene phone calls, exhibitionism, voyeurism, and the
 143 showing or taking of lewd photographs, and direct sexual
 144 contact, such as frottage, fondling, digital penetration, rape,
 145 fellatio, sodomy, and various other sexually aggressive acts.

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146 Child-on-child sexual abuse does not include normative sexual
 147 play or anatomical curiosity and exploration.
 148 ~~(14) "Child who has exhibited inappropriate sexual~~
 149 ~~behavior" means a child who has been found by the department or~~
 150 ~~the court to have committed an inappropriate sexual act.~~
 151 ~~(36)-(37) "Institutional child abuse or neglect" means~~
 152 ~~situations of known or suspected child abuse or neglect in which~~
 153 ~~the person allegedly perpetrating the child abuse or neglect is~~
 154 ~~an employee of a public or private school, public or private day~~
 155 ~~care center, residential home, institution, facility, or agency~~
 156 ~~or any other person at such institution responsible for the~~
 157 ~~child's welfare as defined in subsection (53) (54).~~
 158 Section 2. Section 39.101, Florida Statutes, is created to
 159 read:
 160 39.101 Central abuse hotline.—The central abuse hotline is
 161 the first step in the safety assessment and investigation
 162 process.
 163 (1) ESTABLISHMENT AND OPERATION.—The department shall
 164 establish and maintain a central abuse hotline capable of
 165 receiving, 24 hours a day, 7 days a week, all reports of known
 166 or suspected child abuse, abandonment, or neglect and reports
 167 that a child is in need of supervision and care and has no
 168 parent, legal custodian, or responsible adult relative
 169 immediately known and available to provide supervision and care
 170 when such reports are made pursuant to s. 39.201. Reports may be
 171 made in writing, through a single statewide toll-free telephone
 172 number, or through electronic reporting. Any person may use any
 173 of these methods to make a report at any hour of the day or
 174 night, on any day of the week.

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- 175 (a) If it appears that the immediate safety or well-being
 176 of a child is endangered, that the family may flee or the child
 177 will be unavailable for purposes of conducting a child
 178 protective investigation, or that the facts otherwise so
 179 warrant, the department must commence an investigation
 180 immediately, regardless of the time of day or night.
- 181 (b) In all other child abuse, abandonment, or neglect
 182 cases, a child protective investigation must be commenced within
 183 24 hours after receipt of the report.
- 184 (2) GENERAL REQUIREMENTS.—The central abuse hotline must be
 185 operated in such a manner as to enable the department to:
- 186 (a) Accept reports for investigation when there is a
 187 reasonable cause to suspect that a child has been or is being
 188 abused or neglected or has been abandoned.
- 189 (b) Determine whether the allegations made by the reporter
 190 require an immediate or a 24-hour response priority.
- 191 (c) Immediately identify and locate prior reports or cases
 192 of child abuse, abandonment, or neglect through the use of the
 193 department's automated tracking system.
- 194 (d) Track critical steps in the investigative process to
 195 ensure compliance with all requirements for any report of abuse,
 196 abandonment, or neglect.
- 197 (e) When appropriate, refer calls that do not allege the
 198 abuse, neglect, or abandonment of a child to other organizations
 199 that may better resolve the reporter's concerns.
- 200 (f) Serve as a resource for the evaluation, management, and
 201 planning of preventive and remedial services for children who
 202 have been subject to abuse, abandonment, or neglect.
- 203 (g) Initiate and enter into agreements with other states

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- 204 for the purposes of gathering and sharing information contained
 205 in reports on child maltreatment to further enhance programs for
 206 the protection of children.
- 207 (h) Promote public awareness of the central abuse hotline
 208 through community-based partner organizations and public service
 209 campaigns.
- 210 (3) COLLECTION OF INFORMATION AND DATA.—The department
 211 shall:
- 212 (a) Voice-record all incoming or outgoing calls that are
 213 received or placed by the central abuse hotline which relate to
 214 suspected or known child abuse, neglect, or abandonment. The
 215 department shall maintain an electronic copy of each electronic
 216 report. The recording or electronic copy of each electronic
 217 report must become a part of the record of the report but,
 218 notwithstanding s. 39.202, must be released in full only to law
 219 enforcement agencies and state attorneys for the purposes of
 220 investigating and prosecuting criminal charges pursuant to s.
 221 39.205, or to employees of the department for the purposes of
 222 investigating and seeking administrative penalties pursuant to
 223 s. 39.206. This paragraph does not prohibit hotline staff from
 224 using the recordings or the electronic reports for quality
 225 assurance or training.
- 226 (b) Secure and install electronic equipment that
 227 automatically provides to the hotline the number from which the
 228 call or fax is placed or the Internet protocol address from
 229 which the report is received. This number shall be entered into
 230 the report of abuse, abandonment, or neglect and become a part
 231 of the record of the report, but shall enjoy the same
 232 confidentiality as provided to the identity of the reporter

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233 pursuant to s. 39.202.

234 (c)1. Update the web form used for reporting child abuse,
 235 abandonment, or neglect to include qualifying questions in order
 236 to obtain necessary information required to assess need and a
 237 response.

238 2. The report must be made available to the counselors in
 239 its entirety as needed to update the Florida Safe Families
 240 Network or other similar systems.

241 (d) Monitor and evaluate the effectiveness of the reporting
 242 and investigating of suspected abuse, abandonment, or neglect of
 243 children through the development and analysis of statistical and
 244 other information.

245 (e) Maintain and produce aggregate statistical reports
 246 monitoring patterns of child abuse, child abandonment, and child
 247 neglect. The department shall collect and analyze child-on-child
 248 sexual abuse reports and include such information in the
 249 aggregate statistical reports. The department shall collect and
 250 analyze, in separate statistical reports, those reports of child
 251 abuse and sexual abuse which are reported from or which occurred
 252 on school premises; on school transportation; at school-
 253 sponsored off-campus events; at any school readiness program
 254 provider determined to be eligible under s. 1002.88; at a
 255 private prekindergarten provider or a public school
 256 prekindergarten provider, as those terms are defined in s.
 257 1002.51; at a public K-12 school as described in s. 1000.04; at
 258 a home education program or a private school, as those terms are
 259 defined in s. 1002.01; at a Florida College System institution
 260 or a state university, as those terms are defined in s. 1000.21;
 261 or at any school, as defined in s. 1005.02.

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262 (4) EMPLOYMENT SCREENING.—Information received by the
 263 central abuse hotline may not be used for employment screening,
 264 except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

265 (a) Information in the central abuse hotline and the
 266 department's automated abuse information system may be used by
 267 the department, its authorized agents or contract providers, the
 268 Department of Health, or county agencies as part of the
 269 licensure or registration process pursuant to ss. 402.301-
 270 402.319 and ss. 409.175-409.176.

271 (b) Information in the central abuse hotline may also be
 272 used by the Department of Education for purposes of educator
 273 certification discipline and review pursuant to s. 39.202(2)(g).

274 (5) QUALITY ASSURANCE.—On an ongoing basis, the
 275 department's quality assurance program shall review screened-out
 276 reports involving three or more unaccepted reports on a single
 277 child, where jurisdiction applies, in order to detect such
 278 things as harassment and situations that warrant an
 279 investigation because of the frequency of the reports or the
 280 variety of the sources of the reports. A component of the
 281 quality assurance program must analyze unaccepted reports to the
 282 hotline by identified relatives as a part of the review of
 283 screened-out calls. The Assistant Secretary for Child Welfare
 284 may refer a case for investigation when it is determined, as a
 285 result of such review, that an investigation may be warranted.

286 Section 3. Section 39.201, Florida Statutes, is amended to
 287 read:

288 (Substantial rewording of section. See
 289 s. 39.201, F.S., for present text.)

290 39.201 Required reports of child abuse, abandonment,

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291 neglect, and child-on-child sexual abuse; required reports of
 292 death.

293 (1) REQUIRED REPORTING.

294 (a) Individuals required to report.—Any person who knows,
 295 or has reasonable cause to suspect, that any of the following
 296 has occurred shall report such knowledge or suspicion to the
 297 central abuse hotline on the single statewide toll-free
 298 telephone number or by electronic report pursuant to s. 39.101:

299 1. Child abuse, neglect, or abandonment by a parent or
 300 caregiver.—A child is abused, abandoned, or neglected by a
 301 parent, legal custodian, caregiver, or other person responsible
 302 for the child's welfare, or that a child is in need of
 303 supervision and care and has no parent, legal custodian, or
 304 responsible adult relative immediately known and available to
 305 provide supervision and care.

306 a. Personnel at the department's central abuse hotline
 307 shall determine if the report received meets the statutory
 308 definition of child abuse, abandonment, or neglect. Any report
 309 meeting one of these definitions must be accepted for protective
 310 investigation pursuant to part III of this chapter.

311 b. Any call received from a parent or legal custodian
 312 seeking assistance for himself or herself which does not meet
 313 the criteria for being a report of child abuse, abandonment, or
 314 neglect may be accepted by the hotline for response to
 315 ameliorate a potential future risk of harm to a child.

316 c. If it is determined by a child welfare professional that
 317 a need for community services exists, the department must refer
 318 the parent or legal custodian for appropriate voluntary
 319 community services.

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320 2. Child abuse by a noncaregiver.—A child is abused by an
 321 adult other than a parent, legal custodian, caregiver, or other
 322 person responsible for the child's welfare. Such reports must be
 323 immediately electronically transferred to the appropriate county
 324 sheriff's office by the central abuse hotline.

325 3. Child-on-child sexual abuse.—A child, including a child
 326 who is in the custody of, or under the protective supervision
 327 of, the department is the victim of child-on-child sexual abuse.

328 a. The department shall conduct an assessment, assist the
 329 family in receiving appropriate services pursuant to s. 39.307,
 330 and send a written report of the allegation to the appropriate
 331 county sheriff's office within 48 hours after the initial report
 332 is made to the central abuse hotline.

333 b. The department shall ensure that the facts and results
 334 of any investigation of child-on-child sexual abuse involving a
 335 child in the custody of, or under the protective supervision of,
 336 the department are made known to the court at the next hearing
 337 or included in the next report to the court concerning the
 338 child.

339 c. In addition to conducting an assessment and assisting
 340 the family in receiving appropriate services, the department
 341 shall conduct a child protective investigation of child-on-child
 342 sexual abuse that occurs on school premises; on school
 343 transportation; at school-sponsored off-campus events; at a
 344 public or private school readiness or prekindergarten program;
 345 at a public K-12 school; or at a home education program or a
 346 private school. Upon receipt of a report that alleges that a
 347 student has been the victim of an act of child-on-child sexual
 348 abuse perpetrated by another student or students, the department

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349 shall initiate a child protective investigation within the
 350 timeframes established under s. 39.101(1) and notify the
 351 Department of Education; the law enforcement agency having
 352 jurisdiction over the municipality or county in which the school
 353 is located; and, as appropriate, the superintendent of the
 354 school district where the school is located, the administrative
 355 officer of the private school, or the owner of the private
 356 school readiness or prekindergarten provider. The protective
 357 investigation must include an interview with the child's parent
 358 or legal guardian. The department shall make a full written
 359 report to the law enforcement agency within 3 working days after
 360 making the oral report. Whenever possible, any criminal
 361 investigation must be coordinated with the department's child
 362 protective investigation. Any interested person who has
 363 information regarding such abuse may forward a statement to the
 364 department.

365 (b) Individuals required to provide their name when
 366 reporting.—While all individuals are required to report, and
 367 members of the general public may report anonymously if they
 368 choose, reporters in the following occupational categories are
 369 required to provide his or her name to the central abuse hotline
 370 staff:

371 1. Physician, osteopathic physician, medical examiner,
 372 chiropractic physician, nurse, or hospital personnel engaged in
 373 the admission, examination, care, or treatment of persons;
 374 2. Health professional or mental health professional other
 375 than ones listed in subparagraph 1.;
 376 3. Practitioner who relies solely on spiritual means for
 377 healing;

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378 4. School teacher or other school official or personnel;
 379 5. Social worker, day care center worker, or other
 380 professional child care worker, foster care worker, residential
 381 worker, or institutional worker;
 382 6. Law enforcement officer;
 383 7. Judge; or
 384 8. Animal control officer as defined in s. 828.27 or agents
 385 appointed under s. 828.03.

386 (c) Confidentiality of reporter names.—Central abuse
 387 hotline counselors shall advise reporters that, while their
 388 names must be entered into the record of the report, the names
 389 of reporters are held confidential and exempt as provided in s.
 390 39.202. Counselors must receive periodic training in encouraging
 391 all reporters to provide their names when making a report.

392 (2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—
 393 (a) Abuse occurring out of state.—If a report is of an
 394 instance of known or suspected child abuse, abandonment, or
 395 neglect which occurred out of state and the alleged perpetrator
 396 and the child alleged to be a victim are living out of state,
 397 the central abuse hotline may not accept the report or call for
 398 investigation unless the child is currently being evaluated in a
 399 medical facility in this state.

400 1. If the child is currently being evaluated in a medical
 401 facility in this state, the central abuse hotline shall accept
 402 the report or call for investigation and shall transfer the
 403 information on the report or call to the appropriate state or
 404 country.

405 2. If the child is not currently being evaluated in a
 406 medical facility in this state, the central abuse hotline shall

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407 transfer the information on the report or call to the
 408 appropriate state or county.

409 (b) Abuse reports received from emergency room physicians.-
 410 The department must initiate an investigation when it receives a
 411 report from an emergency room physician.

412 (c) Abuse involving impregnation of a child.-If the report
 413 is of an instance of known or suspected child abuse involving
 414 impregnation of a child under 16 years of age by a person 21
 415 years of age or older solely under s. 827.04(3), and such person
 416 is not a caregiver, the report must be immediately
 417 electronically transferred to the appropriate county sheriff's
 418 office by the central abuse hotline.

419 (d) Institutional child abuse or neglect.-Reports involving
 420 known or suspected institutional child abuse or neglect, as
 421 defined in s. 39.01, must be made and received in the same
 422 manner as all other reports made pursuant to this section.

423 (e) Surrendered newborn infants.-Reports involving
 424 surrendered newborn infants as described in s. 383.50 must be
 425 made and received by the department.

426 1. If the report is of a surrendered newborn infant as
 427 described in s. 383.50 and there is no indication of abuse,
 428 neglect, or abandonment other than that necessarily entailed in
 429 the infant having been left at a hospital, emergency medical
 430 services station, or fire station, the department shall provide
 431 to the caller the name of a licensed child-placing agency on a
 432 rotating basis from a list of licensed child-placing agencies
 433 eligible and required to accept physical custody of and to place
 434 newborn infants left at a hospital, emergency medical services
 435 station, or fire station. The report may not be considered a

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436 report of abuse, neglect, or abandonment solely because the
 437 infant has been left at a hospital, emergency medical services
 438 station, or fire station pursuant to s. 383.50.

439 2. If the report includes indications of abuse or neglect
 440 beyond that necessarily entailed in the infant having been left
 441 at a hospital, emergency medical services station, or fire
 442 station, the report must be considered as a report of abuse,
 443 neglect, or abandonment and must be subject to the requirements
 444 of s. 39.395 and all other relevant provisions of this chapter,
 445 notwithstanding chapter 383.

446 (3) EXCEPTIONS TO REPORTING.-

447 (a) An additional report of child abuse, abandonment, or
 448 neglect does not have to be made by:

449 1. A professional who is hired by or who enters into a
 450 contract with the department for the purpose of treating or
 451 counseling any person as a result of a report of child abuse,
 452 abandonment, or neglect if such person was the subject of the
 453 referral for treatment.

454 2. An officer or employee of the judicial branch when the
 455 child is currently being investigated by the department, when
 456 there is an existing dependency case, or when the matter has
 457 previously been reported to the department, if there is
 458 reasonable cause to believe that the information is already
 459 known to the department. This subparagraph applies only when the
 460 information has been provided to the officer or employee in the
 461 course of carrying out his or her official duties.

462 3. An officer or employee of a law enforcement agency when
 463 the incident under investigation by the law enforcement agency
 464 was reported to law enforcement by the central abuse hotline

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465 through the electronic transfer of the report or call. The
 466 department's central abuse hotline is not required to
 467 electronically transfer calls and reports received pursuant to
 468 paragraph (2) (b) to the county sheriff's office if the matter
 469 was initially reported to the department by the county sheriff's
 470 office or by another law enforcement agency. This subparagraph
 471 applies only when the information related to the alleged child
 472 abuse has been provided to the officer or employee of a law
 473 enforcement agency or central abuse hotline employee in the
 474 course of carrying out his or her official duties.

475 (b) Nothing in this chapter or in the contracting with
 476 community-based care providers for foster care and related
 477 services as specified in s. 409.987 may be construed to remove
 478 or reduce the duty and responsibility of any person, including
 479 any employee of the community-based care provider, to report a
 480 suspected or actual case of child abuse, abandonment, or neglect
 481 or the sexual abuse of a child to the department's central abuse
 482 hotline.

483 (4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required
 484 to report or investigate cases of suspected child abuse,
 485 abandonment, or neglect who has reasonable cause to suspect that
 486 a child died as a result of child abuse, abandonment, or neglect
 487 shall report his or her suspicion to the appropriate medical
 488 examiner. The medical examiner shall accept the report for
 489 investigation and shall report his or her findings, in writing,
 490 to the local law enforcement agency, the appropriate state
 491 attorney, and the department. Autopsy reports maintained by the
 492 medical examiner are not subject to the confidentiality
 493 requirements provided for in s. 39.202.

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494 Section 4. Present subsections (3) through (10) of section
 495 39.205, Florida Statutes, are redesignated as subsections (4)
 496 through (11), respectively, new subsection (3) and subsection
 497 (12) are added to that section, and present subsections (1),
 498 (3), (4), and (5) of that section are amended, to read:

499 39.205 Penalties relating to reporting of child abuse,
 500 abandonment, or neglect.—

501 (1) A person ~~who is required to report known or suspected~~
 502 ~~child abuse, abandonment, or neglect~~ and who knowingly and
 503 willfully fails to report known or suspected child abuse,
 504 abandonment, or neglect ~~do so~~, or who knowingly and willfully
 505 prevents another person from doing so, commits a felony of the
 506 third degree, punishable as provided in s. 775.082, s. 775.083,
 507 or s. 775.084. A judge subject to discipline pursuant to s. 12,
 508 Art. V of the Florida Constitution shall not be subject to
 509 criminal prosecution when the information was received in the
 510 course of official duties.

511 (3) Any school readiness program provider determined to be
 512 eligible under s. 1002.88; private prekindergarten provider or
 513 public school prekindergarten provider, as those terms are
 514 defined in s. 1002.51; public K-12 school as described in s.
 515 1000.04; home education program as defined in s. 1002.01; or
 516 private school as defined in s. 1002.01; that accepts
 517 scholarship students who participate in a state scholarship
 518 program under chapter 1002, whose employees knowingly and
 519 willingly fail to report known or suspected child abuse,
 520 abandonment, or neglect to the central abuse hotline pursuant to
 521 this chapter, is subject to a penalty for each such failure.

522 (a) An early learning coalition may suspend or terminate a

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523 provider from participating in the school readiness program or
 524 Voluntary Prekindergarten Education Program if an employee of
 525 the provider fails to report known or suspected child abuse,
 526 abandonment, or neglect.

527 (b) If the State Board of Education determines that
 528 policies of the district school board regarding reporting known
 529 or suspected child abuse, abandonment, or neglect by school
 530 employees do not comply with statute or state board rule, the
 531 state board may enforce compliance pursuant to s. 1008.32.

532 (c) The Department of Education may prohibit a private
 533 school whose employees fail to report known or suspected child
 534 abuse, abandonment, or neglect from enrolling new students in a
 535 state scholarship program under chapter 1002 for 1 fiscal year.
 536 If employees at a private school knew of, should have known of,
 537 or suspected child abuse, abandonment, or neglect in two or more
 538 instances, the Commissioner of Education may determine that the
 539 private school is ineligible to participate in scholarship
 540 programs.

541 (4)(3) Any Florida College System institution, state
 542 university, or nonpublic college, university, or school, as
 543 defined in s. 1000.21 or s. 1005.02, whose administrators
 544 knowingly and willfully, upon receiving information from
 545 faculty, staff, or other institution employees, knowingly and
 546 willfully fail to report to the central abuse hotline pursuant
 547 to this chapter known or suspected child abuse, abandonment, or
 548 neglect committed on the property of the university, college, or
 549 school, or during an event or function sponsored by the
 550 university, college, or school, or who knowingly and willfully
 551 prevent another person from doing so, shall be subject to fines

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552 of \$1 million for each such failure.

553 (a) A Florida College System institution subject to a fine
 554 shall be assessed by the State Board of Education.

555 (b) A state university subject to a fine shall be assessed
 556 by the Board of Governors.

557 (c) A nonpublic college, university, or school subject to a
 558 fine shall be assessed by the Commission for Independent
 559 Education.

560 (5)(4) Any Florida College System institution, state
 561 university, or nonpublic college, university, or school, as
 562 defined in s. 1000.21 or s. 1005.02, whose law enforcement
 563 agency fails to report to the central abuse hotline pursuant to
 564 this chapter known or suspected child abuse, abandonment, or
 565 neglect committed on the property of the university, college, or
 566 school, or during an event or function sponsored by the
 567 university, college, or school, shall be subject to fines of \$1
 568 million for each such failure, assessed in the same manner as
 569 specified in subsection (4) (3).

570 (5) Any Florida College System institution, state
 571 university, or nonpublic college, university, or school, as
 572 defined in s. 1000.21 or s. 1005.02, shall have the right to
 573 challenge the determination that the institution acted knowingly
 574 and willfully under subsection (4) (3) or subsection (5) (4) in
 575 an administrative hearing pursuant to s. 120.57; however, if it
 576 is found that actual knowledge and information of known or
 577 suspected child abuse was in fact received by the institution's
 578 administrators and was not reported, a presumption of a knowing
 579 and willful act will be established.

580 (12) This section may not be construed to remove or reduce

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581 the requirement of any person, including any employee of a
 582 school readiness program provider determined to be eligible
 583 under s. 1002.88; a private prekindergarten provider or a public
 584 school prekindergarten provider, as those terms are defined in
 585 s. 1002.51; a public K-12 school as described in s. 1000.04; a
 586 home education program or a private school, as those terms are
 587 defined in s. 1002.01; a Florida College System institution or a
 588 state university, as those terms are defined in s. 1000.21; a
 589 college as defined in s. 1005.02; or a school as defined in s.
 590 1005.02; to directly report a suspected or actual case of child
 591 abuse, abandonment, or neglect or the sexual abuse of a child to
 592 the department's central abuse hotline pursuant to this chapter.
 593 A person required to report to the central abuse hotline is not
 594 relieved of the obligation by notifying his or her supervisor.

595 Section 5. Section 39.208, Florida Statutes, is created to
 596 read:

597 39.208 Cross-reporting child and animal abuse and neglect.-
 598 (1) LEGISLATIVE FINDINGS AND INTENT.-
 599 (a) The Legislature recognizes that animal abuse of any
 600 kind is a type of interpersonal violence and often co-occurs
 601 with child abuse and other forms of family violence, including
 602 elder abuse and domestic violence. Early identification of
 603 animal abuse is another important tool in safeguarding children
 604 from abuse and neglect, providing needed support to families,
 605 and protecting animals.
 606 (b) The Legislature finds that education and training for
 607 child protective investigators and animal care and control
 608 personnel should include information on the link between the
 609 welfare of animals in the family and child safety and

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610 protection.
 611 (c) Therefore, it is the intent of the Legislature to
 612 require reporting and cross-reporting protocols and
 613 collaborative training between child protective services and
 614 animal control services personnel to help protect the safety and
 615 well-being of children, their families, and their animals.
 616 (2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.-Any
 617 person who is required to investigate child abuse, abandonment,
 618 or neglect under this chapter and who, while acting in his or
 619 her professional capacity or within the scope of employment,
 620 knows or has reasonable cause to suspect that abuse, neglect, or
 621 abandonment of an animal has occurred at the same address shall
 622 report such knowledge or suspicion within 72 hours to his or her
 623 supervisor for submission to a local animal control agency.
 624 (a) The report must include all of the following
 625 information:
 626 1. A description of the animal and of the animal abuse or
 627 neglect.
 628 2. The name and address of the animal's owner or keeper, if
 629 that information is available to the child protective
 630 investigator.
 631 3. Any other information available to the child protective
 632 investigator which might assist an animal control officer or law
 633 enforcement officer in establishing the cause of the animal
 634 abuse or neglect and the manner in which it occurred.
 635 (b) A child protective investigator who makes a report
 636 under this section is presumed to have acted in good faith. An
 637 investigator acting in good faith who makes a report under this
 638 section or who cooperates in an investigation of suspected

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639 animal abuse or neglect is immune from any civil or criminal
 640 liability or administrative penalty or sanction that might
 641 otherwise be incurred in connection with making the report or
 642 otherwise cooperating.

643 (3) RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.—Any
 644 individual who knows or has reasonable cause to suspect that a
 645 child is abused, abandoned, or neglected by a parent, legal
 646 custodian, caregiver, or other person responsible for the
 647 child’s welfare or that a child is in need of supervision and
 648 care and does not have a parent, a legal custodian, or a
 649 responsible adult relative immediately known and available to
 650 provide supervision and care to that child shall immediately
 651 report such knowledge or suspicion to the department’s central
 652 abuse hotline.

653 (4) PENALTIES.—

654 (a) A child protective investigator who is required to
 655 report known or suspected abuse, neglect, cruelty, or
 656 abandonment of an animal and who knowingly and willfully fails
 657 to do so commits a misdemeanor of the second degree, punishable
 658 as provided in s. 775.082 or s. 775.083.

659 (b) An animal control officer who fails to report an
 660 incident of known or suspected child abuse or neglect, as
 661 required by s. 39.201, commits a felony of the third degree,
 662 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

663 (5) TRAINING.—The department, in consultation with the
 664 Florida Animal Control Association, shall develop or adapt and
 665 use already available training materials into a 1-hour training
 666 for all child protective investigators and animal control
 667 officers who are required to investigate child abuse and neglect

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668 or animal abuse and neglect on the accurate and timely
 669 identification and reporting of child and animal abuse and
 670 neglect and the interconnectedness of such abuse and neglect.
 671 The department shall incorporate training on the identification
 672 of harm to and neglect of animals and the relationship of such
 673 activities to child welfare case practice into required training
 674 for child protective investigators.

675 (6) RULEMAKING.—The department shall adopt rules to
 676 implement this section, including rules establishing protocols
 677 for transmitting to local animal control agencies the addresses
 678 where known or suspected animal abuse has been observed by a
 679 child protective investigator acting in his or her professional
 680 capacity.

681 Section 6. Subsections (1) and (2) of section 39.302,
 682 Florida Statutes, are amended to read:

683 39.302 Protective investigations of institutional child
 684 abuse, abandonment, or neglect.—

685 (1) The department shall conduct a child protective
 686 investigation of each report of institutional child abuse,
 687 abandonment, or neglect. Upon receipt of a report that alleges
 688 that an employee or agent of the department, or any other entity
 689 or person covered by s. 39.01(36) or (53) ~~s. 39.01(37) or (54)~~,
 690 acting in an official capacity, has committed an act of child
 691 abuse, abandonment, or neglect, the department shall initiate a
 692 child protective investigation within the timeframe established
 693 under s. 39.101(1) ~~s. 39.201(5)~~ and notify the appropriate state
 694 attorney, law enforcement agency, and licensing agency, which
 695 shall immediately conduct a joint investigation, unless
 696 independent investigations are more feasible. When conducting

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697 investigations or having face-to-face interviews with the child,
 698 investigation visits shall be unannounced unless it is
 699 determined by the department or its agent that unannounced
 700 visits threaten the safety of the child. If a facility is exempt
 701 from licensing, the department shall inform the owner or
 702 operator of the facility of the report. Each agency conducting a
 703 joint investigation is entitled to full access to the
 704 information gathered by the department in the course of the
 705 investigation. A protective investigation must include an
 706 interview with the child's parent or legal guardian. The
 707 department shall make a full written report to the state
 708 attorney within 3 working days after making the oral report. A
 709 criminal investigation shall be coordinated, whenever possible,
 710 with the child protective investigation of the department. Any
 711 interested person who has information regarding the offenses
 712 described in this subsection may forward a statement to the
 713 state attorney as to whether prosecution is warranted and
 714 appropriate. Within 15 days after the completion of the
 715 investigation, the state attorney shall report the findings to
 716 the department and shall include in the report a determination
 717 of whether or not prosecution is justified and appropriate in
 718 view of the circumstances of the specific case.

719 (2) (a) If in the course of the child protective
 720 investigation, the department finds that a subject of a report,
 721 by continued contact with children in care, constitutes a
 722 threatened harm to the physical health, mental health, or
 723 welfare of the children, the department may restrict a subject's
 724 access to the children pending the outcome of the investigation.
 725 The department or its agent shall employ the least restrictive

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726 means necessary to safeguard the physical health, mental health,
 727 and welfare of the children in care. This authority shall apply
 728 only to child protective investigations in which there is some
 729 evidence that child abuse, abandonment, or neglect has occurred.
 730 A subject of a report whose access to children in care has been
 731 restricted is entitled to petition the circuit court for
 732 judicial review. The court shall enter written findings of fact
 733 based upon the preponderance of evidence that child abuse,
 734 abandonment, or neglect did occur and that the department's
 735 restrictive action against a subject of the report was justified
 736 in order to safeguard the physical health, mental health, and
 737 welfare of the children in care. The restrictive action of the
 738 department shall be effective for no more than 90 days without a
 739 judicial finding supporting the actions of the department.

740 (b) In an institutional investigation, the alleged
 741 perpetrator may be represented by an attorney, at his or her own
 742 expense, or may be accompanied by another person, if the
 743 attorney or the person executes an affidavit of understanding
 744 with the department and agrees to comply with the
 745 confidentiality requirements under s. 39.202. The absence of an
 746 attorney or an accompanying person does not prevent the
 747 department from proceeding with other aspects of the
 748 investigation, including interviews with other persons. In
 749 institutional child abuse cases when the institution is not
 750 operational and the child cannot otherwise be located, the
 751 investigation must commence immediately upon the resumption of
 752 operation. If requested by a state attorney or local law
 753 enforcement agency, the department shall furnish all
 754 investigative reports to such state attorney or agency.

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755 ~~(c)(b)~~ Upon completion of the department's child protective
 756 investigation, the department may make application to the
 757 circuit court for continued restrictive action against any
 758 person necessary to safeguard the physical health, mental
 759 health, and welfare of the children in care.

760 Section 7. Section 828.126, Florida Statutes, is amended to
 761 read:

762 828.126 Sexual activities involving animals.—The
 763 Legislature recognizes that animal abuse of any kind is a type
 764 of interpersonal violence and often co-occurs with child abuse
 765 and other forms of family violence, including elder abuse and
 766 domestic violence, and that early identification of animal
 767 abuse, including animal sexual abuse, serves the purpose of
 768 providing another important tool to safeguard children from
 769 abuse and neglect, to provide needed support to families, and to
 770 protect animals.

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

772 (a) "Sexual conduct" means any touching or fondling by a
 773 person, either directly or through clothing, of the sex organs
 774 or anus of an animal or any transfer or transmission of semen by
 775 the person upon any part of the animal for the purpose of sexual
 776 gratification or arousal of the person.

777 (b) "Sexual contact" means any contact, however slight,
 778 between the mouth, sex organ, or anus of a person and the sex
 779 organ or anus of an animal, or any penetration, however slight,
 780 of any part of the body of the person into the sex organ or anus
 781 of an animal, or the insertion of any part of the animal's body
 782 into the vaginal or anal opening of the person ~~any penetration~~
 783 ~~of the sex organ or anus of the person into the mouth of the~~

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784 ~~animal~~, for the purpose of sexual gratification or sexual
 785 arousal of the person.

786 (2) A person may not:

787 (a) Knowingly engage in any sexual conduct or sexual
 788 contact with an animal;

789 (b) Knowingly cause, aid, or abet another person to engage
 790 in any sexual conduct or sexual contact with an animal;

791 (c) Knowingly permit any sexual conduct or sexual contact
 792 with an animal to be conducted on any premises under his or her
 793 charge or control; or

794 (d) Knowingly organize, promote, conduct, advertise, aid,
 795 abet, participate in as an observer, or perform any service in
 796 the furtherance of an act involving any sexual conduct or sexual
 797 contact with an animal ~~for a commercial or recreational purpose.~~

798 (3) A person who violates this section commits a felony of
 799 the third misdemeanor of the first degree, punishable as
 800 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

801 (4) In addition to other penalties prescribed by law, the
 802 court shall issue an order prohibiting a person convicted under
 803 this section from harboring, owning, possessing, or exercising
 804 control over any animal; from residing in any household where
 805 animals are present; and from engaging in an occupation, whether
 806 paid or unpaid, or participating in a volunteer position at any
 807 establishment where animals are present. The order may be
 808 effective for the length of time the court deems reasonable, but
 809 must be effective for at least 5 years after the convicted
 810 person's release from custody.

811 ~~(5)(4)~~ This section does not apply to accepted animal
 812 husbandry practices, conformation judging practices, or accepted

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813 veterinary medical practices.
 814 Section 8. Paragraph (a) of subsection (4) of section
 815 828.27, Florida Statutes, is amended to read:
 816 828.27 Local animal control or cruelty ordinances;
 817 penalty.-
 818 (4)(a)1. County-employed animal control officers must, and
 819 municipally employed animal control officers may, successfully
 820 complete a 40-hour minimum standards training course. Such
 821 course must include, but is not limited to, training for: animal
 822 cruelty investigations, search and seizure, animal handling,
 823 courtroom demeanor, and civil citations. The course curriculum
 824 must be approved by the Florida Animal Control Association. An
 825 animal control officer who successfully completes such course
 826 shall be issued a certificate indicating that he or she has
 827 received a passing grade.
 828 2. County-employed and municipally employed animal control
 829 officers must successfully complete the 1-hour training course
 830 developed by the Department of Children and Families and the
 831 Florida Animal Control Association pursuant to s. 39.208(5).
 832 Animal control officers must be provided with opportunities to
 833 attend the training during their normal work hours. The training
 834 must advise them that failure to report an incident of known or
 835 suspected child abuse, abandonment, or neglect, as required by
 836 s. 39.201, is a felony of the third degree, punishable as
 837 provided in s. 775.082, s. 775.083, or s. 775.084.
 838 ~~3.2-~~ Any animal control officer who is authorized before
 839 January 1, 1990, by a county or municipality to issue citations
 840 is not required to complete the minimum standards training
 841 course.

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842 ~~4.3-~~ In order to maintain valid certification, every 2
 843 years each certified animal control officer must complete 4
 844 hours of postcertification continuing education training. Such
 845 training may include, but is not limited to, training for:
 846 animal cruelty investigations, search and seizure, animal
 847 handling, courtroom demeanor, and civil citations.
 848 Section 9. Paragraph (f) of subsection (3) of section
 849 921.0022, Florida Statutes, is amended to read:
 850 921.0022 Criminal Punishment Code; offense severity ranking
 851 chart.-
 852 (3) OFFENSE SEVERITY RANKING CHART
 853 (f) LEVEL 6
 854

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of

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			transaction history,	
			transaction information,	
			or transaction	
859			statement.	
	499.0051(3)	2nd	Knowing purchase or	
			receipt of prescription	
			drug from unauthorized	
			person.	
860	499.0051(4)	2nd	Knowing sale or transfer	
			of prescription drug to	
			unauthorized person.	
861	775.0875(1)	3rd	Taking firearm from law	
			enforcement officer.	
862	784.021(1)(a)	3rd	Aggravated assault;	
			deadly weapon without	
			intent to kill.	
863	784.021(1)(b)	3rd	Aggravated assault;	
			intent to commit felony.	
864	784.041	3rd	Felony battery; domestic	
			battery by	
			strangulation.	
865	784.048(3)	3rd	Aggravated stalking;	

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			credible threat.	
866	784.048(5)	3rd	Aggravated stalking of	
			person under 16.	
867	784.07(2)(c)	2nd	Aggravated assault on	
			law enforcement officer.	
868	784.074(1)(b)	2nd	Aggravated assault on	
			sexually violent	
			predators facility	
			staff.	
869	784.08(2)(b)	2nd	Aggravated assault on a	
			person 65 years of age	
			or older.	
870	784.081(2)	2nd	Aggravated assault on	
			specified official or	
			employee.	
871	784.082(2)	2nd	Aggravated assault by	
			detained person on	
			visitor or other	
			detainee.	
872	784.083(2)	2nd	Aggravated assault on	
			code inspector.	
873				

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	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
874	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
875	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
876	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
877	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
878	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual

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			activity by custodial adult.
879	794.05(1)	2nd	Unlawful sexual activity with specified minor.
880	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
881	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
882	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
883	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
884	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.

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	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
886	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
887	812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
888	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
889	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
890	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

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	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
892	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
893	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
894	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
895	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
896	827.03(2)(c)	3rd	Abuse of a child.
897	827.03(2)(d)	3rd	Neglect of a child.
898	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such

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				performance.
899	<u>828.126</u>	<u>3rd</u>		<u>Sexual activities</u> <u>involving animals.</u>
900	836.05	2nd		Threats; extortion.
901	836.10	2nd		Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
902	843.12	3rd		Aids or assists person to escape.
903	847.011	3rd		Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
904	847.012	3rd		Knowingly using a minor in the production of materials harmful to minors.
905	847.0135(2)	3rd		Facilitates sexual conduct of or with a

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				minor or the visual depiction of such conduct.
906	914.23	2nd		Retaliation against a witness, victim, or informant, with bodily injury.
907	944.35(3)(a)2.	3rd		Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
908	944.40	2nd		Escapes.
909	944.46	3rd		Harboring, concealing, aiding escaped prisoners.
910	944.47(1)(a)5.	2nd		Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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911

951.22(1)(i) 3rd Firearm or weapon
introduced into county
detention facility.

912

913 Section 10. Section 1006.061, Florida Statutes, is amended
914 to read:

915 1006.061 Child abuse, abandonment, and neglect policy;
916 sexual abuse of a child policy; and child-on-child sexual abuse
917 policy.—Each district school board, charter school, and private
918 school that accepts scholarship students who participate in a
919 state scholarship program under chapter 1002 shall:

920 (1) Post in a prominent place in each school a notice that,
921 pursuant to chapter 39, all employees and agents of the district
922 school board, charter school, or private school have an
923 affirmative duty to report all actual or suspected cases of
924 child abuse, abandonment, or neglect, or child-on-child sexual
925 abuse; have immunity from liability if they report such cases in
926 good faith; and have a duty to comply with child protective
927 investigations and all other provisions of law relating to child
928 abuse, abandonment, and neglect and child-on-child sexual abuse.
929 The notice shall also include the statewide toll-free telephone
930 number of the central abuse hotline.

931 (2) Post in a prominent place at each school site and on
932 each school's Internet website, if available, the policies and
933 procedures for reporting alleged misconduct by instructional
934 personnel or school administrators which affects the health,
935 safety, or welfare of a student; the contact person to whom the
936 report is made; and the penalties imposed on instructional

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personnel or school administrators who fail to report suspected
938 or actual child abuse or alleged misconduct by other
939 instructional personnel or school administrators.

940

(3) Require the principal of the charter school or private
941 school, or the district school superintendent, or the
942 superintendent's designee, at the request of the Department of
943 Children and Families, to act as a liaison to the Department of
944 Children and Families and the Child Protection Team, as defined
945 in s. 39.01, when in a case of suspected child abuse,
946 abandonment, or neglect or an unlawful sexual offense involving
947 a child the case is referred to such a team; except that this
948 does not relieve or restrict the Department of Children and
949 Families from discharging its duty and responsibility under the
950 law to investigate and report every suspected or actual case of
951 child abuse, abandonment, or neglect or unlawful sexual offense
952 involving a child.

953

(4) (a) Post in a prominent place in a clearly visible
954 location and public area of the school which is readily
955 accessible to and widely used by students a sign in English and
956 Spanish that contains:

957

1. The statewide toll-free telephone number of the central
958 abuse hotline as provided in chapter 39;

959

2. Instructions to call 911 for emergencies; and

960

3. Directions for accessing the Department of Children and
961 Families Internet website for more information on reporting
962 abuse, abandonment, or neglect, and child-on-child sexual abuse
963 exploitation.

964

(b) The information in paragraph (a) must be put on at
965 least one poster in each school, on a sheet that measures at

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966 least 11 inches by 17 inches, produced in large print, and
967 placed at student eye level for easy viewing.

968
969 The Department of Education shall coordinate with the Department
970 of Children and Families to develop, update annually when
971 necessary, and publish on the Department of Education's
972 ~~department's~~ Internet website, sample notices suitable for
973 posting in accordance with subsections (1), (2), and (4).

974 Section 11. Present subsections (2) through (6) of section
975 1012.795, Florida Statutes, are redesignated as subsections (3)
976 through (7), respectively, a new subsection (2) is added to that
977 section, and subsection (1) of that section is republished, to
978 read:

979 1012.795 Education Practices Commission; authority to
980 discipline.—

981 (1) The Education Practices Commission may suspend the
982 educator certificate of any instructional personnel or school
983 administrator, as defined in s. 1012.01(2) or (3), for up to 5
984 years, thereby denying that person the right to teach or
985 otherwise be employed by a district school board or public
986 school in any capacity requiring direct contact with students
987 for that period of time, after which the person may return to
988 teaching as provided in subsection (5) ~~(4)~~; may revoke the
989 educator certificate of any person, thereby denying that person
990 the right to teach or otherwise be employed by a district school
991 board or public school in any capacity requiring direct contact
992 with students for up to 10 years, with reinstatement subject to
993 subsection (5) ~~(4)~~; may permanently revoke the educator
994 certificate of any person thereby denying that person the right

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995 to teach or otherwise be employed by a district school board or
996 public school in any capacity requiring direct contact with
997 students; may suspend a person's educator certificate, upon an
998 order of the court or notice by the Department of Revenue
999 relating to the payment of child support; or may impose any
1000 other penalty provided by law, if the person:

1001 (a) Obtained or attempted to obtain an educator certificate
1002 by fraudulent means.

1003 (b) Knowingly failed to report actual or suspected child
1004 abuse as required in s. 1006.061 or report alleged misconduct by
1005 instructional personnel or school administrators which affects
1006 the health, safety, or welfare of a student as required in s.
1007 1012.796.

1008 (c) Has proved to be incompetent to teach or to perform
1009 duties as an employee of the public school system or to teach in
1010 or to operate a private school.

1011 (d) Has been guilty of gross immorality or an act involving
1012 moral turpitude as defined by rule of the State Board of
1013 Education, including engaging in or soliciting sexual, romantic,
1014 or lewd conduct with a student or minor.

1015 (e) Has had an educator certificate or other professional
1016 license sanctioned by this or any other state or has had the
1017 authority to practice the regulated profession revoked,
1018 suspended, or otherwise acted against, including a denial of
1019 certification or licensure, by the licensing or certifying
1020 authority of any jurisdiction, including its agencies and
1021 subdivisions. The licensing or certifying authority's acceptance
1022 of a relinquishment, stipulation, consent order, or other
1023 settlement offered in response to or in anticipation of the

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1024 filing of charges against the licensee or certificateholder
 1025 shall be construed as action against the license or certificate.
 1026 For purposes of this section, a sanction or action against a
 1027 professional license, a certificate, or an authority to practice
 1028 a regulated profession must relate to being an educator or the
 1029 fitness of or ability to be an educator.

1030 (f) Has been convicted or found guilty of, has had
 1031 adjudication withheld for, or has pled guilty or nolo contendere
 1032 to a misdemeanor, felony, or any other criminal charge, other
 1033 than a minor traffic violation.

1034 (g) Upon investigation, has been found guilty of personal
 1035 conduct that seriously reduces that person's effectiveness as an
 1036 employee of the district school board.

1037 (h) Has breached a contract, as provided in s. 1012.33(2)
 1038 or s. 1012.335.

1039 (i) Has been the subject of a court order or notice by the
 1040 Department of Revenue pursuant to s. 409.2598 directing the
 1041 Education Practices Commission to suspend the certificate as a
 1042 result of noncompliance with a child support order, a subpoena,
 1043 an order to show cause, or a written agreement with the
 1044 Department of Revenue.

1045 (j) Has violated the Principles of Professional Conduct for
 1046 the Education Profession prescribed by State Board of Education
 1047 rules.

1048 (k) Has otherwise violated the provisions of law, the
 1049 penalty for which is the revocation of the educator certificate.

1050 (l) Has violated any order of the Education Practices
 1051 Commission.

1052 (m) Has been the subject of a court order or plea agreement

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1053 in any jurisdiction which requires the certificateholder to
 1054 surrender or otherwise relinquish his or her educator's
 1055 certificate. A surrender or relinquishment shall be for
 1056 permanent revocation of the certificate. A person may not
 1057 surrender or otherwise relinquish his or her certificate prior
 1058 to a finding of probable cause by the commissioner as provided
 1059 in s. 1012.796.

1060 (n) Has been disqualified from educator certification under
 1061 s. 1012.315.

1062 (o) Has committed a third recruiting offense as determined
 1063 by the Florida High School Athletic Association (FHSAA) pursuant
 1064 to s. 1006.20(2)(b).

1065 (p) Has violated test security as provided in s. 1008.24.

1066 (2) Notwithstanding subsection (1), the Education Practices
 1067 Commission shall suspend, for a period of not less than 1 year,
 1068 the educator certificate of any instructional personnel or
 1069 school administrator who knowingly fails to report known or
 1070 suspected child abuse pursuant to s. 39.201.

1071 Section 12. Subsections (1) through (5) of section 39.307,
 1072 Florida Statutes, are amended to read:

1073 39.307 Reports of child-on-child sexual abuse.—

1074 (1) Upon receiving a report alleging child-on-child
 1075 ~~juvenile sexual abuse or inappropriate sexual behavior as~~
 1076 ~~defined in s. 39.01~~, the department shall assist the family,
 1077 child, and caregiver in receiving appropriate services to
 1078 address the allegations of the report.

1079 (a) The department shall ensure that information describing
 1080 the child's history of child sexual abuse is included in the
 1081 child's electronic record. This record must also include

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1082 information describing the services the child has received as a
1083 result of his or her involvement with child sexual abuse.

1084 (b) Placement decisions for a child who has been involved
1085 with child sexual abuse must include consideration of the needs
1086 of the child and any other children in the placement.

1087 (c) The department shall monitor the occurrence of child
1088 sexual abuse and the provision of services to children involved
1089 in child-on-child ~~child sexual abuse or juvenile~~ sexual abuse,
1090 ~~or who have displayed inappropriate sexual behavior.~~

1091 (2) The department, contracted sheriff's office providing
1092 protective investigation services, or contracted case management
1093 personnel responsible for providing services, at a minimum,
1094 shall adhere to the following procedures:

1095 (a) The purpose of the response to a report alleging child-
1096 on-child ~~juvenile~~ sexual abuse ~~behavior or inappropriate sexual~~
1097 ~~behavior~~ shall be explained to the caregiver.

1098 1. The purpose of the response shall be explained in a
1099 manner consistent with legislative purpose and intent provided
1100 in this chapter.

1101 2. The name and office telephone number of the person
1102 responding shall be provided to the caregiver of the alleged
1103 abuser ~~or child who has exhibited inappropriate sexual behavior~~
1104 and the victim's caregiver.

1105 3. The possible consequences of the department's response,
1106 including outcomes and services, shall be explained to the
1107 caregiver of the alleged abuser ~~or child who has exhibited~~
1108 ~~inappropriate sexual behavior~~ and the victim's caregiver.

1109 (b) The caregiver of the alleged abuser ~~or child who has~~
1110 ~~exhibited inappropriate sexual behavior~~ and the victim's

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1111 caregiver shall be involved to the fullest extent possible in
1112 determining the nature of the sexual behavior concerns and the
1113 nature of any problem or risk to other children.

1114 (c) The assessment of risk and the perceived treatment
1115 needs of the alleged abuser ~~or child who has exhibited~~
1116 ~~inappropriate sexual behavior~~, the victim, and respective
1117 caregivers shall be conducted by the district staff, the child
1118 protection team of the Department of Health, and other providers
1119 under contract with the department to provide services to the
1120 caregiver of the alleged offender, the victim, and the victim's
1121 caregiver.

1122 (d) The assessment shall be conducted in a manner that is
1123 sensitive to the social, economic, and cultural environment of
1124 the family.

1125 (e) If necessary, the child protection team of the
1126 Department of Health shall conduct a physical examination of the
1127 victim, which is sufficient to meet forensic requirements.

1128 (f) Based on the information obtained from the alleged
1129 abuser ~~or child who has exhibited inappropriate sexual behavior~~,
1130 his or her caregiver, the victim, and the victim's caregiver, an
1131 assessment of service and treatment needs must be completed and,
1132 if needed, a case plan developed within 30 days.

1133 (g) The department shall classify the outcome of the report
1134 as follows:

1135 1. Report closed. Services were not offered because the
1136 department determined that there was no basis for intervention.

1137 2. Services accepted by alleged abuser. Services were
1138 offered to the alleged abuser ~~or child who has exhibited~~
1139 ~~inappropriate sexual behavior~~ and accepted by the caregiver.

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1140 3. Report closed. Services were offered to the alleged
1141 abuser ~~or child who has exhibited inappropriate sexual behavior,~~
1142 but were rejected by the caregiver.

1143 4. Notification to law enforcement. The risk to the
1144 victim's safety and well-being cannot be reduced by the
1145 provision of services or the caregiver rejected services, and
1146 notification of the alleged delinquent act or violation of law
1147 to the appropriate law enforcement agency was initiated.

1148 5. Services accepted by victim. Services were offered to
1149 the victim and accepted by the caregiver.

1150 6. Report closed. Services were offered to the victim but
1151 were rejected by the caregiver.

1152 (3) If services have been accepted by the alleged abuser ~~or~~
1153 ~~child who has exhibited inappropriate sexual behavior,~~ the
1154 victim, and respective caregivers, the department shall
1155 designate a case manager and develop a specific case plan.

1156 (a) Upon receipt of the plan, the caregiver shall indicate
1157 its acceptance of the plan in writing.

1158 (b) The case manager shall periodically review the progress
1159 toward achieving the objectives of the plan in order to:

1160 1. Make adjustments to the plan or take additional action
1161 as provided in this part; or

1162 2. Terminate the case if indicated by successful or
1163 substantial achievement of the objectives of the plan.

1164 (4) Services provided to the alleged abuser ~~or child who~~
1165 ~~has exhibited inappropriate sexual behavior,~~ the victim, and
1166 respective caregivers or family must be voluntary and of
1167 necessary duration.

1168 (5) If the family or caregiver of the alleged abuser ~~or~~

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1169 ~~child who has exhibited inappropriate sexual behavior~~ fails to
1170 adequately participate or allow for the adequate participation
1171 of the child in the services or treatment delineated in the case
1172 plan, the case manager may recommend that the department:

1173 (a) Close the case;

1174 (b) Refer the case to mediation or arbitration, if
1175 available; or

1176 (c) Notify the appropriate law enforcement agency of
1177 failure to comply.

1178 Section 13. Paragraph (t) of subsection (2) of section
1179 39.202, Florida Statutes, is amended to read:

1180 39.202 Confidentiality of reports and records in cases of
1181 child abuse or neglect.—

1182 (2) Except as provided in subsection (4), access to such
1183 records, excluding the name of, or other identifying information
1184 with respect to, the reporter which shall be released only as
1185 provided in subsection (5), shall be granted only to the
1186 following persons, officials, and agencies:

1187 (t) Persons with whom the department is seeking to place
1188 the child or to whom placement has been granted, including
1189 foster parents for whom an approved home study has been
1190 conducted, the designee of a licensed child-caring agency as
1191 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or
1192 nonrelative with whom a child is placed pursuant to s. 39.402,
1193 preadoptive parents for whom a favorable preliminary adoptive
1194 home study has been conducted, adoptive parents, or an adoption
1195 entity acting on behalf of preadoptive or adoptive parents.

1196 Section 14. Subsection (6) of section 39.301, Florida
1197 Statutes, is amended to read:

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1198 39.301 Initiation of protective investigations.-
 1199 (6) Upon commencing an investigation under this part, if a
 1200 report was received from a reporter under s. 39.201(1)(a)2. ~~s.~~
 1201 ~~39.201(1)(b)~~, the protective investigator must provide his or
 1202 her contact information to the reporter within 24 hours after
 1203 being assigned to the investigation. The investigator must also
 1204 advise the reporter that he or she may provide a written summary
 1205 of the report made to the central abuse hotline to the
 1206 investigator which shall become a part of the electronic child
 1207 welfare case file.

1208 Section 15. Paragraph (c) of subsection (1) of section
 1209 39.521, Florida Statutes, is amended to read:

1210 39.521 Disposition hearings; powers of disposition.-

1211 (1) A disposition hearing shall be conducted by the court,
 1212 if the court finds that the facts alleged in the petition for
 1213 dependency were proven in the adjudicatory hearing, or if the
 1214 parents or legal custodians have consented to the finding of
 1215 dependency or admitted the allegations in the petition, have
 1216 failed to appear for the arraignment hearing after proper
 1217 notice, or have not been located despite a diligent search
 1218 having been conducted.

1219 (c) When any child is adjudicated by a court to be
 1220 dependent, the court having jurisdiction of the child has the
 1221 power by order to:

1222 1. Require the parent and, when appropriate, the legal
 1223 guardian or the child to participate in treatment and services
 1224 identified as necessary. The court may require the person who
 1225 has custody or who is requesting custody of the child to submit
 1226 to a mental health or substance abuse disorder assessment or

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1227 evaluation. The order may be made only upon good cause shown and
 1228 pursuant to notice and procedural requirements provided under
 1229 the Florida Rules of Juvenile Procedure. The mental health
 1230 assessment or evaluation must be administered by a qualified
 1231 professional as defined in s. 39.01, and the substance abuse
 1232 assessment or evaluation must be administered by a qualified
 1233 professional as defined in s. 397.311. The court may also
 1234 require such person to participate in and comply with treatment
 1235 and services identified as necessary, including, when
 1236 appropriate and available, participation in and compliance with
 1237 a mental health court program established under chapter 394 or a
 1238 treatment-based drug court program established under s. 397.334.
 1239 Adjudication of a child as dependent based upon evidence of harm
 1240 as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~ demonstrates good
 1241 cause, and the court shall require the parent whose actions
 1242 caused the harm to submit to a substance abuse disorder
 1243 assessment or evaluation and to participate and comply with
 1244 treatment and services identified in the assessment or
 1245 evaluation as being necessary. In addition to supervision by the
 1246 department, the court, including the mental health court program
 1247 or the treatment-based drug court program, may oversee the
 1248 progress and compliance with treatment by a person who has
 1249 custody or is requesting custody of the child. The court may
 1250 impose appropriate available sanctions for noncompliance upon a
 1251 person who has custody or is requesting custody of the child or
 1252 make a finding of noncompliance for consideration in determining
 1253 whether an alternative placement of the child is in the child's
 1254 best interests. Any order entered under this subparagraph may be
 1255 made only upon good cause shown. This subparagraph does not

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1256 authorize placement of a child with a person seeking custody of
 1257 the child, other than the child's parent or legal custodian, who
 1258 requires mental health or substance abuse disorder treatment.
 1259 2. Require, if the court deems necessary, the parties to
 1260 participate in dependency mediation.
 1261 3. Require placement of the child either under the
 1262 protective supervision of an authorized agent of the department
 1263 in the home of one or both of the child's parents or in the home
 1264 of a relative of the child or another adult approved by the
 1265 court, or in the custody of the department. Protective
 1266 supervision continues until the court terminates it or until the
 1267 child reaches the age of 18, whichever date is first. Protective
 1268 supervision shall be terminated by the court whenever the court
 1269 determines that permanency has been achieved for the child,
 1270 whether with a parent, another relative, or a legal custodian,
 1271 and that protective supervision is no longer needed. The
 1272 termination of supervision may be with or without retaining
 1273 jurisdiction, at the court's discretion, and shall in either
 1274 case be considered a permanency option for the child. The order
 1275 terminating supervision by the department must set forth the
 1276 powers of the custodian of the child and include the powers
 1277 ordinarily granted to a guardian of the person of a minor unless
 1278 otherwise specified. Upon the court's termination of supervision
 1279 by the department, further judicial reviews are not required if
 1280 permanency has been established for the child.
 1281 4. Determine whether the child has a strong attachment to
 1282 the prospective permanent guardian and whether such guardian has
 1283 a strong commitment to permanently caring for the child.
 1284 Section 16. Paragraph (c) of subsection (1) of section

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1285 39.6012, Florida Statutes, is amended to read:
 1286 39.6012 Case plan tasks; services.—
 1287 (1) The services to be provided to the parent and the tasks
 1288 that must be completed are subject to the following:
 1289 (c) If there is evidence of harm as defined in s.
 1290 39.01(34)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a
 1291 required task for the parent whose actions caused the harm that
 1292 the parent submit to a substance abuse disorder assessment or
 1293 evaluation and participate and comply with treatment and
 1294 services identified in the assessment or evaluation as being
 1295 necessary.
 1296 Section 17. Subsection (4) of section 322.09, Florida
 1297 Statutes, is amended to read:
 1298 322.09 Application of minors; responsibility for negligence
 1299 or misconduct of minor.—
 1300 (4) Notwithstanding subsections (1) and (2), if a caregiver
 1301 of a minor who is under the age of 18 years and is in out-of-
 1302 home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized
 1303 representative of a residential group home at which such a minor
 1304 resides, the caseworker at the agency at which the state has
 1305 placed the minor, or a guardian ad litem specifically authorized
 1306 by the minor's caregiver to sign for a learner's driver license
 1307 signs the minor's application for a learner's driver license,
 1308 that caregiver, group home representative, caseworker, or
 1309 guardian ad litem does not assume any obligation or become
 1310 liable for any damages caused by the negligence or willful
 1311 misconduct of the minor by reason of having signed the
 1312 application. Before signing the application, the caseworker,
 1313 authorized group home representative, or guardian ad litem shall

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1314 notify the caregiver or other responsible party of his or her
 1315 intent to sign and verify the application.

1316 Section 18. Paragraph (p) of subsection (4) of section
 1317 394.495, Florida Statutes, is amended to read:

1318 394.495 Child and adolescent mental health system of care;
 1319 programs and services.—

1320 (4) The array of services may include, but is not limited
 1321 to:

1322 (p) Trauma-informed services for children who have suffered
 1323 sexual exploitation as defined in s. 39.01(76)(g) ~~s.~~
 1324 ~~39.01(77)(g)~~.

1325 Section 19. Section 627.746, Florida Statutes, is amended
 1326 to read:

1327 627.746 Coverage for minors who have a learner's driver
 1328 license; additional premium prohibited.—An insurer that issues
 1329 an insurance policy on a private passenger motor vehicle to a
 1330 named insured who is a caregiver of a minor who is under the age
 1331 of 18 years and is in out-of-home care as defined in s.
 1332 39.01(54) ~~s. 39.01(55)~~ may not charge an additional premium for
 1333 coverage of the minor while the minor is operating the insured
 1334 vehicle, for the period of time that the minor has a learner's
 1335 driver license, until such time as the minor obtains a driver
 1336 license.

1337 Section 20. Paragraph (g) of subsection (2) of section
 1338 934.03, Florida Statutes, is amended to read:

1339 934.03 Interception and disclosure of wire, oral, or
 1340 electronic communications prohibited.—

1341 (2)

1342 (g) It is lawful under this section and ss. 934.04-934.09

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1343 for an employee of:

1344 1. An ambulance service licensed pursuant to s. 401.25, a
 1345 fire station employing firefighters as defined by s. 633.102, a
 1346 public utility, a law enforcement agency as defined by s.
 1347 934.02(10), or any other entity with published emergency
 1348 telephone numbers;

1349 2. An agency operating an emergency telephone number "911"
 1350 system established pursuant to s. 365.171; or

1351 3. The central abuse hotline operated pursuant to s. 39.101
 1352 ~~s. 39.201~~

1353

1354 to intercept and record incoming wire communications; however,
 1355 such employee may intercept and record incoming wire
 1356 communications on designated "911" telephone numbers and
 1357 published nonemergency telephone numbers staffed by trained
 1358 dispatchers at public safety answering points only. It is also
 1359 lawful for such employee to intercept and record outgoing wire
 1360 communications to the numbers from which such incoming wire
 1361 communications were placed when necessary to obtain information
 1362 required to provide the emergency services being requested. For
 1363 the purpose of this paragraph, the term "public utility" has the
 1364 same meaning as provided in s. 366.02 and includes a person,
 1365 partnership, association, or corporation now or hereafter owning
 1366 or operating equipment or facilities in the state for conveying
 1367 or transmitting messages or communications by telephone or
 1368 telegraph to the public for compensation.

1369 Section 21. Paragraph (c) of subsection (1) of section
 1370 934.255, Florida Statutes, is amended to read:

1371 934.255 Subpoenas in investigations of sexual offenses.—

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

(c) "Sexual abuse of a child" means a criminal offense based on any conduct described in s. 39.01(76) ~~s. 39.01(77)~~.

Section 22. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(76)(g) ~~s. 39.01(77)(g)~~.

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