

Tab 1	SB 190 by Montford (CO-INTRODUCERS) Harrell ; (Identical to H 00081) Medicaid School-based Services
Tab 2	SB 738 by Harrell ; (Identical to H 00393) Jury Service
Tab 3	SB 774 by Diaz ; Public Records and Meetings/Applicant for President/State University or Florida College System Institution
Tab 4	SB 876 by Gibson ; (Identical to H 00383) Historically Black Colleges and Universities Matching Endowment Scholarship Program
Tab 5	SB 946 by Baxley ; (Similar to H 00737) Moments of Silence in Public Schools
Tab 6	SB 1568 by Hutson ; Education
Tab 7	SB 1688 by Harrell ; (Similar to H 01013) Early Learning and Early Grade Success
Tab 8	SB 1696 by Perry ; (Similar to CS/H 07011) Student Athletes

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, January 27, 2020

TIME: 1:30—3:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 190 Montford (Identical H 81)	Medicaid School-based Services; Revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; deleting a requirement specifying the use of certified state and local education funds for school-based services; revising a requirement for the agency's reimbursement of school-based services to certain charter and private schools; specifying the federal agency that may waive certain school-based provider qualifications, etc.	ED 01/27/2020 HP AP
2	SB 738 Harrell (Identical H 393)	Jury Service; Requiring certain students actively enrolled in specified schools to be excused from jury service upon request, etc.	JU 12/10/2019 Favorable ED 01/27/2020 RC
3	SB 774 Diaz	Public Records and Meetings/Applicant for President/State University or Florida College System Institution; Providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or Florida College System institution; providing an exemption from public meeting requirements for any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and for any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.	ED 01/27/2020 GO RC

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, January 27, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 876 Gibson (Identical H 383)	Historically Black Colleges and Universities Matching Endowment Scholarship Program; Establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program within the Department of Education; requiring a historically black college or university to provide a certain amount of matching funds by a specified date to participate in the program; providing that the interest will be used to provide scholarships to certain students, etc.	
		ED 01/27/2020 AED AP	
5	SB 946 Baxley (Similar H 737)	Moments of Silence in Public Schools; Requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time, etc.	
		ED 01/27/2020 JU RC	
6	SB 1568 Hutson	Education; Providing that individuals enrolled in certain preapprenticeship programs are deemed to be employees of the state for purposes of workers' compensation coverage; providing for the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; requiring the apprenticeship or preapprenticeship program sponsors to be responsible for the selection and training of instructors, as approved by the department; revising criteria for apprenticeship occupations; revising the calculation of certain additional full-time equivalent membership relating to funding for the operation of schools, etc.	
		ED 01/27/2020 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, January 27, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1688 Harrell (Similar H 1013, S 1616, Compare H 7039, S 1636)	Early Learning and Early Grade Success; Adding the Division of Early Learning to the divisions of the Department of Education; revising the duties of the Early Learning Programs Estimating Conference; providing requirements for minimum child care licensing standards; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress-monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain child development programs operating on military installations to participate in the school readiness program, etc. ED 01/27/2020 AED AP	
8	SB 1696 Perry (Similar H 7011)	Student Athletes; Revising requirements for the availability of automated external defibrillators on school grounds; delaying implementation of a requirement that certain school employees and volunteers complete specified training; requiring that a medical evaluation be performed before a student begins conditioning; applying requirements related to medical evaluations to activities occurring outside the school year, etc. ED 01/27/2020 CF RC	

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 190

INTRODUCER: Senators Montford and Harrell

SUBJECT: Medicaid School-based Services

DATE: January 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			HP	
3.			AP	

I. Summary:

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

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

The bill takes effect July 1, 2020.

II. Present Situation:

The Medicaid Program

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

¹ Section 409.902, F.S.

² See 42 U.S.C. s. 1396a.

Eligibility for Medicaid is based on a person's income relative to the federal poverty level.³ Eligibility for children in Florida varies depending on age, from family incomes of 133 to 206 percent of the federal poverty level.⁴ Federal Medicaid spending grew 3 percent to \$597.4 billion in 2018.⁵ Over 3.7 million Floridians are currently enrolled in Medicaid, and approximately 2.1 million are children.⁶

Florida Medicaid Certified School Match Program

Certified Public Expenditures

The Florida Medicaid Certified School Match Program governs the Medicaid reimbursement process for school districts.⁷ Each school district is authorized to provide students with a category of required Medicaid services termed "school-based services," which are reimbursable under the federal Medicaid program.⁸ To qualify for reimbursement, school districts must provide a certified public expenditure to AHCA. The certified public expenditure certifies that state or local funds were expended for eligible school-based services.⁹ Medicaid then reimburses school districts at the federal Medicaid matching percentage rate, which is 61 percent for the fiscal year 2020.¹⁰

Eligible Services

Florida law requires any state or local funds certified by school districts to be expended for children with specified disabilities who are eligible for Medicaid and either part B¹¹ or part H¹² of the Individuals with Disabilities Education Act (IDEA),¹³ the exceptional student education program, or an individualized educational plan (IEP).¹⁴

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

³ CMS, Medicaid.gov, Florida, <http://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-eligibility-levels/index.html> (last visited Jan. 17, 2020). For calendar year 2019, the federal poverty level (FPL) is \$25,750 for a family of 4 residing in Florida. Healthcare.gov, <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/> (last visited Jan. 17, 2020).

⁴ *Id.*

⁵ CMS.gov, NHE Fact Sheet, <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NHE-Fact-Sheet> (last visited Jan. 18, 2020).

⁶ AHCA, Florida Statewide Medicaid Monthly Enrollment Report, https://ahca.myflorida.com/Medicaid/Finance/data_analytics/enrollment_report/index.shtml, follow hyperlink "December" (2019) (last visited Jan. 17, 2020).

⁷ Rule 59G.4.035, F.A.C.

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

⁹ Section 1011.70, F.S.

¹⁰ Medicaid and CHIP Payment and Access Commission, EXHIBIT 6. Federal Medical Assistance Percentages (FMAPs) and Enhanced FMAPs (E-FMAPs) by State, <https://www.macpac.gov/publication/federal-medical-assistance-percentages-fmaps-and-enhanced-fmaps-e-fmaps-by-state-selected-periods/> (last visited Jan. 17, 2020).

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

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

¹³ 20 U.S.C. s. 1400, et seq.

¹⁴ The individualized education plan is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability. 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.

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

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

Private and Charter School Providers

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

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

Centers for Medicare and Medicaid Services Policy

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

¹⁵ Section 1011.70, F.S.

¹⁶ Section 1011.70, F.S.

¹⁷ Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).

¹⁸ Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F.

¹⁹ Section 409.9072, F.S.

²⁰ Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).

²¹ Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020). Medicaid and CHIP Payment and Access Commission, *Issue Brief: Medicaid in Schools* (April 2018), available at <https://www.macpac.gov/wp-content/uploads/2018/04/Medicaid-in-Schools.pdf>, at 4.

²² Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F. \$4 million was appropriated from general revenue, and \$6.3 million was appropriated from the Medical Care Trust Fund.

²³ *Id.*

²⁴ *Id.*

²⁵ Centers for Medicare & Medicaid Services (CMS), U.S. Department of Health and Human Services. *Letter from Cindy Mann to state Medicaid directors regarding "Medicaid payment for services provided without charge (free care)"*. (Dec. 2014), available at <https://www.medicare.gov/sites/default/files/federal-policy-guidance/downloads/smd-medicare-payment-for-services-provided-without-charge-free-care.pdf>. See also Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).

In response to this updated CMS guidance, AHCA received federal approval for a state plan amendment in October 2016 that authorizes reimbursement for eligible school-based services provided to any Medicaid recipients, regardless of whether the recipient has an IEP or IFSP.²⁶

III. Effect of Proposed Changes:

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

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

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁶ Florida Agency for Health Care Administration, *Legislative Bill Analysis for SB 190* (2020).

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 409.9071, 409.9072, and 409.908 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

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

By Senator Montford

3-00173-20

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A bill to be entitled

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

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

Section 1. Subsection (1), paragraph (b) of subsection (2), and subsection (6) of section 409.9071, Florida Statutes, are amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) The agency shall reimburse school-based services as provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~ pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13). For purposes of this section, billing agent consulting services are shall be considered billing agent

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services, as that term is used in s. 409.913(10), and, as such, payments to such persons may ~~shall~~ not be based on amounts for which they bill nor based on the amount a provider receives from the Medicaid program. This provision may ~~shall~~ not restrict privatization of Medicaid school-based services. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures and shall allow for certification of state and local education funds that ~~which~~ have been provided for school-based services as specified in s. 1011.70 and authorized by a physician's order where required by federal Medicaid law. ~~Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for both Medicaid and part B or part II of the Individuals with Disabilities Education Act (IDEA), or the exceptional student education program, or who have an individualized educational plan.~~

(2) School districts that wish to enroll as Medicaid providers and that certify state match in order to receive federal Medicaid reimbursements for services, pursuant to subsection (1), shall agree to:

(b) Develop and maintain the financial and other student individual education plan records needed to document the appropriate use of state and federal Medicaid funds.

~~(6) Retroactive reimbursements for services as specified in former s. 236.0812 as of July 1, 1996, including reimbursement for the 1995-1996 and 1996-1997 school years, are subject to federal approval.~~

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

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59 (2) of section 409.9072, Florida Statutes, are amended to read:
60 409.9072 Medicaid provider agreements for charter schools
61 and private schools.—

62 (1) Subject to a specific appropriation by the Legislature,
63 the agency shall reimburse private schools as defined in s.
64 1002.01 and schools designated as charter schools under s.
65 1002.33 which are Medicaid providers for school-based services
66 pursuant to the rehabilitative services option provided under 42
67 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age
68 ~~with specified disabilities who are eligible for both Medicaid~~
69 ~~and part B or part H of the Individuals with Disabilities~~
70 ~~Education Act (IDEA) or the exceptional student education~~
71 ~~program, or who have an individualized educational plan.~~

72 (2) Schools that wish to enroll as Medicaid providers and
73 receive Medicaid reimbursement under this section must apply to
74 the agency for a provider agreement and must agree to:

75 (b) Develop and maintain the financial and student
76 ~~individual education plan~~ records needed to document the
77 appropriate use of state and federal Medicaid funds.

78 Section 3. Subsection (21) of section 409.908, Florida
79 Statutes, is amended to read:

80 409.908 Reimbursement of Medicaid providers.—Subject to
81 specific appropriations, the agency shall reimburse Medicaid
82 providers, in accordance with state and federal law, according
83 to methodologies set forth in the rules of the agency and in
84 policy manuals and handbooks incorporated by reference therein.
85 These methodologies may include fee schedules, reimbursement
86 methods based on cost reporting, negotiated fees, competitive
87 bidding pursuant to s. 287.057, and other mechanisms the agency

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

108 (21) The agency shall reimburse school districts that ~~which~~
109 certify the state match pursuant to ss. 409.9071 and 1011.70 for
110 the federal portion of the school district's allowable costs to
111 deliver the services, based on the reimbursement schedule. The
112 school district shall determine the costs for delivering
113 services as authorized in ss. 409.9071 and 1011.70 for which the
114 state match will be certified. Reimbursement of school-based
115 providers is contingent on such providers being enrolled as
116 Medicaid providers and meeting the qualifications contained in

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117 42 C.F.R. s. 440.110, unless otherwise waived by the United
118 States Department of Health and Human Services ~~federal Health~~
119 ~~Care Financing Administration~~. Speech therapy providers who are
120 certified through the Department of Education pursuant to rule
121 6A-4.0176, Florida Administrative Code, are eligible for
122 reimbursement for services that are provided on school premises.
123 Any employee of the school district who has been fingerprinted
124 and has received a criminal background check in accordance with
125 Department of Education rules and guidelines is ~~shall be~~ exempt
126 from any agency requirements relating to criminal background
127 checks.

128 Section 4. 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 738

INTRODUCER: Senator Harrell

SUBJECT: Jury Service

DATE: January 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

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

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

The bill takes effect July 1, 2020.

II. Present Situation:

Background on Jury Selection

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

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

¹ Section 40.011, F.S.

² Section 40.01, F.S.

³ Section 40.011, F.S.

are randomly selected.⁴ A person who is selected for jury service who does not attend court when summoned may be fined up to \$100, and his or her absence may be considered a contempt of the court.⁵

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

Disqualification or Excusal from Jury Service

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

Persons disqualified from jury selection include:⁹

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

Individuals who must be excused upon request include:¹¹

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

Persons who may be excused include:¹²

⁴ Section 40.225, F.S.

⁵ Section 40.23, F.S.

⁶ Section 40.41, F.S.

⁷ The Florida Bar, *Consumer Pamphlet: Handbook for Jurors*, <https://www.floridabar.org/public/consumer/pamphlet016/> (last visited Jan. 15, 2020).

⁸ Fla. R. Crim. P. 3.300

⁹ Section 40.013, F.S.

¹⁰ Fla. R. Civ. P. 1.431(c)(3).

¹¹ Section 40.013, F.S.

¹² *Id.*

- A practicing attorney, a practicing physician, or a person who is physically infirm from jury service; and
- A person showing of hardship, extreme inconvenience, or public necessity.

Demographics of Students

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

Students Selected for Jury Service

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

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

III. Effect of Proposed Changes:

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

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

The bill takes effect July 1, 2020.

¹³ State University System of Florida, *Online Education: Annual Report* (2018), available at <https://www.flbog.edu/wp-content/uploads/FINAL-2018-Annual-Report.pdf>, at 14.

¹⁴ Florida Department of Education, Florida College System, *Fall 2018 Student Enrollments by Age* (Jan. 2020) (On file with staff of the Education Committee).

¹⁵ Florida Department of Education, *WDIS Vocational Enrollment for Ages 18-21, 2018-19* (2019) (On file with staff of the Education Committee).

¹⁶ Section 40.01, F.S.

¹⁷ Section 40.23, F.S.

¹⁸ Ga. Code § 15-12-1.1 (2014)

¹⁹ N.C. Gen. Stat. § 9-6 (b)(1)

²⁰ MSA § 600.1335

²¹ SC Code Ann. §14-7-845

²² Tex. Gov. Code § 62.106

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 40.013 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Harrell

25-01065A-20

2020738__

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A bill to be entitled

An act relating to jury service; amending s. 40.013, F.S.; requiring certain students actively enrolled in specified schools to be excused from jury service upon request; providing an effective date.

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

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

40.013 Persons disqualified or excused from jury service.—

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

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

WDIS Vocational Enrollment for Ages 18-21

2018-19; Surveys 21, 22, & 23

*Unduplicated by District and Student

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

District #	District Name	Dual Enrolled	Not Dual Enrolled
00	FLORIDA	2,719	11,721
02	BAKER	**	**
03	BAY	14	164
04	BRADFORD	**	40
05	BREVARD	**	13
06	BROWARD	300	1,630
08	CHARLOTTE	52	134
09	CITRUS	24	171
10	CLAY	**	**
11	COLLIER	149	436
13	MIAMI-DADE	502	1,410
14	DESOTO	**	10
15	DIXIE	**	**
17	ESCAMBIA	**	213
18	FLAGLER	**	26
20	GADSDEN	**	13
26	HENDRY	**	27
27	HERNANDO	**	40
29	HILLSBOROUGH	200	945
31	INDIAN RIVER	10	34
35	LAKE	19	413
36	LEE	21	735
37	LEON	88	305
41	MANATEE	56	520
42	MARION	**	213
45	NASSAU	**	**
46	OKALOOSA	**	145
48	ORANGE	727	1,018
49	OSCEOLA	118	271
50	PALM BEACH	**	76
51	PASCO	25	214
52	PINELLAS	37	716
53	POLK	**	550
55	ST. JOHNS	18	227
57	SANTA ROSA	61	107
58	SARASOTA	168	403
60	SUMTER	**	**
61	SUWANNEE	17	103

WDIS Vocational Enrollment for Ages 18-21

2018-19; Surveys 21, 22, & 23

*Unduplicated by District and Student

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

District #	District Name	Dual Enrolled	Not Dual Enrolled
00	FLORIDA	2,719	11,721
62	TAYLOR	36	84
66	WALTON	11	91
67	WASHINGTON	32	195

Florida College System

Fall 2018 Student Enrollments by Age



January 23, 2020

Table 1 identifies the Florida College System (FCS) fall 2018 student headcount by age and enrollment status (full-time or part-time). Age is calculated based on the Integrated Postsecondary Education Data System (IPEDS) October 15th cutoff date. Enrollments include FCS students enrolled in a postsecondary credit- or clock-hour program. Note, students may change their full- or part-time enrollment status between terms within a single reporting year.

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

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

Source: Florida Department of Education, Bureau of PK-20 Education Reporting and Accessibility, Florida College System 2019 Fact Book.

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

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 774

INTRODUCER: Senator Diaz

SUBJECT: Public Records and Meetings/Applicant for President/State University or Florida College System Institution

DATE: January 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

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

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

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

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ Art. I, s. 24(a), Fla. Const.

² *Id.*

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

Executive Agency Records – The Public Records Act

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

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

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

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ Art. I, s. 24(c), Fla. Const.

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

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

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

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

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

(Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

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

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

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

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

¹⁶ Section 119.15, F.S.

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

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

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

State University System and Florida College System Governance

The State University System (SUS) is composed of all public state universities.²⁷ The Board of Governors of the SUS (BOG) is required to operate, regulate, control, and be fully responsible for the management of the whole university system.²⁸ Each state university is governed by a local board of trustees (BOT).²⁹

The Florida College System (FCS) is composed of all public community and state colleges.³⁰ The State Board of Education (SBE) supervises the FCS as provided in law.³¹ A local BOT governs each FCS institution.³²

State University and Florida College System Presidential Searches

Each state university BOT selects its university president, subject to confirmation of the candidate by the BOG and in accordance with BOG Regulation. To locate qualified applicants, a presidential search committee is appointed to make recommendations to the full university BOT.³³

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ *See generally* s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Art. IX, s. 7(b), Fla. Const. The State University System is made up of 12 state universities, specified in s. 1000.21(6), F.S.

²⁸ Art. IX, s. 7(d), Fla. Const. *See also* ss. 20.155(4)(a), 1001.70(3), 1001.705(2), and 1001.706(2)(a), F.S.

²⁹ Art. IX, s. 7(b), Fla. Const. *See also* s. 1001.71(1), F.S.

³⁰ Art. IX, s. 8(b), Fla. Const. The Florida College System is made up of 28 community and state colleges specified in s. 1000.21(3), F.S.

³¹ Art. IX, s. 8(d), Fla. Const. *See also* s. 1001.02(1), F.S.

³² Art. IX, s. 8(b), Fla. Const. *See also* ss. 1001.60(3) and 1001.64(2), F.S.

³³ Board of Governors (BOG) Regulation 1.001(5)(c)

BOG regulation specifies criteria to ensure that the search process is transparent, robust, and designed to attract highly qualified individuals.³⁴ Criteria include the requirements that a search committee be familiar, or demonstrate its ability to become familiar, with Florida's Sunshine laws,³⁵ and that the search committee maintain a webpage that includes search committee notices, agendas, and meetings; applicant lists; and means to provide input; for purposes of transparency.³⁶

Each FCS institution BOT is authorized to appoint the president of the FCS institution. The BOT is authorized to appoint a search committee to assist in the process.³⁷ Each BOT is required to notify the SBE of the appointment of presidents immediately upon such action.³⁸

Each state university and FCS institution, and any entities providing services to assist the search process, must comply with requirements regarding public records and public meetings.³⁹

III. Effect of Proposed Changes:

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

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

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

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

³⁴ BOG Regulation 1.002(1).

³⁵ BOG Regulation 1.002(1)(b)ii.

³⁶ BOG Regulation 1.002(1)(c)i.

³⁷ Section 1001.64(19), F.S.

³⁸ Rule 6A-14.026, F.A.C.

³⁹ FCS institutions and state universities are considered state agencies, subject to Sunshine laws. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida's Sunshine Law); *Rhea v. District Bd. Of Trustees of Santa Fe College*, 2013 WL 950544 at 3, n. 1 (Fla. 1st DCA 20 13) (noting that Santa Fe College, as part of the Florida College System, is a state agency having a duty to provide access to public records).

In addition, the bill specifies that the exemption from public records requirements does not apply to any personal identifying information of the three or more applicants who comprise a final group of applicants that are announced at a public meeting. The bill requires that the identifying information be released when the applicant's names are released.

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

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

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

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

Public Necessity Statement

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

Breadth of Exemption

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

⁴⁰ Art. I, s. 24(c), Fla. Const.

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

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

This bill creates section 1004.098 of the Florida Statutes.

This bill creates an unnumbered section of law.

⁴¹ First Amendment Foundation, *SB 774 Exemption/University President Searches* (Jan. 6, 2020), available at <https://floridafaf.org/wp-content/uploads/2020/01/SB-774-University-Presidents.pdf>.

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 Diaz

36-00599A-20

2020774__

A bill to be entitled

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

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

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

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

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

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

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

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

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

(5) Any personal identifying information of the three or more applicants who comprise a final group of applicants

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

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59 pursuant to subsection (3) becomes subject to s. 119.07(1) and
 60 s. 24(a), Art. I of the State Constitution at the time the names
 61 of such applicants are released pursuant to subsection (4).

62 (6) This section is subject to the Open Government Sunset
 63 Review Act in accordance with s. 119.15 and shall stand repealed
 64 on October 2, 2025, unless reviewed and saved from repeal
 65 through reenactment by the Legislature.

66 Section 2. The Legislature finds that it is a public
 67 necessity that any personal identifying information of an
 68 applicant for president of a state university or Florida College
 69 System institution be made confidential and exempt from s.
 70 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 71 State Constitution. The Legislature also finds that any meeting
 72 held for the purpose of identifying or vetting applicants for
 73 president of a state university or Florida College System
 74 institution and any portion of a meeting held for the purpose of
 75 establishing qualifications of, or any compensation framework to
 76 be offered to, such potential applicants which would disclose
 77 personal identifying information of an applicant or potential
 78 applicant be made exempt from s. 286.011, Florida Statutes, and
 79 s. 24(b), Article I of the State Constitution. The task of
 80 filling the position of president of a state university or
 81 Florida College System institution is often conducted by an
 82 executive search committee. Many, if not most, applicants for
 83 such a position are currently employed at another job at the
 84 time they apply, and their current positions could be
 85 jeopardized if it were to become known that they were seeking
 86 employment elsewhere. These exemptions from public records and
 87 public meeting requirements are needed to ensure that an

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

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88 executive search committee can avail itself of the most
 89 experienced and desirable pool of qualified applicants from
 90 which to fill the position of president of a state university or
 91 Florida College System institution. If potential applicants fear
 92 the possibility of losing their current jobs as a consequence of
 93 attempting to further their careers or simply seeking different
 94 and more rewarding employment, failure to have these safeguards
 95 in place could have a chilling effect on the number and quality
 96 of applicants available to fill the position of president of a
 97 state university or Florida College System institution.

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

Page 4 of 4

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

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 876

INTRODUCER: Senator Gibson

SUBJECT: Historically Black Colleges and Universities Matching Endowment Scholarship Program

DATE: January 24, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

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

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

Additionally, the bill requires:

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

The bill takes effect July 1, 2020.

II. Present Situation:

The Higher Education Act of 1965, as amended, defines a historically black college and universities (HBCUs) as a: “historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.”¹

¹ U.S. Department of Education, *What is an HBCU?* <https://sites.ed.gov/whhbcu/one-hundred-and-five-historically-black-colleges-and-universities/> (last visited Jan. 17, 2020). *See also* 20 U.S.C. s. 1061, Part B, Pub. L. 89–329.

Nationally, there are 107 HBCUs² located in 20 States, the District of Columbia, and the U.S. Virgin Islands, serving more than 300,000 undergraduate, graduate, and professional students.³

There are four HBCUs located in Florida:⁴

- **Florida Agricultural and Mechanical University (FAMU)**, which is a public university founded in 1887 and located in Tallahassee.⁵ FAMU is regionally accredited by Southern Association of Colleges and Schools (SACSCOC).⁶ FAMU's fall 2018 enrollment was 9,583 students.⁷ Tuition and fees are \$5,827.⁸
- **Bethune-Cookman University (B-CU)**, which is a private university founded in 1904 and located in Daytona Beach.⁹ B-CU is regionally accredited by the SACSCOC.¹⁰ B-CU's fall 2019 enrollment was 2,901.¹¹ Tuition and fees is \$14,814.¹²
- **Edward Waters College (EWC)**, which is a private college established in 1866¹³ and located in Jacksonville. EWC is regionally accredited by the SACSCOC.¹⁴ EWC's fall 2018 enrollment was 968 students.¹⁵ Tuition and fees are \$12,525.¹⁶

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

³ The White House, *Executive Order 13779* (Feb. 28, 2017), available at https://sites.ed.gov/whhbcu/files/2017/10/Executive_Order_13779.pdf, at 1.

⁴ National Center for Education Statistics, *College Navigator*, <https://nces.ed.gov/collegenavigator/?s=FL&sp=4> (last visited Jan. 18, 2020).

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

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

⁷ State University System of Florida, *Enrollment by Student Type – FAMU*, https://flbog.ondemand.sas.com/SASReportViewer/?reportUri=%2Freports%2Freports%2Fbd9d4373-6bba-49b2-bc80-6032259eaa4&page=vi110&sso_guest=true (last visited Jan. 20, 2020)..

⁸ Board of Governors, *State University System of Florida, Tuition and Required Fees, 2019-2020, January Update*, available at <https://www.flbog.edu/wp-content/uploads/2019-2020-SUS-Tuition-and-Fees-Report-January-Update.pdf>, at 1. The tuition and fees are for resident undergraduate, full time students for 30 credit hours. *Id.*

⁹ Bethune-Cookman University, *About B-CU*, http://www.cookman.edu/about_BCU/index.html (last visited Jan. 18, 2020).

¹⁰ *Id.*

¹¹ Bethune-Cookman University, *Bethune-Cookman University At-a-Glance* (Fall 2019), available at https://www.cookman.edu/about_BCU/IE/documents/B-CU-AT-A-GLANCE-Fall-2019.pdf.

¹² *Id.*

¹³ Edward Waters College, *The History of Edward Waters College*, <https://www.ewc.edu/about/our-history/> (last visited Jan. 18, 2020).

¹⁴ Edward Waters College, <https://www.ewc.edu/accreditation/> (last visited Jan. 18, 2020).

¹⁵ Edward Waters College, *Student Profile & Achievement*, available at <https://secureservercdn.net/198.71.233.227/9cd.f5c.myftpupload.com/wp-content/uploads/Student-Profile-Achievement.pdf>.

¹⁶ Edward Waters College, *Cost of Attendance*, available at <https://ewc.edu/wp-content/uploads/Cost-of-Attendance-1.pdf>.

- **Florida Memorial University** (FMU), which is a private university founded in 1879 and located in Miami Gardens.¹⁷ FMU is regionally accredited by the SACSCOC.¹⁸ FMU's fall 2018 enrollment was 1,189.¹⁹ Tuition and fees are \$16,236.²⁰

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

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

III. Effect of Proposed Changes:

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

The bill requires the Legislature to appropriate \$2 million to be transferred to the State Student Financial Assistance Trust Fund²² (trust fund) for the program. The bill also requires:

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

¹⁷ Florida Memorial University, *FMU History*, <https://www.fmuniv.edu/history/> (last visited Jan. 18, 2020).

¹⁸ Florida Memorial University, *About the Lion Legacy*, <https://www.fmuniv.edu/about/> (last visited Jan. 2020).

¹⁹ National Center for Education Statistics, *College Navigator—Florida Memorial University*, <https://nces.ed.gov/collegenavigator/?s=FL&ct=2+3&pg=8&id=133979#enrolmt> (last visited Jan. 18, 2020).

²⁰ Florida Memorial University, *Tuition and Fees, Fiscal Year 2019-2020*, available at <https://www.fmuniv.edu/wp-content/uploads/2019/04/Tuition-and-Fees-Fiscal-Year-2019-2020.pdf>. Listed tuition and fees are for undergraduate full-time students.

²¹ UNCF, *Fewer Resources, More Debt: Loan Debt Burdens Students at Historically Black Colleges and Universities* (2016), available at https://www.uncf.org/wp-content/uploads/reports/FINAL_HBCU_Loan_Debt_Burden_Report.pdf?_ga=2.262428428.143846847.1522074542-2044485191.1493842567 at 3.

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

²³ Chapter 215, F.S.

²⁴ Current law requires that that the undisbursed release balance of any authorized appropriation, except an appropriation for fixed capital outlay, for any given fiscal year, which remains undisbursed on June 30 may be carried forward, but on September 30 must revert to the fund from which appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(b), F.S. The bill, in comparison, requires that such funds remain in the trust fund, which supersedes the reversion requirement. Section 216.351, F.S.

- The DOE to allocate the interest accumulated in the trust fund equally to each participating HBCU, which must award scholarships to enrolled students with unmet financial need.

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

The program appears to be consistent with a recent federal initiative.²⁵ The White House Initiative on Historically Black Colleges and Universities (initiative) specifies that the initiative will work with federal agencies, private-sector employers, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to an increasing number of students.²⁶

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

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁵ The White House, *Executive Order 13779* (Feb. 28, 2017), available at https://sites.ed.gov/whhbcu/files/2017/10/Executive_Order_13779.pdf.

²⁶ *Id.* at 1.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.895 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Gibson

6-00993A-20

2020876__

A bill to be entitled

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

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

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

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

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

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

6-00993A-20

2020876__

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

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

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

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

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

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 946

INTRODUCER: Senator Baxley

SUBJECT: Moments of Silence in Public Schools

DATE: January 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick, Dew	Sikes	ED	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

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

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

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

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

¹ Section 1003.45, F.S., added in s. 1, ch. 80-336, L.O.F.

² AL s. 16-1-20; AZ s. 15-342; AK s. 6-10-115; CT s. 10-16a; DE 14 s. 4101a; FL s. 1003.45, F.S.; GA s. 20-2-1050; IL 105 s. 20/1; IN s. 20-30-5-4.5; KS s. 72-9929; KY s. 158.175; LA s. 17:2115; MD s. 7-104; MA 71 s. 1A; ME 20 s. 4805; MI s. 380.1565; MN s. 121A.10; MS s. 37-13.4; MT s. 20-7-112; NV s. 388.075; NH s. 189:1-b; NM s. 22-27-3; NY s. 3029-a; NC s. 115C-47; ND s. 15.1-19-03.1; OH s. 3313.601; OK 70 s. 11-101.1; PA s. 15-1516.1; RI s. 16-12-3.1; SC s. 59-1-443; TN s. 49-6-1004; TX s. 25.082; UT s. 536-7-207; VA s. 22.1-203.

III. Effect of Proposed Changes:

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

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

The bill provides that a teacher:

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

The bill takes effect July 1, 2020.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.45 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Baxley

12-00745B-20

2020946__

1 A bill to be entitled
 2 An act relating to moments of silence in public
 3 schools; amending s. 1003.45, F.S.; providing
 4 legislative findings; requiring that public school
 5 principals require teachers to set aside time for a
 6 moment of silence at the beginning of each school day;
 7 specifying the duration of the required moment of
 8 silence; prohibiting teachers from making suggestions
 9 as to the nature of any reflection that a student may
 10 engage in during the moment of silence; deleting a
 11 provision authorizing district school boards to
 12 provide a brief period of silent prayer or meditation;
 13 requiring certain teachers to encourage parents to
 14 discuss the moment of silence with their children and
 15 to make suggestions as to the best use of this time;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 1003.45, Florida Statutes, is amended to
 21 read:

22 1003.45 Permitting study of the Bible and religion;
 23 requiring a moment of silence ~~permitting brief meditation~~
 24 ~~period.~~-

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

29 (2) The Legislature finds that in the hectic society of

Page 1 of 2

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

12-00745B-20

2020946__

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

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

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

50 Section 2. This act shall take effect July 1, 2020.

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

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 1568
 INTRODUCER: Senator Hutson
 SUBJECT: Education
 DATE: January 24, 2020 REVISED: _____

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

I. Summary:

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

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

The fiscal impact is discussed in section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

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

III. Effect of Proposed Changes:

Apprenticeship and Preapprenticeship Programs

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.¹

Present Situation

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. States have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies.² In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.³

Apprenticeships and Preapprenticeships in Florida

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

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

- It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
- It is commonly recognized throughout the industry or recognized with a positive view towards changing technology.
- It involves manual, mechanical, or technical skills and knowledge requiring a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction.

¹ Chapter 446, F.S.

² 29 C.F.R. ss. 29.1 and 29.13.

³ 29 C.F.R. s. 29.2.

⁴ Section 446.011(1), F.S.

⁵ Section 446.092, F.S.

- It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.
- It involves the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.
- It does not fall into any of the following categories: selling, retailing, or similar occupations in the distributive field; managerial occupations; professional and scientific vocations for which entrance requirements customarily require an academic degree.

Registered Apprenticeship

Registered apprenticeship is an employer-driven, on-the-job workforce educational training program that connects job seekers looking to learn new skills and career opportunities with employers looking to create a pipeline of highly skilled individuals for their workforce.⁶

The key components of a Florida registered apprenticeship program are as follows:⁷

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

Apprenticeship Program Sponsors

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

⁶ Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2018-2019)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2019appr-rpt.pdf>, at 2.

⁷ *Id.*

⁸ *Id.*

⁹ Section 446.071(1), F.S.

¹⁰ Section 446.071(2), F.S.

Apprenticeship Programs

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.¹¹

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.¹² Sponsors may provide private classroom instruction or coordinate with a local educational agency¹³ to provide related supplemental classroom instruction.¹⁴ The apprentices are exempt from paying tuition and fees at a school district technical center, FCS institution, or state university.¹⁵

The sponsor operates and registers an agreed-upon apprenticeship program.¹⁶ An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.¹⁷

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution.¹⁸ The career education institution is encouraged to provide facilities, equipment and supplies, and instructors’ salaries for the performance of related and supplemental instruction associated with the registered program.¹⁹

According to the DOE, there are currently 230 registered apprenticeship programs, and 12,765 registered apprentices.²⁰

Preapprenticeship Programs

A preapprentice is any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program

¹¹ Section 446.021(2), F.S.

¹² Florida Department of Education, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited Jan. 22, 2020).

¹³ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a local educational agency as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

¹⁴ Section 446.051(2), F.S.

¹⁵ Section 1009.25(1)(b), F.S.

¹⁶ Rule 65A-23.002(21), F.A.C.

¹⁷ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

¹⁸ Section 446.051(1), F.S.

¹⁹ Section 446.051(2), F.S.

²⁰ Email, Florida Department of Education (Jan. 23, 2020).

with the DOE.²¹ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.²² The program must be registered with the DOE and sponsored by a registered apprenticeship program.²³ According to the DOE, there are currently 22 registered preapprenticeship programs, and 1,077 registered preapprentices.²⁴

The DOE is authorized to administer the law²⁵ relating to preapprenticeship programs in cooperation with district school boards and FCS institution boards of trustees (BOT). District school boards, FCS institution BOT, and sponsors must cooperate in developing and establishing preapprenticeship programs that include career instruction and general education courses required to obtain a high school diploma.²⁶

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:²⁷

- Developing and encouraging apprenticeship programs.
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation,²⁸ which meets standards established by the DOE.
- Cooperating with and assisting sponsors to develop apprenticeship standards and training requirements.
- Monitoring registered apprenticeship programs.
- Leading and coordinating outreach efforts to educate veterans about apprenticeship and career opportunities.
- Investigating complaints regarding failure to meet the standards²⁹ established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE establishes uniform minimum standards and policies governing apprenticeship programs and agreements.³⁰ The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and

²¹ Section 446.021(1), F.S.

²² Rule 6A-23.010(1), F.A.C.

²³ Section 446.021(5), F.S.

²⁴ Email, Florida Department of Education (Jan. 23, 2020).

²⁵ Sections 446.011 to 446.092, F.S.

²⁶ Section 446.052(2), F.S.

²⁷ Section 446.041, F.S.

²⁸ Apprenticeship programs may be in both non-union and union workplaces; sponsors may include employers, labor organizations, and joint labor-management organizations. United States Department of Labor, *Frequently Asked Questions*, <https://www.dol.gov/apprenticeship/toolkit/toolkitfaq.htm#3b> (last visited Jan. 23, 2020).

²⁹ F.S.; Rule 6A-23.004, F.A.C. "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program. Section 446.021(8), F.S.

³⁰ Section 446.032(1), F.S.

on-the-job training. The DOE is also required to public an annual report on apprenticeship and preapprenticeship programs, which must include:³¹

- A list of registered apprenticeship and preapprenticeship programs.
- A summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, per trade or occupation.
- The number of apprentices and preapprentices per trade and occupation.
- The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.
- Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship.³² The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The Commissioner of Education (commissioner) or the commissioner's designee must serve *ex officio* as chair of the council, but may not vote.³³ The state director of the United States Department of Labor (USDOL) also serves *ex officio* as a nonvoting member of the council. The council is comprised of 10 voting members appointed by the Governor.³⁴ The council must meet at the call of the chair or at the request of a majority of its membership, but at least twice a year.³⁵

Florida Pathways to Career Opportunities Grant Program

In 2019, the Governor issued an executive order directing the DOE to seek funding to seed high quality workforce apprenticeships and other industry specific learning opportunities for students.³⁶

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019³⁷ in the DOE to provide grants on a competitive basis to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs.³⁸

³¹ Section 446.032(2), F.S.

³² Section 446.045(2)(a), F.S.

³³ Section 446.045(2)(b), F.S.

³⁴ *Id.*

³⁵ Section 446.045(2)(c), F.S.

³⁶ Florida Office of the Governor, Executive Order 19-31, at 3.

³⁷ Section 33, ch. 2019-119, L.O.F.

³⁸ Section 1011.802, F.S.

The 2019 Legislature appropriated \$10 million for the grant program.³⁹ As of January 17, 2020, \$7,222,392 has been awarded for 36 projects, including 12 new apprenticeship programs, 14 expansions of apprentices programs, 7 new preapprenticeship programs, and 3 expansions of preapprenticeship programs.⁴⁰

Effect of Proposed Changes

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

Apprenticeships and Preapprenticeships in Florida

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

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

Apprenticeship Program Sponsors

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

Apprenticeship Programs

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

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

³⁹ Specific Appropriation 125A, ch. 2019-115, L.O.F.

⁴⁰ Email, Florida Department of Education (Jan. 23, 2020).

⁴¹ Apprenticeship Standards” means the minimum requirements established uniformly for each craft under which an apprenticeship program is administered and includes standards of admission, training goals, training objectives, curriculum outlines, and objective standards to measure successful completion of the apprenticeship program. Rule 6A-23.002(5), F.A.C.

The bill also removes the definition in s. 446.021, F.S., and repeals s. 446.091, F.S., relating to on-the-job training. The term is outdated in relation to responsibilities of the DOE over apprenticeship and preapprenticeship programs.

Preapprenticeship Programs

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

Department of Education Responsibilities

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

The bill also modifies s. 446.041, F.S., to recognize the requirement of the sponsor, not the DOE to develop and supervise programs. The bill also clarifies that the DOE does not administer the uniform standards, but has responsibility to review and evaluate the program standards.⁴² The bill also requires the DOE to register apprenticeship and preapprenticeship programs, regardless of affiliation, which includes a wide range of sponsors, both union and non-union. Finally, the bill removes the requirement to reach out to veterans about career education. Such outreach is beyond the scope of duties related to apprenticeship programs.

State Apprenticeship Advisory Council

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

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

⁴² Section 446.071, F.S., authorizes the DOE to grant a variance from the standards upon a showing of good cause for the variance by program sponsors in nonconstruction trades. This authorization recognizes the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the DOE to adapt the standards to the needs of the programs.

Florida Pathways to Career Opportunities Grant Program

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

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

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

Work-based Learning

Present Situation

Federal legislation defines work-based learning (WBL) as “sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.”⁴³ Learning set in the real-world context of work not only makes academic learning more accessible to many students but also increases their engagement in schooling. WBL can play a crucial role in improving outcomes for at-risk students by increasing their engagement in learning, whether in or out of school.⁴⁴

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

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

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

⁴³ Perkins V (The Strengthening Career and Technical Education for the 21st Century Act) and other federal legislation reference and support work-based learning, including in the Every Student Succeeds Act of 2015 (ESSA), and the Workforce Innovation and Opportunity Act of 2014 (WIOA).

⁴⁴ Email, Florida Department of Education (Jan. 23, 2020).

⁴⁵ Jobs for the Future, Center for Apprenticeship & Work-Based Learning, *What is Work-Based Learning?*, <https://center4apprenticeship.jff.org/work-based-learning/> (last visited Jan. 23, 2020). See also Southern Regional Education Board, *Work-Based Learning*, <https://www.sreb.org/node/1923> (last visited Jan. 23, 2020).

⁴⁶ Email, Florida Department of Education (Jan. 23, 2020).

Recent research, policy literature, and federal legislation suggest that comprehensive WBL programs contain three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.⁴⁷

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

Workers' Compensation

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

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

State Risk Management Program

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

Effect of Proposed Changes

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

⁴⁷ United States Department of Education, *Work-Based Learning Toolkit*, <https://cte.ed.gov/wbltoolkit/> (last visited Jan 23, 2020).

⁴⁸ Email, Florida Department of Education (Jan. 23, 2020).

⁴⁹ Section 440.09(1), F.S.

⁵⁰ Section 440.13, F.S.

⁵¹ Section 440.15, F.S.

⁵² Section 440.16, F.S.

⁵³ Division of Workers' Compensation, *Coverage Requirements*, <https://www.myfloridacfo.com/division/wc/Employer/coverage.htm> (last visited on Jan. 2, 2018).

⁵⁴ Section 20.121(2)(h), F.S.

⁵⁵ Florida Department of Economic Opportunity, Economic and Demographic Research, *Risk Management Trust Fund* (Dec. 18, 2019), available at <http://edr.state.fl.us/Content/conferences/riskmanagement/riskmanagementexecsumm.pdf>.

firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction. The bill encourages school districts to place students in paid work experiences for purposes of educational training and WBL.

The bill provides that:

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

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

Elementary and Secondary Career Education

Present Situation

Middle Grades Promotion

Florida law specifies the general requirements for middle grades promotion.⁵⁷ In 2006, the Legislature revised middle grades promotion requirements to include a course in career exploration and planning.⁵⁸ The course must be completed in grades 6, 7, or 8 and can be delivered as a stand-alone course or integrated into another course and be taught by any member of the instructional staff. The course must:⁵⁹

- Be internet-based and include research-based assessments to assist students in determining educational and career options and goals.
- Result in a completed personalized academic and career plan, to inform students of requirements related to standardized assessments, high school graduation and diploma designations, college entrance tests and admissions, and the Florida Bright Futures Scholarship Program, as well as opportunities to earn college credit in high school through academic and career-based options.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the Department of Economic Opportunity's economic security report identified in law.⁶⁰

⁵⁶ Florida Department of Financial Services, *2020 Legislative Bill Analysis* (Jan. 22, 2020).

⁵⁷ Section 1003.4156(1), F.S.

⁵⁸ Section 21, ch. 2006-74, L.O.F.

⁵⁹ Section 1003.4156(1)(e), F.S.

⁶⁰ Section 445.07, F.S.

High School Graduation Requirements – Career-themed Courses

One of the options for a student to earn a standard high school diploma is to successfully complete 24 credits specified in law.⁶¹ The required credits may be earned through equivalent, applied, or integrated courses or career education courses,⁶² including approved work-related internship.⁶³

The DOE is required to develop, for approval by the State Board of Education (SBE), additional career education courses or a series of courses that meet requirements for a career and professional academy and career-themed course,⁶⁴ and allow students to earn credit in both the career education course and a course required for high school graduation.⁶⁵ In addition:⁶⁶

- Each school district should take the initiative to work with local workforce boards, local business and industry leaders, and postsecondary institutions to establish partnerships for the purpose of creating career education courses or a series of courses to meet specified career education course requirements that students can take to earn high school course credits.
- Regional consortium service organizations⁶⁷ must work with school districts, local workforce boards, postsecondary institutions, and local business and industry leaders to create career education courses that meet specified career education course requirements and that students can take to earn high school course credits.

Career-themed courses are identified and reported to the DOE by school districts. Currently, there are identified 1,111 career-themed course identified by 64 school districts.⁶⁸

⁶¹ Section 1003.4282(1)(a), F.S.

⁶² Career education courses at the elementary, middle, and high school levels are exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. At the secondary level, such courses are for job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training. Section 1003.01(4), F.S.

⁶³ Section 1003.4282(1)(b), F.S.

⁶⁴ A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies must be offered by public schools and school districts. A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. School districts must offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Section 1003.493(1), F.S. The requirements for a career and professional academy and career-themed course are listed in section 1003.493(4), F.S. All career courses offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or college credit. Section 1003.493(5), F.S.

⁶⁵ Section 1003.4282(8), F.S.

⁶⁶ Section 1003.4282(8)(b)-(c), F.S.

⁶⁷ School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization to provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability. Section 1001.451, F.S.

⁶⁸ Email, Florida Department of Education (Jan. 23, 2020).

Computer Science Instruction

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

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

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

A school district or a consortium of school districts may apply to the DOE for funding for:⁷⁴

- Training for classroom teachers to earn an educator certificate in computer science.
- Training that leads to an industry certification associated with a course identified in the Course Code Directory.
- Professional development for classroom teachers to provide instruction in computer science courses and content.

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

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

Effect of Proposed Changes

Middle Grades Promotion

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

⁶⁹ Section 1007.2616(1), F.S.

⁷⁰ Section 1007.2616(2)(a), F.S.

⁷¹ *Id.*

⁷² Section 1007.2616(2)(b), F.S.

⁷³ Florida Department of Education, *Florida Course Code Directory, Computer Science Course Information, 2019-2020* (Oct. 14, 2019), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1920CompSci.pdf>.

⁷⁴ Section 1007.2616(4), F.S. The 2019 Legislature appropriated \$10,000,000 for computer science certification and teacher bonuses. Specific Appropriation 108, ch. 2019-115, L.O.F. As of Jan. 17, 2020, approximately \$7.1 million has been requested by school districts. Email, Florida Department of Education (Jan. 23, 2020).

⁷⁵ Section 1007.2616(4)(b), F.S.

⁷⁶ Section 1007.2616(4), F.S.

the course content optional. School districts may choose whether to offer the course and will have discretion over course topics.

High School Graduation Requirements – Career-themed Courses

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

Computer Science Courses

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

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

Career and Professional Education Industry Certifications

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

Present Situation

In 2007, the Legislature passed the Career and Professional Education (CAPE) Act,⁷⁸ to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁷⁹

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

⁷⁷ Section 1004.92(1), F.S.

⁷⁸ Chapter 2007-216, L.O.F.

⁷⁹ Section 1003.491, F.S.

⁸⁰ Rule 6A-6.0573(2)(e), F.A.C.

Certification Funding List,⁸¹ which also contains the industry certifications on the career pathways list approved for the Florida Gold Seal Vocational Scholars award.⁸²

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

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

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

- A value of 0.1 or 0.2 FTE student membership⁸⁸ for each student who completes a career-themed course⁸⁹ or courses with embedded CAPE industry certifications and who earns a CAPE industry certification.
- A value of 0.2 FTE for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the SBE.
- A value of 0.1 FTE for each student who is issued a CAPE industry certifications that does not articulate for college credit.

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

⁸¹ The “CAPE Industry Certification Funding List” means a list of industry certifications, certificates, and courses adopted by the State Board of Education for implementation of the Florida CAPE Act. Rule 6A-6.0573(2)(b), F.A.C.

⁸² Section 1008.44(1)(a), F.S. *See also* s. 1009.536, F.S., for the requirements of a Florida Gold Seal Vocational Scholars award.

⁸³ Section 1003.4203, F.S.

⁸⁴ Section 1008.44(1)(b), F.S. In 2018-2019, secondary students earned 61,873 digital tools. Florida Department of Education, *2018-2019 Career and Adult Education Quick Facts*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1819quickfacts.pdf>.

⁸⁵ Section 1008.44(4)(b), F.S.

⁸⁶ CAPE Innovation courses are up to five courses annually approved by the commissioner that combine academic and career content, and performance outcome expectations that, if achieved by a student, shall articulate for college credit and be eligible for additional full-time equivalent membership. Section 1003.4203(5)(a), F.S.

⁸⁷ CAPE Acceleration are industry certifications, annually approved by the commissioner, that articulate for 15 or more college credit hours and, if successfully completed, are eligible for additional FTE bonus funds. Section 1003.4203(5)(b), F.S.

⁸⁸ A 0.1 FTE bonus would equal \$427.95, and a 0.2 FTE bonus would equal \$855.90; based on the base student allocation of \$4,279.49 in the Florida Education Finance Program, identified in Specific Appropriation 93 of the 2019 General Appropriations Act.

⁸⁹ A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

⁹⁰ Section 1011.62(1)(o)2., F.S.

In 2018-2019, the estimated value of the FTE bonus for career-themed courses and industry certifications in all school districts was approximately \$77.4 million.⁹¹

Effect of Proposed Changes

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

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

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

According to information published on the DOE website, there are 115 industry certification articulation agreements that generate from 1 to 3 credits, and 25 articulation agreements that generate from 4 to 14 college credits.⁹² There are, however, four articulation agreements that generate 15 or more college credits;⁹³ it is not clear the funding levels for those agreements.

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

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

The bill also changes a reference from the Florida Gold Seal Vocational Scholars award to the Florida Gold Seal CAPE Scholars award for the identification of CAPE industry certifications on the career pathways list. This corrects the reference to the appropriate Bright Futures Scholarship Program award. The Florida Gold Seal Vocational Scholars award does not require completion of CAPE industry certifications. The Florida Gold Seal CAPE Scholars award requires a student

⁹¹ Email, Florida Department of Education (Jan. 23, 2020).

⁹² Florida Department of Education, *Quick Reference Guide for Active Gold Standard Career Pathways Articulation Agreements* (May 2019), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/active-articulation-summary.xls>.

⁹³ Those agreements are: MSSC Certified Production Technician (CPT) (15 credits); FAA Aviation Mechanic Technician - Airframe and FAA Aviation Maintenance Technician – Powerplant (24 credits); FAA Aviation Maintenance Technician – Powerplant (24 credits); and FAA Aviation Mechanic Technician – Airframe (36 credits). *Id.*

to earn a minimum of five postsecondary credit hours through approved CAPE industry certifications approved which articulate for college credit.⁹⁴

Mathematics Pathways

Present Situation

Statewide Articulation Agreement

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

Academic Pathways

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

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

In 2018, the Florida Student Success Center⁹⁹ established three workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education systems. The charge to the workgroups was to explore complex issues surrounding mathematics pathways to prepare high school students for transition into FCS institutions, and FCS institution students for transition into four-year universities. More than 90 mathematics faculty, administrators and key stakeholders from Florida's K-12 system, the FCS, and the State University System served as members of the workgroups in 2018-19. Among the 12 recommendations, the workgroups recommended

⁹⁴ Section 1009.536(2), F.S.

⁹⁵ Section 1007.23(1), F.S.

⁹⁶ Rule 6A-10.024(1), F.A.C.

⁹⁷ Section 1008.30(4), F.S.

⁹⁸ Rule 6A-14.065, F.A.C.

⁹⁹ The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, https://www.floridacollegesystem.com/student_success_center.aspx (last visited Ja. 23, 2020).

creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.¹⁰⁰

Effect of Proposed Changes

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁰⁰ The Florida College System, *Mathematics Re-Design*,

https://www.floridacollegesystem.com/student_success_center/mathematics_workgroups.aspx (last visited Ja. 23, 2020).

¹⁰¹ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education, in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies and issues. The ACC consists of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The Office of K-20 Articulation in the DOE provides administrative support for the ACC. Section 1007.01(3), F.S.

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

None.

B. Private Sector Impact:

School districts that pay workers' compensation expenses for participants in work-based learning programs would likely see a reduction in workers' compensation costs. The reduction in workers' compensation costs is not known.¹⁰²

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

C. Government Sector Impact:

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

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

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

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

¹⁰² Florida Department of Financial Services, *2020 Legislative Bill Analysis* (Jan. 24, 2020).

¹⁰³ *Id.*

Depending on the number and severity of future claims, the increase in workers' compensation loss payments and operational costs to the Risk Management Trust Fund could result in a long-term need for additional premium to be charged to the state agencies to cover these losses.

VI. Technical Deficiencies:

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

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

VII. Related Issues:

None.

VIII. Statutes Affected:

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

This bill creates section 446.541 of the Florida Statutes.

This bill repeals section 446.091 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to education; creating s. 446.541,
 3 F.S.; providing legislative intent; defining terms;
 4 providing that individuals enrolled in certain
 5 preapprenticeship programs are deemed to be employees
 6 of the state for purposes of workers' compensation
 7 coverage; amending s. 446.011, F.S.; revising
 8 legislative intent related to apprenticeship training;
 9 amending s. 446.021, F.S.; defining and redefining
 10 terms; amending s. 446.032, F.S.; providing for the
 11 general duties of the Department of Education with
 12 regard to apprenticeship and preapprenticeship
 13 programs; amending s. 446.041, F.S.; requiring the
 14 department to review and evaluate uniform minimum
 15 standards for apprenticeship programs; amending s.
 16 446.045, F.S.; requiring that a representative of the
 17 Office of Apprenticeship of the United States
 18 Department of Labor serve ex officio as a nonvoting
 19 member of the State Apprenticeship Advisory Council;
 20 requiring the council to meet at the call of the chair
 21 or the chair's designee; amending s. 446.051, F.S.;
 22 requiring the apprenticeship or preapprenticeship
 23 program sponsors to be responsible for the selection
 24 and training of instructors, as approved by the
 25 department; amending s. 446.052, F.S.; providing that
 26 apprenticeship program sponsors are encouraged to
 27 cooperate in developing and establishing registered
 28 preapprenticeship programs that include career
 29 instruction; amending s. 446.071, F.S.; providing that

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30 certain organizations may be apprenticeship sponsors;
 31 amending s. 446.081, F.S.; revising the applicability
 32 of a certain limitation; repealing s. 446.091, F.S.,
 33 relating to an on-the-job training program; amending
 34 s. 446.092, F.S.; revising criteria for apprenticeship
 35 occupations; amending s. 1003.4156, F.S.; providing
 36 that students are encouraged to complete one course in
 37 career and educational planning for promotion to high
 38 school from middle school; amending s. 1003.4282,
 39 F.S.; authorizing school districts and regional
 40 consortia to work with national providers to submit to
 41 the department for approval recommended career-themed
 42 courses that satisfy high school credit requirements;
 43 amending s. 1007.23, F.S.; requiring a statewide
 44 articulation agreement contain three mathematics
 45 pathways; requiring the Articulation Coordinating
 46 Committee to convene a representative workgroup
 47 composed of academic affairs administrators and
 48 faculty from state universities and Florida College
 49 System institutions; requiring the workgroup to report
 50 its recommendations to the committee, the Board of
 51 Governors, and the State Board of Education by a
 52 certain date; requiring the Articulation Coordinating
 53 Committee to approve the mathematics pathways by a
 54 specified date; amending s. 1007.2616, F.S.; requiring
 55 public schools to include computational thinking and
 56 foundational computer science skills in instruction to
 57 students; deleting obsolete language; authorizing
 58 school districts to apply to the department for

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59 funding for specified purposes; requiring the
 60 department to award funding to school districts or
 61 consortia using specified criteria; amending s.
 62 1008.44, F.S.; providing that the Commissioner of
 63 Education may limit CAPE industry certification and
 64 CAPE Digital Tool certificates to students in certain
 65 grades for a specified purpose; amending s. 1011.62,
 66 F.S.; revising the calculation of certain additional
 67 full-time equivalent membership relating to funding
 68 for the operation of schools; authorizing the use of a
 69 specified percentage of certain funds for CAPE program
 70 expenses; prohibiting the use of CAPE funding to
 71 supplant funds provided for basic operation of the
 72 CAPE program; amending s. 1011.802, F.S.; requiring
 73 the department to administer the grant program and
 74 establish criteria for selection; providing the amount
 75 allocated that may be used by the department to
 76 administer the grant program; providing an effective
 77 date.

78
 79 Be It Enacted by the Legislature of the State of Florida:

80
 81 Section 1. Section 446.541, Florida Statutes, is created to
 82 read:

83 446.541 Work-based learning.-

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

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

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

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

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

104 446.011 Legislative intent regarding apprenticeship
 105 training.-

106 (1) It is the intent of the State of Florida to provide
 107 educational opportunities for its residents so that they can be
 108 trained for trades, occupations, and professions suited to their
 109 abilities. It is the intent of this act to promote the mode of
 110 training known as apprenticeship in occupations throughout
 111 industry in ~~this the state that require physical manipulative~~
 112 ~~skills~~. By broadening job training opportunities and providing
 113 for increased coordination between public school academic
 114 programs, career programs, and registered apprenticeship
 115 programs, the residents of this state will benefit from the
 116 valuable training opportunities developed when on-the-job

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117 training is combined with academic-related ~~classroom~~
 118 experiences. This act is intended to develop the apparent
 119 potentials in apprenticeship training by assisting in the
 120 establishment of preapprenticeship programs in the public school
 121 system and elsewhere and by expanding presently registered
 122 programs as well as promoting new registered programs in jobs
 123 that lend themselves to apprenticeship training.

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

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

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

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146 be governed by the provisions of this act.

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

149 (Substantial rewording of section. See
 150 s. 446.021, F.S., for present text.)
 151 446.021 Definitions of terms used in ss. 446.011-446.092.-
 152 As used in ss. 446.011-446.092, the term:

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

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

167 (3) "Cancellation" means the termination or deregistration
 168 of an apprenticeship program at the request of the program
 169 sponsor, or the termination of an apprenticeship agreement at
 170 the request of the apprentice.

171 (4) "Department" means the Department of Education.

172 (5) "Journeyworker" means a person working in an
 173 apprenticeable occupation who has successfully completed a
 174 registered apprenticeship program or who has worked the number

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175 of years required by established industry practices for the
176 particular trade or occupation.

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

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

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

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

198 (10) "Uniform minimum standards" means the minimum
199 requirements established for each occupation under which an
200 apprenticeship or a preapprenticeship program is administered.
201 The term includes standards of admission, training goals,
202 training objectives, curriculum outlines, objective standards to
203 measure successful completion of the apprenticeship or

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204 preapprenticeship program, and the percentage of credit which
205 may be given to apprentices or preapprentices. Minimum
206 requirements must be uniform across all occupations.

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

209 446.032 General duties of the department for apprenticeship
210 training.—The department shall:

211 (1) Establish uniform minimum standards and policies
212 governing apprenticeship ~~apprentice~~ programs and agreements. The
213 standards and policies shall govern the terms and conditions of
214 the apprentice's employment and training, including the quality
215 training of the apprentice for, but not limited to, such matters
216 as ratios of apprentices to journeyworkers, safety, related
217 technical instruction, and on-the-job training; but these
218 standards and policies may not include rules, standards, or
219 guidelines that require the use of apprentices ~~and job trainees~~
220 on state, county, or municipal contracts. ~~The department may~~
221 ~~adopt rules necessary to administer the standards and policies.~~

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

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

230 (b) A detailed summary of each local educational agency's
231 expenditure of funds for apprenticeship and preapprenticeship
232 programs, including:

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233 1. The total amount of funds received for apprenticeship
 234 and preapprenticeship programs;

235 2. The total amount of funds allocated to each trade or
 236 apprenticeable occupation;

237 3. The total amount of funds expended for administrative
 238 costs per apprenticeable ~~trade or~~ occupation; and

239 4. The total amount of funds expended for instructional
 240 costs per apprenticeable ~~trade and~~ occupation.

241 (c) The number of apprentices and preapprentices per
 242 apprenticeable ~~trade and~~ occupation.

243 (d) The percentage of apprentices and preapprentices who
 244 complete their respective programs ~~in the appropriate timeframe~~.

245 (e) Information and resources related to ~~applications for~~
 246 new apprenticeship programs and technical assistance and
 247 requirements for potential apprenticeship programs ~~applicants~~.

248 (f) Documentation of activities conducted by the department
 249 to promote apprenticeship and preapprenticeship programs through
 250 public engagement, community-based partnerships, and other
 251 initiatives.

252 (3) Provide assistance to district school boards, Florida
 253 College System institution boards of trustees, program sponsors,
 254 and local workforce development boards in notifying students,
 255 parents, and members of the community of the availability of
 256 apprenticeship and preapprenticeship opportunities, including
 257 data provided in the economic security report pursuant to s.
 258 445.07.

259 (4) Establish procedures to be used by the State
 260 Apprenticeship Advisory Council.

261 Section 5. Section 446.041, Florida Statutes, is amended to

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262 read:

263 446.041 Apprenticeship program, duties of the department.—

264 The department shall:

265 (1) Administer ss. 446.011-446.092.

266 (2) Review and evaluate ~~Administer~~ the uniform minimum
 267 standards established by the department for apprenticeship and
 268 preapprenticeship programs.

269 (3) Register, in accordance with this chapter, any
 270 apprenticeship or preapprenticeship program ~~that, regardless of~~
 271 ~~affiliation, which~~ meets the uniform minimum standards
 272 established by the department.

273 (4) Investigate complaints concerning the failure of any
 274 registered program to meet the uniform minimum standards
 275 established by the department.

276 (5) Cancel the registration of any program that fails to
 277 comply with the uniform minimum standards and policies of the
 278 department or that unreasonably fails or refuses to cooperate
 279 with the department in monitoring and enforcing compliance with
 280 the uniform minimum standards.

281 (6) Encourage potential sponsors to develop and encourage
 282 apprenticeship or preapprenticeship programs.

283 (7) Lead and coordinate outreach efforts to educate
 284 veterans about apprenticeship ~~programs and career opportunities~~.

285 (8) Cooperate with and assist approved local apprenticeship
 286 sponsors in the development of their apprenticeship uniform
 287 minimum standards and their training requirements.

288 (9) Encourage ~~registered~~ apprenticeship programs to grant
 289 consideration and credit to individuals completing ~~registered~~
 290 preapprenticeship programs.

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291 (10) Monitor ~~registered~~ apprenticeship programs to ensure
292 that they are being operated in compliance with all applicable
293 uniform minimum standards.

294 (11) ~~Supervise all apprenticeship programs that are~~
295 ~~registered with the department.~~

296 ~~(12)~~ Ensure that minority and gender diversity are
297 considered in apprenticeship and preapprenticeship programs
298 ~~administering this program.~~

299 (12) ~~(13)~~ Adopt rules required to administer ss. 446.011-
300 446.092.

301 Section 6. Section 446.045, Florida Statutes, is amended to
302 read:

303 446.045 State Apprenticeship Advisory Council.—

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

305 (a) "Joint organization" means an apprenticeship sponsor
306 who participates in a collective bargaining agreement.

307 (b) "Nonjoint organization" means an apprenticeship sponsor
308 who does not participate in a collective bargaining agreement.

309 (2) (a) There is created a State Apprenticeship Advisory
310 Council to be composed of 10 voting members appointed by the
311 Governor and two ex officio nonvoting members. The purpose of
312 the advisory council is to advise the department on matters
313 relating to apprenticeship and preapprenticeship. The advisory
314 council may not establish policy, adopt rules, or consider
315 whether particular apprenticeship or preapprenticeship programs
316 should be approved by the department.

317 (b) The Commissioner of Education or the commissioner's
318 designee shall serve ex officio as chair of the State
319 Apprenticeship Advisory Council, but may not vote. A

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320 representative ~~The state director~~ of the Office of
321 Apprenticeship of the United States Department of Labor shall
322 serve ex officio as a nonvoting member of the council. The
323 Governor shall appoint to the council four members representing
324 employee organizations and four members representing employer
325 organizations. Each of these eight members shall represent
326 industries that have registered apprenticeship programs. The
327 Governor shall also appoint two public members who are
328 knowledgeable about registered apprenticeship and apprenticeable
329 occupations and who are independent of any joint or nonjoint
330 organization. Members shall be appointed for 4-year staggered
331 terms. A vacancy shall be filled for the remainder of the
332 unexpired term.

333 (c) The council shall meet at the call of the chair or the
334 chair's designee, or at the request of a majority of its voting
335 membership, but at least twice a year. A majority of the voting
336 members constitutes ~~shall constitute~~ a quorum, and the
337 affirmative vote of a majority of a quorum is necessary to take
338 action.

339 (d) The Governor may remove any member for cause.

340 (e) The council shall maintain minutes of each meeting. The
341 department shall keep on file the minutes of each meeting and
342 shall make the minutes available to any interested person.

343 (f) Members of the council shall serve without compensation
344 and are not entitled to receive reimbursement for per diem and
345 travel expenses under s. 112.061. Meetings may be held via
346 teleconference or other electronic means.

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

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349 446.051 Related instruction for apprentices.-

350 (1) The administration and supervision of related and
351 supplemental instruction for apprentices, the coordination of
352 such instruction with job experiences, and the selection and
353 training of teachers, instructors, and coordinators for such
354 instruction, all as approved by the department, ~~are registered~~
355 ~~program sponsor~~, shall be the responsibility of the
356 apprenticeship or preapprenticeship program sponsor ~~appropriate~~
357 ~~career education institution~~.

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

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

368 446.052 Preapprenticeship program.-

369 (1) There is created and established a preapprenticeship
370 education program, as defined in s. 446.021.

371 (2) The department, under regulations established by the
372 State Board of Education, may administer the provisions of ss.
373 446.011-446.092 which relate to preapprenticeship programs in
374 cooperation with district school boards and Florida College
375 System institution boards of trustees. District school boards,
376 Florida College System institution boards of trustees, and
377 apprenticeship ~~registered~~ program sponsors are encouraged to

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378 ~~shall~~ cooperate in developing and establishing preapprenticeship
379 programs that include career instruction ~~and general education~~
380 ~~courses required to obtain a high school diploma~~.

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

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

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

392 446.071 Apprenticeship sponsors.-

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

403 (2) An ~~A local~~ apprenticeship sponsor may be a committee, a
404 group of employers, an employer, ~~or~~ a group of employees, an
405 educational institution, a local workforce board, a community or
406 faith-based organization, an association, or any entity

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407 preapproved by the department as being in accordance with this
 408 chapter combination thereof.

409 (3) The department may grant a variance from the uniform
 410 minimum standards upon a showing of good cause for the variance
 411 by program sponsors in nonconstruction trades. The purpose of
 412 this subsection is to recognize the unique and varying training
 413 requirements in nontraditional apprenticeable occupations and to
 414 authorize the department to adapt the standards to the needs of
 415 the programs.

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

418 446.081 Limitation.—

419 (1) Nothing in ss. 446.011-446.092 or in any apprentice
 420 agreement approved under those sections invalidates ~~may~~
 421 ~~invalidate:~~

422 ~~(a) any apprenticeship provision in any collective~~
 423 ~~agreement between employers and employees setting up higher~~
 424 ~~apprenticeship standards.~~

425 ~~(b) Any special provision for veterans, minority persons,~~
 426 ~~or women in the standards, apprenticeship qualifications, or~~
 427 ~~operation of the program that is not otherwise prohibited by~~
 428 ~~law, executive order, or authorized regulation.~~

429 (2) A ~~No~~ person may not shall institute any action for the
 430 enforcement of any apprentice agreement, or for damages for the
 431 breach of any apprentice agreement, made under ss. 446.011-
 432 446.092, unless he or she has first exhausted all administrative
 433 remedies provided by this section.

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

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436 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
 437 or contained in any approved apprentice agreement under such
 438 sections invalidates any special provision for veterans,
 439 minority persons, or women in the standards, qualifications, or
 440 operation of the apprenticeship program which is not otherwise
 441 prohibited by any applicable general law, executive order, rule,
 442 or regulation.

443 Section 11. Section 446.091, Florida Statutes, is repealed.

444 Section 12. Section 446.092, Florida Statutes, is amended
 445 to read:

446 446.092 Criteria for apprenticeship occupations.—At a
 447 minimum, an apprenticeable occupation must possess ~~is a skilled~~
 448 ~~trade which possesses~~ all of the following characteristics:

449 (1) It is customarily learned in a practical way through a
 450 structured, systematic program of on-the-job, supervised
 451 training.

452 (2) It is clearly identified and commonly recognized
 453 throughout an industry.

454 (3) It involves manual, mechanical, or technical skills and
 455 knowledge which, in accordance with the industry standards for
 456 the occupation, requires ~~would require~~ a minimum of 2,000 hours
 457 of on-the-job training, which hours are excluded from the time
 458 spent at related technical or supplementary related instruction.

459 (4) It requires related technical instruction to supplement
 460 on-the-job training. Such instruction may be given in a
 461 classroom, through occupational or industrial courses or
 462 correspondence courses of equivalent value, through electronic
 463 media, or through other forms of self-study approved by the
 464 department.

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465 Section 13. Paragraph (e) of subsection (1) and subsection
466 (2) of section 1003.4156, Florida Statutes, are amended to read:
467 1003.4156 General requirements for middle grades
468 promotion.-

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

472 (2)(c) Students are encouraged to complete one course in
473 career and education planning which may be offered ~~to be~~
474 ~~completed~~ in grades 6, 7, or 8, and which may be taught by any
475 member of the instructional staff. The course should ~~must~~ be
476 Internet-based, customizable to each student, and include
477 research-based assessments to assist students in determining
478 educational and career options and goals. In addition, the
479 course should ~~must~~ result in a completed personalized academic
480 and career plan for the student that may be revised as the
481 student progresses through middle school and high school; ~~must~~
482 emphasize the importance of entrepreneurship and employability
483 skills; and ~~must~~ include information from the Department of
484 Economic Opportunity's economic security report under s. 445.07.
485 The ~~required~~ personalized academic and career plan should ~~must~~
486 inform students of high school graduation requirements,
487 including a detailed explanation of the requirements for earning
488 a high school diploma designation under s. 1003.4285; the
489 requirements for each scholarship in the Florida Bright Futures
490 Scholarship Program; state university and Florida College System
491 institution admission requirements; available opportunities to
492 earn college credit in high school, including Advanced Placement
493 courses; the International Baccalaureate Program; the Advanced

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

501 (3)(2) The State Board of Education shall adopt rules
502 pursuant to ss. 120.536(1) and 120.54 to implement this section
503 and may enforce this section pursuant to s. 1008.32.

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

506 1003.4282 Requirements for a standard high school diploma.-

507 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
508 CREDIT REQUIREMENTS.-

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

515 Section 15. Present subsections (3) through (8) of section
516 1007.23, Florida Statutes, are redesignated as subsections (4)
517 through (9), respectively, and a new subsection (3) is added to
518 that section, to read:

519 1007.23 Statewide articulation agreement.-

520 (3) To facilitate seamless transfer, reduce excess credit
521 hours, and ensure that students are taking the relevant courses
522 needed for their future careers, the articulation agreement must

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523 specify three mathematics pathways, which are aligned to
 524 programs, meta-majors, and careers, on which degree seeking
 525 students must be placed.

526 Section 16. By September 31, 2020, the Articulation
 527 Coordinating Committee shall convene a representative workgroup
 528 composed of academic affairs administrators and faculty from
 529 state universities and Florida College System institutions to
 530 identify the three pathways. The workgroup shall report its
 531 recommendations to the Articulation Coordinating Committee, the
 532 Board of Governors, and the State Board of Education by March
 533 31, 2021. The Articulation Coordinating Committee shall approve
 534 the mathematics pathways by May 31, 2021.

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

537 1007.2616 Computer science and technology instruction.—

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

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

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

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

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

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

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581 1008.44 CAPE Industry Certification Funding List and CAPE
582 Postsecondary Industry Certification Funding List.—

583 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
584 of Education shall, at least annually, identify, under rules
585 adopted by the State Board of Education, and the Commissioner of
586 Education may at any time recommend adding the following
587 certificates, certifications, and courses:

588 (a) CAPE industry certifications identified on the CAPE
589 Industry Certification Funding List that must be applied in the
590 distribution of funding to school districts pursuant to s.
591 1011.62(1)(o). The CAPE Industry Certification Funding List
592 shall incorporate by reference the industry certifications on
593 the career pathways list approved for the Florida Gold Seal CAPE
594 ~~Vocational~~ Scholars award. In addition, by August 1 of each
595 year, the not-for-profit corporation established pursuant to s.
596 445.004 may annually select one industry certification, that
597 does not articulate for college credit, for inclusion on the
598 CAPE Industry Certification Funding List for a period of 3 years
599 unless otherwise approved by the curriculum review committee
600 pursuant to s. 1003.491. Such industry certifications, if earned
601 by a student, shall be eligible for additional full-time
602 equivalent membership, pursuant to s. 1011.62(1)(o)1.

603 (4)

604 (b) For the purpose of calculating additional full-time
605 equivalent membership pursuant to s. 1011.62(1)(o)1., the
606 Commissioner of Education may limit CAPE industry certifications
607 and CAPE Digital Tool certificates to students in certain grades
608 ~~based on formal recommendations by providers of CAPE industry~~
609 ~~certifications and CAPE Digital Tool certificates.~~

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610 Section 19. Paragraph (o) of subsection (1) of Section
611 1011.62, Florida Statutes, is amended to read:

612 1011.62 Funds for operation of schools.—If the annual
613 allocation from the Florida Education Finance Program to each
614 district for operation of schools is not determined in the
615 annual appropriations act or the substantive bill implementing
616 the annual appropriations act, it shall be determined as
617 follows:

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

622 (o) *Calculation of additional full-time equivalent*
623 *membership based on successful completion of a career-themed*
624 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
625 *courses with embedded CAPE industry certifications or CAPE*
626 *Digital Tool certificates, and issuance of industry*
627 *certification identified on the CAPE Industry Certification*
628 *Funding List pursuant to rules adopted by the State Board of*
629 *Education or CAPE Digital Tool certificates pursuant to s.*
630 *1003.4203.—*

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

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

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639 certification identified annually on the CAPE Industry
 640 Certification Funding List approved under rules adopted by the
 641 State Board of Education. For a CAPE industry certification that
 642 has an articulation agreement of 4 to 14 college credits, a
 643 value of 0.2 full-time equivalent membership shall be
 644 calculated. For a CAPE industry certification that has an
 645 articulation agreement of 1 to 3 college credits and is deemed
 646 by the department to be of sufficient rigor and to be linked to
 647 a high-skill occupation, a value of 0.2 full-time equivalent
 648 membership shall be calculated. For all other CAPE industry
 649 certifications with an articulation agreement of 1 to 3 college
 650 credits, a value of 0.1 full-time equivalent membership shall
 651 be calculated. A value of 0.2 full time equivalent membership shall
 652 be calculated for each student who is issued a CAPE industry
 653 certification that has a statewide articulation agreement for
 654 college credit approved by the State Board of Education. For
 655 CAPE industry certifications that do not articulate for college
 656 credit, the Department of Education shall calculate assign a
 657 full-time equivalent value of 0.1 for each certification. Middle
 658 grades students who earn additional FTE membership for a CAPE
 659 Digital Tool certificate pursuant to sub-subparagraph a. may not
 660 use the previously funded examination to satisfy the
 661 requirements for earning an industry certification under this
 662 sub-subparagraph. Additional FTE membership for an elementary or
 663 middle grades student may not exceed 0.1 for certificates or
 664 certifications earned within the same fiscal year. The State
 665 Board of Education shall include the assigned values on the CAPE
 666 Industry Certification Funding List under rules adopted by the
 667 state board. Such value shall be added to the total full-time

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668 equivalent student membership for grades 6 through 12 in the
 669 subsequent year. CAPE industry certifications earned through
 670 dual enrollment must be reported and funded pursuant to s.
 671 1011.80. However, if a student earns a certification through a
 672 dual enrollment course and the certification is not a fundable
 673 certification on the postsecondary certification funding list,
 674 or the dual enrollment certification is earned as a result of an
 675 agreement between a school district and a nonpublic
 676 postsecondary institution, the bonus value shall be funded in
 677 the same manner as other nondual enrollment course industry
 678 certifications. In such cases, the school district may provide
 679 for an agreement between the high school and the technical
 680 center, or the school district and the postsecondary institution
 681 may enter into an agreement for equitable distribution of the
 682 bonus funds.

683 c. A value of 0.3 full-time equivalent student membership
 684 shall be calculated for student completion of the courses and
 685 the embedded certifications identified on the CAPE Industry
 686 Certification Funding List and approved by the commissioner
 687 pursuant to ss. 1003.4203(5) (a) and 1008.44.

688 d. A value of 0.5 full-time equivalent student membership
 689 shall be calculated for CAPE Acceleration Industry
 690 Certifications that articulate for 15 to 29 college credit
 691 hours, and 1.0 full-time equivalent student membership shall be
 692 calculated for CAPE Acceleration Industry Certifications that
 693 articulate for 30 or more college credit hours pursuant to CAPE
 694 Acceleration Industry Certifications approved by the
 695 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

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

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 697 funds provided for CAPE industry certification, in accordance
 698 with this paragraph, to the program that generated the funds.
 699 The remaining 20 percent may be used for other CAPE program
 700 expenses, such as administrative costs and new industry
 701 certification programs. All such funds must be used for CAPE
 702 programs. CAPE funding ~~This allocation~~ may not be used to
 703 supplant funds provided for basic operation of the program, such
 704 as teacher salaries and other costs that are funded with non-
 705 CAPE funds for other courses.

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

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

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

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

724 d. A bonus of \$100 for each student taught by a teacher who
 725 provided instruction in a course that led to the attainment of a

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 726 CAPE industry certification on the CAPE Industry Certification
 727 Funding List with a weight of 0.5 or 1.0.
 728
 729 ~~Bonuses awarded pursuant to this paragraph shall be provided to~~
 730 ~~teachers who are employed by the district in the year in which~~
 731 ~~the additional FTE membership calculation is included in the~~
 732 ~~calculation.~~ Bonuses awarded to teachers pursuant to this
 733 paragraph must shall be calculated based upon the associated
 734 weight of a CAPE industry certification on the CAPE Industry
 735 Certification Funding List for the year in which the
 736 certification is earned by the student. Any bonus awarded to a
 737 teacher pursuant to this paragraph is in addition to any regular
 738 wage or other bonus the teacher received or is scheduled to
 739 receive. A bonus may not be awarded to a teacher who fails to
 740 maintain the security of any CAPE industry certification
 741 examination or who otherwise violates the security or
 742 administration protocol of any assessment instrument that may
 743 result in a bonus being awarded to the teacher under this
 744 paragraph.

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

747 1011.802 Florida Pathways to Career Opportunities Grant
 748 Program.—

749 (1) Subject to the appropriation of funds ~~appropriations~~
 750 ~~provided~~ in the General Appropriations Act, the Florida Pathways
 751 to Career Opportunities Grant Program is created to provide
 752 grants to high schools, career centers, charter technical career
 753 centers, Florida College System institutions, and other entities
 754 authorized to sponsor an apprenticeship or a preapprenticeship

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755 program, as defined in s. 446.021, for the creation or expansion
756 of such ~~on a competitive basis to establish new apprenticeship~~
757 ~~or preapprenticeship programs and expand existing apprenticeship~~
758 ~~or preapprenticeship~~ programs. The Department of Education shall
759 administer the grant program and establish selection criteria.

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

762 (3) The department shall give priority to apprenticeship
763 programs with demonstrated regional demand. Grant recipients may
764 use grant funds ~~may be used~~ for instructional equipment,
765 supplies, personnel, student services, and other expenses
766 associated with the creation or expansion of an apprenticeship
767 program. Grant recipients may not use grant funds may not be
768 used for administrative costs or recurring instructional costs
769 ~~or for~~ indirect costs. Grant recipients must submit quarterly
770 reports in a format prescribed by the department.

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

773 (5)~~(4)~~ The State Board of Education may adopt rules to
774 administer this section.

775 Section 21. 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 1688

INTRODUCER: Senator Harrell

SUBJECT: Early Learning and Early Grade Success

DATE: January 24, 2020

REVISED: _____

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

I. Summary:

SB 1688 modifies the administration of the Voluntary Prekindergarten Education Program (VPK) and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning (OEL) to consolidate authority and oversight within the State Board of Education (SBE).

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

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- A program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on performance.

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

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill also removes authority for each Early Learning Coalition (ELC) to adopt a payment schedule for providers and requires the Early Learning Programs Estimating Conference to adopt the payment schedules to be used statewide in each county.

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

The bill takes effect July 1, 2020.

II. Present Situation:

State Level Governance

State Board of Education

The State Board of Education (SBE)¹ is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system.² The SBE has authority over the Department of Education (DOE) and is authorized to delegate the SBE's general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the DOE.³

Department of Education

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

Office of Early Learning

The OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education Program (VPK), and child care resource and referral services⁷—and an annual budget of \$1.3 billion.⁸ The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).⁹ The OEL adopts rules as required for the establishment and operation of the school readiness program and the VPK program.¹⁰ The executive director of the OEL is responsible for administering early learning programs at the state level.

The OEL employs an inspector general, as required by law, to promote accountability, integrity, and efficiency in the administration of early learning programs.¹¹ Statutory duties of the inspector general include the duty to advise the OEL in the development of performance

¹ The State Board of Education is established as “a body corporate and have such supervision of the system of free public education as is provided by law.” Art. IX, s. 2, Fla. Const.

² Section 1001.02, F.S.

³ *Id.*

⁴ Section 1001.20(1), F.S.

⁵ Section 20.15(2), F.S.

⁶ Section 20.15(3)(i), F.S.

⁷ *Id.*

⁸ Early Learning Services Program Total, s. 2, ch. 2019-115, L.O.F.

⁹ Section 1002.82(1), F.S.

¹⁰ The OEL is required to submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be immediately filed with the Department of State. Section 1001.213, F.S.

¹¹ Section 20.055(1), F.S.

measures, standards, and procedures employed by the OEL.¹² The inspector general also maintains the duty to support the OEL by preventing and detecting fraud and abuse. The OEL annually processes approximately \$2 million in repayments from early learning coalitions (ELCs) or individuals who have committed fraud.¹³

Early Learning Coalitions

The OEL governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds. Across the state, 30 regional early learning coalitions (ELCs) are responsible for delivering local services, including the VPK program and the school readiness program.¹⁴ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives.¹⁵ The SBE does not have authority over ELCs, and early learning data is not collected in the K-20 student database as part of the management information databases governed by the SBE.¹⁶

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to professionally accepted standards.¹⁷ In 2004, the State established a free VPK program offered to eligible four-year-old children.¹⁸ Parents may choose either a school-year or summer program offered by either a public or private school.¹⁹ \$402.3 million was appropriated from General Revenue for the VPK program in the 2019 General Appropriations Act.²⁰ During the 2017-2018 academic year, 6,378 VPK providers served 169,076 students enrolled in a VPK program.²¹

ELCs and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.²² A local ELC must coordinate with the local school district in the

¹² Section 20.055(1), F.S.

¹³ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 19.

¹⁴ The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Jan. 22, 2020). See also 1002.83(1), F.S.

¹⁵ Section 1002.83(3), F.S.

¹⁶ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 13.

¹⁷ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

¹⁸ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const.

¹⁹ Section 1002.53(3), F.S.

²⁰ Specific Appropriation 89, s. 2, ch. 2019-115, L.O.F.

²¹ Florida Office of Early Learning, *Early Learning Programs Profile: Monthly State Report* (June 2018), https://factbook.floridaearlylearning.com/oel_1.aspx, (last visited Jan. 23, 2020).

²² Section 1002.53(4), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-your-early-learning-coalition> (last visited Jan. 23, 2020).

ELC's service area to develop procedures for enrolling children in public school VPK programs.²³

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

- Enrolling children and documenting and certifying student enrollment and student attendance.
- Providing parents with profiles of VPK providers.
- Registering private prekindergarten providers and public schools to deliver the program.
- Determining the eligibility of private prekindergarten providers to deliver the program and streamlining the process of provider eligibility whenever possible.
- Verifying the compliance and removing VPK providers from eligibility to deliver the program due to noncompliance or misconduct.
- Placing schools on probation and requiring corrective actions.
- Paying VPK providers.
- Reconciling advance payments in accordance with the uniform attendance policy.
- Reenrolling students dismissed by a VPK provider for noncompliance with the VPK provider's attendance policy.
- Approving improvement plans.
- Approving and paying specialized instructional services providers.

The OEL consults with the DOE regarding procedures implemented by ELCs and school districts for administering corrective action to VPK providers and administering the VPK program for specialized instructional services for children with disabilities.²⁵

Early Learning Advisory Council

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

VPK Instructor Requirements

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

²³ Section 1002.53(4), F.S.

²⁴ Section 1002.75(2), F.S.

²⁵ Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

²⁶ Section 1002.77, F.S.

²⁷ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2017), *incorporated by reference in* Rule 65C-22.001(7), F.A.C.

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families (DCF) as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.²⁸ A school-year VPK provider must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to meet the same qualifications as the lead instructor.²⁹

The OEL sets minimum standards for emergent literacy training courses for VPK instructors.³⁰ Each course must be at least five clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills.³¹ Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.³²

Each course on performance standards must be at least three clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.³³

VPK Performance Standards

The OEL develops and adopts performance standards for students in VPK programs. The performance standards must address the age-appropriate progress of students in the development of:³⁴

- The capabilities, capacities, and skills required in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities.
- Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

Each VPK provider's curriculum must be developmentally appropriate, designed to prepare a student for early literacy, enhance age-appropriate student progress in attaining state-adopted performance standards, and prepare students to be ready for kindergarten based on the statewide kindergarten screening. VPK providers may select or design the curriculum for their classrooms,

²⁸ Sections 1002.63(5)-(6), F.S.; *see also* Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

²⁹ Sections 1002.55(3)(f) and 1002.63(7), F.S.

³⁰ Section 1002.59(1), F.S.

³¹ *Id.*

³² *Id.*

³³ Section 1002.59(2), F.S.

³⁴ Section 1002.67, F.S.; Art. IX, s. 1(b), Fla. Const.

unless they are on probation as a result of their kindergarten readiness rates falling below the minimum rate.³⁵

Statewide Kindergarten Readiness Screening

The DOE has adopted a statewide kindergarten readiness screening, the Florida Kindergarten Readiness Screener (FLKRS),³⁶ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.³⁷ The screening must measure a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.³⁸

Kindergarten student scores on the FLKRS administered during the first 30 days of the school year must demonstrate a score of at least 500 on the Star Early Literacy assessment to be considered "ready for kindergarten."³⁹ The "Percent of Children Ready for Kindergarten" is calculated as the number of "Children Ready for Kindergarten" on the screening measure divided by the total number of "Children Screened."⁴⁰ For the fall 2018 administration of FLKRS, 97,652 out of 185,252 kindergarten students, or 53 percent, were designated as "ready for kindergarten".⁴¹

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.⁴² The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.⁴³ The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK pre- and post-assessment, known as the "Florida VPK Assessment."⁴⁴ The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.⁴⁵

³⁵ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020); Section 1002.67, F.S.

³⁶ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS) in 2017. Florida Department of Education Contract No. 17-651 (2017). See rule 6M-8.602(3)(b)1., F.A.C. Rule 6M-8.601(3)(b)1., F.A.C.

³⁷ Sections 1002.69(1)-(3) and 1002.73, F.S.

³⁸ See s. 1002.67(1), F.S. See also Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, incorporated by reference in rule 6M-8.602, F.A.C.

³⁹ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 15. Rule 6M-8.601, F.A.C.

⁴⁰ *Id.*

⁴¹ Florida Department of Education, *Fall 2018 FLKRS Results by District* (2019), available at <http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall18FLKRSbyDistrict.xls>.

⁴² Rule 6M-8.601(3)(b), F.A.C.

⁴³ Sections 1002.69(5)-(6), F.S.; To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

⁴⁴ Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

⁴⁵ Section 1002.69(5), F.S. The current readiness rate determined by the OEL is calculated by the results of the kindergarten screening only. Rule 6M-8.601(3)(b), F.A.C.

VPK Provider Readiness Rates are calculated based on the statewide kindergarten readiness screening in combination with learning gains from the Florida VPK Assessment counting ten percent toward a provider's readiness rate.⁴⁶

VPK Provider Probation and Corrective Action

At least 60 percent of a VPK provider's students must meet the "ready for kindergarten" score on the screening in order for the provider to avoid probationary status.⁴⁷ Providers that do not meet the minimum readiness rate are placed on probation.⁴⁸ An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:⁴⁹

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- Take certain corrective actions, including the use of an OEL-approved curriculum or an OEL approved staff development plan to strengthen instruction in language development and phonological awareness.

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

Good Cause Exemption

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives a good cause exemption.⁵¹ A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include:⁵²

- Data which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.
- Data available from the respective ELC or district school board, the DCF, local licensing authority, or an accrediting association, as applicable, relating to the provider's compliance with state and local health and safety standards.
- Data available to the OEL on the performance of the children served and the calculation of the provider's kindergarten readiness rate.

A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate.⁵³ The OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year, and may be renewed upon request by the VPK provider.⁵⁴

⁴⁶ Rule 6M-8.601, F.A.C.; Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013 (2020)*, at 14.

⁴⁷ Rule 6M-8.601(3)(b), F.A.C.

⁴⁸ Section 1002.67(4), F.S.

⁴⁹ Section 1002.67(4)(c)1., F.S.

⁵⁰ Email, Office of Early Learning (Mar. 29, 2019).

⁵¹ Section 1002.67(4)(c)3., F.S.

⁵² Section 1002.69(7)(b)-(c), F.S.

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

⁵⁴ Section 1002.69(7), F.S.

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the two years preceding the provider's request for an exemption.⁵⁵ Additionally, if a provider refuses to comply with program requirements or engages in misconduct, the OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of five years.⁵⁶

The School Readiness Program

The school readiness program provides subsidies for child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.⁵⁷ The school readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.⁵⁸ To participate in the school readiness program, a provider must execute a school readiness contract.⁵⁹ During the 2017-2018 academic year, 7,668 school readiness providers served 201,474 children enrolled in a school readiness program.⁶⁰

Program Assessment

The OEL is required to adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years.⁶¹ The OEL budgeted \$6 million for the administration of the program assessment for the 2018-2019 fiscal year.⁶² All school readiness providers must receive an annual program assessment and meet the required minimum program assessment composite score prior to executing a school readiness contract.⁶³ In the 2017-2018 academic year, 11, or 0.3 percent, of providers failed to attain the minimum program assessment composite score required for contracting.⁶⁴

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

⁵⁵ Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(d), F.A.C.

⁵⁶ Section 1002.67(4)(b), F.S.

⁵⁷ Section 1002.87, F.S.

⁵⁸ Section 1002.86, F.S.

⁵⁹ Rule 6M-4.610, F.A.C. Form OEL-SR 20, *Statewide School Readiness Provider Contract*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Form%20OEL-SR%202020-%20Statewide%20School%20Readiness%20Provider%20Contract_12-19-18_Fi....pdf.

⁶⁰ Florida Office of Early Learning, *Early Learning Programs Profile: Monthly State Report* (June 2018), https://factbook.floridaearlylearning.com/oel_1.aspx, (last visited Jan. 23, 2020).

⁶¹ Section 1002.82(2)(n), F.S.

⁶² Office of Early Learning, *OEL Annual Report: School Readiness Program – Financial Review* (2019); available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/2018-19%20OEL%20Annual%20Report_FINAL_ADA.pdf, at 6.

⁶³ Rule 6M-4.741, F.A.C.

⁶⁴ Florida Department of Education, *School Readiness Funding Model Allocation Methodology* (Oct. 1, 2019) (On file with staff of the Education Committee).

⁶⁵ Rule 6M04.500, F.A.C.

care level and unit of child care for a child care provider.⁶⁶ No more than five percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information system in the domains of language and executive functioning using a child assessment. Providers who fail to attain a minimum composite score on the program assessment are ineligible for a differential payment.⁶⁷

School Readiness Funding

Funding for the school readiness program is allocated among the ELCs according to law and the General Appropriations Act.⁶⁸ The school readiness program is funded primarily by the CCDF block grant.⁶⁹ State, federal, and local matching funds provided to an ELC for purposes of the school readiness program must be used for implementation of its approved school readiness program plan, including the hiring of staff to effectively operate the school readiness program.⁷⁰

For Fiscal Year 2019-2020, a total of \$760.8 million was appropriated for the school readiness program from state and federal funds.⁷¹

Market Rate

The OEL is required to establish procedures for the adoption of a market rate schedule for the school readiness program. The schedule must include, at a minimum, county-by-county rates, differentiated by type of child care provider and the type of child care services provided. Rates must be differentiated for the types of providers by:⁷²

- The minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care (GSQC) designation.
- Child care providers that do not hold a GSQC designation.
- Licensed child care facilities.
- Public or nonpublic schools exempt from licensure.
- Faith-based child care facilities exempt from licensure.
- Licensed large family child care homes.
- Licensed or registered family day care homes.

The market rate schedule must also differentiate rate by the type of child care services provided, including services provided for:⁷³

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

⁶⁶ Section 1002.82(2)(o), F.S.

⁶⁷ *Id.*

⁶⁸ Section 1002.89(1), F.S.

⁶⁹ The Office of Early Learning, *2019-2021 Child Care Development Fund State Plan*, http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx (last visited Jan. 22, 2020).

⁷⁰ Section 1002.89(5), F.S.

⁷¹ Specific Appropriation 86, s. 2, ch. 2019-115, L.O.F.

⁷² Section 1002.895, F.S.

⁷³ Section 1002.895, F.S.

Reimbursement rates for school readiness providers are paid based on a child's care level and unit of care as defined by the ELC's approved provider rate schedule for the county in which the provider's facility is located.⁷⁴ ELCs are required to consider the market rate schedule in the adoption of a payment schedule.

The payment schedule must consider the average market rate, include the projected number of children to be served, and be submitted for approval by the OEL. Informal child care arrangements may be reimbursed at no more than 50 percent of the rate adopted for a family day care home.⁷⁵

The 2017 market rate report, updated in 2019, includes a state summary that reflects market rates by provider type and service type. For example, the average market rate in the state for GSQC designated private child care facilities was \$195.72 for services provided to infants.⁷⁶ The 75th percentile rate for the same services was \$225.⁷⁷ The reimbursement rate for providers was \$156.76. For private child care facilities without a GSQC designation, the average market rate was \$169.02 for services provided to infants, and the 75th percentile rate was \$190, and the reimbursement rate was \$131.93.⁷⁸

Early Learning Programs Estimating Conference

The Early Learning Programs Estimating Conference is required to develop estimates and forecasts of the unduplicated count of children eligible for the school readiness program⁷⁹ and the VPK program.⁸⁰ The OEL is required to provide information as requested by the Early Learning Programs Estimating Conference in a timely manner.⁸¹

Contracted Slots

The OEL is required to adopt a standard statewide provider contract to be used with each school readiness program provider. The standard statewide contract must include minimum statutory requirements, such as contracted slots and provisions for provider probation and termination.⁸² A school readiness child care slot is the number of school readiness paid child care slots filled during a month of service.⁸³ The standard statewide provider contract provides an option for school readiness providers to participate in a Contracted Slots Program whereby a provider agrees to reserve a specified number of slots determined necessary by the ELC in return for a higher reimbursement rate.⁸⁴

⁷⁴ Rule 6M-4.500, F.A.C.

⁷⁵ Section 1002.895, F.S.

⁷⁶ Office of Early Learning, *2017 Market Rate Report* (2019), available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Market_Rate_Report_2017_Full_Time_Final_web_04292019.pdf, at 3.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Section 1002.87, F.S.

⁸⁰ Section 216.136, F.S.

⁸¹ Section 216.136, F.S.

⁸² Section 1002.82(2)(m), F.S.

⁸³ Rule 6M-4.740, F.A.C.

⁸⁴ Rule 6M-4.610, F.A.C., Form OEL-SR 20 (July 2019).

If an ELC participates in the Contracted Slots Program, and the ELC determines a provider is eligible for the program, then the coalition may reimburse the provider up to ten percent above the 75th percentile of the market rate.⁸⁵

Gold Seal Quality Care Program

The DCF is responsible for enforcing compliance with licensing standards by child care facilities, including large family child care homes and family day care homes.⁸⁶

The DCF also adopts rules to administer the GSQC Program.⁸⁷ A GSQC designation entitles a school readiness provider to a rate differential at 20 percent above the ELC's approved reimbursement rate.⁸⁸ The law disqualifies child care facilities from accreditation if they receive a specified maximum number of Class I, II, or III violations within the two-year period preceding the application for accreditation.⁸⁹

Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys purchased by a licensed child care facility that meets minimum statutory standards, holds a current GSQC designation, and provides basic health insurance to all employees are exempt from sales, rental, use, consumption, distribution, and storage tax.⁹⁰ A licensed or legally exempt child care facility that achieves GSQC status is an educational institution exempt from ad valorem tax.⁹¹

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

Research-Based Reading Allocation

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

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

⁸⁵ Rule 6M-4.500, F.A.C.

⁸⁶ Section 402.305, F.S. Certain child care facilities which are an integral part of a church or specified parochial school are exempt from licensing standards. Section 402.316, F.S.

⁸⁷ Section 402.281, F.S.

⁸⁸ Rule 6M-4.500, F.A.C.

⁸⁹ Section 402.281, F.S. DCF rules governing child care facilities define Class I, II, and III violations, which are designated in ascending order of severity, for noncompliance with minimum licensing standards of child care facilities. Rule 65C-20.012, F.A.C.

⁹⁰ Section 212.08, F.S.

⁹¹ Section 402.26, F.S.

⁹² Florida Department of Children and Families, *Gold Seal Quality Care Summary and Detail Data* (Dec. 2019), available at <https://www.myflfamilies.com/service-programs/child-care/docs/gold-seal/December%202019%20Gold%20Seal%20Summary%20Website%20Report%201.6.20.pdf>.

⁹³ Section 1011.62(9), F.S.

- Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.
- Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.
- Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.
- Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading, for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment.
- Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office.
- Intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment.

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

III. Effect of Proposed Changes:

SB 1688 modifies the administration of the Voluntary Prekindergarten Education Program (VPK) and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning (OEL) to consolidate authority and oversight within the State Board of Education (SBE).

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

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- A program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on performance.

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

⁹⁴ Specific Appropriations 6 and 93, s. 2, ch. 2019-115, L.O.F.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill also removes authority for each Early Learning Coalition (ELC) to adopt a payment schedule for providers and requires the Early Learning Programs Estimating Conference to adopt the payment schedules to be used statewide in each county.

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

The bill takes effect July 1, 2020.

State Level Governance

The bill shifts regulatory authority over the early learning system from the OEL to the SBE and the DOE and repeals the Early Learning Advisory Council. The bill makes conforming changes throughout Florida law and re-designates:

- The K-20 education system as the Early Learning-20 education system.
- The K-20 Education Code as the Early Learning-20 Education Code.
- The OEL as the Division of Early Learning.
- The K-20 data warehouse as the education data warehouse.

State Board of Education

The bill adds responsibilities for the SBE in the administration of early learning programs, including the responsibility to oversee the performance of ELCs. The conforming changes in the bill that transform the K-20 public education system into the Early Learning-20 public education system confer general rulemaking authority to the SBE for the improvement of the early learning system. The bill extends SBE oversight and enforcement authority to ELCs. The bill also transfers specific rulemaking authority to the SBE for various duties formerly assigned to the OEL.

The bill also requires early learning data, which is currently not part of the K-20 education data warehouse, to be included in the management information system databases overseen by the SBE in conjunction with the Florida Board of Governors.

Department of Education

The bill requires the DOE to assume responsibilities for executing processes governing the administration of early learning programs that were formerly assigned to the OEL, including the adoption of performance standards for students and instructors in early learning programs.

The bill brings ELCs under SBE oversight authority. The bill also modifies the membership requirements of ELCs. Specifically, the bill:

- Reduces the number of authorized ELCs in the state to reflect the current total of 30.
- Removes the requirement that ELCs appoint a central agency administrator, where applicable.

The Voluntary Prekindergarten Education Program

The bill transfers to the DOE the requirements for the OEL to adopt rules for VPK administration by ELCs and school districts. For example, the bill requires the DOE to adopt procedures for distributing funds to ELCs. The bill also modifies performance standards for VPK providers, instructors, and students.

The bill adds to the list of eligible VPK providers:

- A child development program operating on a certified military installation, which may also demonstrate required liability coverage by affirming that it is subject to jurisdiction under the federal Tort Claims Act.⁹⁵
- A private prekindergarten provider with a provisional child care facility license.

VPK Instructor Requirements

The bill also modifies requirements for VPK instructors and administrators by adding to the requirement that school districts give priority to teachers who have experience or coursework in early childhood education that the teachers must also have completed emergent literacy and performance standards courses. The bill also provides that:

- A VPK instructor in a class of 11 or less children must complete two additional emergent literacy training courses, for a total of three.
- The completion by a prekindergarten instructor of a student performance standards training course is not required until July 1, 2021, and the bill requires the course to be provided for free or at a low cost and available online or in person.
- A prekindergarten director credential must include training in the implementation of curriculum and usage of student level data to inform the delivery of instruction.
- The possession of a child care facility director credential completed before the later of the establishment of the prekindergarten director credential or July 1, 2006, no longer satisfies the requirement that a private VPK provider have a prekindergarten director who has a prekindergarten director credential.
- VPK curricula must support student learning gains through differentiated instruction as measured by the CSPM.

The bill modifies requirements for professional development training courses to require the DOE to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least eight clock hours, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining performance standards, and be available online.

VPK Performance Standards

The bill modifies the performance standards for students in the VPK program and adds mathematical thinking and early math skills to the list of student skills required to be addressed in performance standards adopted by the DOE for the VPK program. The bill also:

- Adds early math skills to the required curricula of a VPK provider.

⁹⁵ 28 U.S.C. s. 2671.

- Removes the requirement that performance standards be tied to the statewide kindergarten screening.
- Modifies the existing requirement that the OEL periodically review and revise the performance standards to require the DOE to review and revise the standards at least once every 3 years.

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

Coordinated Screening and Progress Monitoring Program

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

Beginning in the 2021-2022 academic year, the bill requires all VPK and public school students to participate in the CSPM within the first 30 days of enrollment, midyear, and within last 30 days of the school year. The bill requires each parent who enrolls a child in VPK to allow the child to participate in the CSPM.

The bill establishes the purposes of the CSPM. Specifically, the bill requires the CSPM to:

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

The bill provides requirements for the use of data obtained from the administration of the CSPM. Specifically, the bill provides that the data from the CSPM must be used by VPK providers and school districts to improve instruction. The data must also be used by teachers to guide learning

objectives and provide timely and appropriate supports and interventions to students not meeting grade level expectations.

The bill requires the results of the CSPM to be reported to the DOE for inclusion in the educational data warehouse and requires the DOE to use the data to:

- Identify student learning gains;
- Index development learning outcomes upon program completion relative to performance standards and representative norms; and
- Inform a provider's performance metric.

The bill requires each VPK provider and public school to provide parents with screening or progress monitoring results within seven days.

Research-Based Reading Allocation

The bill requires any VPK student with a substantial early literacy deficiency be referred to the local school district for intensive reading intervention using the research-based reading allocation before the student's participation in kindergarten. The bill also requires ELC and school district representatives to meet annually to develop strategies to transition students from VPK to kindergarten.

Council for Early Grade Success

The bill creates the Council for Early Grades Success (Council) and requires the commissioner to coordinate with the Council to develop a plan for implementation of the CSPM in consideration of the timeline required for completion of the review of the Next Generation Sunshine State Standards and the VPK program standards. The bill requires the commissioner to provide data, reports, and information as requested to the Council. The bill also provides that the Council be composed of 15 members, who must all be residents of the state, and include:

- Two members appointed by the Governor, to include:
 - One representative from the DOE.
 - One parent of a child who is four to nine years of age.
- Thirteen members appointed jointly by the President of the Senate and the Speaker of the House, to include one representative from each of the following:
 - An urban school district
 - A rural school district
 - An urban early learning coalition
 - A rural early learning coalition
 - An early learning provider
 - A faith-based early learning provider
 - A kindergarten teacher with at least five years of teaching experience
 - A second grade teacher with at least five years of teaching experience
 - A school principal
 - Four representatives with subject matter expertise in early learning, early grade success, or child assessments, who must not be direct stakeholders within the 67 early learning or public school systems or potential recipients of a contract resulting from the council's recommendations.

The bill requires the Council to elect a chair and vice chair. The chair must be one of the four members with subject matter expertise and the vice chair must be a member appointed by the President of the Senate and Speaker of the House. The bill requires the Council to meet at least bi-annually in person or by teleconference to:

- Review the implementation of, training for, and outcomes of the CSPM and provide recommendations to the DOE to support grade-level reading by grade 3.
- Identify appropriate personnel, processes, and procedures for administration of the CSPM.
- Continually review data and inform the DOE on recommendations to achieve grade level proficiency by grade 3.
- Make recommendations to the DOE regarding the:
 - Methodology for calculating the performance metric and grading system for VPK providers.
 - Methodology for determining kindergarten readiness.
 - Age-appropriate learning gains by grade level required to demonstrate proficiency by grade 3.

Performance Metric

The bill requires the DOE to adopt a performance metric to measure the effectiveness of a VPK provider. The bill repeals the minimum kindergarten readiness rate and the pre- and post-assessment. For the 2019-2020 academic year, the DOE must calculate the performance metric for each VPK provider based upon learning gains and the percentage of students who are assessed as ready for kindergarten.

The DOE must adopt a methodology for the performance metric beginning in the 2020-2021 academic year. The performance metric must include:

- Program assessment scores weighted at approximately 50 percent.
- Learning gains from the initial and final progress monitoring results. The learning gains must be determined using a value-added measure based on growth demonstrated by the results of the pre-and post-assessment in use before the 2021-2022 program year; however, the pre-and post-assessment are not authorized for the 2020-2021 program year.
- Norm-referenced developmental learning outcomes.

The bill requires the methodology for calculating the performance metric to include only prekindergarten students who have attended at least 85 percent of a VPK provider's program as opposed to the current 75 percent attendance rate required for inclusion in the kindergarten readiness rate. Based on 2017-2018 data, the new methodology would result in an 11 percent decrease of children included in the performance metric.⁹⁶

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

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

⁹⁶ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013 (2020)*, at 23.

- Produce an analysis that includes a limited number of program performance metric profiles that summarize all programs' profiles that inform the assignment of a letter grading system to include grades "A" through "F".
- Confer with the DOE and the Council in the development of the methodology.
- Not have had a stake or financial interest in the design or delivery of the VPK program or public school system within the last five years.

Beginning in the 2022-2023 academic year, the DOE must calculate each VPK provider's performance metric and grade within 45 days of the conclusion of the delivered school year or summer program.

The bill specifies that the grading system adopted by the DOE must provide for a differential payment to VPK providers based on program performance. The maximum differential payment may not exceed 15 percent of the base student allocation per full-time equivalent student. A VPK provider may not receive a differential payment if it is assigned a grade of "C" or below.

The bill adds the performance metric of a VPK provider to the information that the DOE must publish and provide to each parent enrolling a child in the VPK program.

Probation

The bill requires the DOE to adopt a minimum performance metric or grade that would demonstrate satisfactory delivery of the VPK program. Beginning in the 2020-2021 academic year, if a VPK provider fails to meet the minimum performance metric or grade, the bill requires the applicable ELC or school district to place the VPK provider on probation and requires the VPK provider to:

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

The probation lasts until the VPK provider attains the minimum required performance metric or grade. The bill requires an annual notification by the DOE to any providers who have been placed on probation and continue to fail to meet the minimum performance metric. The failure to comply with the probation or attain the minimum performance metric after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC or school district.

The bill also prohibits a VPK provider from delivering a VPK program if the provider's program assessment composite score falls below the minimum threshold for contracting or the provider's license has been converted to a probation-status license by the Department of Children and Families (DCF).

Good Cause Exemption

The bill authorizes the DOE to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program. The exemption is valid for one year and is renewable. A request for a good cause exemption must include data from:

- The VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.
- Program assessments which demonstrates effective teaching practices as recognized by the contracted expert.
- The ELC or district school board, the DCF, or the local licensing authority reflecting compliance with state and local health and safety standards.

The bill requires the DOE to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Child demographic data that evidences a VPK provider serves a statistically significant population of children with special needs who have individual education plans and can demonstrate progress toward meeting the goals outlined in the student's individual education plans.
- Learning gains of children served in the VPK program on an alternative measure that has comparable validity and reliability of the screening and progress monitoring program.
- Program assessment data which demonstrates effective teaching practices as recognized by the contracted expert.
- Verification that local and state health and safety requirements are met.

The bill prohibits the DOE from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II⁹⁷ violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The DOE is required to inform the applicable ELC or school district if an exemption is granted to a VPK provider that remains on probation for 2 consecutive years.

The bill requires each ELC or school district, as applicable, to verify VPK provider compliance with the statutory requirements for delivering the VPK. The DOE must require each applicable ELC or school district to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC or school district must suspend the provider's eligibility to provide VPK for a period of two to five years.

The bill incorporates the number of good cause exemptions and justifications into the annual reporting requirements of the DOE.

The School Readiness Program

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

⁹⁷ Class I and Class II violations are defined in s. 402.281(4), F.S.

- Requires the SBE to adopt rules for the implementation of the school readiness program assessment.
- Modifies the requirement that the OEL adopt rules for ELCs in the implementation of statewide procedures. The bill instead requires the DOE to provide technical support to ELCs in implementing the statewide procedures.
- Requires the commissioner to prepare, publish, and disseminate materials relating to the school readiness program.
- Requires the DOE to monitor the alignment and consistency of the standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. This requirement modifies existing law which only requires the OEL to develop and adopt the standards and benchmarks.

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

- Exempts a qualified provider at a military installation from child care facility licensing requirements, health and safety and immunization requirements, and liability coverage requirements.
- Authorizes provisionally licensed child care facilities or homes to deliver the school readiness program.
- Prohibits a child care facility or home from delivering the school readiness program while its license is on a probation status.
- Provides that the DOE and the ELCs may not require a school readiness provider to administer a VPK program assessment.
- Clarifies that a contract with a qualified entity to administer a regional school readiness program in the place of a noncompliant ELC lasts until the DOE reestablishes the ELC and a new school readiness plan is approved.
- Adds a parent's participation in an Early Head Start or Head Start Program to the list of circumstances that qualify for waiver of a school readiness program copayment.

Contracted Slots

The bill requires, by July 1, 2021, the DOE to develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children:

- In the custody of a homeless parent.
- In court-ordered, long-term custody or under the guardianship of a relative or nonrelative after termination of supervision by the DCF.
- At the greatest risk of school failure as determined by being located in an area that has been designated as a poverty area tract according to the latest census data.

The bill also provides that the contracted slot program may be used to increase the availability of child care capacity based on the assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.

Market Rate

The bill modifies the market rate to be paid to school readiness providers by the DOE. Specifically, the bill:

- Redefines the average market rate as the “prevailing market rate” to mean the biennially determined 75th percentile of a reasonable frequency distribution of the market rate by program level and provider type in a geographical market at which child care providers charge a person for child care services.
- Modifies the requirement that the market rate include minimum and maximum rates for Gold Seal Quality Care (GSQC) providers to clarify that the GSQC providers included in the determination of rates must also adhere to the teacher to child ratios and group size requirements of their respective accrediting associations.
- Clarifies that the payment schedule must account for the prevailing market rate and the projected number of children served in each county.
- Removes the requirement for each ELC to consider the market rate schedule.
- Removes the requirement that informal child care arrangements be reimbursed at 50 percent or less than the rate adopted for a family day care home.

Early Learning Estimating Conference

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

- The data and procedures used by the DOE in the adoption of the market rate schedule.
- Base payment rates and the application of legislatively approved differentials.
- Reasonable access to quality early learning settings in each county.
- All data sources and calculations used to determine funding recommendations by county for the school readiness program and the VPK program before submission of any legislative budget request.
- Consider the market rate schedule in the adoption of a payment schedule.

Gold Seal Quality Care Program

The bill repeals the law providing for a GSQC Program within the DCF. The bill reestablishes the program within the DOE and requires the SBE to adopt rules establishing GSQC accreditation standards using nationally recognized accrediting standards as well as input from accrediting associations. The bill requires the SBE to adopt rules to provide criteria for reviewing and approving accrediting associations and for conferring and revoking GSQC status.

The bill codifies and specifies standards for approval of accrediting associations by the DOE for participation in the GSQC Program. In order to be approved by the DOE, an accrediting association must apply to the DOE and demonstrate that it:

- Is a recognized accrediting association.⁹⁸
- Meets or exceeds SBE standards.⁹⁹
- Is a registered corporation with the Department of State.
- Demonstrates accreditation requirements that include clearly defined accreditation prerequisites and procedures for:

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

⁹⁹ This is an existing statutory requirement of the DCF GSQC Program.

- Completion of a self-study and comprehensive onsite verification for each classroom that documents compliance with standards.
- Training for accreditation verifiers to ensure inter-rater reliability.
- Ongoing compliance to include an audit and filing of an annual report with the DOE;
- Renewal requiring onsite verification at least every three years.
- Verifying compliance upon transfer of ownership.
- Revoking accreditation.
- Communicating issues to state agencies with oversight.

The bill requires the DOE to remove the approval of an accrediting association that fails to comply with the processes and procedures submitted to and approved by the DOE. The DOE must remove a noncompliant accrediting association for a period of two to five years. The bill provides one year for a child care provider that was accredited by a noncompliant accrediting association to obtain a new accreditation from an approved accrediting association.

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

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

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

The bill requires licensed or legally exempt child care facilities that participate in the school readiness program and achieve GSQC status to receive at least a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care. The bill authorizes the Early Learning Estimating Conference to determine a rate differential of between 20 to 40 percent for school readiness program providers that maintain group size and teacher-to-child ratios in accordance with standards set by their accrediting associations.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁰⁰ *Id.*

VIII. Statutes Affected:

The bill substantially amends ss. 20.055, 20.15, 39.202, 39.604, 212.08, 216.136, 383.14, 391.308, 402.26, 402.281, 402.305, 402.315, 402.56, 411.226, 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21, 1001.02, 1001.03, 1001.10, 1001.11, 1001.213, 1001.215, 1001.23, 1001.70, 1002.32, 1002.34, 1002.36, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.67, 1002.68, 1002.69, 1002.71, 1002.72, 1002.73, 1002.75, 1002.77, 1002.79, 1002.81, 1002.82, 1002.83, 1002.84, 1002.85, 1002.88, 1002.89, 1002.895, 1002.91, 1002.92, 1002.93, 1002.94, 1002.945, 1002.95, 1002.96, 1002.97, 1002.995, 1003.575, 1007.01, 1008.2125, 1008.25, 1008.31, 1008.32, 1008.33, 1011.62, and 1002.22, of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to early learning and early grade
 3 success; amending s. 20.055, F.S.; conforming
 4 provisions to changes made by the act; amending s.
 5 20.15, F.S.; adding the Division of Early Learning to
 6 the divisions of the Department of Education; deleting
 7 the Office of Early Learning from the Office of
 8 Independent Education and Parental Choice of the
 9 Department of Education; amending ss. 39.202 and
 10 39.604, F.S.; conforming provisions and cross-
 11 references to changes made by the act; amending s.
 12 212.08, F.S.; providing that certain curricula are
 13 exempt from specified taxes; amending s. 216.136,
 14 F.S.; revising the duties of the Early Learning
 15 Programs Estimating Conference; requiring the
 16 department, rather than the Office of Early Learning,
 17 to provide specified information to the conference;
 18 amending ss. 383.14, 391.308, and 402.26, F.S.;

19 conforming provisions and cross-references to changes
 20 made by the act; repealing s. 402.281, F.S., relating
 21 to the Gold Seal Quality Care program; amending s.
 22 402.305, F.S.; providing requirements for minimum
 23 child care licensing standards; requiring standards
 24 adopted after a specified date to be ratified by the
 25 Legislature; revising requirements relating to staff
 26 trained in cardiopulmonary resuscitation; amending s.
 27 402.315, F.S.; conforming a cross-reference; amending
 28 s. 402.56, F.S.; revising the membership of the
 29 Children and Youth Cabinet; amending ss. 411.226,

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30 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04,
 31 1000.21, 1001.02, 1001.03, 1001.10, and 1001.11, F.S.;

32 conforming provisions to changes made by the act;
 33 repealing s. 1001.213, F.S., relating to the Office of
 34 Early Learning; amending ss. 1001.215, 1001.23,
 35 1001.70, 1002.32, 1002.34, and 1002.36, F.S.;

36 conforming provisions and cross-references to changes
 37 made by the act; amending s. 1002.53, F.S.; requiring
 38 students enrolled in the Voluntary Prekindergarten
 39 Education Program to participate in a specified
 40 screening and progress-monitoring program; amending s.
 41 1002.55, F.S.; authorizing certain child development
 42 programs operating on military installations to be
 43 private prekindergarten providers within the Voluntary
 44 Prekindergarten Education Program; providing that a
 45 private prekindergarten provider is ineligible for
 46 participation in the program under certain
 47 circumstances; revising requirements a prekindergarten
 48 instructor must meet; revising requirements for a
 49 specified standards training course; providing
 50 liability insurance requirements for child development
 51 programs that operate on military installations and
 52 participate in the program; requiring early learning
 53 coalitions to verify private prekindergarten provider
 54 compliance with specified provisions; requiring such
 55 coalitions to remove a provider's eligibility under
 56 specified circumstances; amending s. 1002.57, F.S.;

57 revising the minimum standards for a credential for
 58 certain prekindergarten directors; amending s.

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59 1002.59, F.S.; revising requirements for emergent
 60 literacy and performance standards training courses
 61 for prekindergarten instructors; requiring the
 62 department to make certain courses available; amending
 63 s. 1002.61, F.S.; authorizing certain child
 64 development programs operating on military
 65 installations to be private prekindergarten providers
 66 within the summer Voluntary Prekindergarten Education
 67 Program; revising the criteria for teachers to receive
 68 priority consideration from school districts in
 69 staffing the summer program; requiring child
 70 development programs operating on military
 71 installations to comply with specified criteria;
 72 requiring early learning coalitions to verify
 73 specified information; providing for the removal of a
 74 program provider from eligibility under certain
 75 circumstances; amending s. 1002.63, F.S.; revoking the
 76 eligibility of certain public schools to participate
 77 in the program under certain circumstances; providing
 78 for the removal of public school program providers
 79 from the program under certain circumstances; amending
 80 s. 1002.67, F.S.; revising the performance standards
 81 for the Voluntary Prekindergarten Education Program;
 82 requiring the department to review performance
 83 standards on a specified schedule; providing
 84 curriculum requirements for program providers;
 85 requiring the State Board of Education to adopt rules
 86 for the review and approval of curricula for the
 87 program; deleting a required preassessment and

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88 postassessment for the program; creating s. 1002.68,
 89 F.S.; requiring providers of the Voluntary
 90 Prekindergarten Education Program to participate in a
 91 specified screening and progress monitoring program;
 92 providing specified uses for the results of such
 93 screening and progress-monitoring program; requiring
 94 certain portions of the screening and progress-
 95 monitoring program to be administered by individuals
 96 who meet specified criteria; requiring the results of
 97 specified assessments to be reported to the parents of
 98 participating students within a certain timeframe;
 99 providing requirements for such assessments; providing
 100 department duties and responsibilities relating to
 101 such assessments; providing requirements for a
 102 specified methodology used to calculate the results of
 103 such assessments; requiring the department to
 104 establish a grading system for program providers;
 105 providing for the adoption of a minimum performance
 106 metric or grade for program participation; providing
 107 procedures for providers whose score or grade falls
 108 below the minimum requirement; providing for the
 109 revocation of program eligibility for certain
 110 providers; authorizing the department to grant good
 111 cause exemptions to providers under certain
 112 circumstances; providing department and provider
 113 requirements for such exemptions; repealing s.
 114 1002.69, F.S., relating to statewide kindergarten
 115 screening and readiness rates; amending ss. 1002.71
 116 and 1002.72, F.S.; conforming provisions to changes

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117 made by the act; amending s. 1002.73, F.S.; requiring
 118 the department to adopt a specified standard statewide
 119 provider contract; requiring such contract to be
 120 published on the department's website; providing
 121 requirements for such contract; prohibiting providers
 122 from offering services during an appeal of termination
 123 from the program; providing applicability; requiring
 124 the state board to adopt specified rules relating to
 125 the Voluntary Prekindergarten Education Program;
 126 revising duties of the department relating to the
 127 program; repealing s. 1002.75, F.S., relating to the
 128 powers and duties of the Office of Early Learning;
 129 repealing s. 1002.77, F.S., relating to the Florida
 130 Early Learning Advisory Council; amending ss. 1002.79
 131 and 1002.81, F.S.; redefining a term; conforming
 132 provisions and cross-references to changes made by the
 133 act; amending s. 1002.82, F.S.; providing duties of
 134 the department relating to early learning; exempting
 135 certain child development programs operating on
 136 military installations from specified inspection
 137 requirements; requiring the department to monitor
 138 specified standards and benchmarks for certain
 139 purposes; requiring the department to provide
 140 specified technical support; revising requirements for
 141 a specified assessment program; requiring the
 142 department to adopt requirements to make certain
 143 contracted slots available to serve specified
 144 populations by a specified date; requiring the state
 145 board to adopt rules for merging early learning

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146 coalitions; amending s. 1002.83, F.S.; authorizing up
 147 to 30 early learning coalitions rather than 31;
 148 amending s. 1002.84, F.S.; revising early learning
 149 coalition powers and duties; revising requirements for
 150 the waiver of specified copayments; deleting a
 151 provision relating to certain payment schedules;
 152 revising requirements relating to certain contracts;
 153 amending s. 1002.85, F.S.; conforming provisions to
 154 changes made by the act; amending s. 1002.88, F.S.;
 155 authorizing certain child development programs
 156 operating on military installations to participate in
 157 the school readiness program; revising requirements to
 158 deliver services for the program; providing that a
 159 specified annual inspection for child development
 160 programs operating on military installations meets
 161 certain provider requirements; providing a process for
 162 child development programs operating on military
 163 installations to meet certain liability requirements;
 164 amending ss. 1002.89, 1002.895, 1002.91, 1002.92,
 165 1002.93, and 1002.94, F.S.; conforming provisions and
 166 cross-references to changes made by the act; creating
 167 s. 1002.945, F.S.; establishing the Gold Seal Quality
 168 Care Program within the department; providing for the
 169 award of a Gold Seal Quality Care designation by
 170 specified accrediting associations; requiring the
 171 state board to adopt standards for the award of such
 172 designation; providing accrediting association
 173 requirements; providing requirements for maintaining
 174 such designation; providing for an exemption from

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175 certain taxes for qualifying providers; providing for
 176 certain child care facilities to receive a specified
 177 rate differential; authorizing the Early Learning
 178 Programs Estimating Conference to determine certain
 179 rate differentials for certain school readiness
 180 programs; requiring the state board to adopt rules;
 181 amending ss. 1002.95, 1002.96, 1002.97, 1002.995,
 182 1003.575, and 1007.01, F.S.; conforming provisions to
 183 changes made by the act; creating s. 1008.2125, F.S.;
 184 creating the coordinated screening and progress-
 185 monitoring program within the department for specified
 186 purposes; requiring the Commissioner of Education to
 187 design the program; providing requirements for the
 188 administration of the program beginning in a specified
 189 school year; requiring results of the program to be
 190 reported to and maintained by the department;
 191 providing duties for the commissioner; creating the
 192 Council for Early Grade Success; providing duties of
 193 the council; providing membership of the council;
 194 requiring the council to elect a chair and a vice
 195 chair; providing for per diem for members of the
 196 council; providing meeting requirements for the
 197 council; providing for a quorum of the council;
 198 amending s. 1008.25, F.S.; authorizing certain
 199 students enrolled in the Voluntary Prekindergarten
 200 Education Program to receive intensive reading
 201 interventions using specified funds; amending ss.
 202 1008.31, 1008.32, and 1008.33, F.S.; conforming
 203 provisions to changes made by the act; amending s.

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204 1011.62, F.S.; revising the research-based reading
 205 instruction allocation to authorize the use of such
 206 funds for certain intensive reading interventions for
 207 students enrolled in the Voluntary Prekindergarten
 208 Education Program; amending ss. 1002.22 and 1002.53,
 209 F.S.; conforming cross-references; providing an
 210 effective date.
 211

212 Be It Enacted by the Legislature of the State of Florida:
 213

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

216 20.055 Agency inspectors general.—

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

218 (a) "Agency head" means the Governor, a Cabinet officer, or
 219 a secretary or executive director as those terms are defined in
 220 s. 20.03, the chair of the Public Service Commission, the
 221 Director of the Office of Insurance Regulation of the Financial
 222 Services Commission, the Director of the Office of Financial
 223 Regulation of the Financial Services Commission, the board of
 224 directors of the Florida Housing Finance Corporation, ~~the~~
 225 ~~executive director of the Office of Early Learning,~~ and the
 226 Chief Justice of the State Supreme Court.

227 (d) "State agency" means each department created pursuant
 228 to this chapter and the Executive Office of the Governor, the
 229 Department of Military Affairs, the Fish and Wildlife
 230 Conservation Commission, the Office of Insurance Regulation of
 231 the Financial Services Commission, the Office of Financial
 232 Regulation of the Financial Services Commission, the Public

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233 Service Commission, the Board of Governors of the State
 234 University System, the Florida Housing Finance Corporation, ~~the~~
 235 ~~Office of Early Learning~~, and the state courts system.

236 Section 2. Present paragraphs (c) through (j) of subsection
 237 (3) of section 20.15, Florida Statutes, are redesignated as
 238 paragraphs (d) through (k), respectively, a new paragraph (c) is
 239 added to subsection (3), and present paragraph (i) of subsection
 240 (3) and subsection (5) of that section are amended, to read:

241 20.15 Department of Education.—There is created a
 242 Department of Education.

243 (3) DIVISIONS.—The following divisions of the Department of
 244 Education are established:

245 (c) Division of Early Learning.

246 (j)(i) The Office of Independent Education and Parental
 247 Choice, which must include the following offices:

248 1. ~~The Office of Early Learning, which shall be~~
 249 ~~administered by an executive director who is fully accountable~~
 250 ~~to the Commissioner of Education. The executive director shall,~~
 251 ~~pursuant to s. 1001.213, administer the early learning programs,~~
 252 ~~including the school readiness program and the Voluntary~~
 253 ~~Prekindergarten Education Program at the state level.~~

254 2. the Office of K-12 School Choice, which shall be
 255 administered by an executive director who is fully accountable
 256 to the Commissioner of Education.

257 (5) POWERS AND DUTIES.—The State Board of Education and the
 258 Commissioner of Education shall assign to the divisions such
 259 powers, duties, responsibilities, and functions as are necessary
 260 to ensure the greatest possible coordination, efficiency, and
 261 effectiveness of education for students in Early Learning-20 K-

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262 ~~29~~ education under the jurisdiction of the State Board of
 263 Education.

264 Section 3. Paragraph (a) of subsection (2) of section
 265 39.202, Florida Statutes, is amended to read:

266 39.202 Confidentiality of reports and records in cases of
 267 child abuse or neglect.—

268 (2) Except as provided in subsection (4), access to such
 269 records, excluding the name of, or other identifying information
 270 with respect to, the reporter which shall be released only as
 271 provided in subsection (5), shall be granted only to the
 272 following persons, officials, and agencies:

273 (a) Employees, authorized agents, or contract providers of
 274 the department, the Department of Health, the Agency for Persons
 275 with Disabilities, ~~the Office of Early Learning~~, or county
 276 agencies responsible for carrying out:

- 277 1. Child or adult protective investigations;
- 278 2. Ongoing child or adult protective services;
- 279 3. Early intervention and prevention services;
- 280 4. Healthy Start services;

281 5. Licensure or approval of adoptive homes, foster homes,
 282 child care facilities, facilities licensed under chapter 393,
 283 family day care homes, providers who receive school readiness
 284 funding under part VI of chapter 1002, or other homes used to
 285 provide for the care and welfare of children;

286 6. Employment screening for caregivers in residential group
 287 homes; or

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

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291
292 Also, employees or agents of the Department of Juvenile Justice
293 responsible for the provision of services to children, pursuant
294 to chapters 984 and 985.

295 Section 4. Paragraph (b) of subsection (5) of section
296 39.604, Florida Statutes, is amended to read:

297 39.604 Rilya Wilson Act; short title; legislative intent;
298 child care; early education; preschool.—

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

306 (b) If it is not in the best interest of the child for him
307 or her to remain in his or her child care or early education
308 setting upon entry into out-of-home care, the caregiver must
309 work with the case manager, guardian ad litem, child care and
310 educational staff, and educational surrogate, if one has been
311 appointed, to determine the best setting for the child. Such
312 setting may be a child care provider that receives a Gold Seal
313 Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a
314 provider participating in a quality rating system, a licensed
315 child care provider, a public school provider, or a license-
316 exempt child care provider, including religious-exempt and
317 registered providers, and nonpublic schools.

318 Section 5. Paragraph (m) of subsection (5) of section
319 212.08, Florida Statutes, is amended to read:

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320 212.08 Sales, rental, use, consumption, distribution, and
321 storage tax; specified exemptions.—The sale at retail, the
322 rental, the use, the consumption, the distribution, and the
323 storage to be used or consumed in this state of the following
324 are hereby specifically exempt from the tax imposed by this
325 chapter.

326 (5) EXEMPTIONS; ACCOUNT OF USE.—

327 (m) *Educational materials purchased by certain child care*
328 *facilities.*—Educational materials, such as glue, paper, paints,
329 crayons, unique craft items, scissors, books, ~~and~~ educational
330 toys, and curricula, purchased by a child care facility that
331 meets the standards delineated in s. 402.305, is licensed under
332 s. 402.308, holds a current Gold Seal Quality Care designation
333 pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health
334 insurance to all employees are exempt from the taxes imposed by
335 this chapter. For purposes of this paragraph, the term "basic
336 health insurance" shall be defined and promulgated in rules
337 developed jointly by the Department of Education Children and
338 ~~Families~~, the Agency for Health Care Administration, and the
339 Financial Services Commission.

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

342 216.136 Consensus estimating conferences; duties and
343 principals.—

344 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

345 (a) The Early Learning Programs Estimating Conference shall
346 develop estimates and forecasts by county of the unduplicated
347 count of children eligible for the school readiness program in
348 accordance with the standards of eligibility established in s.

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349 1002.87 and of children eligible for the Voluntary
 350 Prekindergarten Education Program in accordance with s.
 351 1002.53(2); review and verify the procedures and data used by
 352 the Department of Education for the adoption of the market rate
 353 schedule under s. 1002.895; determine base payment rates and the
 354 application of legislatively approved differentials under part
 355 VI of chapter 1002 by county, care level, and provider type that
 356 ensure reasonable access to quality early learning settings in
 357 each county and that shall be implemented by each early learning
 358 coalition and used in any school readiness program funding
 359 formula; verify all data sources and calculations used to
 360 determine funding recommendations by county for the school
 361 readiness program and the Voluntary Prekindergarten Education
 362 Program before submission of any legislative budget request; and
 363 meet at least biannually, as the conference determines are
 364 ~~needed~~ to support the state planning, budgeting, and
 365 appropriations processes.

366 (b) The department Office of Early Learning shall provide
 367 any reasonably related information for the conference or its
 368 principals to be able to complete the duties listed in paragraph
 369 ~~(a) on needs and waiting lists~~ for school readiness programs,
 370 and ~~information on the needs for~~ the Voluntary Prekindergarten
 371 Education Program, as requested by the Early Learning Programs
 372 Estimating Conference or individual conference principals in a
 373 timely manner.

374 Section 7. Paragraph (b) of subsection (1) and paragraph
 375 (b) of subsection (2) of section 383.14, Florida Statutes, are
 376 amended to read:

377 383.14 Screening for metabolic disorders, other hereditary

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378 and congenital disorders, and environmental risk factors.-

379 (1) SCREENING REQUIREMENTS.-To help ensure access to the
 380 maternal and child health care system, the Department of Health
 381 shall promote the screening of all newborns born in Florida for
 382 metabolic, hereditary, and congenital disorders known to result
 383 in significant impairment of health or intellect, as screening
 384 programs accepted by current medical practice become available
 385 and practical in the judgment of the department. The department
 386 shall also promote the identification and screening of all
 387 newborns in this state and their families for environmental risk
 388 factors such as low income, poor education, maternal and family
 389 stress, emotional instability, substance abuse, and other high-
 390 risk conditions associated with increased risk of infant
 391 mortality and morbidity to provide early intervention,
 392 remediation, and prevention services, including, but not limited
 393 to, parent support and training programs, home visitation, and
 394 case management. Identification, perinatal screening, and
 395 intervention efforts shall begin prior to and immediately
 396 following the birth of the child by the attending health care
 397 provider. Such efforts shall be conducted in hospitals,
 398 perinatal centers, county health departments, school health
 399 programs that provide prenatal care, and birthing centers, and
 400 reported to the Office of Vital Statistics.

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

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407 assessment shall include a scoring mechanism and procedures that
 408 establish thresholds for notification, further assessment,
 409 referral, and eligibility for services by professionals or
 410 paraprofessionals consistent with the level of risk. Procedures
 411 for developing and using the screening instrument, notification,
 412 referral, and care coordination services, reporting
 413 requirements, management information, and maintenance of a
 414 computer-driven registry in the Office of Vital Statistics which
 415 ensures privacy safeguards must be consistent with the
 416 provisions and plans established under chapter 411, Pub. L. No.
 417 99-457, and this chapter. Procedures established for reporting
 418 information and maintaining a confidential registry must include
 419 a mechanism for a centralized information depository at the
 420 state and county levels. The department shall coordinate with
 421 existing risk assessment systems and information registries. The
 422 department must ensure, to the maximum extent possible, that the
 423 screening information registry is integrated with the
 424 department's automated data systems, including the Florida On-
 425 line Recipient Integrated Data Access (FLORIDA) system. Tests
 426 and screenings must be performed by the State Public Health
 427 Laboratory, in coordination with Children's Medical Services, at
 428 such times and in such manner as is prescribed by the department
 429 after consultation with the Genetics and Newborn Screening
 430 Advisory Council and the Department of Education ~~Office of Early~~
 431 ~~Learning~~.

432 (2) RULES.—

433 (b) After consultation with the Department of Education
 434 ~~Office of Early Learning~~, the department shall adopt and enforce
 435 rules requiring every newborn in this state to be screened for

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436 environmental risk factors that place children and their
 437 families at risk for increased morbidity, mortality, and other
 438 negative outcomes.

439 Section 8. Paragraph (h) of subsection (2) of section
 440 391.308, Florida Statutes, is amended to read:

441 391.308 Early Steps Program.—The department shall implement
 442 and administer part C of the federal Individuals with
 443 Disabilities Education Act (IDEA), which shall be known as the
 444 "Early Steps Program."

445 (2) DUTIES OF THE DEPARTMENT.—The department shall:

446 (h) Promote interagency cooperation and coordination, with
 447 the Medicaid program, the Department of Education program
 448 pursuant to part B of the federal Individuals with Disabilities
 449 Education Act, and programs providing child screening such as
 450 the Florida Diagnostic and Learning Resources System, ~~the Office~~
 451 ~~of Early Learning~~, Healthy Start, and the Help Me Grow program.

452 1. Coordination with the Medicaid program shall be
 453 developed and maintained through written agreements with the
 454 Agency for Health Care Administration and Medicaid managed care
 455 organizations as well as through active and ongoing
 456 communication with these organizations. The department shall
 457 assist local program offices to negotiate agreements with
 458 Medicaid managed care organizations in the service areas of the
 459 local program offices. Such agreements may be formal or
 460 informal.

461 2. Coordination with education programs pursuant to part B
 462 of the federal Individuals with Disabilities Education Act shall
 463 be developed and maintained through written agreements with the
 464 Department of Education. The department shall assist local

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465 program offices to negotiate agreements with school districts in
466 the service areas of the local program offices.

467 Section 9. Subsection (6) of section 402.26, Florida
468 Statutes, is amended to read:

469 402.26 Child care; legislative intent.—

470 (6) It is the intent of the Legislature that a child care
471 facility licensed pursuant to s. 402.305 or a child care
472 facility exempt from licensing pursuant to s. 402.316, that
473 achieves Gold Seal Quality status pursuant to s. 1002.945 ~~s.~~
474 ~~402.281~~, be considered an educational institution for the
475 purpose of qualifying for exemption from ad valorem tax pursuant
476 to s. 196.198.

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

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

481 402.305 Licensing standards; child care facilities.—

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

487 (c) The minimum standards for child care facilities shall
488 be adopted in the rules of the department and shall address the
489 areas delineated in this section. The department, in adopting
490 rules to establish minimum standards for child care facilities,
491 shall recognize that different age groups of children may
492 require different standards. The department may adopt different
493 minimum standards for facilities that serve children in

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494 different age groups, including school-age children. The
495 department shall also adopt by rule a definition for child care
496 which distinguishes between child care programs that require
497 child care licensure and after-school programs that do not
498 require licensure. Notwithstanding any other provision of law to
499 the contrary, minimum child care licensing standards shall be
500 developed to provide for reasonable, affordable, and safe
501 before-school and after-school care and may not exceed standards
502 expressly set forth in ss. 402.301-402.319. Licensing standards
503 adopted by the department on or after July 1, 2020, must be
504 ratified by the Legislature. After-school programs that
505 otherwise meet the criteria for exclusion from licensure may
506 provide snacks and meals through the federal Afterschool Meal
507 Program (AMP) administered by the Department of Health in
508 accordance with federal regulations and standards. The
509 Department of Health shall consider meals to be provided through
510 the AMP only if the program is actively participating in the
511 AMP, is in good standing with the department, and the meals meet
512 AMP requirements. Standards, at a minimum, shall allow for a
513 credentialed director to supervise multiple before-school and
514 after-school sites.

515 (7) SANITATION AND SAFETY.—

516 (a) Minimum standards shall include requirements for
517 sanitary and safety conditions, first aid treatment, emergency
518 procedures, and pediatric cardiopulmonary resuscitation. The
519 minimum standards shall require that ~~at least~~ one staff person
520 trained in cardiopulmonary resuscitation, as evidenced by
521 current documentation of course completion, must be present at
522 all times that children are present.

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523 Section 12. Subsection (5) of section 402.315, Florida
 524 Statutes, is amended to read:
 525 402.315 Funding; license fees.—
 526 (5) All moneys collected by the department for child care
 527 licensing shall be held in a trust fund of the department to be
 528 reallocated to the department during the following fiscal year
 529 to fund child care licensing activities, including the Gold Seal
 530 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.
 531 Section 13. Paragraph (a) of subsection (4) of section
 532 402.56, Florida Statutes, is amended to read:
 533 402.56 Children's cabinet; organization; responsibilities;
 534 annual report.—
 535 (4) MEMBERS.—The cabinet shall consist of 16 members
 536 including the Governor and the following persons:
 537 (a)1. The Secretary of Children and Families;
 538 2. The Secretary of Juvenile Justice;
 539 3. The director of the Agency for Persons with
 540 Disabilities;
 541 4. A representative from the Division ~~The director of the~~
 542 ~~Office of Early Learning~~;
 543 5. The State Surgeon General;
 544 6. The Secretary of Health Care Administration;
 545 7. The Commissioner of Education;
 546 8. The director of the Statewide Guardian Ad Litem Office;
 547 9. A representative of the Office of Adoption and Child
 548 Protection;
 549 10. A superintendent of schools, appointed by the Governor;
 550 and
 551 11. Five members who represent children and youth advocacy

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552 organizations and who are not service providers, appointed by
 553 the Governor.
 554 Section 14. Paragraph (e) of subsection (2) of section
 555 411.226, Florida Statutes, is amended to read:
 556 411.226 Learning Gateway.—
 557 (2) LEARNING GATEWAY STEERING COMMITTEE.—
 558 (e) To support and facilitate system improvements, the
 559 steering committee must consult with representatives from the
 560 Department of Education, the Department of Health, ~~the Office of~~
 561 ~~Early Learning~~, the Department of Children and Families, the
 562 Agency for Health Care Administration, the Department of
 563 Juvenile Justice, and the Department of Corrections and with the
 564 director of the Learning Development and Evaluation Center of
 565 Florida Agricultural and Mechanical University.
 566 Section 15. Paragraph (d) of subsection (1), paragraph (a)
 567 of subsection (2), and paragraph (c) of subsection (3) of
 568 section 411.227, Florida Statutes, are amended to read:
 569 411.227 Components of the Learning Gateway.—The Learning
 570 Gateway system consists of the following components:
 571 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
 572 ACCESS.—
 573 (d) In collaboration with other local resources, the
 574 demonstration projects shall develop public awareness strategies
 575 to disseminate information about developmental milestones,
 576 precursors of learning problems and other developmental delays,
 577 and the service system that is available. The information should
 578 target parents of children from birth through age 9 and should
 579 be distributed to parents, health care providers, and caregivers
 580 of children from birth through age 9. A variety of media should

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581 be used as appropriate, such as print, television, radio, and a
 582 community-based Internet website, as well as opportunities such
 583 as those presented by parent visits to physicians for well-child
 584 checkups. The Learning Gateway Steering Committee shall provide
 585 technical assistance to the local demonstration projects in
 586 developing and distributing educational materials and
 587 information.

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

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

603 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

604 (a) In coordination with ~~the Office of Early Learning~~, the
 605 Department of Education, and the Florida Pediatric Society, and
 606 using information learned from the local demonstration projects,
 607 the Learning Gateway Steering Committee shall establish
 608 guidelines for screening children from birth through age 9. The
 609 guidelines should incorporate recent research on the indicators

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610 most likely to predict early learning problems, mild
 611 developmental delays, child-specific precursors of school
 612 failure, and other related developmental indicators in the
 613 domains of cognition; communication; attention; perception;
 614 behavior; and social, emotional, sensory, and motor functioning.

615 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

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

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

623 414.295 Temporary cash assistance programs; public records
 624 exemption.—

625 (1) Personal identifying information of a temporary cash
 626 assistance program participant, a participant's family, or a
 627 participant's family or household member, except for information
 628 identifying a parent who does not live in the same home as the
 629 child, which is held by the department, ~~the Office of Early~~
 630 ~~Learning~~, CareerSource Florida, Inc., the Department of Health,
 631 the Department of Revenue, the Department of Education, or a
 632 local workforce development board or local committee created
 633 pursuant to s. 445.007 is confidential and exempt from s.
 634 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 635 confidential and exempt information may be released for purposes
 636 directly connected with:

637 (a) The administration of the temporary assistance for
 638 needy families plan under Title IV-A of the Social Security Act,

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639 as amended, by the department, ~~the Office of Early Learning,~~
 640 CareerSource Florida, Inc., the Department of Military Affairs,
 641 the Department of Health, the Department of Revenue, the
 642 Department of Education, a local workforce development board or
 643 local committee created pursuant to s. 445.007, or a school
 644 district.

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

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

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

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

666 (f) The administration of the reemployment assistance
 667 program.

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

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

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

678 1000.01 The Florida Early Learning-20 ~~K-20~~ education
 679 system; technical provisions.-

680 (1) NAME.-Chapters 1000 through 1013 shall be known and
 681 cited as the "Florida Early Learning-20 ~~K-20~~ Education Code."

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

689 (3) PURPOSE.-The purpose of the Florida Early Learning-20
 690 ~~K-20~~ Education Code is to provide by law for a state system of
 691 schools, courses, classes, and educational institutions and
 692 services adequate to allow, for all Florida's students, the
 693 opportunity to obtain a high quality education. The Florida
 694 Early Learning-20 ~~K-20~~ education system is established to
 695 accomplish this purpose; however, nothing in this code shall be
 696 construed to require the provision of free public education

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697 beyond grade 12.

698 (4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.—As
699 required by s. 1, Art. IX of the State Constitution, the Florida
700 Early Learning-20 K-20 education system shall include the
701 uniform system of free public K-12 schools. These public K-12
702 schools shall provide 13 consecutive years of instruction,
703 beginning with kindergarten, and shall also provide such
704 instruction for students with disabilities, gifted students,
705 limited English proficient students, and students in Department
706 of Juvenile Justice programs as may be required by law. The
707 funds for support and maintenance of the uniform system of free
708 public K-12 schools shall be derived from state, district,
709 federal, and other lawful sources or combinations of sources,
710 including any fees charged nonresidents as provided by law.

711 Section 18. Subsection (2) of section 1000.02, Florida
712 Statutes, is amended to read:

713 1000.02 Policy and guiding principles for the Florida K-20
714 education system.—

715 (2) The guiding principles for Florida's Early Learning-20
716 ~~K-20~~ education system are:

717 (a) A coordinated, seamless system for kindergarten through
718 graduate school education.

719 (b) A system that is student-centered in every facet.

720 (c) A system that maximizes education access and allows the
721 opportunity for a high quality education for all Floridians.

722 (d) A system that safeguards equity and supports academic
723 excellence.

724 (e) A system that provides for local operational
725 flexibility while promoting accountability for student

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726 achievement and improvement.

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

729 1000.03 Function, mission, and goals of the Florida Early
730 Learning-20 K-20 education system.—

731 (1) Florida's Early Learning-20 K-20 education system shall
732 be a decentralized system without excess layers of bureaucracy.
733 Florida's Early Learning-20 K-20 education system shall maintain
734 a systemwide technology plan based on a common set of data
735 definitions.

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

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

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

750 (3) Public education is a cooperative function of the state
751 and local educational authorities. The state retains
752 responsibility for establishing a system of public education
753 through laws, standards, and rules to assure efficient operation
754 of an Early Learning-20 a-K-20 system of public education and

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755 adequate educational opportunities for all individuals. Local
756 educational authorities have a duty to fully and faithfully
757 comply with state laws, standards, and rules and to efficiently
758 use the resources available to them to assist the state in
759 allowing adequate educational opportunities.

760 (4) The mission of Florida's Early Learning-20 ~~K-20~~
761 education system is to allow its students to increase their
762 proficiency by allowing them the opportunity to expand their
763 knowledge and skills through rigorous and relevant learning
764 opportunities, in accordance with the mission statement and
765 accountability requirements of s. 1008.31.

766 (5) The priorities of Florida's Early Learning-20 ~~K-20~~
767 education system include:

768 (a) *Learning and completion at all levels, including*
769 *increased high school graduation rate and readiness for*
770 *postsecondary education without remediation.*—All students
771 demonstrate increased learning and completion at all levels,
772 graduate from high school, and are prepared to enter
773 postsecondary education without remediation.

774 (b) *Student performance.*—Students demonstrate that they
775 meet the expected academic standards consistently at all levels
776 of their education.

777 (c) *Civic literacy.*—Students are prepared to become
778 civically engaged and knowledgeable adults who make positive
779 contributions to their communities.

780 (d) *Alignment of standards and resources.*—Academic
781 standards for every level of the Early Learning-20 ~~K-20~~
782 education system are aligned, and education financial resources
783 are aligned with student performance expectations at each level

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784 of the Early Learning-20 ~~K-20~~ education system.

785 (e) *Educational leadership.*—The quality of educational
786 leadership at all levels of Early Learning-20 ~~K-20~~ education is
787 improved.

788 (f) *Workforce education.*—Workforce education is
789 appropriately aligned with the skills required by the new global
790 economy.

791 (g) *Parental, student, family, educational institution, and*
792 *community involvement.*—Parents, students, families, educational
793 institutions, and communities are collaborative partners in
794 education, and each plays an important role in the success of
795 individual students. Therefore, the State of Florida cannot be
796 the guarantor of each individual student's success. The goals of
797 Florida's Early Learning-20 ~~K-20~~ education system are not
798 guarantees that each individual student will succeed or that
799 each individual school will perform at the level indicated in
800 the goals.

801 (h) *Comprehensive K-20 career and education planning.*—It is
802 essential that Florida's Early Learning-20 ~~K-20~~ education system
803 better prepare all students at every level for the transition
804 from school to postsecondary education or work by providing
805 information regarding:

806 1. Career opportunities, educational requirements
807 associated with each career, educational institutions that
808 prepare students to enter each career, and student financial aid
809 available to pursue postsecondary instruction required to enter
810 each career.

811 2. How to make informed decisions about the program of
812 study that best addresses the students' interests and abilities

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813 while preparing them to enter postsecondary education or the
814 workforce.

815 3. Recommended coursework and programs that prepare
816 students for success in their areas of interest and ability.

817

818 This information shall be provided to students and parents
819 through websites, handbooks, manuals, or other regularly
820 provided communications.

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

823 1000.04 Components for the delivery of public education
824 within the Florida Early Learning-20 ~~K-20~~ education system.—
825 Florida's Early Learning-20 ~~K-20~~ education system provides for
826 the delivery of early learning and public education through
827 publicly supported and controlled K-12 schools, Florida College
828 System institutions, state universities and other postsecondary
829 educational institutions, other educational institutions, and
830 other educational services as provided or authorized by the
831 Constitution and laws of the state.

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

835 (2)(4) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
836 charter schools and consist of kindergarten classes; elementary,
837 middle, and high school grades and special classes; virtual
838 instruction programs; workforce education; career centers;
839 adult, part-time, and evening schools, courses, or classes, as
840 authorized by law to be operated under the control of district
841 school boards; and lab schools operated under the control of

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842 state universities.

843 (3)(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—

844 Public postsecondary educational institutions include workforce
845 education; Florida College System institutions; state
846 universities; and all other state-supported postsecondary
847 educational institutions that are authorized and established by
848 law.

849 (4)(3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The
850 Florida School for the Deaf and the Blind is a component of the
851 delivery of public education within Florida's Early Learning-20
852 ~~K-20~~ education system.

853 (5)(4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual
854 School is a component of the delivery of public education within
855 Florida's Early Learning-20 ~~K-20~~ education system.

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

858 1000.21 Systemwide definitions.—As used in the Florida
859 Early Learning-20 ~~K-20~~ Education Code:

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

867 (2) "Commissioner" is the Commissioner of Education.

868 (3) "Florida College System institution" except as
869 otherwise specifically provided, includes all of the following
870 public postsecondary educational institutions in the Florida

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871 College System and any branch campuses, centers, or other
 872 affiliates of the institution:

873 (a) Eastern Florida State College, which serves Brevard
 874 County.

875 (b) Broward College, which serves Broward County.

876 (c) College of Central Florida, which serves Citrus, Levy,
 877 and Marion Counties.

878 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
 879 Liberty, and Washington Counties.

880 (e) Daytona State College, which serves Flagler and Volusia
 881 Counties.

882 (f) Florida SouthWestern State College, which serves
 883 Charlotte, Collier, Glades, Hendry, and Lee Counties.

884 (g) Florida State College at Jacksonville, which serves
 885 Duval and Nassau Counties.

886 (h) The College of the Florida Keys, which serves Monroe
 887 County.

888 (i) Gulf Coast State College, which serves Bay, Franklin,
 889 and Gulf Counties.

890 (j) Hillsborough Community College, which serves
 891 Hillsborough County.

892 (k) Indian River State College, which serves Indian River,
 893 Martin, Okeechobee, and St. Lucie Counties.

894 (l) Florida Gateway College, which serves Baker, Columbia,
 895 Dixie, Gilchrist, and Union Counties.

896 (m) Lake-Sumter State College, which serves Lake and Sumter
 897 Counties.

898 (n) State College of Florida, Manatee-Sarasota, which
 899 serves Manatee and Sarasota Counties.

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900 (o) Miami Dade College, which serves Miami-Dade County.

901 (p) North Florida College, which serves Hamilton,
 902 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

903 (q) Northwest Florida State College, which serves Okaloosa
 904 and Walton Counties.

905 (r) Palm Beach State College, which serves Palm Beach
 906 County.

907 (s) Pasco-Hernando State College, which serves Hernando and
 908 Pasco Counties.

909 (t) Pensacola State College, which serves Escambia and
 910 Santa Rosa Counties.

911 (u) Polk State College, which serves Polk County.

912 (v) St. Johns River State College, which serves Clay,
 913 Putnam, and St. Johns Counties.

914 (w) St. Petersburg College, which serves Pinellas County.

915 (x) Santa Fe College, which serves Alachua and Bradford
 916 Counties.

917 (y) Seminole State College of Florida, which serves
 918 Seminole County.

919 (z) South Florida State College, which serves DeSoto,
 920 Hardee, and Highlands Counties.

921 (aa) Tallahassee Community College, which serves Gadsden,
 922 Leon, and Wakulla Counties.

923 (bb) Valencia College, which serves Orange and Osceola
 924 Counties.

925 (4) "Department" is the Department of Education.

926 (5) "Parent" is either or both parents of a student, any
 927 guardian of a student, any person in a parental relationship to
 928 a student, or any person exercising supervisory authority over a

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929 student in place of the parent.

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

- 933 (a) The University of Florida.
- 934 (b) The Florida State University.
- 935 (c) The Florida Agricultural and Mechanical University.
- 936 (d) The University of South Florida.
- 937 (e) The Florida Atlantic University.
- 938 (f) The University of West Florida.
- 939 (g) The University of Central Florida.
- 940 (h) The University of North Florida.
- 941 (i) The Florida International University.
- 942 (j) The Florida Gulf Coast University.
- 943 (k) New College of Florida.
- 944 (l) The Florida Polytechnic University.

945 (7) "Next Generation Sunshine State Standards" means the
946 state's public K-12 curricular standards adopted under s.
947 1003.41.

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

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

953 1001.02 General powers of State Board of Education.—

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

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958 ss. 120.536(1) and 120.54 to implement the provisions of law
959 conferring duties upon it for the improvement of the state
960 system of Early Learning-20 ~~K-20~~ public education except for the
961 State University System. Except as otherwise provided herein, it
962 may, as it finds appropriate, delegate its general powers to the
963 Commissioner of Education or the directors of the divisions of
964 the department.

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

966 (e) To adopt and submit to the Governor and Legislature, as
967 provided in s. 216.023, a coordinated Early Learning-20 ~~K-20~~
968 education budget that estimates the expenditure requirements for
969 the Board of Governors, as provided in s. 1001.706, the State
970 Board of Education, including the Department of Education and
971 the Commissioner of Education, and all of the boards,
972 institutions, agencies, and services under the general
973 supervision of the Board of Governors, as provided in s.
974 1001.706, or the State Board of Education for the ensuing fiscal
975 year. The State Board of Education may not amend the budget
976 request submitted by the Board of Governors. Any program
977 recommended by the Board of Governors or the State Board of
978 Education which will require increases in state funding for more
979 than 1 year must be presented in a multiyear budget plan.

980 (s) To establish a detailed procedure for the
981 implementation and operation of a systemwide ~~K-20~~ technology
982 plan that is based on a common set of data definitions.

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

985 1001.03 Specific powers of State Board of Education.—

986 (8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education

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987 shall enforce compliance with law and state board rule by all
988 school districts, early learning coalitions, and public
989 postsecondary educational institutions, except for the State
990 University System, in accordance with the provisions of s.
991 1008.32.

992 (9) MANAGEMENT INFORMATION DATABASES.—The State Board of
993 Education, in conjunction with the Board of Governors regarding
994 the State University System, shall continue to collect and
995 maintain, at a minimum, the management information databases for
996 state universities, and all other components of the public Early
997 Learning-20 ~~K-20~~ education system as such databases existed on
998 June 30, 2002.

999 Section 24. Subsection (1), paragraphs (g), (k), and (l) of
1000 subsection (6), and subsection (8) of section 1001.10, Florida
1001 Statutes, are amended to read:

1002 1001.10 Commissioner of Education; general powers and
1003 duties.—

1004 (1) The Commissioner of Education is the chief educational
1005 officer of the state and the sole custodian of the Educational
1006 ~~K-20~~ data warehouse, and is responsible for giving full
1007 assistance to the State Board of Education in enforcing
1008 compliance with the mission and goals of the Early Learning ~~K-20~~
1009 education system, except for the State University System.

1010 (6) Additionally, the commissioner has the following
1011 general powers and duties:

1012 (g) To submit to the State Board of Education, on or before
1013 October 1 of each year, recommendations for a coordinated Early
1014 Learning-20 ~~K-20~~ education budget that estimates the
1015 expenditures for the Board of Governors, the State Board of

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1016 Education, including the Department of Education and the
1017 Commissioner of Education, and all of the boards, institutions,
1018 agencies, and services under the general supervision of the
1019 Board of Governors or the State Board of Education for the
1020 ensuing fiscal year. Any program recommended to the State Board
1021 of Education that will require increases in state funding for
1022 more than 1 year must be presented in a multiyear budget plan.

1023 (k) To prepare, publish, and disseminate user-friendly
1024 materials relating to the state's education system, including
1025 the state's K-12 scholarship programs, the school readiness
1026 program, and the Voluntary Prekindergarten Education Program.

1027 (l) To prepare and publish annually reports giving
1028 statistics and other useful information pertaining to the
1029 state's K-12 scholarship programs, the school readiness program,
1030 and the Voluntary Prekindergarten Education Program.

1031 (8) In the event of an emergency situation, the
1032 commissioner may coordinate through the most appropriate means
1033 of communication with early learning coalitions, local school
1034 districts, Florida College System institutions, and satellite
1035 offices of the Division of Blind Services and the Division of
1036 Vocational Rehabilitation to assess the need for resources and
1037 assistance to enable each school, institution, or satellite
1038 office the ability to reopen as soon as possible after
1039 considering the health, safety, and welfare of students and
1040 clients.

1041 Section 25. Paragraph (b) of subsection (1) and subsection
1042 (4) of section 1001.11, Florida Statutes, are amended to read:

1043 1001.11 Commissioner of Education; other duties.—

1044 (1) The Commissioner of Education must independently

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1045 perform the following duties:

1046 (b) Serve as the primary source of information to the
1047 Legislature, including the President of the Senate and the
1048 Speaker of the House of Representatives, concerning the State
1049 Board of Education, the Early Learning-20 ~~K-20~~ education system,
1050 and early learning programs.

1051 (4) The commissioner shall develop and implement an
1052 integrated Early Learning-20 ~~K-20~~ information system for
1053 educational management in accordance with the requirements of
1054 chapter 1008.

1055 Section 26. Section 1001.213, Florida Statutes, is
1056 repealed.

1057 Section 27. Subsection (7) of section 1001.215, Florida
1058 Statutes, is amended to read:

1059 1001.215 Just Read, Florida! Office.—There is created in
1060 the Department of Education the Just Read, Florida! Office. The
1061 office is fully accountable to the Commissioner of Education and
1062 shall:

1063 (7) Review, evaluate, and provide technical assistance to
1064 school districts' implementation of the ~~K-12~~ comprehensive
1065 reading plan required in s. 1011.62(9).

1066 Section 28. Subsection (1) of section 1001.23, Florida
1067 Statutes, is amended to read:

1068 1001.23 Specific powers and duties of the Department of
1069 Education.—In addition to all other duties assigned to it by law
1070 or by rule of the State Board of Education, the department
1071 shall:

1072 ~~(1) Adopt the statewide kindergarten screening in~~
1073 ~~accordance with s. 1002.69.~~

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1074 Section 29. Subsection (3) of section 1001.70, Florida
1075 Statutes, is amended to read:

1076 1001.70 Board of Governors of the State University System.—

1077 (3) The Board of Governors, in exercising its authority
1078 under the State Constitution and statutes, shall exercise its
1079 authority in a manner that supports, promotes, and enhances an
1080 Early Learning-20 ~~a K-20~~ education system that provides
1081 affordable access to postsecondary educational opportunities for
1082 residents of the state to the extent authorized by the State
1083 Constitution and state law.

1084 Section 30. Subsections (3) and (10) of section 1002.32,
1085 Florida Statutes, are amended to read:

1086 1002.32 Developmental research (laboratory) schools.—

1087 (3) MISSION.—The mission of a lab school shall be the
1088 provision of a vehicle for the conduct of research,
1089 demonstration, and evaluation regarding management, teaching,
1090 and learning. Programs to achieve the mission of a lab school
1091 shall embody the goals and standards established pursuant to ss.
1092 1000.03(5) and 1001.23(1) ~~1001.23(2)~~ and shall ensure an
1093 appropriate education for its students.

1094 (a) Each lab school shall emphasize mathematics, science,
1095 computer science, and foreign languages. The primary goal of a
1096 lab school is to enhance instruction and research in such
1097 specialized subjects by using the resources available on a state
1098 university campus, while also providing an education in
1099 nonspecialized subjects. Each lab school shall provide
1100 sequential elementary and secondary instruction where
1101 appropriate. A lab school may not provide instruction at grade
1102 levels higher than grade 12 without authorization from the State

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1103 Board of Education. Each lab school shall develop and implement
1104 a school improvement plan pursuant to s. 1003.02(3).

1105 (b) Research, demonstration, and evaluation conducted at a
1106 lab school may be generated by the college of education and
1107 other colleges within the university with which the school is
1108 affiliated.

1109 (c) Research, demonstration, and evaluation conducted at a
1110 lab school may be generated by the State Board of Education.
1111 Such research shall respond to the needs of the education
1112 community at large, rather than the specific needs of the
1113 affiliated college.

1114 (d) Research, demonstration, and evaluation conducted at a
1115 lab school may consist of pilot projects to be generated by the
1116 affiliated college, the State Board of Education, or the
1117 Legislature.

1118 (e) The exceptional education programs offered at a lab
1119 school shall be determined by the research and evaluation goals
1120 and the availability of students for efficiently sized programs.
1121 The fact that a lab school offers an exceptional education
1122 program in no way lessens the general responsibility of the
1123 local school district to provide exceptional education programs.

1124 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
1125 and facilitate the mission of the lab schools, in addition to
1126 the exceptions to law specified in s. 1001.23(1) ~~s. 1001.23(2)~~,
1127 the following exceptions shall be permitted for lab schools:

1128 (a) The methods and requirements of the following statutes
1129 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
1130 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
1131 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;

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1132 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
1133 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
1134 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;
1135 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
1136 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
1137 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);
1138 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
1139 1011.73; and 1011.74.

1140 (b) With the exception of s. 1001.42(18), s. 1001.42 shall
1141 be held in abeyance. Reference to district school boards in s.
1142 1001.42(18) shall mean the president of the university or the
1143 president's designee.

1144 Section 31. Paragraph (b) of subsection (10) of section
1145 1002.34, Florida Statutes, is amended to read:

1146 1002.34 Charter technical career centers.—

1147 (10) EXEMPTION FROM STATUTES.—

1148 (b) A center must comply with the Florida Early Learning-20
1149 ~~Κ-20~~ Education Code with respect to providing services to
1150 students with disabilities.

1151 Section 32. Subsection (1) of section 1002.36, Florida
1152 Statutes, is amended to read:

1153 1002.36 Florida School for the Deaf and the Blind.—

1154 (1) RESPONSIBILITIES.—The Florida School for the Deaf and
1155 the Blind, located in St. Johns County, is a state-supported
1156 residential public school for hearing-impaired and visually
1157 impaired students in preschool through 12th grade. The school is
1158 a component of the delivery of public education within Florida's
1159 Early Learning-20 ~~Κ-20~~ education system and shall be funded
1160 through the Department of Education. The school shall provide

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1161 educational programs and support services appropriate to meet
 1162 the education and related evaluation and counseling needs of
 1163 hearing-impaired and visually impaired students in the state who
 1164 meet enrollment criteria. Unless otherwise provided by law, the
 1165 school shall comply with all laws and rules applicable to state
 1166 agencies. Education services may be provided on an outreach
 1167 basis for sensory-impaired children ages 0 through 5 years and
 1168 to district school boards upon request. Graduates of the Florida
 1169 School for the Deaf and the Blind shall be eligible for the
 1170 William L. Boyd, IV, Effective Access to Student Education Grant
 1171 Program as provided in s. 1009.89.

1172 Section 33. Paragraph (b) of subsection (4) and subsection
 1173 (5) of section 1002.53, Florida Statutes, are amended, and
 1174 paragraph (d) is added to subsection (6), to read:

1175 1002.53 Voluntary Prekindergarten Education Program;
 1176 eligibility and enrollment.—

1177 (4)

1178 (b) The application must be submitted on forms prescribed
 1179 by the ~~department Office of Early Learning~~ and must be
 1180 accompanied by a certified copy of the child's birth
 1181 certificate. The forms must include a certification, in
 1182 substantially the form provided in s. 1002.71(6)(b)2., that the
 1183 parent chooses the private prekindergarten provider or public
 1184 school in accordance with this section and directs that payments
 1185 for the program be made to the provider or school. The
 1186 ~~department Office of Early Learning~~ may authorize alternative
 1187 methods for submitting proof of the child's age in lieu of a
 1188 certified copy of the child's birth certificate.

1189 (5) The early learning coalition shall provide each parent

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1190 enrolling a child in the Voluntary Prekindergarten Education
 1191 Program with a profile of every private prekindergarten provider
 1192 and public school delivering the program within the county where
 1193 the child is being enrolled. The profiles shall be provided to
 1194 parents in a format prescribed by the ~~department Office of Early~~
 1195 ~~Learning~~. The profiles must include, at a minimum, the following
 1196 information about each provider and school:

1197 (a) The provider's or school's services, curriculum,
 1198 instructor credentials, and instructor-to-student ratio; and
 1199 (b) The provider's or school's kindergarten readiness rate
 1200 ~~calculated in accordance with s. 1002.69~~, based upon the most
 1201 recent available results of the statewide kindergarten screening
 1202 or, when available, the performance metric in accordance with s.
 1203 1002.68.

1204 (6)

1205 (d) Each parent who enrolls his or her child in the
 1206 Voluntary Prekindergarten Education Program must allow his or
 1207 her child to participate in the coordinated screening and
 1208 progress-monitoring program under s. 1008.2125.

1209 Section 34. Paragraphs (a), (b), (c), (e), (g), (h), (i),
 1210 (j), and (l) of subsection (3), subsection (4), and paragraph
 1211 (b) of subsection (5) of section 1002.55, Florida Statutes, are
 1212 amended, and subsection (6) is added to that section, to read:

1213 1002.55 School-year prekindergarten program delivered by
 1214 private prekindergarten providers.—

1215 (3) To be eligible to deliver the prekindergarten program,
 1216 a private prekindergarten provider must meet each of the
 1217 following requirements:

1218 (a) The private prekindergarten provider must be a child

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1219 care facility licensed under s. 402.305, family day care home
 1220 licensed under s. 402.313, large family child care home licensed
 1221 under s. 402.3131, nonpublic school exempt from licensure under
 1222 s. 402.3025(2), ~~or~~ faith-based child care provider exempt from
 1223 licensure under s. 402.316, child development program that is
 1224 operating on a military installation that is certified by the
 1225 United States Department of Defense and accredited by a national
 1226 accrediting body, or a private prekindergarten provider who has
 1227 been issued a provisional license pursuant to s. 402.309. A
 1228 private prekindergarten provider may not deliver the program
 1229 while its license has been converted to a probation-status
 1230 license pursuant to s. 402.310.

1231 (b) The private prekindergarten provider must:

1232 1. Be accredited by an accrediting association that is a
 1233 member of the National Council for Private School Accreditation,
 1234 or the Florida Association of Academic Nonpublic Schools, or be
 1235 accredited by the Southern Association of Colleges and Schools,
 1236 or Western Association of Colleges and Schools, or North Central
 1237 Association of Colleges and Schools, or Middle States
 1238 Association of Colleges and Schools, or New England Association
 1239 of Colleges and Schools; and have written accreditation
 1240 standards that meet or exceed the state's licensing requirements
 1241 under s. 402.305, s. 402.313, or s. 402.3131 and require at
 1242 least one onsite visit to the provider or school before
 1243 accreditation is granted;

1244 2. Hold a current Gold Seal Quality Care designation under
 1245 s. 1002.945 ~~s. 402.281~~; or

1246 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131
 1247 and demonstrate, before delivering the Voluntary Prekindergarten

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1248 Education Program, as verified by the early learning coalition,
 1249 that the provider meets each of the requirements of the program
 1250 under this part, including, but not limited to, the requirements
 1251 for credentials and background screenings of prekindergarten
 1252 instructors under paragraphs (c) and (d), minimum and maximum
 1253 class sizes under paragraph (f), prekindergarten director
 1254 credentials under paragraph (g), and a developmentally
 1255 appropriate curriculum under s. 1002.67(2)(b).

1256 (c) The private prekindergarten provider must have, for
 1257 each prekindergarten class of 11 children or fewer, at least one
 1258 prekindergarten instructor who meets each of the following
 1259 requirements:

1260 1. The prekindergarten instructor must hold, at a minimum,
 1261 one of the following credentials:

1262 a. A child development associate credential issued by the
 1263 National Credentialing Program of the Council for Professional
 1264 Recognition; or

1265 b. A credential approved by the Department of Children and
 1266 Families as being equivalent to or greater than the credential
 1267 described in sub-subparagraph a.

1268
 1269 The Department of Children and Families may adopt rules under
 1270 ss. 120.536(1) and 120.54 which provide criteria and procedures
 1271 for approving equivalent credentials under sub-subparagraph b.

1272 2. The prekindergarten instructor must successfully
 1273 complete at least three ~~an~~ emergent literacy training courses
 1274 ~~course~~ and a student performance standards training course
 1275 approved by the department office as meeting or exceeding the
 1276 minimum standards adopted under s. 1002.59. The requirement for

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1277 completion of the standards training course shall take effect
 1278 July 1, ~~2021~~ 2014, and the course shall be free or at a low cost
 1279 and available online or in person.

1280 (e) A private prekindergarten provider may assign a
 1281 substitute instructor to temporarily replace a credentialed
 1282 instructor if the credentialed instructor assigned to a
 1283 prekindergarten class is absent, as long as the substitute
 1284 instructor is of good moral character and has been screened
 1285 before employment in accordance with level 2 background
 1286 screening requirements in chapter 435. The department Office of
 1287 ~~Early Learning~~ shall adopt rules to implement this paragraph
 1288 which shall include required qualifications of substitute
 1289 instructors and the circumstances and time limits for which a
 1290 private prekindergarten provider may assign a substitute
 1291 instructor.

1292 (g) The private prekindergarten provider must have a
 1293 prekindergarten director who has a prekindergarten director
 1294 credential that is approved by the department office as meeting
 1295 or exceeding the minimum standards adopted under s. 1002.57.
 1296 ~~Successful completion of a child care facility director~~
 1297 ~~credential under s. 402.305(2)(g) before the establishment of~~
 1298 ~~the prekindergarten director credential under s. 1002.57 or July~~
 1299 ~~1, 2006, whichever occurs later, satisfies the requirement for a~~
 1300 ~~prekindergarten director credential under this paragraph.~~

1301 (h) The private prekindergarten provider must register with
 1302 the early learning coalition on forms prescribed by the
 1303 department Office of Early Learning.

1304 (i) The private prekindergarten provider must execute the
 1305 statewide provider contract prescribed under s. 1002.73 ~~or~~.

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1306 ~~1002.75~~, except that an individual who owns or operates multiple
 1307 private prekindergarten providers within a coalition's service
 1308 area may execute a single agreement with the coalition on behalf
 1309 of each provider.

1310 (j) The private prekindergarten provider must maintain
 1311 general liability insurance and provide the coalition with
 1312 written evidence of general liability insurance coverage,
 1313 including coverage for transportation of children if
 1314 prekindergarten students are transported by the provider. A
 1315 provider must obtain and retain an insurance policy that
 1316 provides a minimum of \$100,000 of coverage per occurrence and a
 1317 minimum of \$300,000 general aggregate coverage. The department
 1318 ~~office~~ may authorize lower limits upon request, as appropriate.
 1319 A provider must add the coalition as a named certificateholder
 1320 and as an additional insured. A provider must provide the
 1321 coalition with a minimum of 10 calendar days' advance written
 1322 notice of cancellation of or changes to coverage. The general
 1323 liability insurance required by this paragraph must remain in
 1324 full force and effect for the entire period of the provider
 1325 contract with the coalition.

1326 (l) Notwithstanding paragraph (j), for a private
 1327 prekindergarten provider that is a state agency or a subdivision
 1328 thereof, as defined in s. 768.28(2), the provider must agree to
 1329 notify the coalition of any additional liability coverage
 1330 maintained by the provider in addition to that otherwise
 1331 established under s. 768.28. The provider shall indemnify the
 1332 coalition to the extent permitted by s. 768.28. Notwithstanding
 1333 paragraph (k), for a child development program operating on a
 1334 military installation that is certified by the United States

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1335 Department of Defense and accredited by a national accrediting
 1336 body, the provider may demonstrate liability coverage by
 1337 affirming that it is subject to the Tort Claims Act, 28 U.S.C.
 1338 s. 2671 et seq.

1339 (4) A prekindergarten instructor, in lieu of the minimum
 1340 credentials ~~and courses~~ required under paragraph (3) (c), may
 1341 hold one of the following educational credentials:

1342 (a) A bachelor's or higher degree in early childhood
 1343 education, prekindergarten or primary education, preschool
 1344 education, or family and consumer science;

1345 (b) A bachelor's or higher degree in elementary education,
 1346 if the prekindergarten instructor has been certified to teach
 1347 children any age from birth through 6th grade, regardless of
 1348 whether the instructor's educator certificate is current, and if
 1349 the instructor is not ineligible to teach in a public school
 1350 because his or her educator certificate is suspended or revoked;

1351 (c) An associate's or higher degree in child development;

1352 (d) An associate's or higher degree in an unrelated field,
 1353 at least 6 credit hours in early childhood education or child
 1354 development, and at least 480 hours of experience in teaching or
 1355 providing child care services for children any age from birth
 1356 through 8 years of age; or

1357 (e) An educational credential approved by the department as
 1358 being equivalent to or greater than an educational credential
 1359 described in this subsection. The department may adopt criteria
 1360 and procedures for approving equivalent educational credentials
 1361 under this paragraph.

1362 (5)

1363 (b) Notwithstanding any other provision of law, if a

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1364 private prekindergarten provider has been cited for a Class I
 1365 violation, as defined by rule by the Child Care Services Program
 1366 Office of the Department of Children and Families, the coalition
 1367 may refuse to contract with the provider.

1368 (6) Each early learning coalition must verify that each
 1369 private prekindergarten provider delivering the Voluntary
 1370 Prekindergarten Education Program within the coalition's county
 1371 or multicounty region complies with this part. If a private
 1372 prekindergarten provider fails or refuses to comply with this
 1373 part or if a provider engages in misconduct, the department
 1374 shall require the early learning coalition to remove the
 1375 provider from eligibility to deliver the program and receive
 1376 state funds under this part for a period of at least 2 years but
 1377 not more than 5 years.

1378 Section 35. Present paragraphs (b) and (c) of subsection
 1379 (2) of section 1002.57, Florida Statutes, are redesignated as
 1380 paragraphs (c) and (d), respectively, a new paragraph (b) is
 1381 added to that subsection, and subsection (1) of that section is
 1382 amended, to read:

1383 1002.57 Prekindergarten director credential.—

1384 (1) The ~~department office~~, in consultation with the
 1385 Department of Children and Families, shall adopt minimum
 1386 standards for a credential for prekindergarten directors of
 1387 private prekindergarten providers delivering the Voluntary
 1388 Prekindergarten Education Program. The credential must encompass
 1389 requirements for education and onsite experience.

1390 (2) The educational requirements must include training in
 1391 the following:

1392 (a) Professionally accepted standards for prekindergarten

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1393 programs, early learning, and strategies and techniques to
 1394 address the age-appropriate progress of prekindergarten students
 1395 in attaining the performance standards adopted by the department
 1396 under s. 1002.67;

1397 (b) Implementation of curriculum and usage of student-level
 1398 data to inform the delivery of instruction;

1399 ~~(c) (b)~~ Strategies that allow students with disabilities and
 1400 other special needs to derive maximum benefit from the Voluntary
 1401 Prekindergarten Education Program; and

1402 ~~(d) (e)~~ Program administration and operations, including
 1403 management, organizational leadership, and financial and legal
 1404 issues.

1405 Section 36. Section 1002.59, Florida Statutes, is amended
 1406 to read:

1407 1002.59 Emergent literacy and performance standards
 1408 training courses.—

1409 (1) The ~~department office~~ shall adopt minimum standards for
 1410 ~~one or more training~~ courses in emergent literacy for
 1411 prekindergarten instructors. Each course must comprise 5 clock
 1412 hours and provide instruction in strategies and techniques to
 1413 address the age-appropriate progress of prekindergarten students
 1414 in developing emergent literacy skills, including oral
 1415 communication, knowledge of print and letters, phonemic and
 1416 phonological awareness, and vocabulary and comprehension
 1417 development. Each course must also provide resources containing
 1418 strategies that allow students with disabilities and other
 1419 special needs to derive maximum benefit from the Voluntary
 1420 Prekindergarten Education Program. Successful completion of an
 1421 emergent literacy training course approved under this section

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1422 satisfies requirements for approved training in early literacy
 1423 and language development under ss. 402.305(2)(e)5., 402.313(6),
 1424 and 402.3131(5).

1425 (2) The ~~department office~~ shall adopt minimum standards for
 1426 ~~one or more training~~ courses on the performance standards
 1427 adopted under s. 1002.67(1). Each course must consist of
 1428 ~~comprise~~ at least 3 clock hours, provide instruction in
 1429 strategies and techniques to address age-appropriate progress of
 1430 each child in attaining the standards, and be available online.

1431 (3) The department shall make available online professional
 1432 development and training courses consisting of at least 8 clock
 1433 hours that support prekindergarten instructors in increasing the
 1434 competency of teacher-child interactions.

1435 Section 37. Present subsections (6) through (8) of section
 1436 1002.61, Florida Statutes, are redesignated as subsections (7)
 1437 through (9), respectively, new subsections (6) and (10) are
 1438 added to that section, and paragraph (b) of subsection (1),
 1439 paragraph (b) of subsection (3), subsection (4), and present
 1440 subsections (6) and (8) of that section are amended, to read:

1441 1002.61 Summer prekindergarten program delivered by public
 1442 schools and private prekindergarten providers.—

1443 (1)

1444 (b) Each early learning coalition shall administer the
 1445 Voluntary Prekindergarten Education Program at the county or
 1446 regional level for students enrolled under s. 1002.53(3)(b) in a
 1447 summer prekindergarten program delivered by a private
 1448 prekindergarten provider. A child development program operating
 1449 on a military installation that is certified by the United
 1450 States Department of Defense and accredited by a national

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1451 accrediting body may administer the summer prekindergarten
 1452 program as a private prekindergarten provider.

1453 (3)

1454 (b) Each public school delivering the summer
 1455 prekindergarten program must execute the statewide provider
 1456 contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the
 1457 school district may execute a single agreement with the early
 1458 learning coalition on behalf of all district schools.

1459 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
 1460 each public school and private prekindergarten provider must
 1461 have, for each prekindergarten class, at least one
 1462 prekindergarten instructor who is a certified teacher or holds
 1463 one of the educational credentials specified in s. 1002.55(4)(a)
 1464 or (b). As used in this subsection, the term "certified teacher"
 1465 means a teacher holding a valid Florida educator certificate
 1466 under s. 1012.56 who has the qualifications required by the
 1467 district school board to instruct students in the summer
 1468 prekindergarten program. In selecting instructional staff for
 1469 the summer prekindergarten program, each school district shall
 1470 give priority to teachers who have experience or coursework in
 1471 early childhood education and have completed emergent literacy
 1472 and performance standards courses, as defined in s.
 1473 1002.55(3)(c)2.

1474 (6) A child development program operating on a military
 1475 installation that is certified by the United States Department
 1476 of Defense and accredited by a national accrediting body shall
 1477 comply with the requirements of a private prekindergarten
 1478 provider in this section.

1479 ~~(7)~~(6) A public school or private prekindergarten provider

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1480 may assign a substitute instructor to temporarily replace a
 1481 credentialed instructor if the credentialed instructor assigned
 1482 to a prekindergarten class is absent, as long as the substitute
 1483 instructor is of good moral character and has been screened
 1484 before employment in accordance with level 2 background
 1485 screening requirements in chapter 435. This subsection does not
 1486 supersede employment requirements for instructional personnel in
 1487 public schools which are more stringent than the requirements of
 1488 this subsection. The department Office of Early Learning shall
 1489 adopt rules to implement this subsection which shall include
 1490 required qualifications of substitute instructors and the
 1491 circumstances and time limits for which a public school or
 1492 private prekindergarten provider may assign a substitute
 1493 instructor.

1494 ~~(9)~~(9) Each public school delivering the summer
 1495 prekindergarten program must also register with the early
 1496 learning coalition on forms prescribed by the department Office
 1497 of Early Learning and deliver the Voluntary Prekindergarten
 1498 Education Program in accordance with this part.

1499 (10) (a) Each early learning coalition shall verify that
 1500 each private prekindergarten provider delivering the Voluntary
 1501 Prekindergarten Education Program within the coalition's county
 1502 or multicounty region complies with this part. Each district
 1503 school board shall verify that each public school delivering the
 1504 program within the school district complies with this part.

1505 (b) If a private prekindergarten provider or public school
 1506 fails or refuses to comply with this part, or if a provider or
 1507 school engages in misconduct, the department shall require the
 1508 early learning coalition to remove the provider or require the

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1509 school district to remove the school from eligibility to deliver
 1510 the Voluntary Prekindergarten Education Program and receive
 1511 state funds under this part for a period of at least 2 years but
 1512 not more than 5 years.

1513 Section 38. Paragraph (b) of subsection (3) and subsections
 1514 (6) and (8) of section 1002.63, Florida Statutes, are amended,
 1515 and subsection (9) is added to that section, to read:

1516 1002.63 School-year prekindergarten program delivered by
 1517 public schools.—

1518 (3)

1519 (b) Each public school delivering the school-year
 1520 prekindergarten program must execute the statewide provider
 1521 contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the
 1522 school district may execute a single agreement with the early
 1523 learning coalition on behalf of all district schools.

1524 (6) A public school prekindergarten provider may assign a
 1525 substitute instructor to temporarily replace a credentialed
 1526 instructor if the credentialed instructor assigned to a
 1527 prekindergarten class is absent, as long as the substitute
 1528 instructor is of good moral character and has been screened
 1529 before employment in accordance with level 2 background
 1530 screening requirements in chapter 435. This subsection does not
 1531 supersede employment requirements for instructional personnel in
 1532 public schools which are more stringent than the requirements of
 1533 this subsection. The State Board of Education ~~Office of Early~~
 1534 ~~Learning~~ shall adopt rules to implement this subsection which
 1535 shall include required qualifications of substitute instructors
 1536 and the circumstances and time limits for which a public school
 1537 prekindergarten provider may assign a substitute instructor.

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1538 (8) Each public school delivering the school-year
 1539 prekindergarten program must register with the early learning
 1540 coalition on forms prescribed by the ~~department~~ Office of Early
 1541 ~~Learning~~ and deliver the Voluntary Prekindergarten Education
 1542 Program in accordance with this part.

1543 (9) (a) Each district school board shall verify that each
 1544 public school delivering the Voluntary Prekindergarten Education
 1545 Program within the school district complies with this part.

1546 (b) If a public school fails or refuses to comply with this
 1547 part, or if a school engages in misconduct, the department shall
 1548 require the school district to remove the school from
 1549 eligibility to deliver the Voluntary Prekindergarten Education
 1550 Program and receive state funds under this part for a period of
 1551 at least 2 years but not more than 5 years.

1552 Section 39. Section 1002.67, Florida Statutes, is amended
 1553 to read:

1554 1002.67 Performance standards ~~and~~ curricula ~~and~~
 1555 ~~accountability.~~—

1556 (1) (a) The department ~~office~~ shall develop and adopt
 1557 performance standards for students in the Voluntary
 1558 Prekindergarten Education Program. The performance standards
 1559 must address the age-appropriate progress of students in the
 1560 development of:

- 1561 1. The capabilities, capacities, and skills required under
- 1562 s. 1(b), Art. IX of the State Constitution; ~~and~~
- 1563 2. Emergent literacy skills, including oral communication,
- 1564 knowledge of print and letters, phonemic and phonological
- 1565 awareness, and vocabulary and comprehension development; and
- 1566 3. Mathematical thinking and early math skills.

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1567
1568 ~~By October 1, 2013, the office shall examine the existing~~
1569 ~~performance standards in the area of mathematical thinking and~~
1570 ~~develop a plan to make appropriate professional development and~~
1571 ~~training courses available to prekindergarten instructors.~~

1572 (b) At least every 3 years, the department office shall
1573 periodically review and, if necessary, revise the performance
1574 standards established under s. 1002.67 for the statewide
1575 ~~kindergarten screening administered under s. 1002.69~~ and align
1576 the standards to the standards established by the state board
1577 for student performance on the statewide assessments
1578 administered pursuant to s. 1008.22.

1579 (2) (a) Each private prekindergarten provider and public
1580 school may select or design the curriculum that the provider or
1581 school uses to implement the Voluntary Prekindergarten Education
1582 Program, except as otherwise required for a provider or school
1583 that is placed on probation under s. 1002.68 paragraph (4)(c).

1584 (b) Each private prekindergarten provider's and public
1585 school's curriculum must be developmentally appropriate and
1586 must:

1587 1. Be designed to prepare a student for early literacy and
1588 provide for instruction in early math skills;

1589 2. Enhance the age-appropriate progress of students in
1590 attaining the performance standards adopted by the department
1591 under subsection (1); and

1592 3. Support student learning gains through differentiated
1593 instruction that shall be measured by the coordinated screening
1594 and progress-monitoring program under s. 1008.2125 Prepare
1595 ~~students to be ready for kindergarten based upon the statewide~~

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1596 ~~kindergarten screening administered under s. 1002.69.~~

1597 (c) The State Board of Education office shall adopt rules
1598 for the review and approval of approve curricula for use by
1599 private prekindergarten providers and public schools that are
1600 placed on probation under s. 1002.68 paragraph (4)(c). The
1601 department office shall administer the review and approval
1602 process and maintain a list of the curricula approved under this
1603 paragraph. Each approved curriculum must meet the requirements
1604 of paragraph (b).

1605 ~~(3) (a) Contingent upon legislative appropriation, each~~
1606 ~~private prekindergarten provider and public school in the~~
1607 ~~Voluntary Prekindergarten Education Program must implement an~~
1608 ~~evidence based pre and post assessment that has been approved~~
1609 ~~by rule of the State Board of Education.~~

1610 ~~(b) In order to be approved, the assessment must be valid,~~
1611 ~~reliable, developmentally appropriate, and designed to measure~~
1612 ~~student progress on domains which must include, but are not~~
1613 ~~limited to, early literacy, numeracy, and language.~~

1614 ~~(c) The pre and post assessment must be administered by~~
1615 ~~individuals meeting requirements established by rule of the~~
1616 ~~State Board of Education.~~

1617 ~~(4) (a) Each early learning coalition shall verify that each~~
1618 ~~private prekindergarten provider delivering the Voluntary~~
1619 ~~Prekindergarten Education Program within the coalition's county~~
1620 ~~or multicounty region complies with this part. Each district~~
1621 ~~school board shall verify that each public school delivering the~~
1622 ~~program within the school district complies with this part.~~

1623 ~~(b) If a private prekindergarten provider or public school~~
1624 ~~fails or refuses to comply with this part, or if a provider or~~

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1625 school engages in misconduct, the office shall require the early
 1626 learning coalition to remove the provider and require the school
 1627 district to remove the school from eligibility to deliver the
 1628 Voluntary Prekindergarten Education Program and receive state
 1629 funds under this part for a period of 5 years.

1630 ~~(c)1. If the kindergarten readiness rate of a private~~
 1631 ~~prekindergarten provider or public school falls below the~~
 1632 ~~minimum rate adopted by the office as satisfactory under s.~~
 1633 ~~1002.69(6), the early learning coalition or school district, as~~
 1634 ~~applicable, shall require the provider or school to submit an~~
 1635 ~~improvement plan for approval by the coalition or school~~
 1636 ~~district, as applicable, and to implement the plan; shall place~~
 1637 ~~the provider or school on probation; and shall require the~~
 1638 ~~provider or school to take certain corrective actions, including~~
 1639 ~~the use of a curriculum approved by the office under paragraph~~
 1640 ~~(2)(c) or a staff development plan to strengthen instruction in~~
 1641 ~~language development and phonological awareness approved by the~~
 1642 ~~office.~~

1643 ~~2. A private prekindergarten provider or public school that~~
 1644 ~~is placed on probation must continue the corrective actions~~
 1645 ~~required under subparagraph 1., including the use of a~~
 1646 ~~curriculum or a staff development plan to strengthen instruction~~
 1647 ~~in language development and phonological awareness approved by~~
 1648 ~~the office, until the provider or school meets the minimum rate~~
 1649 ~~adopted by the office as satisfactory under s. 1002.69(6).~~
 1650 ~~Failure to implement an approved improvement plan or staff~~
 1651 ~~development plan shall result in the termination of the~~
 1652 ~~provider's contract to deliver the Voluntary Prekindergarten~~
 1653 ~~Education Program for a period of 5 years.~~

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1654 ~~3. If a private prekindergarten provider or public school~~
 1655 ~~remains on probation for 2 consecutive years and fails to meet~~
 1656 ~~the minimum rate adopted by the office as satisfactory under s.~~
 1657 ~~1002.69(6) and is not granted a good cause exemption by the~~
 1658 ~~office pursuant to s. 1002.69(7), the office shall require the~~
 1659 ~~early learning coalition or the school district to remove, as~~
 1660 ~~applicable, the provider or school from eligibility to deliver~~
 1661 ~~the Voluntary Prekindergarten Education Program and receive~~
 1662 ~~state funds for the program for a period of 5 years.~~

1663 ~~(d) Each early learning coalition and the office shall~~
 1664 ~~coordinate with the Child Care Services Program Office of the~~
 1665 ~~Department of Children and Families to minimize interagency~~
 1666 ~~duplication of activities for monitoring private prekindergarten~~
 1667 ~~providers for compliance with requirements of the Voluntary~~
 1668 ~~Prekindergarten Education Program under this part, the school~~
 1669 ~~readiness program under part VI of this chapter, and the~~
 1670 ~~licensing of providers under ss. 402.301-402.319.~~

1671 Section 40. Section 1002.68, Florida Statutes, is created
 1672 to read:

1673 1002.68 Voluntary Prekindergarten Education Program
 1674 accountability.

1675 (1) (a) Beginning with the 2021-2022 program year, each
 1676 private prekindergarten provider and public school participating
 1677 in the Voluntary Prekindergarten Education Program must
 1678 participate in the coordinated screening and progress-monitoring
 1679 program in accordance with s. 1008.2125. The coordinated
 1680 screening and progress-monitoring program results shall be used
 1681 by the department to identify student learning gains, index
 1682 development learning outcomes upon program completion relative

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1683 to the performance standards established under s. 1002.67 and
 1684 representative norms, and inform a provider's performance
 1685 metric.

1686 (b) At a minimum, the initial and final progress-monitoring
 1687 or screening must be administered by individuals meeting
 1688 requirements adopted by the department pursuant to s. 1008.2125.

1689 (c) Each private prekindergarten provider and public school
 1690 must provide a student's performance results to the student's
 1691 parents no later than 7 days after the administration of such
 1692 screening and progress monitoring.

1693 (2) Beginning with the 2020-2021 program year, each private
 1694 prekindergarten provider and public school in the Voluntary
 1695 Prekindergarten Education Program must participate in a program
 1696 assessment of each voluntary prekindergarten education
 1697 classroom. The program assessment shall measure the quality of
 1698 teacher-child interactions, including emotional and behavioral
 1699 support, engaged support for learning, classroom organization,
 1700 and instructional support for children ages 3 to 5 years. Each
 1701 private prekindergarten provider and public school in the
 1702 Voluntary Prekindergarten Education Program shall receive the
 1703 results of the program assessment for each classroom within 14
 1704 days of the observation.

1705
 1706 The program assessment and screening and progress-monitoring
 1707 must be administered by individuals meeting requirements
 1708 established by rule of the State Board of Education.

1709 (3) (a) For the 2019-2020 program year, the department shall
 1710 calculate a performance metric for each provider based upon
 1711 learning gains and the percentage of students who are assessed

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1712 as ready for kindergarten. The department shall require that
 1713 each school district administer the statewide kindergarten
 1714 screening in use before the 2020-2021 school year to each
 1715 kindergarten student in the school district within the first 30
 1716 school days of the 2020-2021 school year. Nonpublic schools may
 1717 administer the statewide kindergarten screening to each
 1718 kindergarten student in a nonpublic school who was enrolled in
 1719 the Voluntary Prekindergarten Education Program.

1720 (b) For the 2020-2021 program year, the department shall
 1721 calculate a program performance metric for each provider based
 1722 upon learning gains and the program assessment, which shall be
 1723 weighted at a minimum of approximately 50 percent of a program's
 1724 performance metric and administered pursuant to this section.

1725 (c) For purposes of this subsection, learning gains shall
 1726 be determined using a value-added measure based on growth
 1727 demonstrated by the results of the preassessment and
 1728 postassessment in use before the 2021-2022 program year.

1729 (d) Any provider who fails to meet the minimum voluntary
 1730 prekindergarten readiness rate or program performance metric
 1731 during the 2020-2021 program year shall be subject to the
 1732 probation requirements of subsection (5).

1733 (4) (a) Beginning with the 2021-2022 program year, the
 1734 department shall adopt a methodology for calculating each
 1735 provider's performance metric, which must be based on a
 1736 combination of the following:

1737 1. Program assessment scores under subsection (2), which
 1738 shall be weighted at approximately 50 percent.

1739 2. Learning gains expressed as the change in ability scores
 1740 from the initial and final progress-monitoring results described

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1741 in subsection (1).

1742 3. Norm-referenced developmental learning outcomes
 1743 described in subsection (1).

1744 (b) For purposes of this subsection, the methodology for
 1745 calculation may only include prekindergarten students who have
 1746 attended at least 85 percent of a private prekindergarten
 1747 provider's or public school's program.

1748 (c) The methodology must include a statistical latent
 1749 profile analysis that is conducted by a contracted independent
 1750 expert with experience in relevant quantitative analysis, early
 1751 childhood assessment, and designing state-level accountability
 1752 systems. Such expert must be able to produce a limited number of
 1753 program performance metric profiles that summarize all programs'
 1754 profiles that inform the assignment of a letter grading system
 1755 to include grades "A" through "F." The contracted independent
 1756 expert may not be a direct stakeholder or have had a financial
 1757 interest in the design or delivery of the Voluntary
 1758 Prekindergarten Education Program or public school systems
 1759 within the last 5 years.

1760 (d) The grading system must provide for a differential
 1761 payment to a private prekindergarten provider and public school
 1762 based on program performance. The maximum differential payment
 1763 may not exceed a total of 15 percent of the base student
 1764 allocation per full-time equivalent as defined in s. 1002.71. A
 1765 private prekindergarten provider or public school may not
 1766 receive a differential if it is assigned a grade of "C" or
 1767 below. Before the adoption of a methodology, the department and
 1768 the contracted expert shall confer with the Council for Early
 1769 Grade Success under s. 1008.2125 before receiving approval for

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1770 the final recommendations on the grading system and differential
 1771 payments.

1772 (e) The department shall adopt procedures to annually
 1773 calculate each private prekindergarten provider's and public
 1774 school's program performance metric and grade based on the
 1775 methodology adopted in paragraphs (a) and (b). Beginning with
 1776 the 2022-2023 program year, each private prekindergarten
 1777 provider or public school shall be assigned a grade within 45
 1778 days of the conclusion of the school year Voluntary
 1779 Prekindergarten Education Program delivered by all participating
 1780 private prekindergarten providers or public schools and within
 1781 45 days of the conclusion of the summer prekindergarten program
 1782 delivered by all participating private prekindergarten providers
 1783 or public schools.

1784 (f) The department shall adopt a minimum program
 1785 performance metric or grade that, if achieved by a private
 1786 prekindergarten provider or public school, would demonstrate the
 1787 provider's or school's satisfactory delivery of the Voluntary
 1788 Prekindergarten Education Program.

1789 (5) (a) If a public school's or private prekindergarten
 1790 provider's program assessment composite score for its
 1791 prekindergarten classrooms fails to meet the minimum threshold
 1792 for contracting established by the department pursuant to s.
 1793 1002.82(2) (n), then the public school or private prekindergarten
 1794 provider may not participate in the Voluntary Prekindergarten
 1795 Education Program beginning in the subsequent program year and
 1796 thereafter until the public school or private prekindergarten
 1797 provider meets the minimum threshold for contracting.

1798 (b) If a private prekindergarten provider's or public

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1799 school's program performance metric or grade falls below the
 1800 minimum program performance metric or grade, the early learning
 1801 coalition or school district, as applicable, shall:

1802 1. Require the provider or school to submit an improvement
 1803 plan for approval by the coalition or school district, as
 1804 applicable, and to implement the plan;

1805 2. Place the provider or school on probation; and
 1806 3. Require the provider or school to take certain
 1807 corrective actions, including the use of a curriculum approved
 1808 by the department under s. 1002.67(2)(c) or a staff development
 1809 plan approved by the department to strengthen instructional
 1810 practices in emotional and behavioral support, engaged support
 1811 for learning, classroom organization, language development,
 1812 phonological awareness, alphabet knowledge, and mathematical
 1813 thinking.

1814 (c) A private prekindergarten provider or public school
 1815 that is placed on probation must continue the corrective actions
 1816 required under paragraph (b) until the provider or school meets
 1817 the minimum program performance metric or grade adopted by the
 1818 department. Failure to meet the requirements of subparagraphs
 1819 (b)1. and 3. shall result in the termination of the provider's
 1820 or school's contract to deliver the Voluntary Prekindergarten
 1821 Education Program for a period of at least 2 years but no more
 1822 than 5 years.

1823 (d) If a private prekindergarten provider or public school
 1824 remains on probation for 2 consecutive years and fails to meet
 1825 the minimum program performance metric or grade, or is not
 1826 granted a good cause exemption by the department, the department
 1827 shall require the early learning coalition or the school

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1828 district to revoke the provider's or school's eligibility to
 1829 deliver the Voluntary Prekindergarten Education Program and
 1830 receive state funds for the program for a period of at least 2
 1831 years but no more than 5 years.

1832 (6) (a) The department, upon the request of a private
 1833 prekindergarten provider or public school that remains on
 1834 probation for at least 2 consecutive years and subsequently
 1835 fails to meet the minimum program performance metric or grade
 1836 adopted pursuant to paragraph (5) (c), and for good cause shown,
 1837 may grant to the provider or school an exemption from being
 1838 determined ineligible to deliver the Voluntary Prekindergarten
 1839 Education Program and receive state funds for the program. Such
 1840 exemption is valid for 1 year and, upon the request of the
 1841 private prekindergarten provider or public school and for good
 1842 cause shown, may be renewed.

1843 (b) A private prekindergarten provider's or public school's
 1844 request for a good cause exemption, or renewal of such an
 1845 exemption, must be submitted to the department in the manner and
 1846 within the timeframes prescribed by the department and must
 1847 include the following:

1848 1. Data from the private prekindergarten provider or public
 1849 school which documents the achievement and progress of the
 1850 children served, as measured by any required screenings or
 1851 assessments.

1852 2. Data from the program assessment required under s.
 1853 1002.55 which demonstrates effective teaching practices as
 1854 recognized by the contracted expert.

1855 3. Data from the early learning coalition or district
 1856 school board, as applicable, the Department of Children and

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1857 Families, the local licensing authority, or an accrediting
 1858 association, as applicable, relating to the private
 1859 prekindergarten provider's or public school's compliance with
 1860 state and local health and safety standards.

1861 (c) The department shall adopt criteria for granting good
 1862 cause exemptions. Such criteria must include, but are not
 1863 limited to, all of the following:

1864 1. Child demographic data that evidences a private
 1865 prekindergarten provider or public school serves a statistically
 1866 significant population of children with special needs who have
 1867 individual education plans and can demonstrate progress toward
 1868 meeting the goals outlined in the students' individual education
 1869 plans.

1870 2. Learning gains of children served in the Voluntary
 1871 Prekindergarten Education Program by the private prekindergarten
 1872 provider or public school on an alternative measure that has
 1873 comparable validity and reliability of the screening and
 1874 progress-monitoring program in accordance with s. 1008.2125.

1875 3. Program assessment data under subsection (2) which
 1876 demonstrates effective teaching practices as recognized by the
 1877 contracted expert.

1878 4. Verification that local and state health and safety
 1879 requirements are met.

1880 (d) A good cause exemption may not be granted to any
 1881 private prekindergarten provider or public school that has any
 1882 Class I violations or two or more Class II violations within the
 1883 2 years preceding the provider's or school's request for the
 1884 exemption. For purposes of this paragraph, Class I and Class II
 1885 violations have the same meaning as provided in s. 1002.945.

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1886 (e) A private prekindergarten provider or public school
 1887 granted a good cause exemption shall continue to implement its
 1888 improvement plan and continue the corrective actions required
 1889 under subsection (5)(b) until the provider or school meets the
 1890 minimum program performance metric.

1891 (f) If a good cause exemption is granted to a private
 1892 prekindergarten provider or public school that remains on
 1893 probation for 2 consecutive years, the department shall notify
 1894 the early learning coalition or school district of the good
 1895 cause exemption and direct that the coalition or school district
 1896 not remove the provider from eligibility to deliver the
 1897 Voluntary Prekindergarten Education Program or to receive state
 1898 funds for the program if the provider meets all other applicable
 1899 requirements of this part.

1900 (g) The department shall report the number of Voluntary
 1901 Prekindergarten Education Program providers or public schools
 1902 that have received a good cause exemption and the reasons for
 1903 the exemptions as part of its annual reporting requirements
 1904 under s. 1002.82(5).

1905 (7) Representatives from the school districts and early
 1906 learning coalitions must meet annually to develop strategies to
 1907 transition students from the Voluntary Prekindergarten Education
 1908 Program to kindergarten.

1909 Section 41. Section 1002.69, Florida Statutes, is repealed.

1910 Section 42. Paragraph (c) of subsection (3), subsection
 1911 (4), paragraph (b) of subsection (5), paragraphs (b) and (d) of
 1912 subsection (6), and subsection (7) of section 1002.71, Florida
 1913 Statutes, are amended to read:

1914 1002.71 Funding; financial and attendance reporting.-

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1915 (3)

1916 (c) The initial allocation shall be based on estimated

1917 student enrollment in each coalition service area. The

1918 ~~department Office of Early Learning~~ shall reallocate funds among

1919 the coalitions based on actual full-time equivalent student

1920 enrollment in each coalition service area. Each coalition shall

1921 report student enrollment pursuant to subsection (2) on a

1922 monthly basis. A student enrollment count for the prior fiscal

1923 year may not be amended after September 30 of the subsequent

1924 fiscal year.

1925 (4) Notwithstanding s. 1002.53(3) and subsection (2):

1926 (a) A child who, for any of the prekindergarten programs

1927 listed in s. 1002.53(3), has not completed more than 70 percent

1928 of the hours authorized to be reported for funding under

1929 subsection (2), or has not expended more than 70 percent of the

1930 funds authorized for the child under s. 1002.66, may withdraw

1931 from the program for good cause and reenroll in one of the

1932 programs. The total funding for a child who reenrolls in one of

1933 the programs for good cause may not exceed one full-time

1934 equivalent student. Funding for a child who withdraws and

1935 reenrolls in one of the programs for good cause shall be issued

1936 in accordance with the ~~department's Office of Early Learning's~~

1937 uniform attendance policy adopted pursuant to paragraph (6)(d).

1938 (b) A child who has not substantially completed any of the

1939 prekindergarten programs listed in s. 1002.53(3) may withdraw

1940 from the program due to an extreme hardship that is beyond the

1941 child's or parent's control, reenroll in one of the summer

1942 programs, and be reported for funding purposes as a full-time

1943 equivalent student in the summer program for which the child is

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1944 reenrolled.

1945

1946 A child may reenroll only once in a prekindergarten program

1947 under this section. A child who reenrolls in a prekindergarten

1948 program under this subsection may not subsequently withdraw from

1949 the program and reenroll, unless the child is granted a good

1950 cause exemption under this subsection. The ~~department Office of~~

1951 ~~Early Learning~~ shall establish criteria specifying whether a

1952 good cause exists for a child to withdraw from a program under

1953 paragraph (a), whether a child has substantially completed a

1954 program under paragraph (b), and whether an extreme hardship

1955 exists which is beyond the child's or parent's control under

1956 paragraph (b).

1957 (5)

1958 (b) The ~~department Office of Early Learning~~ shall adopt

1959 procedures for the payment of private prekindergarten providers

1960 and public schools delivering the Voluntary Prekindergarten

1961 Education Program. The procedures shall provide for the advance

1962 payment of providers and schools based upon student enrollment

1963 in the program, the certification of student attendance, and the

1964 reconciliation of advance payments in accordance with the

1965 uniform attendance policy adopted under paragraph (6)(d). The

1966 procedures shall provide for the monthly distribution of funds

1967 by the ~~department Office of Early Learning~~ to the early learning

1968 coalitions for payment by the coalitions to private

1969 prekindergarten providers and public schools.

1970 (6)

1971 (b)1. Each private prekindergarten provider's and district

1972 school board's attendance policy must require the parent of each

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1973 student in the Voluntary Prekindergarten Education Program to
 1974 verify, each month, the student's attendance on the prior
 1975 month's certified student attendance.

1976 2. The parent must submit the verification of the student's
 1977 attendance to the private prekindergarten provider or public
 1978 school on forms prescribed by the department Office of Early
 1979 ~~Learning~~. The forms must include, in addition to the
 1980 verification of the student's attendance, a certification, in
 1981 substantially the following form, that the parent continues to
 1982 choose the private prekindergarten provider or public school in
 1983 accordance with s. 1002.53 and directs that payments for the
 1984 program be made to the provider or school:

1985 VERIFICATION OF STUDENT'S ATTENDANCE
 1986 AND CERTIFICATION OF PARENTAL CHOICE

1987 I, ...(Name of Parent)..., swear (or affirm) that my child,
 1988 ...(Name of Student)..., attended the Voluntary Prekindergarten
 1989 Education Program on the days listed above and certify that I
 1990 continue to choose ...(Name of Provider or School)... to deliver
 1991 the program for my child and direct that program funds be paid
 1992 to the provider or school for my child.

1993 ... (Signature of Parent) ...
 1994 ... (Date) ...

1995 3. The private prekindergarten provider or public school
 1996 must keep each original signed form for at least 2 years. Each
 1997 private prekindergarten provider must permit the early learning
 1998 coalition, and each public school must permit the school
 1999 district, to inspect the original signed forms during normal
 2000 business hours. The department Office of Early Learning shall
 2001 adopt procedures for early learning coalitions and school

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2002 districts to review the original signed forms against the
 2003 certified student attendance. The review procedures shall
 2004 provide for the use of selective inspection techniques,
 2005 including, but not limited to, random sampling. Each early
 2006 learning coalition and the school districts must comply with the
 2007 review procedures.

2008 (d) The department Office of Early Learning shall adopt,
 2009 for funding purposes, a uniform attendance policy for the
 2010 Voluntary Prekindergarten Education Program. The attendance
 2011 policy must apply statewide and apply equally to all private
 2012 prekindergarten providers and public schools. The attendance
 2013 policy must include at least the following provisions:

2014 1. A student's attendance may be reported on a pro rata
 2015 basis as a fractional part of a full-time equivalent student.

2016 2. At a maximum, 20 percent of the total payment made on
 2017 behalf of a student to a private prekindergarten provider or a
 2018 public school may be for hours a student is absent.

2019 3. A private prekindergarten provider or public school may
 2020 not receive payment for absences that occur before a student's
 2021 first day of attendance or after a student's last day of
 2022 attendance.

2023
 2024 The uniform attendance policy shall be used only for funding
 2025 purposes and does not prohibit a private prekindergarten
 2026 provider or public school from adopting and enforcing its
 2027 attendance policy under paragraphs (a) and (c).

2028 (7) The department Office of Early Learning shall require
 2029 that administrative expenditures be kept to the minimum
 2030 necessary for efficient and effective administration of the

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2031 Voluntary Prekindergarten Education Program. Administrative
 2032 policies and procedures shall be revised, to the maximum extent
 2033 practicable, to incorporate the use of automation and electronic
 2034 submission of forms, including those required for child
 2035 eligibility and enrollment, provider and class registration, and
 2036 monthly certification of attendance for payment. A school
 2037 district may use its automated daily attendance reporting system
 2038 for the purpose of transmitting attendance records to the early
 2039 learning coalition in a mutually agreed-upon format. In
 2040 addition, actions shall be taken to reduce paperwork, eliminate
 2041 the duplication of reports, and eliminate other duplicative
 2042 activities. Each early learning coalition may retain and expend
 2043 no more than 4.0 percent of the funds paid by the coalition to
 2044 private prekindergarten providers and public schools under
 2045 paragraph (5) (b). Funds retained by an early learning coalition
 2046 under this subsection may be used only for administering the
 2047 Voluntary Prekindergarten Education Program and may not be used
 2048 for the school readiness program or other programs.

2049 Section 43. Subsection (1) of section 1002.72, Florida
 2050 Statutes, is amended to read:

2051 1002.72 Records of children in the Voluntary
 2052 Prekindergarten Education Program.—

2053 (1) (a) The records of a child enrolled in the Voluntary
 2054 Prekindergarten Education Program held by an early learning
 2055 coalition, the ~~department Office of Early Learning~~, or a
 2056 Voluntary Prekindergarten Education Program provider are
 2057 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 2058 of the State Constitution. For purposes of this section, such
 2059 records include assessment data, health data, records of teacher

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2060 observations, and personal identifying information of an
 2061 enrolled child and his or her parent.

2062 (b) This exemption applies to the records of a child
 2063 enrolled in the Voluntary Prekindergarten Education Program held
 2064 by an early learning coalition, the ~~department Office of Early~~
 2065 ~~Learning~~, or a Voluntary Prekindergarten Education Program
 2066 provider before, on, or after the effective date of this
 2067 exemption.

2068 Section 44. Section 1002.73, Florida Statutes, is amended
 2069 to read:

2070 1002.73 Department of Education; powers and duties;
 2071 accountability requirements.—

2072 (1) The department shall adopt by rule a standard statewide
 2073 provider contract to be used with each Voluntary Prekindergarten
 2074 Education Program provider, with standardized attachments by
 2075 provider type. The department shall publish a copy of the
 2076 standard statewide provider contract on its website. The
 2077 standard statewide provider contract shall include, at a
 2078 minimum, provisions for provider probation, termination for
 2079 cause, and emergency termination for those actions or inactions
 2080 of a provider that pose an immediate and serious danger to the
 2081 health, safety, or welfare of children. The standard statewide
 2082 provider contract shall also include appropriate due process
 2083 procedures. During the pendency of an appeal of a termination,
 2084 the provider may not continue to offer its services. Any
 2085 provision imposed upon a provider that is inconsistent with, or
 2086 prohibited by, law is void and unenforceable ~~administer the~~
 2087 ~~accountability requirements of the Voluntary Prekindergarten~~
 2088 ~~Education Program at the state level.~~

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- 2089 (2) The department shall adopt procedures for ~~its~~:
- 2090 (a) Approval of prekindergarten director credentials under
- 2091 ss. 1002.55 and 1002.57.
- 2092 (b) Approval of emergent literacy training courses under
- 2093 ss. 1002.55 and 1002.59.
- 2094 (c) Annually notifying providers placed on probation for
- 2095 not meeting the minimum performance metric as required by s.
- 2096 1002.68 of the free and low-cost, high-quality professional
- 2097 development opportunities developed or supported by the
- 2098 department.
- 2099 (3) The department shall adopt procedures governing the
- 2100 administration of the Voluntary Prekindergarten Education
- 2101 Program by the early learning coalitions and school districts
- 2102 for:
- 2103 (a) Enrolling children in and determining the eligibility
- 2104 of children for the Voluntary Prekindergarten Education Program
- 2105 under s. 1002.53, which shall include the enrollment of children
- 2106 by public schools and private providers that meet specified
- 2107 requirements.
- 2108 (b) Providing parents with profiles of private
- 2109 prekindergarten providers and public schools under s. 1002.53.
- 2110 (c) Registering private prekindergarten providers and
- 2111 public schools to deliver the program under ss. 1002.55,
- 2112 1002.61, and 1002.63.
- 2113 (d) Determining the eligibility of private prekindergarten
- 2114 providers to deliver the program under ss. 1002.55 and 1002.61
- 2115 and streamlining the process of determining provider eligibility
- 2116 whenever possible.
- 2117 (e) Verifying the compliance of private prekindergarten

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- 2118 providers and public schools and removing providers or schools
- 2119 from eligibility to deliver the program due to noncompliance or
- 2120 misconduct as provided in s. 1002.67.
- 2121 (f) Paying private prekindergarten providers and public
- 2122 schools under s. 1002.71.
- 2123 (g) Documenting and certifying student enrollment and
- 2124 student attendance under s. 1002.71.
- 2125 (h) Reconciling advance payments in accordance with the
- 2126 uniform attendance policy under s. 1002.71.
- 2127 (i) Reenrolling students dismissed by a private
- 2128 prekindergarten provider or public school for noncompliance with
- 2129 the provider's or school district's attendance policy under s.
- 2130 1002.71.
- 2131 (4) The department shall administer the accountability
- 2132 requirements of the Voluntary Prekindergarten Education Program
- 2133 at the state level.
- 2134 (5) The department shall adopt rules governing the
- 2135 administration of the Voluntary Prekindergarten Education
- 2136 Program by the early learning coalitions and school districts
- 2137 for:
- 2138 (a) Approving improvement plans of private prekindergarten
- 2139 providers and public schools under s. 1002.68.
- 2140 (b) Placing private prekindergarten providers and public
- 2141 schools on probation and requiring corrective actions under s.
- 2142 1002.68.
- 2143 (c) Removing a private prekindergarten provider or public
- 2144 school from eligibility to deliver the program due to the
- 2145 provider's or school's remaining on probation beyond the time
- 2146 permitted under s. 1002.68. Notwithstanding any other law, if a

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2147 private prekindergarten provider has been cited for a Class I
 2148 violation, as defined by rule by the Child Care Services Program
 2149 Office of the Department of Children and Families, the coalition
 2150 may refuse to contract with the provider or revoke the
 2151 provider's eligibility to deliver the Voluntary Prekindergarten
 2152 Education Program.

2153 (d) Enrolling children in and determining the eligibility
 2154 of children for the Voluntary Prekindergarten Education Program
 2155 under s. 1002.66.

2156 (e) Paying specialized instructional services providers
 2157 under s. 1002.66.

2158 ~~(c) Administration of the statewide kindergarten screening~~
 2159 ~~and calculation of kindergarten readiness rates under s.~~
 2160 ~~1002.69.~~

2161 ~~(d) Implementation of, and determination of costs~~
 2162 ~~associated with, the state-approved prekindergarten enrollment~~
 2163 ~~screening and the standardized postassessment approved by the~~
 2164 ~~department, and determination of the learning gains of students~~
 2165 ~~who complete the state-approved prekindergarten enrollment~~
 2166 ~~screening and the standardized postassessment approved by the~~
 2167 ~~department.~~

2168 ~~(f)(e) Approving Approval of specialized instructional~~
 2169 ~~services providers under s. 1002.66.~~

2170 ~~(f) Annual reporting of the percentage of kindergarten~~
 2171 ~~students who meet all state readiness measures.~~

2172 (g) Granting of a private prekindergarten provider's or
 2173 public school's request for a good cause exemption under s.
 2174 1002.68 s. 1002.69(7).

2175 (6) The department shall adopt procedures for the

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2176 distribution of funds to early learning coalitions under s.
 2177 1002.71.

2178 ~~(7)(3)~~ Except as provided by law, the department may not
 2179 impose requirements on a private prekindergarten provider or
 2180 public school that does not deliver the Voluntary
 2181 Prekindergarten Education Program or receive state funds under
 2182 this part.

2183 Section 45. Sections 1002.75 and 1002.77, Florida Statutes,
 2184 are repealed.

2185 Section 46. Section 1002.79, Florida Statutes, is amended
 2186 to read:

2187 1002.79 Rulemaking authority.—The State Board of Education
 2188 Office of Early Learning shall adopt rules under ss. 120.536(1)
 2189 and 120.54 to administer the provisions of this part conferring
 2190 duties upon the department office.

2191 Section 47. Subsections (13) through (16) of section
 2192 1002.81, Florida Statutes, are renumbered as subsections (12)
 2193 through (15), respectively, and subsections (3), (4), and (12)
 2194 of that section are amended, to read:

2195 1002.81 Definitions.—Consistent with the requirements of 45
 2196 C.F.R. parts 98 and 99 and as used in this part, the term:

2197 (3) "Prevailing Average market rate" means the biennially
 2198 determined 75th percentile of a reasonable frequency
 2199 distribution average of the market rate by program care level
 2200 and provider type in a predetermined geographic market at which
 2201 child care providers charge a person for child care services.

2202 (4) "Direct enhancement services" means services for
 2203 families and children that are in addition to payments for the
 2204 placement of children in the school readiness program. Direct

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2205 enhancement services for families and children may include
 2206 supports for providers, parent training and involvement
 2207 activities, and strategies to meet the needs of unique
 2208 populations and local eligibility priorities. Direct enhancement
 2209 services offered by an early learning coalition shall be
 2210 consistent with the activities prescribed in s. 1002.89(5)(b) ~~§-~~
 2211 ~~1002.89(6)(b)~~.

2212 ~~(12) "Office" means the Office of Early Learning of the~~
 2213 ~~Department of Education.~~

2214 Section 48. Subsections (1) through (5) of section 1002.82,
 2215 Florida Statutes, are amended to read:

2216 1002.82 Department of Education ~~Office of Early Learning~~;
 2217 powers and duties.-

2218 (1) For purposes of administration of the Child Care and
 2219 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts
 2220 98 and 99, the Department of Education ~~Office of Early Learning~~
 2221 is designated as the lead agency and must comply with lead
 2222 agency responsibilities pursuant to federal law. The department
 2223 ~~office~~ may apply to the Governor and Cabinet for a waiver of,
 2224 and the Governor and Cabinet may waive, any provision of ss.
 2225 411.223 and 1003.54 if the waiver is necessary for
 2226 implementation of the school readiness program. Section
 2227 125.901(2)(a)3. does not apply to the school readiness program.

2228 (2) The department office shall:

2229 (a) Focus on improving the educational quality delivered by
 2230 all providers participating in the school readiness program.

2231 (b) Preserve parental choice by permitting parents to
 2232 choose from a variety of child care categories, including
 2233 center-based care, family child care, and informal child care to

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2234 the extent authorized in the state's Child Care and Development
 2235 Fund Plan as approved by the United States Department of Health
 2236 and Human Services pursuant to 45 C.F.R. s. 98.18. Care and
 2237 curriculum by a faith-based provider may not be limited or
 2238 excluded in any of these categories.

2239 (c) Be responsible for the prudent use of all public and
 2240 private funds in accordance with all legal and contractual
 2241 requirements, safeguarding the effective use of federal, state,
 2242 and local resources to achieve the highest practicable level of
 2243 school readiness for the children described in s. 1002.87,
 2244 including:

2245 1. The adoption of a uniform chart of accounts for
 2246 budgeting and financial reporting purposes that provides
 2247 standardized definitions for expenditures and reporting,
 2248 consistent with the requirements of 45 C.F.R. part 98 and s.
 2249 1002.89 for each of the following categories of expenditure:

- 2250 a. Direct services to children.
- 2251 b. Administrative costs.
- 2252 c. Quality activities.
- 2253 d. Nondirect services.

2254 2. Coordination with other state and federal agencies to
 2255 perform data matches on children participating in the school
 2256 readiness program and their families in order to verify the
 2257 children's eligibility pursuant to s. 1002.87.

2258 (d) Establish procedures for the biennial calculation of
 2259 the prevailing average market rate.

2260 (e) Review each early learning coalition's school readiness
 2261 program plan every 2 years and provide final approval of the
 2262 plan and any amendments submitted.

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2263 (f) Establish a unified approach to the state's efforts to
 2264 coordinate a comprehensive early learning program. In support of
 2265 this effort, the department office:

2266 1. Shall adopt specific program support services that
 2267 address the state's school readiness program, including:

2268 a. Statewide data information program requirements that
 2269 include:

2270 (I) Eligibility requirements.

2271 (II) Financial reports.

2272 (III) Program accountability measures.

2273 (IV) Child progress reports.

2274 b. Child care resource and referral services.

2275 c. A single point of entry and uniform waiting list.

2276 2. May provide technical assistance and guidance on
 2277 additional support services to complement the school readiness
 2278 program, including:

2279 a. Rating and improvement systems.

2280 b. Warm-Line services.

2281 c. Anti-fraud plans.

2282 d. School readiness program standards.

2283 e. Child screening and assessments.

2284 f. Training and support for parental involvement in
 2285 children's early education.

2286 g. Family literacy activities and services.

2287 (g) Provide technical assistance to early learning
 2288 coalitions.

2289 (h) In cooperation with the early learning coalitions,
 2290 coordinate with the Child Care Services Program Office of the
 2291 Department of Children and Families to reduce paperwork and to

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2292 avoid duplicating interagency activities, health and safety
 2293 monitoring, and acquiring and composing data pertaining to child
 2294 care training and credentialing.

2295 (i) Enter into a memorandum of understanding with local
 2296 licensing agencies and the Child Care Services Program Office of
 2297 the Department of Children and Families for inspections of
 2298 school readiness program providers to monitor and verify
 2299 compliance with s. 1002.88 and the health and safety checklist
 2300 adopted by the department office. The provider contract of a
 2301 school readiness program provider that refuses permission for
 2302 entry or inspection shall be terminated. The health and safety
 2303 checklist may not exceed the requirements of s. 402.305 and the
 2304 Child Care and Development Fund pursuant to 45 C.F.R. part 98. A
 2305 child development program operating on a military installation
 2306 that is certified by the United States Department of Defense and
 2307 accredited by a national accrediting body is exempt from the
 2308 inspection requirements under s. 1002.88.

2309 (j) Monitor the alignment and consistency of the ~~Develop~~
 2310 and ~~adopt~~ standards and benchmarks developed and adopted by the
 2311 department that address the age-appropriate progress of children
 2312 in the development of school readiness skills. The standards for
 2313 children from birth to 5 years of age in the school readiness
 2314 program must be aligned with the performance standards adopted
 2315 for children in the Voluntary Prekindergarten Education Program
 2316 and must address the following domains:

2317 1. Approaches to learning.

2318 2. Cognitive development and general knowledge.

2319 3. Numeracy, language, and communication.

2320 4. Physical development.

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2321 5. Self-regulation.

2322 (k) Identify observation-based child assessments that are
2323 valid, reliable, and developmentally appropriate for use at
2324 least three times a year. The assessments must:

2325 1. Provide interval level and criterion-referenced data
2326 that measures equivalent levels of growth across the core
2327 domains of early childhood development and that can be used for
2328 determining developmentally appropriate learning gains.

2329 2. Measure progress in the performance standards adopted
2330 pursuant to paragraph (j).

2331 3. Provide for appropriate accommodations for children with
2332 disabilities and English language learners and be administered
2333 by qualified individuals, consistent with the developer's
2334 instructions.

2335 4. Coordinate with the performance standards adopted by the
2336 department under s. 1002.67(1) for the Voluntary Prekindergarten
2337 Education Program.

2338 5. Provide data in a format for use in the single statewide
2339 information system to meet the requirements of paragraph (g)
2340 ~~(p)~~.

2341 (l) Adopt a list of approved curricula that meet the
2342 performance standards for the school readiness program and
2343 establish a process for the review and approval of a provider's
2344 curriculum that meets the performance standards.

2345 (m) Provide technical support to an early learning
2346 coalition to facilitate the use of ~~Adopt by rule~~ a standard
2347 statewide provider contract to be used with each school
2348 readiness program provider, with standardized attachments by
2349 provider type. The department office shall publish a copy of the

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2350 standard statewide provider contract on its website. The
2351 standard statewide contract shall include, at a minimum,
2352 contracted slots, if applicable, in accordance with the Child
2353 Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98
2354 and 99; quality improvement strategies, if applicable; program
2355 assessment requirements; and provisions for provider probation,
2356 termination for cause, and emergency termination for those
2357 actions or inactions of a provider that pose an immediate and
2358 serious danger to the health, safety, or welfare of the
2359 children. The standard statewide provider contract shall also
2360 include appropriate due process procedures. During the pendency
2361 of an appeal of a termination, the provider may not continue to
2362 offer its services. Any provision imposed upon a provider that
2363 is inconsistent with, or prohibited by, law is void and
2364 unenforceable. Provisions for termination for cause must also
2365 include failure to meet the minimum quality measures established
2366 under paragraph (n) for a period of up to 5 years, unless the
2367 coalition determines that the provider is essential to meeting
2368 capacity needs based on the assessment under s. 1002.85(2)(j)
2369 and the provider has an active improvement plan pursuant to
2370 paragraph (n).

2371 (n) Adopt a program assessment for school readiness program
2372 providers that measures the quality of teacher-child
2373 interactions, including emotional and behavioral support,
2374 engaged support for learning, classroom organization, and
2375 instructional support for children ages birth to 5 years. The
2376 implementation of the program assessment must also include the
2377 following components adopted by rule by the State Board of
2378 Education:

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2379 1. Quality measures, including a minimum threshold for
 2380 contracting purposes and program improvement through an
 2381 improvement plan.

2382 2. Requirements for program participation, frequency of
 2383 program assessment, and exemptions.

2384 (o) No later than July 1, 2019, develop a differential
 2385 payment program based on the quality measures adopted by the
 2386 department office under paragraph (n). The differential payment
 2387 may not exceed a total of 15 percent for each care level and
 2388 unit of child care for a child care provider. No more than 5
 2389 percent of the 15 percent total differential may be provided to
 2390 providers who submit valid and reliable data to the statewide
 2391 information system in the domains of language and executive
 2392 functioning using a child assessment identified pursuant to
 2393 paragraph (k). Providers below the minimum threshold for
 2394 contracting purposes are ineligible for such payment.

2395 (p) No later than July 1, 2021, develop and adopt
 2396 requirements for the implementation of a program designed to
 2397 make available contracted slots to serve an at-risk child, as
 2398 defined in s. 1002.81(1)(d) and (f), and to serve children at
 2399 the greatest risk of school failure as determined by the
 2400 children being located in an area that has been designated as a
 2401 poverty area tract according to the latest census data. The
 2402 contracted slot program may also be used to increase the
 2403 availability of child care capacity based on the assessment
 2404 under s. 1002.85(2)(j).

2405 (q) ~~(p)~~ Establish a single statewide information system that
 2406 each coalition must use for the purposes of managing the single
 2407 point of entry, tracking children's progress, coordinating

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2408 services among stakeholders, determining eligibility of
 2409 children, tracking child attendance, and streamlining
 2410 administrative processes for providers and early learning
 2411 coalitions. By July 1, 2019, the system, subject to ss. 1002.72
 2412 and 1002.97, shall:

2413 1. Allow a parent to monitor the development of his or her
 2414 child as the child moves among programs within the state.

2415 2. Enable analysis at the state, regional, and local level
 2416 to measure child growth over time, program impact, and quality
 2417 improvement and investment decisions.

2418 ~~(r)~~ ~~(q)~~ Provide technical support to coalitions to
 2419 facilitate the use of ~~Adopt by rule~~ standardized procedures
 2420 adopted by rule by the State Board of Education for coalitions
 2421 to use when monitoring the compliance of school readiness
 2422 program providers with the terms of the standard statewide
 2423 provider contract.

2424 ~~(s)~~ ~~(r)~~ Monitor and evaluate the performance of each early
 2425 learning coalition in administering the school readiness
 2426 program, ensuring proper payments for school readiness program
 2427 services, implementing the coalition's school readiness program
 2428 plan, and administering the Voluntary Prekindergarten Education
 2429 Program. These monitoring and performance evaluations must
 2430 include, at a minimum, onsite monitoring of each coalition's
 2431 finances, management, operations, and programs.

2432 ~~(t)~~ ~~(s)~~ Work in conjunction with the Bureau of Federal
 2433 Education Programs within the Department of Education to
 2434 coordinate readiness and voluntary prekindergarten services to
 2435 the populations served by the bureau.

2436 ~~(u)~~ ~~(t)~~ Administer a statewide toll-free Warm-Line to

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2437 provide assistance and consultation to child care facilities and
 2438 family day care homes regarding health, developmental,
 2439 disability, and special needs issues of the children they are
 2440 serving, particularly children with disabilities and other
 2441 special needs. The department office shall:

2442 1. Annually inform child care facilities and family day
 2443 care homes of the availability of this service through the child
 2444 care resource and referral network under s. 1002.92.

2445 2. Expand or contract for the expansion of the Warm-Line to
 2446 maintain at least one Warm-Line in each early learning coalition
 2447 service area.

2448 (v) ~~(u)~~ Develop and implement strategies to increase the
 2449 supply and improve the quality of child care services for
 2450 infants and toddlers, children with disabilities, children who
 2451 receive care during nontraditional hours, children in
 2452 underserved areas, and children in areas that have significant
 2453 concentrations of poverty and unemployment.

2454 (w) ~~(v)~~ Establish preservice and inservice training
 2455 requirements that address, at a minimum, school readiness child
 2456 development standards, health and safety requirements, and
 2457 social-emotional behavior intervention models, which may include
 2458 positive behavior intervention and support models, including the
 2459 integration of early learning professional development pathways
 2460 established in s. 1002.995.

2461 (x) ~~(w)~~ Establish standards for emergency preparedness plans
 2462 for school readiness program providers.

2463 (y) ~~(x)~~ Establish group sizes.

2464 (z) ~~(y)~~ Establish staff-to-children ratios that do not
 2465 exceed the requirements of s. 402.302(8) or (11) or s.

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2466 402.305(4), as applicable, for school readiness program
 2467 providers.

2468 (aa) ~~(z)~~ Establish eligibility criteria, including
 2469 limitations based on income and family assets, in accordance
 2470 with s. 1002.87 and federal law.

2471 (3) If the department office determines during the review
 2472 of school readiness program plans, or through monitoring and
 2473 performance evaluations conducted under s. 1002.85, that an
 2474 early learning coalition has not substantially implemented its
 2475 plan, has not substantially met the performance standards and
 2476 outcome measures adopted by the department office, or has not
 2477 effectively administered the school readiness program or
 2478 Voluntary Prekindergarten Education Program, the department
 2479 office may ~~temporarily~~ contract with a qualified entity to
 2480 continue school readiness program and prekindergarten services
 2481 in the coalition's county or multicounty region until the
 2482 department office reestablishes the coalition and a new school
 2483 readiness program plan is approved in accordance with the rules
 2484 adopted by the State Board of Education office.

2485 (4) The department office may request the Governor to apply
 2486 for a waiver to allow a coalition to administer the Head Start
 2487 Program to accomplish the purposes of the school readiness
 2488 program.

2489 (5) By January 1 of each year, the department office shall
 2490 annually publish on its website a report of its activities
 2491 conducted under this section. The report must include a summary
 2492 of the coalitions' annual reports, a statewide summary, and the
 2493 following:

2494 (a) An analysis of early learning activities throughout the

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2495 state, including the school readiness program and the Voluntary
2496 Prekindergarten Education Program.

2497 1. The total and average number of children served in the
2498 school readiness program, enumerated by age, eligibility
2499 priority category, and coalition, and the total number of
2500 children served in the Voluntary Prekindergarten Education
2501 Program.

2502 2. A summary of expenditures by coalition, by fund source,
2503 including a breakdown by coalition of the percentage of
2504 expenditures for administrative activities, quality activities,
2505 nondirect services, and direct services for children.

2506 3. A description of the department's office's and each
2507 coalition's expenditures by fund source for the quality and
2508 enhancement activities described in s. 1002.89(5)(b) ~~or~~
2509 ~~1002.89(6)(b)~~.

2510 4. A summary of annual findings and collections related to
2511 provider fraud and parent fraud.

2512 5. Data regarding the coalitions' delivery of early
2513 learning programs.

2514 6. The total number of children disenrolled statewide and
2515 the reason for disenrollment.

2516 7. The total number of providers by provider type.

2517 8. The number of school readiness program providers who
2518 have completed the program assessment required under paragraph
2519 (2)(n); the number of providers who have not met the minimum
2520 threshold for contracting established under paragraph (2)(n);
2521 and the number of providers that have an active improvement plan
2522 based on the results of the program assessment under paragraph
2523 (2)(n).

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2524 9. The total number of provider contracts revoked and the
2525 reasons for revocation.

2526 (b) A summary of the activities and detailed expenditures
2527 related to the Child Care Executive Partnership Program.

2528 Section 49. Subsections (1), (2), and (3), paragraph (m) of
2529 subsection (4), and subsections (5), (11), and (13) of section
2530 1002.83, Florida Statutes, are amended to read:

2531 1002.83 Early learning coalitions.—

2532 (1) Thirty ~~Thirty-one~~ or fewer early learning coalitions
2533 are established and shall maintain direct enhancement services
2534 at the local level and provide access to such services in all 67
2535 counties. Two or more early learning coalitions may join for
2536 purposes of planning and implementing a school readiness program
2537 and the Voluntary Prekindergarten Education Program.

2538 (2) Each early learning coalition shall be composed of at
2539 least 15 members but not more than 30 members.

2540 (3) The Governor shall appoint the chair and two other
2541 members of each early learning coalition, who must each meet the
2542 ~~same~~ qualifications of a ~~as~~ private sector business member
2543 ~~members appointed by the coalition~~ under subsection (5).

2544 (4) Each early learning coalition must include the
2545 following member positions; however, in a multicounty coalition,
2546 each ex officio member position may be filled by multiple
2547 nonvoting members but no more than one voting member shall be
2548 seated per member position. If an early learning coalition has
2549 more than one member representing the same entity, only one ~~of~~
2550 ~~such members~~ may serve as a voting member:

2551 ~~(m) A central agency administrator, where applicable.~~

2552 (5) ~~Including the~~ Members appointed by the Governor under

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2553 subsection (3), more than one-third of the members of each early
 2554 learning coalition must be private sector business members,
 2555 either for-profit or nonprofit, who do not have, and none of
 2556 whose relatives as defined in s. 112.3143 has, a substantial
 2557 financial interest in the design or delivery of the Voluntary
 2558 Prekindergarten Education Program created under part V of this
 2559 chapter or the school readiness program. To meet this
 2560 requirement, an early learning coalition must appoint additional
 2561 members. The department office shall establish criteria for
 2562 appointing private sector business members. These criteria must
 2563 include standards for determining whether a member or relative
 2564 has a substantial financial interest in the design or delivery
 2565 of the Voluntary Prekindergarten Education Program or the school
 2566 readiness program.

2567 (11) Each early learning coalition shall establish terms
 2568 for all appointed members of the coalition. The terms must be
 2569 staggered and must be a uniform length that does not exceed 4
 2570 years per term. Coalition chairs shall be appointed for 4 years
 2571 in conjunction with their membership on the Early Learning
 2572 Advisory Council pursuant to s. 20.052. Appointed members may
 2573 serve a maximum of two consecutive terms. When a vacancy occurs
 2574 in an appointed position, the coalition must advertise the
 2575 vacancy.

2576 (13) Each early learning coalition shall use a coordinated
 2577 professional development system that supports the achievement
 2578 and maintenance of core competencies by school readiness program
 2579 teachers in helping children attain the performance standards
 2580 adopted by the department office.

2581 Section 50. Subsections (17) through (20) of section

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2582 1002.84, Florida Statutes, are renumbered as subsections (16)
 2583 through (19), respectively, and subsections (1), (2), (4), (7),
 2584 (8), (15), and (16) and present subsections (17), (18), and (20)
 2585 of that section are amended to read:

2586 1002.84 Early learning coalitions; school readiness powers
 2587 and duties.—Each early learning coalition shall:

2588 (1) Administer and implement a local comprehensive program
 2589 of school readiness program services in accordance with this
 2590 part and the rules adopted by the State Board of Education
 2591 office, which enhances the cognitive, social, and physical
 2592 development of children to achieve the performance standards.

2593 (2) Establish a uniform waiting list to track eligible
 2594 children waiting for enrollment in the school readiness program
 2595 in accordance with rules adopted by the State Board of Education
 2596 office.

2597 (4) Establish a regional Warm-Line as directed by the
 2598 department office pursuant to s. 1002.82(2)(u) ~~s. 1002.82(2)(t)~~.
 2599 Regional Warm-Line staff shall provide onsite technical
 2600 assistance, when requested, to assist child care facilities and
 2601 family day care homes with inquiries relating to the strategies,
 2602 curriculum, and environmental adaptations the child care
 2603 facilities and family day care homes may need as they serve
 2604 children with disabilities and other special needs.

2605 (7) Determine child eligibility pursuant to s. 1002.87 and
 2606 provider eligibility pursuant to s. 1002.88. Child eligibility
 2607 must be redetermined annually. A coalition must document the
 2608 reason a child is no longer eligible for the school readiness
 2609 program according to the standard codes prescribed by the
 2610 department office.

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2611 (8) Establish a parent sliding fee scale that provides for
 2612 a parent copayment that is not a barrier to families receiving
 2613 school readiness program services. ~~Providers are required to~~
 2614 ~~collect the parent's copayment.~~ A coalition may, ~~on a case-by-~~
 2615 ~~case basis,~~ waive the copayment for an at-risk child or
 2616 temporarily waive the copayment for a child whose family's
 2617 income is at or below the federal poverty level or ~~and~~ whose
 2618 family experiences a natural disaster or an event that limits
 2619 the parent's ability to pay, such as incarceration, placement in
 2620 residential treatment, or becoming homeless, or an emergency
 2621 situation such as a household fire or burglary, or while the
 2622 parent is participating in parenting classes or participating in
 2623 an Early Head Start program or Head Start Program. A parent may
 2624 not transfer school readiness program services to another school
 2625 readiness program provider until the parent has submitted
 2626 documentation from the current school readiness program provider
 2627 to the early learning coalition stating that the parent has
 2628 satisfactorily fulfilled the copayment obligation.

2629 (15) Monitor school readiness program providers in
 2630 accordance with its plan, or in response to a parental
 2631 complaint, to verify that the standards prescribed in ss.
 2632 1002.82 and 1002.88 are being met using a standard monitoring
 2633 tool adopted by the department office. Providers determined to
 2634 be high-risk by the coalition, as demonstrated by substantial
 2635 findings of violations of federal law or the general or local
 2636 laws of the state, shall be monitored more frequently. Providers
 2637 with 3 consecutive years of compliance may be monitored
 2638 biennially.

2639 ~~(16) Adopt a payment schedule that encompasses all programs~~

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2640 ~~funded under this part and part V of this chapter. The payment~~
 2641 ~~schedule must take into consideration the average market rate,~~
 2642 ~~include the projected number of children to be served, and be~~
 2643 ~~submitted for approval by the office. Informal child care~~
 2644 ~~arrangements shall be reimbursed at not more than 50 percent of~~
 2645 ~~the rate adopted for a family day care home.~~

2646 (16)~~(17)~~ Implement an anti-fraud plan addressing the
 2647 detection, reporting, and prevention of overpayments, abuse, and
 2648 fraud relating to the provision of and payment for school
 2649 readiness program and Voluntary Prekindergarten Education
 2650 Program services and submit the plan to the department office
 2651 for approval, as required by s. 1002.91.

2652 (17)~~(18)~~ By October 1 of each year, submit an annual report
 2653 to the department office. The report ~~must shall~~ conform to the
 2654 format adopted by the department office and must include:

2655 (a) Segregation of school readiness program funds,
 2656 Voluntary Prekindergarten Education Program funds, Child Care
 2657 Executive Partnership Program funds, and other local revenues
 2658 available to the coalition.

2659 (b) Details of expenditures by fund source, including total
 2660 expenditures for administrative activities, quality activities,
 2661 nondirect services, and direct services for children.

2662 (c) The total number of coalition staff and the related
 2663 expenditures for salaries and benefits. For any subcontracts,
 2664 the total number of contracted staff and the related
 2665 expenditures for salaries and benefits must be included.

2666 (d) The number of children served in the school readiness
 2667 program, by provider type, enumerated by age and eligibility
 2668 priority category, reported as the number of children served

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2669 during the month, the average participation throughout the
 2670 month, and the number of children served during the month.

2671 (e) The total number of children disenrolled during the
 2672 year and the reasons for disenrollment.

2673 (f) The total number of providers by provider type.

2674 (g) A listing of any school readiness program provider, by
 2675 type, whose eligibility to deliver the school readiness program
 2676 is revoked, including a brief description of the state or
 2677 federal violation that resulted in the revocation.

2678 (h) An evaluation of its direct enhancement services.

2679 (i) The total number of children served in each provider
 2680 facility.

2681 (19) (a) (20) To increase transparency and accountability,
 2682 comply with the requirements of this section before contracting
 2683 with one or more of the following persons or business entities
 2684 which employs, has a contractual relationship with, or is owned
 2685 by the following persons:

2686 1. A member of the coalition appointed pursuant to s.
 2687 1002.83(4);

2688 2. A board member of any other early learning subrecipient
 2689 entity;

2690 3. A coalition employee; or

2691 4. A relative, as defined in s. 112.3143(1) (c), of any
 2692 person identified in subparagraphs 1.-3 a coalition member or of
 2693 an employee of the coalition.

2694 (b) Such contracts may not be executed without the approval
 2695 of the department office. Such contracts, as well as
 2696 documentation demonstrating adherence to this section by the
 2697 coalition, must be approved by a two-thirds vote of the

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2698 coalition, a quorum having been established; all conflicts of
 2699 interest must be disclosed before the vote; and any member who
 2700 may benefit from the contract, or whose relative may benefit
 2701 from the contract, must abstain from the vote. A contract under
 2702 \$25,000 ~~between an early learning coalition and a member of that~~
 2703 ~~coalition or between a relative, as defined in s.~~
 2704 ~~112.3143(1) (c), of a coalition member or of an employee of the~~
 2705 ~~coalition~~ is not required to have the prior approval of the
 2706 department office but must be approved by a two-thirds vote of
 2707 the coalition, a quorum having been established, and must be
 2708 reported to the department office within 30 days after approval.
 2709 If a contract cannot be approved by the department office, a
 2710 review of the decision to disapprove the contract may be
 2711 requested by the early learning coalition or other parties to
 2712 the disapproved contract.

2713 Section 51. Section 1002.85, Florida Statutes, is amended
 2714 to read:

2715 1002.85 Early learning coalition plans.-

2716 (1) The department office shall adopt rules prescribing the
 2717 standardized format and required content of school readiness
 2718 program plans as necessary for a coalition or other qualified
 2719 entity to administer the school readiness program as provided in
 2720 this part.

2721 (2) Each early learning coalition must biennially submit a
 2722 school readiness program plan to the department office before
 2723 the expenditure of funds. A coalition may not implement its
 2724 school readiness program plan until it receives approval from
 2725 the department office. A coalition may not implement any
 2726 revision to its school readiness program plan until the

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2727 coalition submits the revised plan to and receives approval from
 2728 the department office. If the department office rejects a plan
 2729 or revision, the coalition must continue to operate under its
 2730 previously approved plan. The plan must include, but is not
 2731 limited to:

2732 (a) The coalition's operations, including its membership
 2733 and business organization, and the coalition's articles of
 2734 incorporation and bylaws if the coalition is organized as a
 2735 corporation. If the coalition is not organized as a corporation
 2736 or other business entity, the plan must include the contract
 2737 with a fiscal agent.

2738 (b) The minimum number of children to be served by care
 2739 level.

2740 (c) The coalition's procedures for implementing the
 2741 requirements of this part, including:

2742 1. Single point of entry.
 2743 2. Uniform waiting list.
 2744 3. Eligibility and enrollment processes and local
 2745 eligibility priorities for children pursuant to s. 1002.87.
 2746 4. Parent access and choice.
 2747 5. Sliding fee scale and policies on applying the waiver or
 2748 reduction of fees in accordance with s. 1002.84(8).
 2749 6. Use of preassessments and postassessments, as
 2750 applicable.
 2751 7. Payment rate schedule.
 2752 8. Use of contracted slots, as applicable, based on the
 2753 results of the assessment required under paragraph (j).
 2754 (d) A detailed description of the coalition's quality
 2755 activities and services, including, but not limited to:

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2756 1. Resource and referral and school-age child care.
 2757 2. Infant and toddler early learning.
 2758 3. Inclusive early learning programs.
 2759 4. Quality improvement strategies that strengthen teaching
 2760 practices and increase child outcomes.

2761 (e) A detailed budget that outlines estimated expenditures
 2762 for state, federal, and local matching funds at the lowest level
 2763 of detail available by other-cost-accumulator code number; all
 2764 estimated sources of revenue with identifiable descriptions; a
 2765 listing of full-time equivalent positions; contracted
 2766 subcontractor costs with related annual compensation amount or
 2767 hourly rate of compensation; and a capital improvements plan
 2768 outlining existing fixed capital outlay projects and proposed
 2769 capital outlay projects that will begin during the budget year.

2770 (f) A detailed accounting, in the format prescribed by the
 2771 department office, of all revenues and expenditures during the
 2772 previous state fiscal year. Revenue sources should be
 2773 identifiable, and expenditures should be reported by three
 2774 categories: state and federal funds, local matching funds, and
 2775 Child Care Executive Partnership Program funds.

2776 (g) Updated policies and procedures, including those
 2777 governing procurement, maintenance of tangible personal
 2778 property, maintenance of records, information technology
 2779 security, and disbursement controls.

2780 (h) A description of the procedures for monitoring school
 2781 readiness program providers, including in response to a parental
 2782 complaint, to determine that the standards prescribed in ss.
 2783 1002.82 and 1002.88 are met using a standard monitoring tool
 2784 adopted by the department office. Providers determined to be

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2785 high risk by the coalition as demonstrated by substantial
2786 findings of violations of law shall be monitored more
2787 frequently.

2788 (i) Documentation that the coalition has solicited and
2789 considered comments regarding the proposed school readiness
2790 program plan from the local community.

2791 (j) An assessment of local priorities within the county or
2792 multicounty region based on the needs of families and provider
2793 capacity using available community data.

2794 (3) The coalition may periodically amend its plan as
2795 necessary. An amended plan must be submitted to and approved by
2796 the department office before any expenditures are incurred on
2797 the new activities proposed in the amendment.

2798 (4) The department office shall publish a copy of the
2799 standardized format and required content of school readiness
2800 program plans on its website.

2801 (5) The department office shall collect and report data on
2802 coalition delivery of early learning programs. Elements must
2803 ~~shall~~ include, but need not be ~~are not~~ limited to, measures
2804 related to progress towards reducing the number of children on
2805 the waiting list, the percentage of children served by the
2806 program as compared to the number of administrative staff and
2807 overhead, the percentage of children served compared to total
2808 number of children under the age of 5 years below 150 percent of
2809 the federal poverty level, provider payment processes, fraud
2810 intervention, child attendance and stability, use of child care
2811 resource and referral, and kindergarten readiness outcomes for
2812 children in the Voluntary Prekindergarten Education Program or
2813 the school readiness program upon entry into kindergarten. The

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2814 department office shall request input from the coalitions and
2815 school readiness program providers before finalizing the format
2816 and data to be used. The report shall be implemented beginning
2817 July 1, 2014, and results of the report must be included in the
2818 annual report under s. 1002.82.

2819 Section 52. Paragraphs (a), (b), (c), (e), (f), (m), (n),
2820 (p), and (q) of subsection (1) and subsection (3) of section
2821 1002.88, Florida Statutes, are amended, and paragraph (s) is
2822 added to subsection (1) of that section, to read:

2823 1002.88 School readiness program provider standards;
2824 eligibility to deliver the school readiness program.—

2825 (1) To be eligible to deliver the school readiness program,
2826 a school readiness program provider must:

2827 (a) Be a child care facility licensed under s. 402.305, a
2828 family day care home licensed or registered under s. 402.313, a
2829 large family child care home licensed under s. 402.3131, a
2830 public school or nonpublic school exempt from licensure under s.
2831 402.3025, a faith-based child care provider exempt from
2832 licensure under s. 402.316, a before-school or after-school
2833 program described in s. 402.305(1)(c), a child development
2834 program operating on a military installation that is certified
2835 by the United States Department of Defense and accredited by a
2836 national accrediting body, ~~or~~ an informal child care provider to
2837 the extent authorized in the state's Child Care and Development
2838 Fund Plan as approved by the United States Department of Health
2839 and Human Services pursuant to 45 C.F.R. s. 98.18, or a provider
2840 who has been issued a provisional license pursuant to s.
2841 402.309. A provider may not deliver the program while its
2842 license has been converted to a probation-status license

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2843 pursuant to s. 402.310.

2844 (b) Provide instruction and activities to enhance the age-
2845 appropriate progress of each child in attaining the child
2846 development standards adopted by the department office pursuant
2847 to s. 1002.82(2)(j). A provider should include activities to
2848 foster brain development in infants and toddlers; provide an
2849 environment that is rich in language and music and filled with
2850 objects of various colors, shapes, textures, and sizes to
2851 stimulate visual, tactile, auditory, and linguistic senses; and
2852 include 30 minutes of reading to children each day.

2853 (c) Provide basic health and safety of its premises and
2854 facilities and compliance with requirements for age-appropriate
2855 immunizations of children enrolled in the school readiness
2856 program.

2857 1. For a provider that is licensed, compliance with s.
2858 402.305, s. 402.3131, or s. 402.313 and this subsection, as
2859 verified pursuant to s. 402.311, satisfies this requirement.

2860 2. For a provider that is a registered family day care home
2861 or is not subject to licensure or registration by the Department
2862 of Children and Families, compliance with this subsection, as
2863 verified pursuant to s. 402.311, satisfies this requirement.
2864 Upon verification pursuant to s. 402.311, the provider shall
2865 annually post the health and safety checklist adopted by the
2866 department office prominently on its premises in plain sight for
2867 visitors and parents and shall annually submit the checklist to
2868 its local early learning coalition.

2869 3. For a child development program operating on a military
2870 installation that is certified by the United States Department
2871 of Defense and accredited by a national accrediting body, the

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2872 submission and verification of annual inspections pursuant to
2873 United States Department of Defense Instructions 6060.2 and
2874 1402.05 satisfy this requirement.

2875 (e) Employ child care personnel, as defined in s.
2876 402.302(3), who have satisfied the screening requirements of
2877 chapter 402 and fulfilled the training requirements of the
2878 department office.

2879 (f) Implement one of the curricula approved by the
2880 department office that meets the child development standards.

2881 (m) For a provider that is not an informal provider,
2882 maintain general liability insurance and provide the coalition
2883 with written evidence of general liability insurance coverage,
2884 including coverage for transportation of children if school
2885 readiness program children are transported by the provider. A
2886 provider must obtain and retain an insurance policy that
2887 provides a minimum of \$100,000 of coverage per occurrence and a
2888 minimum of \$300,000 general aggregate coverage. The department
2889 office may authorize lower limits upon request, as appropriate.
2890 A provider must add the coalition as a named certificateholder
2891 and as an additional insured. A provider must provide the
2892 coalition with a minimum of 10 calendar days' advance written
2893 notice of cancellation of or changes to coverage. The general
2894 liability insurance required by this paragraph must remain in
2895 full force and effect for the entire period of the provider
2896 contract with the coalition.

2897 (n) For a provider that is an informal provider, comply
2898 with the provisions of paragraph (m) or maintain homeowner's
2899 liability insurance and, if applicable, a business rider. If an
2900 informal provider chooses to maintain a homeowner's policy, the

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2901 provider must obtain and retain a homeowner's insurance policy
 2902 that provides a minimum of \$100,000 of coverage per occurrence
 2903 and a minimum of \$300,000 general aggregate coverage. The
 2904 ~~department office~~ may authorize lower limits upon request, as
 2905 appropriate. An informal provider must add the coalition as a
 2906 named certificateholder and as an additional insured. An
 2907 informal provider must provide the coalition with a minimum of
 2908 10 calendar days' advance written notice of cancellation of or
 2909 changes to coverage. The general liability insurance required by
 2910 this paragraph must remain in full force and effect for the
 2911 entire period of the provider's contract with the coalition.

2912 (p) Notwithstanding paragraph (m), for a provider that is a
 2913 state agency or a subdivision thereof, as defined in s.
 2914 768.28(2), agree to notify the coalition of any additional
 2915 liability coverage maintained by the provider in addition to
 2916 that otherwise established under s. 768.28. The provider shall
 2917 indemnify the coalition to the extent permitted by s. 768.28.
 2918 Notwithstanding paragraph (m), for a child development program
 2919 operating on a military installation that is certified by the
 2920 United States Department of Defense and accredited by a national
 2921 accrediting body, the provider may demonstrate liability
 2922 coverage by affirming that it is subject to the Federal Tort
 2923 Claims Act, 28 U.S.C. ss. 2671 et seq.

2924 (q) Execute the standard statewide provider contract
 2925 adopted by the ~~department office~~.

2926 (s) Collect all parent copayment fees unless a waiver has
 2927 been granted under s. 1002.84(8).

2928 (3) The ~~department office~~ and the coalitions may not:

2929 (a) Impose any requirement on a child care provider or

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2930 early childhood education provider that does not deliver
 2931 services under the school readiness program or receive state or
 2932 federal funds under this part;

2933 (b) Impose any requirement on a school readiness program
 2934 provider that exceeds the authority provided under this part or
 2935 part V of this chapter or rules adopted pursuant to this part or
 2936 part V of this chapter; or

2937 (c) Require a provider to administer a preassessment or
 2938 postassessment or, after its implementation, the program
 2939 assessment required under s. 1002.67.

2940 Section 53. Subsections (3) through (7) of section 1002.89,
 2941 Florida Statutes, are renumbered as subsections (2) through (6),
 2942 respectively, and subsections (2), (3), and (6) of that section
 2943 are amended, to read:

2944 1002.89 School readiness program; funding.—

2945 (2) ~~The office shall administer school readiness program~~
 2946 ~~funds and prepare and submit a unified budget request for the~~
 2947 ~~school readiness program in accordance with chapter 216.~~

2948 ~~(3)~~ All instructions to early learning coalitions for
 2949 administering this section shall emanate from the department
 2950 office in accordance with the policies of the Legislature.

2951 (5)-(6) Costs shall be kept to the minimum necessary for the
 2952 efficient and effective administration of the school readiness
 2953 program with the highest priority of expenditure being direct
 2954 services for eligible children. However, no more than 5 percent
 2955 of the funds described in subsection (4) ~~subsection (5)~~ may be
 2956 used for administrative costs and no more than 22 percent of the
 2957 funds described in subsection (4) ~~subsection (5)~~ may be used in
 2958 any fiscal year for any combination of administrative costs,

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2959 quality activities, and nondirect services as follows:

2960 (a) Administrative costs as described in 45 C.F.R. s.
2961 98.52, which shall include monitoring providers using the
2962 standard methodology adopted under s. 1002.82 to improve
2963 compliance with state and federal regulations and law pursuant
2964 to the requirements of the statewide provider contract adopted
2965 under s. 1002.82(2)(m).

2966 (b) Activities to improve the quality of child care as
2967 described in 45 C.F.R. s. 98.51, which shall be limited to the
2968 following:

2969 1. Developing, establishing, expanding, operating, and
2970 coordinating resource and referral programs specifically related
2971 to the provision of comprehensive consumer education to parents
2972 and the public to promote informed child care choices specified
2973 in 45 C.F.R. s. 98.33.

2974 2. Awarding grants and providing financial support to
2975 school readiness program providers and their staff to assist
2976 them in meeting applicable state requirements for the program
2977 assessment required under s. 1002.82(2)(n), child care
2978 performance standards, implementing developmentally appropriate
2979 curricula and related classroom resources that support
2980 curricula, providing literacy supports, and providing continued
2981 professional development and training. Any grants awarded
2982 pursuant to this subparagraph shall comply with ss. 215.971 and
2983 287.058.

2984 3. Providing training, technical assistance, and financial
2985 support to school readiness program providers, staff, and
2986 parents on standards, child screenings, child assessments, child
2987 development research and best practices, developmentally

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2988 appropriate curricula, character development, teacher-child
2989 interactions, age-appropriate discipline practices, health and
2990 safety, nutrition, first aid, cardiopulmonary resuscitation, the
2991 recognition of communicable diseases, and child abuse detection,
2992 prevention, and reporting.

2993 4. Providing, from among the funds provided for the
2994 activities described in subparagraphs 1.-3., adequate funding
2995 for infants and toddlers as necessary to meet federal
2996 requirements related to expenditures for quality activities for
2997 infant and toddler care.

2998 5. Improving the monitoring of compliance with, and
2999 enforcement of, applicable state and local requirements as
3000 described in and limited by 45 C.F.R. s. 98.40.

3001 6. Responding to Warm-Line requests by providers and
3002 parents, including providing developmental and health screenings
3003 to school readiness program children.

3004 (c) Nondirect services as described in applicable Office of
3005 Management and Budget instructions are those services not
3006 defined as administrative, direct, or quality services that are
3007 required to administer the school readiness program. Such
3008 services include, but are not limited to:

3009 1. Assisting families to complete the required application
3010 and eligibility documentation.

3011 2. Determining child and family eligibility.

3012 3. Recruiting eligible child care providers.

3013 4. Processing and tracking attendance records.

3014 5. Developing and maintaining a statewide child care
3015 information system.

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3017 As used in this paragraph, the term "nondirect services" does
 3018 not include payments to school readiness program providers for
 3019 direct services provided to children who are eligible under s.
 3020 1002.87, administrative costs as described in paragraph (a), or
 3021 quality activities as described in paragraph (b).

3022 Section 54. Subsection (1), paragraph (a) of subsection
 3023 (2), and subsections (4), (5), and (6) of section 1002.895,
 3024 Florida Statutes, are amended to read:

3025 1002.895 Market rate schedule.—The school readiness program
 3026 market rate schedule shall be implemented as follows:

3027 (1) The department office shall establish procedures for
 3028 the adoption of a market rate schedule. The schedule must
 3029 include, at a minimum, county-by-county rates:

3030 (a) The market rate, including the minimum and the maximum
 3031 rates for child care providers that hold a Gold Seal Quality
 3032 Care designation under s. 1002.945 and adhere to its accrediting
 3033 association's teacher-to-child ratios and group size
 3034 requirements s. 402.281.

3035 (b) The market rate for child care providers that do not
 3036 hold a Gold Seal Quality Care designation.

3037 (2) The market rate schedule, at a minimum, must:

3038 (a) Differentiate rates by type, including, but not limited
 3039 to, a child care provider that holds a Gold Seal Quality Care
 3040 designation under s. 1002.945 and adheres to its accrediting
 3041 association's teacher-to-child ratios and group size
 3042 requirements s. 402.281, a child care facility licensed under s.
 3043 402.305, a public or nonpublic school exempt from licensure
 3044 under s. 402.3025, a faith-based child care facility exempt from
 3045 licensure under s. 402.316 that does not hold a Gold Seal

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3046 Quality Care designation, a large family child care home
 3047 licensed under s. 402.3131, or a family day care home licensed
 3048 or registered under s. 402.313.

3049 (4) The market rate schedule shall be considered by the
 3050 Early Learning Program Estimating Conference under s. 216.136(8)
 3051 ~~an early learning coalition~~ in the adoption of a payment
 3052 schedule. The payment schedule must take into consideration the
 3053 prevailing average market rate, include the projected number of
 3054 children to be served by each county, ~~and be submitted for~~
 3055 ~~approval by the office~~. Informal child care arrangements shall
 3056 be reimbursed at not more than 50 percent of the rate adopted
 3057 for a family day care home.

3058 (5) The department office may contract with one or more
 3059 qualified entities to administer this section and provide
 3060 support and technical assistance for child care providers.

3061 (6) The State Board of Education office may adopt rules for
 3062 establishing procedures for the collection of child care
 3063 providers' market rate, the calculation of the prevailing
 3064 average market rate by program care level and provider type in a
 3065 predetermined geographic market, and the publication of the
 3066 market rate schedule.

3067 Section 55. Section 1002.91, Florida Statutes, is amended
 3068 to read:

3069 1002.91 Investigations of fraud or overpayment; penalties.—

3070 (1) As used in this subsection, the term "fraud" means an
 3071 intentional deception, omission, or misrepresentation made by a
 3072 person with knowledge that the deception, omission, or
 3073 misrepresentation may result in unauthorized benefit to that
 3074 person or another person, or any aiding and abetting of the

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3075 commission of such an act. The term includes any act that
3076 constitutes fraud under applicable federal or state law.

3077 (2) To recover state, federal, and local matching funds,
3078 the department office shall investigate early learning
3079 coalitions, recipients, and providers of the school readiness
3080 program and the Voluntary Prekindergarten Education Program to
3081 determine possible fraud or overpayment. If by its own
3082 inquiries, or as a result of a complaint, the department office
3083 has reason to believe that a person, coalition, or provider has
3084 engaged in, or is engaging in, a fraudulent act, it shall
3085 investigate and determine whether any overpayment has occurred
3086 due to the fraudulent act. During the investigation, the
3087 department office may examine all records, including electronic
3088 benefits transfer records, and make inquiry of all persons who
3089 may have knowledge as to any irregularity incidental to the
3090 disbursement of public moneys or other items or benefits
3091 authorizations to recipients.

3092 (3) Based on the results of the investigation, the
3093 department office may, in its discretion, refer the
3094 investigation to the Department of Financial Services for
3095 criminal investigation or refer the matter to the applicable
3096 coalition. Any suspected criminal violation identified by the
3097 department office must be referred to the Department of
3098 Financial Services for criminal investigation.

3099 (4) An early learning coalition may suspend or terminate a
3100 provider from participation in the school readiness program or
3101 the Voluntary Prekindergarten Education Program when it has
3102 reasonable cause to believe that the provider has committed
3103 fraud. The State Board of Education office shall adopt by rule

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3104 appropriate due process procedures that the early learning
3105 coalition shall apply in suspending or terminating any provider,
3106 including the suspension or termination of payment. If
3107 suspended, the provider shall remain suspended until the
3108 completion of any investigation by the department office, the
3109 Department of Financial Services, or any other state or federal
3110 agency, and any subsequent prosecution or other legal
3111 proceeding.

3112 (5) If a school readiness program provider or a Voluntary
3113 Prekindergarten Education Program provider, or an owner,
3114 officer, or director thereof, is convicted of, found guilty of,
3115 or pleads guilty or nolo contendere to, regardless of
3116 adjudication, public assistance fraud pursuant to s. 414.39, or
3117 is acting as the beneficial owner for someone who has been
3118 convicted of, found guilty of, or pleads guilty or nolo
3119 contendere to, regardless of adjudication, public assistance
3120 fraud pursuant to s. 414.39, the early learning coalition shall
3121 refrain from contracting with, or using the services of, that
3122 provider for a period of 5 years. In addition, the coalition
3123 shall refrain from contracting with, or using the services of,
3124 any provider that shares an officer or director with a provider
3125 that is convicted of, found guilty of, or pleads guilty or nolo
3126 contendere to, regardless of adjudication, public assistance
3127 fraud pursuant to s. 414.39 for a period of 5 years.

3128 (6) If the investigation is not confidential or otherwise
3129 exempt from disclosure by law, the results of the investigation
3130 may be reported by the department office to the appropriate
3131 legislative committees, the Department of Children and Families,
3132 and such other persons as the department office deems

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3133 appropriate.

3134 (7) The early learning coalition may not contract with a
3135 school readiness program provider or a Voluntary Prekindergarten
3136 Education Program provider who is on the United States
3137 Department of Agriculture National Disqualified List. In
3138 addition, the coalition may not contract with any provider that
3139 shares an officer or director with a provider that is on the
3140 United States Department of Agriculture National Disqualified
3141 List.

3142 (8) Each early learning coalition shall adopt an anti-fraud
3143 plan addressing the detection and prevention of overpayments,
3144 abuse, and fraud relating to the provision of and payment for
3145 school readiness program and Voluntary Prekindergarten Education
3146 Program services and submit the plan to the department office
3147 for approval. The State Board of Education office shall adopt
3148 rules establishing criteria for the anti-fraud plan, including
3149 appropriate due process provisions. The anti-fraud plan must
3150 include, at a minimum:

3151 (a) A written description or chart outlining the
3152 organizational structure of the plan's personnel who are
3153 responsible for the investigation and reporting of possible
3154 overpayment, abuse, or fraud.

3155 (b) A description of the plan's procedures for detecting
3156 and investigating possible acts of fraud, abuse, or overpayment.

3157 (c) A description of the plan's procedures for the
3158 mandatory reporting of possible overpayment, abuse, or fraud to
3159 the Office of Inspector General within the department office.

3160 (d) A description of the plan's program and procedures for
3161 educating and training personnel on how to detect and prevent

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3162 fraud, abuse, and overpayment.

3163 (e) A description of the plan's procedures, including the
3164 appropriate due process provisions adopted by the department
3165 ~~office~~ for suspending or terminating from the school readiness
3166 program or the Voluntary Prekindergarten Education Program a
3167 recipient or provider who the early learning coalition believes
3168 has committed fraud.

3169 (9) A person who commits an act of fraud as defined in this
3170 section is subject to the penalties provided in s. 414.39(5) (a)
3171 and (b).

3172 Section 56. Subsections (1) and (2) and paragraph (a) of
3173 subsection (3) of section 1002.92, Florida Statutes, are amended
3174 to read:

3175 1002.92 Child care and early childhood resource and
3176 referral.—

3177 (1) As a part of the school readiness program, the
3178 department office shall establish a statewide child care
3179 resource and referral network that is unbiased and provides
3180 referrals to families for child care and information on
3181 available community resources. Preference shall be given to
3182 using early learning coalitions as the child care resource and
3183 referral agencies. If an early learning coalition cannot comply
3184 with the requirements to offer the resource information
3185 component or does not want to offer that service, the early
3186 learning coalition shall select the resource and referral agency
3187 for its county or multicounty region based upon the procurement
3188 requirements of s. 1002.84(12).

3189 (2) At least one child care resource and referral agency
3190 must be established in each early learning coalition's county or

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3191 multicounty region. The State Board of Education ~~office~~ shall
 3192 adopt rules regarding accessibility of child care resource and
 3193 referral services offered through child care resource and
 3194 referral agencies in each county or multicounty region which
 3195 include, at a minimum, required hours of operation, methods by
 3196 which parents may request services, and child care resource and
 3197 referral staff training requirements.

3198 (3) Child care resource and referral agencies shall provide
 3199 the following services:

3200 (a) Identification of existing public and private child
 3201 care and early childhood education services, including child
 3202 care services by public and private employers, and the
 3203 development of a resource file of those services through the
 3204 single statewide information system developed by the department
 3205 office under s. 1002.82(2)(q) ~~s. 1002.82(2)(p)~~. These services
 3206 may include family day care, public and private child care
 3207 programs, the Voluntary Prekindergarten Education Program, Head
 3208 Start, the school readiness program, special education programs
 3209 for prekindergarten children with disabilities, services for
 3210 children with developmental disabilities, full-time and part-
 3211 time programs, before-school and after-school programs, vacation
 3212 care programs, parent education, the temporary cash assistance
 3213 program, and related family support services. The resource file
 3214 shall include, but not be limited to:

- 3215 1. Type of program.
- 3216 2. Hours of service.
- 3217 3. Ages of children served.
- 3218 4. Number of children served.
- 3219 5. Program information.

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3220 6. Fees and eligibility for services.

3221 7. Availability of transportation.

3222 Section 57. Subsection (1) of section 1002.93, Florida
 3223 Statutes, is amended to read:

3224 1002.93 School readiness program transportation services.—

3225 (1) The department ~~office~~ may authorize an early learning
 3226 coalition to establish school readiness program transportation
 3227 services for children at risk of abuse or neglect who are
 3228 participating in the school readiness program, pursuant to
 3229 chapter 427. The early learning coalitions may contract for the
 3230 provision of transportation services as required by this
 3231 section.

3232 Section 58. Subsection (2), paragraphs (b) and (c) of
 3233 subsection (3), and subsection (4) of section 1002.94, Florida
 3234 Statutes, are amended to read:

3235 1002.94 Child Care Executive Partnership Program.—

3236 (2) The Child Care Executive Partnership, staffed by the
 3237 department ~~office~~, shall consist of a representative of the
 3238 Executive Office of the Governor and nine members of the
 3239 corporate or child care community, appointed by the Governor.

3240 (a) Members shall serve for a period of 4 years, except
 3241 that the representative of the Executive Office of the Governor
 3242 shall serve at the pleasure of the Governor.

3243 (b) The Child Care Executive Partnership shall be chaired
 3244 by a member chosen by a majority vote and shall meet at least
 3245 quarterly and at other times upon the call of the chair. The
 3246 Child Care Executive Partnership may use any method of
 3247 telecommunications to conduct meetings, including establishing a
 3248 quorum through telecommunications, only if the public is given

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3249 proper notice of a telecommunications meeting and reasonable
3250 access to observe and, when appropriate, participate.

3251 (c) Members shall serve without compensation, but may be
3252 reimbursed for per diem and travel expenses in accordance with
3253 s. 112.061.

3254 (d) The Child Care Executive Partnership shall have all the
3255 powers and authority, not explicitly prohibited by law,
3256 necessary to carry out and effectuate the purposes of this
3257 section, as well as the functions, duties, and responsibilities
3258 of the partnership, including, but not limited to, the
3259 following:

3260 1. Making recommendations concerning the implementation and
3261 coordination of the school readiness program.

3262 2. Soliciting, accepting, receiving, investing, and
3263 expending funds from public or private sources.

3264 3. Contracting with public or private entities as
3265 necessary.

3266 4. Approving an annual budget.

3267 5. Providing a report to the Governor, the Speaker of the
3268 House of Representatives, and the President of the Senate on or
3269 before December 1 of each year.

3270
3271 Notwithstanding this subsection, the corporate body politic
3272 previously established by prior law is the corporate body
3273 politic for purposes of this section and shall continue in
3274 existence. All member terms of the existing corporate body
3275 politic expire as of June 30, 2013, and new members shall be
3276 appointed beginning July 1, 2013, in accordance with this
3277 subsection.

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3278 (3)

3279 (b) To ensure a seamless service delivery and ease of
3280 access for families, the department office shall administer the
3281 child care purchasing pool funds.

3282 (c) The department office, in conjunction with the Child
3283 Care Executive Partnership, shall develop procedures for
3284 disbursement of funds through the child care purchasing pools.
3285 In order to be considered for funding, an early learning
3286 coalition or the department office must commit to:

3287 1. Matching the state purchasing pool funds on a dollar-
3288 for-dollar basis.

3289 2. Expending only those public funds that are matched by
3290 employers, local government, and other matching contributors who
3291 contribute to the purchasing pool. Parents shall also pay a fee,
3292 which may not be less than the amount identified in the early
3293 learning coalition's school readiness program sliding fee scale.

3294 (4) The State Board of Education office may adopt any rules
3295 necessary for the implementation and administration of this
3296 section.

3297 Section 59. Section 1002.945, Florida Statutes, is created
3298 to read:

3299 1002.945 Gold Seal Quality Care Program.— The Gold Seal
3300 Quality Care Program is established within the department.

3301 (1) A child care facility, large family child care home, or
3302 family day care home that is accredited by an accrediting
3303 association approved by the department under subsection (3) and
3304 meets all other requirements shall, upon application to the
3305 department, receive a separate "Gold Seal Quality Care"
3306 designation.

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3307 (2) The State Board of Education shall adopt rules
 3308 establishing Gold Seal Quality Care accreditation standards
 3309 using nationally recognized accrediting standards as well as
 3310 input from accrediting associations.

3311 (3) (a) In order to be approved by the department for
 3312 participation in the Gold Seal Quality Care Program, an
 3313 accrediting association must apply to the department and
 3314 demonstrate that it:

3315 1. Is a recognized accrediting association.
 3316 2. Has accrediting standards that substantially meet or
 3317 exceed the Gold Seal Quality Care standards adopted by the state
 3318 board under subsection (2).

3319 3. Is a registered corporation with the Department of
 3320 State.

3321 4. Can provide evidence that the process for accreditation
 3322 has, at a minimum, the following components:

3323 a. Clearly defined prerequisites that a child care provider
 3324 must meet before beginning the accreditation process;

3325 b. Procedures for completion of a self-study and a
 3326 comprehensive onsite verification process for each classroom
 3327 that documents compliance with accrediting standards;

3328 c. A training process for accreditation verifiers to ensure
 3329 inter-rater reliability;

3330 d. Ongoing compliance procedures to include completion of
 3331 an audit and filing of an annual report with the department;

3332 e. Accreditation renewal procedures that include onsite
 3333 verification at least every 3 years;

3334 f. A process for verifying continued accreditation
 3335 compliance in the event of a transfer of ownership of

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3336 facilities;

3337 g. Procedures for the revocation of accreditation due to
 3338 failure to maintain accrediting standards; and

3339 h. A process to communicate issues that arise during the
 3340 accreditation period with government entities that have a vested
 3341 interest in the Gold Seal Quality Care Program, including the
 3342 department, the Department of Children and Families, the
 3343 Department of Health, applicable local licensing entities, and
 3344 the early learning coalition.

3345 (b) Any accrediting association that does not comply with
 3346 the processes and procedures submitted and approved by the
 3347 department must be removed as a recognized accrediting
 3348 association for a period of at least 2 years but no more than 5
 3349 years. If an accrediting association is removed from being an
 3350 approved accrediting association, each child care provider
 3351 accredited by that association has up to 1 year to obtain a new
 3352 accreditation from the remaining department approved
 3353 accreditation associations.

3354 (4) In order to obtain and maintain a designation as a Gold
 3355 Seal Quality Care provider, a child care facility, large family
 3356 child care home, or family day care home must meet the following
 3357 additional criteria:

3358 (a) The child care provider may not have had any Class I
 3359 violations, as defined by rule by the Department of Children and
 3360 Families, within the 2 years preceding its application for
 3361 designation as a Gold Seal Quality Care provider. Commission of
 3362 a Class I violation is grounds for termination of the
 3363 designation as a Gold Seal Quality Care provider until the
 3364 provider has not had any Class I violations for a period of 2

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3365 years.

3366 (b) The child care provider may not have had three or more

3367 Class II violations, as defined by rule by the Department of

3368 Children and Families, within the 2 years preceding its

3369 application for designation as a Gold Seal Quality Care

3370 provider. Commission of three or more Class II violations within

3371 a 2-year period is grounds for termination of the designation as

3372 a Gold Seal Quality Care provider until the provider has not had

3373 any Class II violations for a period of 1 year.

3374 (c) The child care provider may not have been cited for the

3375 same Class III violation, as defined by rule by the Department

3376 of Children and Families, three or more times and failed to

3377 correct the violation within 1 year after the date of each

3378 citation, within the 2 years preceding its application for

3379 designation as a Gold Seal Quality Care provider. Commission of

3380 the same Class III violation three or more times and failure to

3381 correct within the required time during a 2-year period is

3382 grounds for termination of the designation until the provider

3383 has not had any Class III violations for a period of 1 year.

3384 (5) A child care facility licensed under s. 402.305 or a

3385 child care facility exempt from licensing under s. 402.316 that

3386 achieves Gold Seal Quality Care status pursuant to this section

3387 is considered an educational institution for the purpose of

3388 qualifying for exemption from ad valorem tax under s. 196.198.

3389 (6) A child care facility licensed under s. 402.305 or a

3390 child care facility exempt from licensing under s. 402.316 that

3391 achieves Gold Seal Quality Care status pursuant to this section

3392 and that participates in the school readiness program must

3393 receive a minimum of a 20 percent rate differential for each

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3394 enrolled school readiness child by care level and unit of child

3395 care. The Early Learning Programs Estimating Conference under s.

3396 216.136(8) may determine a higher rate differential above 20

3397 percent for a school readiness program that maintains group size

3398 and teacher-to-child ratios in accordance with its accrediting

3399 body standards as a function of setting payment rates, but the

3400 rate differential may not exceed 40 percent for each enrolled

3401 school readiness child by care level and unit of child care.

3402 (7) The State Board of Education shall adopt rules under

3403 ss. 120.536(1) and 120.54 which provide criteria and procedures

3404 for reviewing and approving accrediting associations for

3405 participation in the Gold Seal Quality Care Program, and

3406 conferring and revoking Gold Seal Quality Care provider

3407 designations.

3408 Section 60. Section 1002.95, Florida Statutes, is amended

3409 to read:

3410 1002.95 Teacher Education and Compensation Helps (TEACH)

3411 scholarship program.—

3412 (1) The department office may contract for the

3413 administration of the Teacher Education and Compensation Helps

3414 (TEACH) scholarship program, which provides educational

3415 scholarships to caregivers and administrators of early childhood

3416 programs, family day care homes, and large family child care

3417 homes. The goal of the program is to increase the education and

3418 training for caregivers, increase the compensation for child

3419 caregivers who complete the program requirements, and reduce the

3420 rate of participant turnover in the field of early childhood

3421 education.

3422 (2) The State Board of Education office shall adopt rules

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3423 as necessary to administer this section.

3424 Section 61. Subsections (1) and (3) of section 1002.96,
3425 Florida Statutes, are amended to read:

3426 1002.96 Early Head Start collaboration grants.—

3427 (1) Contingent upon specific appropriation, the department
3428 ~~office~~ shall establish a program to award collaboration grants
3429 to assist local agencies in securing Early Head Start programs
3430 through Early Head Start program federal grants. The
3431 collaboration grants shall provide the required matching funds
3432 for public and private nonprofit agencies that have been
3433 approved for Early Head Start program federal grants.

3434 (3) The State Board of Education ~~office~~ may adopt rules as
3435 necessary for the award of collaboration grants to competing
3436 agencies and the administration of the collaboration grants
3437 program under this section.

3438 Section 62. Subsection (1) and paragraph (g) of subsection
3439 (3) of section 1002.97, Florida Statutes, are amended to read:

3440 1002.97 Records of children in the school readiness
3441 program.—

3442 (1) The individual records of children enrolled in the
3443 school readiness program provided under this part, held by an
3444 early learning coalition or the department ~~office~~, are
3445 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3446 of the State Constitution. For purposes of this section, records
3447 include assessment data, health data, records of teacher
3448 observations, and personal identifying information.

3449 (3) School readiness program records may be released to:

3450 (g) Parties to an interagency agreement among early
3451 learning coalitions, local governmental agencies, providers of

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3452 the school readiness program, state agencies, and the department
3453 ~~office~~ for the purpose of implementing the school readiness
3454 program.

3455
3456 Agencies, organizations, or individuals that receive school
3457 readiness program records in order to carry out their official
3458 functions must protect the data in a manner that does not permit
3459 the personal identification of a child enrolled in a school
3460 readiness program and his or her parent by persons other than
3461 those authorized to receive the records.

3462 Section 63. Subsections (1) and (3) of section 1002.995,
3463 Florida Statutes, are amended to read:

3464 1002.995 Early learning professional development standards
3465 and career pathways.—

3466 (1) The department ~~office~~ shall:

3467 (a) Develop early learning professional development
3468 training and course standards to be utilized for school
3469 readiness program providers.

3470 (b) Identify both formal and informal early learning career
3471 pathways with stackable credentials and certifications that
3472 allow early childhood teachers to access specialized
3473 professional development that:

3474 1. Strengthens knowledge and teaching practices.

3475 2. Aligns to established professional standards and core
3476 competencies.

3477 3. Provides a progression of attainable, competency-based
3478 stackable credentials and certifications.

3479 4. Improves outcomes for children to increase kindergarten
3480 readiness and early grade success.

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3481 (3) The State Board of Education ~~office~~ shall adopt rules
3482 to administer this section.

3483 Section 64. Subsection (3) of section 1003.575, Florida
3484 Statutes, is amended to read:

3485 1003.575 Assistive technology devices; findings;
3486 interagency agreements.—Accessibility, utilization, and
3487 coordination of appropriate assistive technology devices and
3488 services are essential as a young person with disabilities moves
3489 from early intervention to preschool, from preschool to school,
3490 from one school to another, from school to employment or
3491 independent living, and from school to home and community. If an
3492 individual education plan team makes a recommendation in
3493 accordance with State Board of Education rule for a student with
3494 a disability, as defined in s. 1003.01(3), to receive an
3495 assistive technology assessment, that assessment must be
3496 completed within 60 school days after the team's recommendation.
3497 To ensure that an assistive technology device issued to a young
3498 person as part of his or her individualized family support plan,
3499 individual support plan, individualized plan for employment, or
3500 individual education plan remains with the individual through
3501 such transitions, the following agencies shall enter into
3502 interagency agreements, as appropriate, to ensure the
3503 transaction of assistive technology devices:

3504 (3) The Voluntary Prekindergarten Education Program
3505 administered by the Department of Education ~~and the Office of~~
3506 Early Learning.

3507
3508 Interagency agreements entered into pursuant to this section
3509 shall provide a framework for ensuring that young persons with

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3510 disabilities and their families, educators, and employers are
3511 informed about the utilization and coordination of assistive
3512 technology devices and services that may assist in meeting
3513 transition needs, and shall establish a mechanism by which a
3514 young person or his or her parent may request that an assistive
3515 technology device remain with the young person as he or she
3516 moves through the continuum from home to school to postschool.

3517 Section 65. Section 1007.01, Florida Statutes, is amended
3518 to read:

3519 1007.01 Articulation; legislative intent; purpose; role of
3520 the State Board of Education and the Board of Governors;
3521 Articulation Coordinating Committee.—

3522 (1) It is the intent of the Legislature to facilitate
3523 articulation and seamless integration of the K-20 education
3524 system by building, sustaining, and strengthening relationships
3525 among Early Learning-20 ~~K-20~~ public organizations, between
3526 public and private organizations, and between the education
3527 system as a whole and Florida's communities. The purpose of
3528 building, sustaining, and strengthening these relationships is
3529 to provide for the efficient and effective progression and
3530 transfer of students within the education system and to allow
3531 students to proceed toward their educational objectives as
3532 rapidly as their circumstances permit. The Legislature further
3533 intends that articulation policies and budget actions be
3534 implemented consistently in the practices of the Department of
3535 Education and postsecondary educational institutions and
3536 expressed in the collaborative policy efforts of the State Board
3537 of Education and the Board of Governors.

3538 (2) To improve and facilitate articulation systemwide, the

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3539 State Board of Education and the Board of Governors shall
 3540 collaboratively establish and adopt policies with input from
 3541 statewide K-20 advisory groups established by the Commissioner
 3542 of Education and the Chancellor of the State University System
 3543 and shall recommend the policies to the Legislature. The
 3544 policies shall relate to:

3545 (a) The alignment between the exit requirements of one
 3546 education system and the admissions requirements of another
 3547 education system into which students typically transfer.

3548 (b) The identification of common courses, the level of
 3549 courses, institutional participation in a statewide course
 3550 numbering system, and the transferability of credits among such
 3551 institutions.

3552 (c) Identification of courses that meet general education
 3553 or common degree program prerequisite requirements at public
 3554 postsecondary educational institutions.

3555 (d) Dual enrollment course equivalencies.

3556 (e) Articulation agreements.

3557 (3) The Commissioner of Education, in consultation with the
 3558 Chancellor of the State University System, shall establish the
 3559 Articulation Coordinating Committee, which shall make
 3560 recommendations related to statewide articulation policies and
 3561 issues regarding access, quality, and reporting of data
 3562 maintained by the education K-20 data warehouse, established
 3563 pursuant to ss. 1001.10 and 1008.31, to the Higher Education
 3564 Coordination Council, the State Board of Education, and the
 3565 Board of Governors. The committee shall consist of two members
 3566 each representing the State University System, the Florida
 3567 College System, public career and technical education, K-12

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3568 education, and nonpublic postsecondary education and one member
 3569 representing students. The chair shall be elected from the
 3570 membership. The Office of K-20 Articulation shall provide
 3571 administrative support for the committee. The committee shall:

3572 (a) Monitor the alignment between the exit requirements of
 3573 one education system and the admissions requirements of another
 3574 education system into which students typically transfer and make
 3575 recommendations for improvement.

3576 (b) Propose guidelines for interinstitutional agreements
 3577 between and among public schools, career and technical education
 3578 centers, Florida College System institutions, state
 3579 universities, and nonpublic postsecondary institutions.

3580 (c) Annually recommend dual enrollment course and high
 3581 school subject area equivalencies for approval by the State
 3582 Board of Education and the Board of Governors.

3583 (d) Annually review the statewide articulation agreement
 3584 pursuant to s. 1007.23 and make recommendations for revisions.

3585 (e) Annually review the statewide course numbering system,
 3586 the levels of courses, and the application of transfer credit
 3587 requirements among public and nonpublic institutions
 3588 participating in the statewide course numbering system and
 3589 identify instances of student transfer and admissions
 3590 difficulties.

3591 (f) Annually publish a list of courses that meet common
 3592 general education and common degree program prerequisite
 3593 requirements at public postsecondary institutions identified
 3594 pursuant to s. 1007.25.

3595 (g) Foster timely collection and reporting of statewide
 3596 education data to improve the Early Learning-20 ~~K-20~~ education

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3597 performance accountability system pursuant to ss. 1001.10 and
 3598 1008.31, including, but not limited to, data quality,
 3599 accessibility, and protection of student records.

3600 (h) Recommend roles and responsibilities of public
 3601 education entities in interfacing with the single, statewide
 3602 computer-assisted student advising system established pursuant
 3603 to s. 1006.735.

3604 Section 66. Section 1008.2125, Florida Statutes, is created
 3605 to read:

3606 1008.2125 Coordinated screening and progress-monitoring
 3607 program for students in the Voluntary Prekindergarten Education
 3608 Program through grade 3.—

3609 (1) The primary purpose of the coordinated screening and
 3610 progress-monitoring program for students in the Voluntary
 3611 Prekindergarten Education Program through grade 3 is to provide
 3612 information on students' progress in mastering the appropriate
 3613 grade-level standards to parents, teachers, and school and
 3614 program administrators. Data must be used by Voluntary
 3615 Prekindergarten Education Program providers and school districts
 3616 to improve instruction, by parents and teachers to guide
 3617 learning objectives and provide timely and appropriate supports
 3618 and interventions to students not meeting grade level
 3619 expectations, and by the public to assess the cost benefit of
 3620 the expenditure of taxpayer dollars. The program shall:

3621 (a) Assess the progress of students in the Voluntary
 3622 Prekindergarten Education Program through grade 3 in meeting the
 3623 appropriate expectations in early literacy and math skills and
 3624 in English Language Arts and mathematics, as required by ss.
 3625 1002.67(1)(a) and 1003.41.

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3626 (b) Provide data for accountability of the Voluntary
 3627 Prekindergarten Education Program, as required by s. 1002.68.

3628 (c) Provide baseline data to the department of each
 3629 student's readiness for kindergarten, which must be based on
 3630 each kindergarten student's progress-monitoring results within
 3631 the first 30 days of enrollment in accordance with paragraph
 3632 (2)(a).

3633 (d) Identify the educational strengths and needs of
 3634 students in the Voluntary Prekindergarten Education Program
 3635 through grade 3.

3636 (e) Provide teachers with progress-monitoring data to
 3637 provide timely interventions and supports pursuant to s.
 3638 1008.25(5).

3639 (f) Assess how well educational goals and curricular
 3640 standards are met at the provider, school, district, and state
 3641 levels.

3642 (g) Provide information to aid in the evaluation and
 3643 development of educational programs and policies.

3644 (2) The Commissioner of Education shall design a statewide,
 3645 standardized screening and progress-monitoring program to assess
 3646 early literacy, dyslexia, mathematics skills, and the English
 3647 Language Arts and mathematics standards established in ss.
 3648 1002.67(1)(a) and 1003.41, respectively. The screening and
 3649 progress-monitoring program must provide interval level and
 3650 criterion-referenced data that measures equivalent levels of
 3651 growth; be a developmentally appropriate, valid, and reliable
 3652 direct assessment; be able to capture data on students who may
 3653 be performing below grade or developmental level; accurately
 3654 measure the core content in the applicable grade level standards

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3655 and document learning gains for the achievement of these
 3656 standards; and provide teachers with progress monitoring
 3657 supports and materials that enhance differentiated instruction
 3658 and parent communication. Participation in the screening and
 3659 progress-monitoring program is mandatory for all students in the
 3660 Voluntary Prekindergarten Education Program and in public
 3661 schools. The coordinated screening and progress-monitoring
 3662 program must be implemented beginning in the 2021-2022 school
 3663 year, as follows:

3664 (a) The Voluntary Prekindergarten Education Program through
 3665 grade 3 screening and progress-monitoring program must be
 3666 administered within the first 30 days after enrollment, midyear,
 3667 and within the last 30 days of the program or school year, in
 3668 accordance with the rules adopted by the State Board of
 3669 Education. The State Board of Education may adopt alternate
 3670 timeframes to address nontraditional school year calendars or
 3671 summer programs to ensure that of the Voluntary Prekindergarten
 3672 Education Program through grade 3 screening and progress-
 3673 monitoring is administered at least 3 times within a year or the
 3674 duration of a program.

3675 (b) The results of the Voluntary Prekindergarten Education
 3676 Program through grade 3 screening and progress-monitoring
 3677 program must be reported to the department in accordance with
 3678 rule of the State Board of Education, and maintained in the
 3679 department's Education Data Warehouse.

3680 (3) The Commissioner of Education shall:

3681 (a) Develop a plan, in coordination with the Council for
 3682 Early Grade Success, for implementing the Voluntary
 3683 Prekindergarten Education Program through grade 3 screening and

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3684 progress-monitoring program in consideration of the timelines
 3685 required for the completion of the review of the Next Generation
 3686 Sunshine State Standards and the Voluntary Prekindergarten
 3687 Education Program standards.

3688 (b) Include a request for funding in the agency's 2021-2022
 3689 legislative budget request, and each succeeding budget request,
 3690 for procurement and the provision of training to Voluntary
 3691 Prekindergarten Education Program providers, early learning
 3692 coalitions, and school districts.

3693 (c) Provide any requested data, reports, and information to
 3694 the Council for Early Grade Success.

3695 (4) The Council for Early Grade Success, a council as
 3696 defined in s. 20.03, is created within the Department of
 3697 Education to oversee the coordinated screening and progress-
 3698 monitoring program and, except as otherwise provided in this
 3699 section, shall operate consistent with s. 20.052.

3700 (a) The council shall review the implementation of,
 3701 training for, and outcomes from the coordinated screening and
 3702 progress-monitoring program to provide recommendations to the
 3703 department that support the state's grade 3 students in reading
 3704 at or above grade level. At a minimum, the council shall:

3705 1. Provide recommendations on the implementation of the
 3706 coordinated screening and progress-monitoring program, including
 3707 reviewing any procurement solicitation documents and criteria
 3708 prior to being published.

3709 2. Develop training plans and timelines.

3710 3. Identify appropriate personnel, processes, and
 3711 procedures required for the administration of the coordinated
 3712 screening and progress-monitoring program.

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- 3713 4. Provide input on the methodology for calculating a
 3714 provider's or school's performance metric and the grading system
 3715 pursuant to s. 1002.67.
- 3716 5. Work with the department to identify a methodology for
 3717 determining a child's kindergarten readiness.
- 3718 6. Review data on age-appropriate learning gains by grade
 3719 level that a student would need to attain in order to
 3720 demonstrate proficiency in reading by grade 3.
- 3721 7. Continually review anonymized data from the results of
 3722 the coordinated screening and progress-monitoring program for
 3723 students in the Voluntary Prekindergarten Education Program
 3724 through grade 3 to help inform recommendations to the department
 3725 that support practices that will enable grade 3 students to read
 3726 at or above grade level.
- 3727 (b) The council shall be composed of 15 members, all of
 3728 whom must be residents of the state, appointed as follows:
- 3729 1. One representative of the Department of Education and
 3730 one parent of a child who is within the range of 4 to 9 years of
 3731 age, both appointed by the Governor.
- 3732 2. Thirteen members jointly appointed by the President of
 3733 the Senate and the Speaker of the House of Representatives, as
 3734 follows:
- 3735 a. One representative of an urban school district.
 3736 b. One representative of a rural school district.
 3737 c. One representative of an urban early learning coalition.
 3738 d. One representative of a rural early learning coalition.
 3739 e. One representative of an early learning provider.
 3740 f. One representative of a faith-based early learning
 3741 provider.

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- 3742 g. One representative who is a kindergarten teacher who has
 3743 at least 5 years of teaching experience.
- 3744 h. One representative who is a grade 2 teacher who has at
 3745 least 5 years of teaching experience.
- 3746 i. One representative who is a school principal.
- 3747 j. Four representatives with subject matter expertise in
 3748 early learning, early grade success, or child assessments, none
 3749 of whom may be a direct stakeholder within the 67 early learning
 3750 or public school systems or a potential recipient of a contract
 3751 negotiated at the recommendation of the council.
- 3752 (5) The council shall elect a chair and a vice chair. The
 3753 chair must be one of the four members with subject matter
 3754 expertise in early learning, early grade success, or child
 3755 assessments. The vice chair must be a member appointed by the
 3756 President of the Senate and the Speaker of the House of
 3757 Representatives who is not one of the four members who are
 3758 subject matter experts in early learning, early grade success,
 3759 or child assessments. Members of the council shall serve without
 3760 compensation but are entitled to reimbursement for per diem and
 3761 travel expenses pursuant to s. 112.061.
- 3762 (6) The council must meet at least biannually and may meet
 3763 by teleconference or other electronic means, as possible, to
 3764 reduce costs.
- 3765 (7) A majority of the members constitutes a quorum.
- 3766 Section 67. Paragraphs (b) and (c) of subsection (5) of
 3767 section 1008.25, Florida Statutes, are redesignated as
 3768 paragraphs (c) and (d), respectively, paragraph (b) of
 3769 subsection (6), subsection (7), and paragraph (a) of subsection
 3770 (8) are amended, and a new paragraph (b) is added to subsection

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3771 (5) of that section, to read:

3772 1008.25 Public school student progression; student support;
3773 reporting requirements.—

3774 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3775 (b) Any Voluntary Prekindergarten Education Program student
3776 who exhibits a substantial deficiency in early literacy in
3777 accordance with the standards under s. 1002.67(1)(a) and based
3778 upon the results of the administration of the final progress
3779 monitoring screening in s. 1008.2125 must be referred to the
3780 local school district and may be eligible to receive intensive
3781 reading interventions before participating in kindergarten. The
3782 intensive reading interventions may be paid for using funds from
3783 the district's research-based reading instruction allocation in
3784 accordance with s. 1011.62(9).

3785 (6) ELIMINATION OF SOCIAL PROMOTION.—

3786 (b) The district school board may only exempt students from
3787 mandatory retention, as provided in paragraph (5)(c) paragraph
3788 (5)(b), for good cause. A student who is promoted to grade 4
3789 with a good cause exemption shall be provided intensive reading
3790 instruction and intervention that include specialized diagnostic
3791 information and specific reading strategies to meet the needs of
3792 each student so promoted. The school district shall assist
3793 schools and teachers with the implementation of explicit,
3794 systematic, and multisensory reading instruction and
3795 intervention strategies for students promoted with a good cause
3796 exemption which research has shown to be successful in improving
3797 reading among students who have reading difficulties. Good cause
3798 exemptions are limited to the following:

3799 1. Limited English proficient students who have had less

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3800 than 2 years of instruction in an English for Speakers of Other
3801 Languages program based on the initial date of entry into a
3802 school in the United States.

3803 2. Students with disabilities whose individual education
3804 plan indicates that participation in the statewide assessment
3805 program is not appropriate, consistent with the requirements of
3806 s. 1008.212.

3807 3. Students who demonstrate an acceptable level of
3808 performance on an alternative standardized reading or English
3809 Language Arts assessment approved by the State Board of
3810 Education.

3811 4. A student who demonstrates through a student portfolio
3812 that he or she is performing at least at Level 2 on the
3813 statewide, standardized English Language Arts assessment.

3814 5. Students with disabilities who take the statewide,
3815 standardized English Language Arts assessment and who have an
3816 individual education plan or a Section 504 plan that reflects
3817 that the student has received intensive instruction in reading
3818 or English Language Arts for more than 2 years but still
3819 demonstrates a deficiency and was previously retained in
3820 kindergarten, grade 1, grade 2, or grade 3.

3821 6. Students who have received intensive reading
3822 intervention for 2 or more years but still demonstrate a
3823 deficiency in reading and who were previously retained in
3824 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
3825 years. A student may not be retained more than once in grade 3.

3826 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
3827 STUDENTS.—

3828 (a) Students retained under paragraph (5)(c) paragraph

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3829 ~~(5) (b)~~ must be provided intensive interventions in reading to
 3830 ameliorate the student's specific reading deficiency and prepare
 3831 the student for promotion to the next grade. These interventions
 3832 must include:

3833 1. Evidence-based, explicit, systematic, and multisensory
 3834 reading instruction in phonemic awareness, phonics, fluency,
 3835 vocabulary, and comprehension and other strategies prescribed by
 3836 the school district.

3837 2. Participation in the school district's summer reading
 3838 camp, which must incorporate the instructional and intervention
 3839 strategies under subparagraph 1.

3840 3. A minimum of 90 minutes of daily, uninterrupted reading
 3841 instruction incorporating the instructional and intervention
 3842 strategies under subparagraph 1. This instruction may include:

3843 a. Integration of content-rich texts in science and social
 3844 studies within the 90-minute block.

3845 b. Small group instruction.

3846 c. Reduced teacher-student ratios.

3847 d. More frequent progress monitoring.

3848 e. Tutoring or mentoring.

3849 f. Transition classes containing 3rd and 4th grade
 3850 students.

3851 g. Extended school day, week, or year.

3852 (b) Each school district shall:

3853 1. Provide written notification to the parent of a student
 3854 who is retained under paragraph (5) (c) ~~paragraph (5) (b)~~ that his
 3855 or her child has not met the proficiency level required for
 3856 promotion and the reasons the child is not eligible for a good
 3857 cause exemption as provided in paragraph (6) (b). The

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3858 notification must comply with paragraph (5) (d) ~~paragraph (5) (e)~~
 3859 and must include a description of proposed interventions and
 3860 supports that will be provided to the child to remediate the
 3861 identified areas of reading deficiency.

3862 2. Implement a policy for the midyear promotion of a
 3863 student retained under paragraph (5) (c) ~~paragraph (5) (b)~~ who can
 3864 demonstrate that he or she is a successful and independent
 3865 reader and performing at or above grade level in reading or,
 3866 upon implementation of English Language Arts assessments,
 3867 performing at or above grade level in English Language Arts.
 3868 Tools that school districts may use in reevaluating a student
 3869 retained may include subsequent assessments, alternative
 3870 assessments, and portfolio reviews, in accordance with rules of
 3871 the State Board of Education. Students promoted during the
 3872 school year after November 1 must demonstrate proficiency levels
 3873 in reading equivalent to the level necessary for the beginning
 3874 of grade 4. The rules adopted by the State Board of Education
 3875 must include standards that provide a reasonable expectation
 3876 that the student's progress is sufficient to master appropriate
 3877 grade 4 level reading skills.

3878 3. Provide students who are retained under paragraph (5) (c)
 3879 ~~paragraph (5) (b)~~, including students participating in the school
 3880 district's summer reading camp under subparagraph (a)2., with a
 3881 highly effective teacher as determined by the teacher's
 3882 performance evaluation under s. 1012.34, and, beginning July 1,
 3883 2020, the teacher must also be certified or endorsed in reading.

3884 4. Establish at each school, when applicable, an intensive
 3885 reading acceleration course for any student retained in grade 3
 3886 who was previously retained in kindergarten, grade 1, or grade

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3887 2. The intensive reading acceleration course must provide the
 3888 following:

3889 a. Uninterrupted reading instruction for the majority of
 3890 student contact time each day and opportunities to master the
 3891 grade 4 Next Generation Sunshine State Standards in other core
 3892 subject areas through content-rich texts.

3893 b. Small group instruction.

3894 c. Reduced teacher-student ratios.

3895 d. The use of explicit, systematic, and multisensory
 3896 reading interventions, including intensive language, phonics,
 3897 and vocabulary instruction, and use of a speech-language
 3898 therapist if necessary, that have proven results in accelerating
 3899 student reading achievement within the same school year.

3900 e. A read-at-home plan.

3901 (8) ANNUAL REPORT.—

3902 (a) In addition to the requirements in paragraph (5) (c)
 3903 ~~paragraph (5) (b)~~, each district school board must annually
 3904 report to the parent of each student the progress of the student
 3905 toward achieving state and district expectations for proficiency
 3906 in English Language Arts, science, social studies, and
 3907 mathematics. The district school board must report to the parent
 3908 the student's results on each statewide, standardized
 3909 assessment. The evaluation of each student's progress must be
 3910 based upon the student's classroom work, observations, tests,
 3911 district and state assessments, response to intensive
 3912 interventions provided under paragraph (5) (a), and other
 3913 relevant information. Progress reporting must be provided to the
 3914 parent in writing in a format adopted by the district school
 3915 board.

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3916 Section 68. Section 1008.31, Florida Statutes, is amended
 3917 to read:

3918 1008.31 Florida's Early Learning-20 ~~K-20~~ education
 3919 performance accountability system; legislative intent; mission,
 3920 goals, and systemwide measures; data quality improvements.—

3921 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 3922 that:

3923 (a) The performance accountability system implemented to
 3924 assess the effectiveness of Florida's seamless Early Learning-20
 3925 ~~K-20~~ education delivery system provide answers to the following
 3926 questions in relation to its mission and goals:

3927 1. What is the public receiving in return for funds it
 3928 invests in education?

3929 2. How effectively is Florida's Early Learning-20 ~~K-20~~
 3930 education system educating its students?

3931 3. How effectively are the major delivery sectors promoting
 3932 student achievement?

3933 4. How are individual schools and postsecondary education
 3934 institutions performing their responsibility to educate their
 3935 students as measured by how students are performing and how much
 3936 they are learning?

3937 (b) The Early Learning-20 ~~K-20~~ education performance
 3938 accountability system be established as a single, unified
 3939 accountability system with multiple components, including, but
 3940 not limited to, student performance in public schools and school
 3941 and district grades.

3942 (c) The Early Learning-20 ~~K-20~~ education performance
 3943 accountability system comply with the requirements of the "No
 3944 Child Left Behind Act of 2001," Pub. L. No. 107-110, and the

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3945 Individuals with Disabilities Education Act (IDEA).

3946 (d) The early learning accountability system comply with
 3947 the requirements of Part V and Part VI of chapter 1002 and the
 3948 requirements of the Child Care and Development Block Grant Trust
 3949 Fund, pursuant to 45 C.F.R. parts 98 and 99.

3950 ~~(e)(d)~~ The State Board of Education and the Board of
 3951 Governors of the State University System recommend to the
 3952 Legislature systemwide performance standards; the Legislature
 3953 establish systemwide performance measures and standards; and the
 3954 systemwide measures and standards provide Floridians with
 3955 information on what the public is receiving in return for the
 3956 funds it invests in education and how well the Early Learning-20
 3957 ~~K-20~~ system educates its students.

3958 (f) 1. (e) 1. The State Board of Education establish
 3959 performance measures and set performance standards for
 3960 individual public schools and Florida College System
 3961 institutions, with measures and standards based primarily on
 3962 student achievement.

3963 2. The Board of Governors of the State University System
 3964 establish performance measures and set performance standards for
 3965 individual state universities, including actual completion
 3966 rates.

3967 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

3968 (a) The mission of Florida's Early Learning-20 ~~K-20~~
 3969 education system shall be to increase the proficiency of all
 3970 students within one seamless, efficient system, by allowing them
 3971 the opportunity to expand their knowledge and skills through
 3972 learning opportunities and research valued by students, parents,
 3973 and communities.

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3974 (b) The process for establishing state and sector-specific
 3975 standards and measures must be:

- 3976 1. Focused on student success.
- 3977 2. Addressable through policy and program changes.
- 3978 3. Efficient and of high quality.
- 3979 4. Measurable over time.
- 3980 5. Simple to explain and display to the public.
- 3981 6. Aligned with other measures and other sectors to support
 3982 a coordinated Early Learning-20 ~~K-20~~ education system.

3983 (c) The Department of Education shall maintain an
 3984 accountability system that measures student progress toward the
 3985 following goals:

- 3986 1. Highest student achievement, as indicated by evidence of
 3987 student learning gains at all levels.
- 3988 2. Seamless articulation and maximum access, as measured by
 3989 evidence of progression, readiness, and access by targeted
 3990 groups of students identified by the Commissioner of Education.
- 3991 3. Skilled workforce and economic development, as measured
 3992 by evidence of employment and earnings.
- 3993 4. Quality efficient services, as measured by evidence of
 3994 return on investment.
- 3995 5. Other goals as identified by law or rule.

3996 (3) ~~K-20~~ EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
 3997 data required to implement education performance accountability
 3998 measures in state and federal law, the Commissioner of Education
 3999 shall initiate and maintain strategies to improve data quality
 4000 and timeliness. The Board of Governors shall make available to
 4001 the department all data within the State University Database
 4002 System to be integrated into the education ~~K-20~~ data warehouse.

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4003 The commissioner shall have unlimited access to such data for
 4004 the purposes of conducting studies, reporting annual and
 4005 longitudinal student outcomes, and improving college readiness
 4006 and articulation. All public educational institutions shall
 4007 annually provide data from the prior year to the education ~~K-20~~
 4008 data warehouse in a format based on data elements identified by
 4009 the commissioner.

4010 (a) School districts and public postsecondary educational
 4011 institutions shall maintain information systems that will
 4012 provide the State Board of Education, the Board of Governors of
 4013 the State University System, and the Legislature with
 4014 information and reports necessary to address the specifications
 4015 of the accountability system. The level of comprehensiveness and
 4016 quality must be no less than that which was available as of June
 4017 30, 2001.

4018 (b) Colleges and universities eligible to participate in
 4019 the William L. Boyd, IV, Effective Access to Student Education
 4020 Grant Program shall annually report student-level data from the
 4021 prior year for each student who receives state funds in a format
 4022 prescribed by the Department of Education. At a minimum, data
 4023 from the prior year must include retention rates, transfer
 4024 rates, completion rates, graduation rates, employment and
 4025 placement rates, and earnings of graduates. By October 1 of each
 4026 year, the colleges and universities described in this paragraph
 4027 shall report the data to the department.

4028 (c) The Commissioner of Education shall determine the
 4029 standards for the required data, monitor data quality, and
 4030 measure improvements. The commissioner shall report annually to
 4031 the State Board of Education, the Board of Governors of the

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4032 State University System, the President of the Senate, and the
 4033 Speaker of the House of Representatives data quality indicators
 4034 and ratings for all school districts and public postsecondary
 4035 educational institutions.

4036 (d) Before establishing any new reporting or data
 4037 collection requirements, the commissioner shall use existing
 4038 data being collected to reduce duplication and minimize
 4039 paperwork.

4040 (4) RULES.—The State Board of Education shall adopt rules
 4041 pursuant to ss. 120.536(1) and 120.54 to implement the
 4042 provisions of this section relating to the education ~~K-20~~ data
 4043 warehouse.

4044 Section 69. Section 1008.32, Florida Statutes, is amended
 4045 to read:

4046 1008.32 State Board of Education oversight enforcement
 4047 authority.—The State Board of Education shall oversee the
 4048 performance of early learning coalitions, district school
 4049 boards, and Florida College System institution boards of
 4050 trustees in enforcement of all laws and rules. District school
 4051 boards and Florida College System institution boards of trustees
 4052 shall be primarily responsible for compliance with law and state
 4053 board rule.

4054 (1) In order to ensure compliance with law or state board
 4055 rule, the State Board of Education shall have the authority to
 4056 request and receive information, data, and reports from early
 4057 learning coalitions, school districts, and Florida College
 4058 System institutions. Early Learning Coalition chief executive
 4059 officers or executive directors, district school
 4060 superintendents, and Florida College System institution

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4061 presidents are responsible for the accuracy of the information
4062 and data reported to the state board.

4063 (2) (a) The Commissioner of Education may investigate
4064 allegations of noncompliance with law or state board rule and
4065 determine probable cause. The commissioner shall report
4066 determinations of probable cause to the State Board of Education
4067 which shall require the early learning coalition, district
4068 school board, or Florida College System institution board of
4069 trustees to document compliance with law or state board rule.

4070 (b) The Commissioner of Education shall report to the State
4071 Board of Education any findings by the Auditor General that an
4072 early learning coalition, a district school board, or a Florida
4073 College System institution is acting without statutory authority
4074 or contrary to general law. The State Board of Education shall
4075 require the early learning coalition, district school board, or
4076 Florida College System institution board of trustees to document
4077 compliance with such law.

4078 (3) If the early learning coalition, district school board,
4079 or Florida College System institution board of trustees cannot
4080 satisfactorily document compliance, the State Board of Education
4081 may order compliance within a specified timeframe.

4082 (4) If the State Board of Education determines that an
4083 early learning coalition, a district school board, or a Florida
4084 College System institution board of trustees is unwilling or
4085 unable to comply with law or state board rule within the
4086 specified time, the state board shall have the authority to
4087 initiate any of the following actions:

4088 (a) Report to the Legislature that the early learning
4089 coalition, school district, or Florida College System

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4090 institution is unwilling or unable to comply with law or state
4091 board rule and recommend action to be taken by the Legislature.

4092 (b) Withhold the transfer of state funds, discretionary
4093 grant funds, discretionary lottery funds, or any other funds
4094 specified as eligible for this purpose by the Legislature until
4095 the early learning coalition, school district, or Florida
4096 College System institution complies with the law or state board
4097 rule.

4098 (c) Declare the early learning coalition, school district,
4099 or Florida College System institution ineligible for competitive
4100 grants.

4101 (d) Require monthly or periodic reporting on the situation
4102 related to noncompliance until it is remedied.

4103 (5) Nothing in this section shall be construed to create a
4104 private cause of action or create any rights for individuals or
4105 entities in addition to those provided elsewhere in law or rule.

4106 Section 70. Paragraph (a) of subsection (3) of section
4107 1008.33, Florida Statutes, is amended to read:

4108 1008.33 Authority to enforce public school improvement.—

4109 (3) (a) The academic performance of all students has a
4110 significant effect on the state school system. Pursuant to Art.
4111 IX of the State Constitution, which prescribes the duty of the
4112 State Board of Education to supervise Florida's public school
4113 system, the state board shall equitably enforce the
4114 accountability requirements of the state school system and may
4115 impose state requirements on school districts in order to
4116 improve the academic performance of all districts, schools, and
4117 students based upon the provisions of the Florida Early
4118 Learning-20 K-20 Education Code, chapters 1000-1013; the federal

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4119 ESEA and its implementing regulations; and the ESEA flexibility
4120 waiver approved for Florida by the United States Secretary of
4121 Education.

4122 Section 71. Subsection (9) of section 1011.62, Florida
4123 Statutes, is amended to read:

4124 1011.62 Funds for operation of schools.—If the annual
4125 allocation from the Florida Education Finance Program to each
4126 district for operation of schools is not determined in the
4127 annual appropriations act or the substantive bill implementing
4128 the annual appropriations act, it shall be determined as
4129 follows:

4130 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

4131 (a) The research-based reading instruction allocation is
4132 created to provide comprehensive reading instruction to students
4133 in kindergarten through grade 12, including certain students who
4134 exhibit a substantial deficiency in early literacy and completed
4135 the Voluntary Prekindergarten Education Program pursuant to s.
4136 1008.25(5)(b). Each school district that has one or more of the
4137 300 lowest-performing elementary schools based on a 3-year
4138 average of the state reading assessment data must use the
4139 school's portion of the allocation to provide an additional hour
4140 per day of intensive reading instruction for the students in
4141 each school. The additional hour may be provided within the
4142 school day. Students enrolled in these schools who earned a
4143 level 4 or level 5 score on the statewide, standardized English
4144 Language Arts assessment for the previous school year may
4145 participate in the additional hour of instruction. Exceptional
4146 student education centers may not be included in the 300
4147 schools. The intensive reading instruction delivered in this

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4148 additional hour shall include: research-based reading
4149 instruction that has been proven to accelerate progress of
4150 students exhibiting a reading deficiency; differentiated
4151 instruction based on screening, diagnostic, progress monitoring,
4152 or student assessment data to meet students' specific reading
4153 needs; explicit and systematic reading strategies to develop
4154 phonemic awareness, phonics, fluency, vocabulary, and
4155 comprehension, with more extensive opportunities for guided
4156 practice, error correction, and feedback; and the integration of
4157 social studies, science, and mathematics-text reading, text
4158 discussion, and writing in response to reading.

4159 (b) Funds for comprehensive, research-based reading
4160 instruction shall be allocated annually to each school district
4161 in the amount provided in the General Appropriations Act. Each
4162 eligible school district shall receive the same minimum amount
4163 as specified in the General Appropriations Act, and any
4164 remaining funds shall be distributed to eligible school
4165 districts based on each school district's proportionate share of
4166 K-12 base funding.

4167 (c) Funds allocated under this subsection must be used to
4168 provide a system of comprehensive reading instruction to
4169 students enrolled in the K-12 programs and certain students who
4170 exhibit a substantial deficiency in early literacy and completed
4171 the Voluntary Prekindergarten Education Program pursuant to s.
4172 1008.25(5)(b). ~~The system, which~~ may include the following:

4173 1. An additional hour per day of intensive reading
4174 instruction to students in the 300 lowest-performing elementary
4175 schools by teachers and reading specialists who have
4176 demonstrated effectiveness in teaching reading as required in

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4177 paragraph (a).

4178 2. Kindergarten through grade 5 reading intervention
4179 teachers to provide intensive intervention during the school day
4180 and in the required extra hour for students identified as having
4181 a reading deficiency.

4182 3. Highly qualified reading coaches to specifically support
4183 teachers in making instructional decisions based on student
4184 data, and improve teacher delivery of effective reading
4185 instruction, intervention, and reading in the content areas
4186 based on student need.

4187 4. Professional development for school district teachers in
4188 scientifically based reading instruction, including strategies
4189 to teach reading in content areas and with an emphasis on
4190 technical and informational text, to help school district
4191 teachers earn a certification or an endorsement in reading.

4192 5. Summer reading camps, using only teachers or other
4193 district personnel who are certified or endorsed in reading
4194 consistent with s. 1008.25(7)(b)3., for all students in
4195 kindergarten through grade 2 who demonstrate a reading
4196 deficiency as determined by district and state assessments; ~~and~~
4197 students in grades 3 through 5 who score at Level 1 on the
4198 statewide, standardized English Language Arts assessment; and
4199 certain students who exhibit a substantial deficiency in early
4200 literacy and completed the Voluntary Prekindergarten Education
4201 Program pursuant to s. 1008.25(5)(b).

4202 6. Supplemental instructional materials that are grounded
4203 in scientifically based reading research as identified by the
4204 Just Read, Florida! Office pursuant to s. 1001.215(8).

4205 7. Intensive interventions for students in kindergarten

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4206 through grade 12 who have been identified as having a reading
4207 deficiency or who are reading below grade level as determined by
4208 the statewide, standardized English Language Arts assessment or
4209 for certain students who exhibit a substantial deficiency in
4210 early literacy and completed the Voluntary Prekindergarten
4211 Education Program pursuant to s. 1008.25(5)(b).

4212 (d)1. Annually, by a date determined by the Department of
4213 Education but before May 1, school districts shall submit a ~~K-12~~
4214 comprehensive reading plan for the specific use of the research-
4215 based reading instruction allocation in the format prescribed by
4216 the department for review and approval by the Just Read,
4217 Florida! Office created pursuant to s. 1001.215. The plan
4218 annually submitted by school districts shall be deemed approved
4219 unless the department rejects the plan on or before June 1. If a
4220 school district and the Just Read, Florida! Office cannot reach
4221 agreement on the contents of the plan, the school district may
4222 appeal to the State Board of Education for resolution. School
4223 districts shall be allowed reasonable flexibility in designing
4224 their plans and shall be encouraged to offer reading
4225 intervention through innovative methods, including career
4226 academies. The plan format shall be developed with input from
4227 school district personnel, including teachers and principals,
4228 and shall provide for intensive reading interventions through
4229 integrated curricula, provided that, beginning with the 2020-
4230 2021 school year, the interventions are delivered by a teacher
4231 who is certified or endorsed in reading. Such interventions must
4232 incorporate strategies identified by the Just Read, Florida!
4233 Office pursuant to s. 1001.215(8). No later than July 1
4234 annually, the department shall release the school district's

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4235 allocation of appropriated funds to those districts having
 4236 approved plans. A school district that spends 100 percent of
 4237 this allocation on its approved plan shall be deemed to have
 4238 been in compliance with the plan. The department may withhold
 4239 funds upon a determination that reading instruction allocation
 4240 funds are not being used to implement the approved plan. The
 4241 department shall monitor and track the implementation of each
 4242 district plan, including conducting site visits and collecting
 4243 specific data on expenditures and reading improvement results.
 4244 By February 1 of each year, the department shall report its
 4245 findings to the Legislature.

4246 2. Each school district that has a school designated as one
 4247 of the 300 lowest-performing elementary schools as specified in
 4248 paragraph (a) shall specifically delineate in the comprehensive
 4249 reading plan, or in an addendum to the comprehensive reading
 4250 plan, the implementation design and reading intervention
 4251 strategies that will be used for the required additional hour of
 4252 reading instruction. The term "reading intervention" includes
 4253 evidence-based strategies frequently used to remediate reading
 4254 deficiencies and also includes individual instruction, tutoring,
 4255 mentoring, or the use of technology that targets specific
 4256 reading skills and abilities.

4257 Section 72. Paragraph (b) of subsection (1) of section
 4258 1002.22, Florida Statutes, is amended to read:

4259 1002.22 Education records and reports of K-12 students;
 4260 rights of parents and students; notification; penalty.—

4261 (1) DEFINITIONS.—As used in this section, the term:

4262 (b) "Institution" means any public school, center,
 4263 institution, or other entity that is part of Florida's education

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4264 system under s. 1000.04(2), (4), and (5) ~~s. 1000.04(1), (3), and~~
 4265 ~~(4)~~.

4266 Section 73. Paragraph (b) of subsection (5) of section
 4267 1002.53, Florida Statutes, is amended to read:

4268 1002.53 Voluntary Prekindergarten Education Program;
 4269 eligibility and enrollment.—

4270 (5) The early learning coalition shall provide each parent
 4271 enrolling a child in the Voluntary Prekindergarten Education
 4272 Program with a profile of every private prekindergarten provider
 4273 and public school delivering the program within the county where
 4274 the child is being enrolled. The profiles shall be provided to
 4275 parents in a format prescribed by the Office of Early Learning.
 4276 The profiles must include, at a minimum, the following
 4277 information about each provider and school:

4278 (b) The provider's or school's kindergarten readiness rate
 4279 ~~calculated in accordance with s. 1002.69,~~ based upon the most
 4280 recent available results of the statewide kindergarten
 4281 screening.

4282 Section 74. This act shall take effect July 1, 2020.



2020 Legislative Session

School Readiness Funding Model Allocation Methodology

Report and Recommendations

October 1, 2019



Department of Education/Office of Early Learning
www.fldoe.org

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Executive Summary

The Office of Early Learning (OEL) within the Florida Department of Education is pleased to present the *School Readiness (SR) Funding Model Allocation Methodology Report and Recommendations*. The report was required by Section 2 – Education, Early Learning, of Chapter 2019-115, Laws of Florida (L.O.F.).

Funding Sources - There are four funding sources for the SR Program: the Child Care and Development Block Grant/Child Care and Development Fund (CCDF), the Temporary Assistance for Needy Families (TANF) Block Grant, the Social Services Block Grant (SSBG) and the State of Florida. The SR Program helps working parents maintain employment by assisting them with access to early education for their children while they work.

State Appropriations - The 2019-2020 appropriations (Specific Appropriations 86) for the SR program are displayed below.

Fund Source	2019-2020 Appropriations	2020-2021 Legislative Budget Request
General Revenue	\$144,555,395	\$144,555,395
Child Care and Development Trust Fund	\$521,709,466	\$521,709,466
Social Services Block Grant	\$500,000	\$500,000
Temporary Assistance for Needy Families	\$94,112,427	\$94,112,427
Total	\$760,877,228	\$760,877,228

History of Funding Methodology – Since its inception in 1999, there have been numerous attempts to revise the SR funding model allocation methodology to reduce the variance and inequities across the state. Most have included factors related to the total population of children, ages birth to 5, number of children in the priority categories of children to be served and a factor to equalize the formula by county.

Quality Initiatives – There have been numerous initiatives to increase the quality of the SR Program. Most recently, legislation was passed in 2018 creating incentives, via differential payment rates, for providers achieving identified levels on the program assessment, and for those implementing child assessments. Another notable initiative was the state's federal Preschool Development Grant Birth through Five (PDG B-5). As part of the PDG B-5, a study was drafted which included workbooks to facilitate the review of provider payment/reimbursement rates against the 75th percentile.¹

Enhanced Field System Modernization (EFS Mod) – This data system includes family, provider and coalition-level data for both the SR and Voluntary Prekindergarten (VPK) Education Programs. There were significant data anomalies with 2018-2019 SR enrollments, provider attendance and reimbursement data due to migration issues stemming from the July 2018

¹ 75th percentile is the rate identified by the U.S. Department of Health and Human Services as the goal to ensure equitable access for low-income children to high-quality child care.

rollout of eligibility and enrollment features. Therefore, it is not recommended that 2018-2019 SR data be used to simulate a change in the funding model at this time.

Future Quality Initiatives – There are numerous future initiatives planned to improve the SR program. The impact of current and future initiatives needs further review and study.

Funding Methodology Recommendations – Three funding methodologies are proposed for consideration: 1) 2014 SR Funding Model Work Group, 2) Zone Model and 3) a Conceptual Framework for an SR Funding Formula. The methodologies are outlined below and detailed in section IV of the *School Readiness (SR) Funding Model Allocation Methodology Report and Recommendations*.

1. The 2014 SR Funding Model Work Group Methodology proposes two similar models for consideration:

Both models:

- Used the average funding rate per full-time equivalent (FTE) child for the past three years, with the most recent year weighted 50-percent the second year weighted 30-percent, and the third weighted 20-percent. (Other models only used the current year funding rate).
- Reflected variations in local economic conditions through the use of the District Cost Differential (DCD).
- Limited any decreases in funding to 5-percent per year.

The models varied on two factors:

- The relative influence of the formula driven by statutory priority group numbers versus the total eligible population of children ages birth through 5 under 150-percent of the Federal Poverty Level. One model split the influence 50/50 and the other used a 60/40 split.
- The limitations of increases for any single coalition.

2. The Zone Model Methodology was presented to the 30 early learning coalitions (coalitions) and Redlands Christian Migrant Association (RCMA) in 2019, and assigns counties into one of four zones using the Florida Price Level Index (FPLI) based on the following factors:

- Market Rate Survey
- FPLI
- Population Data
- Child Care Level
- Additional Assumptions
 - i. The calculation limited coalition base funding from the 2018 General Appropriations Act.
 - ii. The model assumed a compression rate of no more than \$7 million new dollars per coalition to help infuse new dollars into communities at a reasonable price.

3. The Conceptual Framework for SR Funding Methodology is a model similar to which the VPK Program is funded. The model would need to consider the following factors in order to equitably distribute funding across the 30 coalitions and RCMA.

- Statewide reimbursement rates by care level and provider type
- FTE by county
- FPLI or DCD
- Local Quality Initiatives
- Non-direct services
- Administrative costs
- Quality Performance Incentives (Payment Differentials)

Additional Recommendations—Based on the review of the potential impact of recent initiatives to improve the quality of SR programs, the impact on the 2018-2019 SR data given the migration issues from the legacy data system to EES M/od, and the anticipation of a new FPLI calculation from the Office of Economic and Demographic Research, it is recommended that OEL:

1. Recalibrate reimbursement rates in 2020-2021 using the anticipated additional CCDF funds (approximately \$140 million). This should be accomplished by targeting specific care levels (i.e., infant, toddler and preschool) and coalitions where the reimbursement rates are low. The goal of the recalibration of rates would be to reach the 75th percentile.
2. Consider statutory authority to establish statewide child care reimbursement rates to reduce the variance and resulting inequities across coalitions.
3. Review the impact of SR program improvement initiatives for 2019-2020 and 2020-2021 including the use of contracted slots, as discussed in Section III, which gives high-quality providers a stable revenue source to maintain services.
4. Determine the impact of the three methodologies, described in Section V., based on SR data and feedback from stakeholders.

I. Background

A. Legislative Requirement

Section 2 – Education, Early Learning, of Chapter 2019-115, Laws of Florida (L.O.F.) requires that,

“From the funds in Specific Appropriations 80 through 84, the Office of Early Learning, in partnership with the Department of Education, shall develop a funding allocation methodology for the equitable distribution, by county, of the school readiness program funds pursuant to section 1002.89, Florida Statutes. The funding allocation methodology must take into consideration the Office of Early Learning’s market rate survey data; wage, salary, or cost of goods and services data by county; and must identify an equal and appropriate percentage of potentially eligible children to be served which must be consistent for each county. Early learning coalition wait lists shall not be included as a component of the funding allocation methodology.”

B. Sources of Funding and Federal Requirements

Florida’s SR Program funding is derived from four sources—the Child Care and Development Block Grant(CDBG)/Child Care and Development Fund (CCDF), the Temporary Assistance for Needy Families (TANF) Block Grant, the Social Services Block Grant (SSBG) and the State of Florida. The SR Program helps working parents maintain employment by assisting them with access to early education for their children while they work.

— CCDF funds are governed by the applicable federal requirements. Every three years, Florida submits a CCDF Plan which serves as the state’s application for these funds. The plan provides a description of, and assurances about, the state’s child care program and all services available to eligible families. Florida’s 2019-2021 CCDF Plan is available [here](#).

CCDF funds are generally distributed to states four times per year and include specific allotments for discretionary, mandatory and matching funding. States must also meet minimum Maintenance of Effort (MOE) requirements.

Discretionary funds are based on a formula that consists of three factors:

- Young child factor – the ratio of the number of children under age 5 in the state to the number of children under age 5 in the country;
- School lunch factor – the ratio of the number of children in the state who receive free or reduced-price school lunches under the National School Lunch Act to the number of such children in the country;
- Allotment proportion factor – a weighting factor determined by dividing the three-year average national per capita income by the three-year average per state capita income (as calculated every two years).

Mandatory funds are the greater of the state’s:

- Federal share of expenditures in the State IV-A child care programs (AFDC, JOBS, Transitional, At-Risk) in 1994 or 1995 (whichever is greater); or
- Average federal share of expenditures in the State IV-A child care programs (AFDC, JOBS, Transitional, At-Risk) for 1992 through 1994.

Matching funds are the remaining amounts appropriated after the mandatory funds are allotted. A State’s allocation of the matching fund is based on the number of children under age 13 in the state compared with the national total of children under age 13. Matching funds must be matched by a state at its applicable Federal Medical Assistance Percentage (FMAP) rate².

States must expend a minimum of 70-percent of Mandatory and the Federal and State matching fund expenditures for direct services to meet the child care needs of TANF families, families transitioning off of TANF or families at risk of becoming TANF recipients.

In addition to the state’s share of the matching fund, in order to receive federal matching funds, the state must spend a minimum amount of non-federal funds on allowable child care activities as described in the state’s approved CCDF Plan. This Maintenance of Effort (MOE) is required by Section 418(a)(2)(C) of the Social Security Act.

CCDF expenditures are categorized in federal regulation as³:

- Administration – Activities related to administering the program. Currently this category is limited to 5-percent of total spending.
- Quality activities – Activities to improve quality of child care services. The minimum quality spending requirement is currently 8-percent. However, the minimum spending requirement increases to 9-percent for federal fiscal year 2020 (October 1, 2019-September 30, 2020).
- Infants and Toddlers – Activities to improve the quality of child care services for infants and toddlers. Currently, no less than 3-percent of the total expenditures are required to be spent on such activities.
- Direct services – Care given to a child who is eligible for SR by an eligible child care provider. A minimum of 70-percent of remaining Discretionary funds after meeting minimum requirements for quality and infant/toddler activities and funding administrative costs, must be spent on direct services.
- Non-direct services – Activities related to the operation of voucher programs, eligibility determination and redetermination, and developing and maintaining computer systems.

²The Federal Medical Assistance Percentages (FMAPs) are used in determining the amount of Federal matching funds for State expenditures for assistance payments for certain social services, and State medical and medical insurance expenditures. The Social Security Act requires the Secretary of Health and Human Services to calculate and publish the FMAPs each year.

³Federal regulation limits expenditures with these categories as it relates to discretionary and mandatory allotments; Section 1002.89, F.S., groups non-direct services, administration and quality activities under one spending cap of 22% and further defines the allowable activities within each category.

years old. Subsequent priorities are based on the coalition's local priorities for children meeting the following criteria:

1. Ages birth to 5 (eligible for admission to public school kindergarten) from a working family that is economically disadvantaged and may include the child's eligible siblings.
2. Ages birth to 5 with a parent who transitions from a work program to employment.
3. Ages 9 to 13 who are at-risk. (These children are given priority for enrollment if their sibling is enrolled in the program under the first or second priority.)
4. Under the age of 13 from a working family that is economically disadvantaged.
5. Under the age of 13 with a parent who transitions from a work program to employment.
6. Ages 3 to 5 and who have been identified as having a disability and has a current individual educational plan.
7. Ages 4 to 5 who otherwise meet one of the first four priorities and is currently enrolled in VPK or the Federal Head Start Program.

Market rate schedules for child care – A biennial market rate survey report is required by CCDF. This requirement is also found at s. 1002.895, F.S., and includes:

- Minimum and maximum rates for child care providers with and without a Gold Seal Quality Care designation (s. 402.281, F.S.).
- Differentiated rates by provider type – licensed child care providers, licensed exempt public or nonpublic schools, licensed exempt faith-based child care facilities and licensed or registered family day care homes.
- Differentiated rates by type of child care services – infants, toddlers, preschool-aged, school-aged and children with special needs or at-risk.
- Differentiated rates by full-time and part-time units of care.

Market rates for child care, adopted by each state, are required to be sufficient to ensure that eligible children have equal access to quality child care services comparable to children who are not eligible for the SR Program. The U.S. Department of Health and Human Services has indicated that the state child care reimbursement rates should be at the 75th percentile or higher to ensure that eligible children have access to high quality services. Market rates are required to be considered by coalitions in their adoption of a payment/reimbursement schedule. The 2017 Market Rates for Full-Time Gold Seal and Non Gold Seal Providers are included in Appendix 1.

Program funding – State requirements for SR funds are established in compliance with federal regulations and are specified at s. 1002.89, F.S. Requirements related to expenditures are as follows:

- Administrative costs are currently limited to no more than 5-percent.
- Administrative costs, quality activities (as defined in s. 1002.89(6)(b), F.S.) and non-direct services (as defined in s. 1002.89(6)(c), F.S.) are limited to a combined total of no more than 22 percent.
- Direct services for child care must be at least 78 percent in Florida. Gold Seal payments rates are included in this category for coalition reporting.

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TANF Block Grant funds are designed to help needy families achieve self-sufficiency. In Florida, the Department of Children and Families (DCF) is the federal recipient of these funds. Additionally, states may transfer up to 30-percent of their TANF funding to CCDF. DCF transfers TANF funds to OEL through an interagency agreement.

SSBG funds are awarded directly to states to provide essential social services that help achieve a myriad of goals to reduce dependency and promote self-sufficiency; protect children and adults from neglect, abuse and exploitation; and help individuals who are unable to take care of themselves to stay in their homes or to find the best institutional arrangements. Each state has the flexibility to determine which services will be provided, who is eligible to receive services and how funds are distributed among various services. Historically, there is an annual allocation of these funds for the SR Program. In Florida, the Department of Children and Families (DCF) is the federal recipient of these funds. DCF transfers SSBG funds to OEL through an interagency agreement.

C. State Funding and Requirements

Florida's requirements for the SR Program are codified at Chapter 1002, Florida Statutes (F.S.) and address state and local governance; program eligibility, priorities and enrollment; and market rates for child care and program funding.

- State and local governance – At the state level, OEL:
 - Is designated as the lead to administer the state and federally funded SR Program.
 - Is responsible for implementing the state's Voluntary Prekindergarten (VPK) Education program.
 - Partners with 30 early learning coalitions (coalitions), Redlands Christian Migrant Association (RCMA) and others to deliver comprehensive, statewide early learning services.
 - Is accountable to the Commissioner of Education.

Florida's 30 coalitions and RCMA deliver early learning services at the local level. As not-for-profit corporations, coalitions have governing boards made up of members of the local community. The board chair and two members are appointed by the Governor. OEL has contractual agreements with coalitions and RCMA for the provision of early learning services. Coalitions submit SR coalition plans along with other requirements to OEL for review and approval.

Program eligibility, priorities and enrollment – These are delineated at s. 1002.87(1)(a), F.S. A family's eligibility for SR services is redetermined annually. Priority is given first to children under the age of 13 from families that include a parent who is receiving Temporary Cash Assistance (TCA) and is subject to the federal work requirements. The second priority of children to be served are at-risk, as defined in s. 1002.81(1), F.S., and under the age of 9

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- Matching funds are currently available to expand the provision of direct services to low-income families and require a dollar-for-dollar match at the local level.

D. *Appropriations for 2019-2020 and 2020-2021 Legislative Budget Request*
The 2019-2020 appropriations and the 2020-2021 Legislative Budget Request for SR is depicted below.

Fund Source	2019-2020 Appropriations	2020-2021 Legislative Budget Request
General Revenue	\$144,555,335	\$144,555,335
Child Care and Development Trust Fund	\$521,709,466	\$521,709,466
Social Services Block Grant	\$500,000	\$500,000
Temporary Assistance for Needy Families	\$94,112,427	\$94,112,427
Total	\$760,877,228	\$760,877,228

E. *Recent and Expected Increases in CCDF State Allocation*
Federal allocations for CCDF funds have included some increases over the past few years. As reported by the Center for Law and Social Policy (CLASP), Congress passed a 2-year budget for federal fiscal years 2020 and 2021, which raises the caps for "non-defense discretionary programs." The U.S. House of Representatives allocated an additional \$2.4B for child care assistance. If this amount is approved by the U.S. Senate, Florida's federal fiscal year 2020 CCDF allocation could increase by approximately \$140M. Federal fiscal year 2020 provides funding availability October 1, 2019 through September 30, 2022.

II. History of SR Funding Model Allocation Methodology

A. 1999 - Current

Prior to 1999, the responsibility for early care and education programs was divided among the state departments of Education and Children and Families and the Federal Head Start Program. The Florida Department of Education (DOE) administered and funded school-based readiness programs such as the Prekindergarten Early Intervention Program, Prekindergarten Program for Children with Disabilities, Florida First Start, and Migrant Prekindergarten. The Department of Children and Family Services (DCF) administered the Subsidized Child Care Program, which provided child care services to at-risk and economically disadvantaged children since 1978.

Funding for the Subsidized Child Care Program was allocated to the 15 DCF districts across the state, which were then contracted with 25 community child care coordinating agencies to administer the program. Subsidized child care within DCF accounted for approximately 80-percent of total early care and education program funding. The programs administered by the DOE were allocated to the 67 school districts. The Federal Head Start Program also provided readiness services in local communities through funding provided directly to individual grantees. These programs functioned independently except for various interagency coordination efforts required by law.

In 1999 the legislature began creating a more cohesive, efficient and integrated SR system to increase children's chances of achieving future educational success. While the governance structure of the integrated system has repeatedly changed from 1999 to the current structure, the legislative intent has remained constant; specifically, that in order to achieve full effectiveness, early care and education programs should not exist as isolated programs but rather build upon existing services that work in cooperation and coordination with other programs for young children, and should be subject to the guidance and direction of a single entity at both the state and local levels with integrated funding (Ch. 99-357, L.O.F.). While it took a couple of years for the integrated funding to be implemented total program funding has been relatively stable over time with some increases in Child Care and Development Funds (CCDF) provided each year since 2014-2015.

Coalitions were created as part of the integrated SR system that began in 1999, consolidating all of the previously separate programs administered by DCF, DOE and local communities. Allocations of the integrated program funding to the coalitions for what eventually became known as the SR Program have also remained relatively stable despite repeated initiatives and legislative directives to create and implement a funding methodology that would equitably distribute program funding to coalitions based on population needs and children served. While over time the different governing organizations of the program did submit proposed funding models, all but one was rejected by the legislature and/or the Governor. (See Appendix 2 for a history of the SR Allocation Methodology.)

The one model that was implemented in the 2012-2013 fiscal year included a reallocation of 10-percent of the total prior funding using an "equity-based" allocation which was based on the eligible population served by each coalition. This action resulted in ELCs either losing or gaining funding based upon the historical allocation from the 2011-2012 fiscal year which was prorated to funds available for the 2012-2013 fiscal year. However, the very next year the Legislature restored the approximately \$5 million in reductions that 14 coalitions received for the 2012-2013 fiscal year due to the implementation of the equity formula.

Each year since 2014-2015, the legislature has allocated increased CCDF funding to coalitions based on a combination of the prior year's allocations and the number of children on the waitlist for services in each coalition.

Total SR Funding to ELCs and FCMA by fund source

	General Revenue	CCDF*	SSBG	TANF	ARRA for SR**	TOTAL SR Funding	% change
2004-2005	\$ 175,675,343	\$ 366,226,953	\$ 1,200,000	\$ 108,030,381	\$ -	\$ 653,132,687	
2005-2006	\$ 174,319,881	\$ 364,159,749	\$ 1,200,000	\$ 110,977,724	\$ -	\$ 650,656,354	-0.38%
2006-2007	\$ 185,837,067	\$ 351,170,637	\$ 1,200,000	\$ 110,077,724	\$ -	\$ 648,285,428	-0.36%
2007-2008	\$ 154,115,887	\$ 335,096,743	\$ 500,000	\$ 132,886,578	\$ -	\$ 643,599,203	-0.72%
2008-2009	\$ 140,994,642	\$ 370,567,118	\$ 500,000	\$ 122,953,182	\$ 1,532,793	\$ 636,547,735	-1.10%
2009-2010	\$ 139,350,181	\$ 353,689,731	\$ 500,000	\$ 114,953,182	\$ 50,410,516	\$ 659,109,610	3.54%
2010-2011	\$ 136,260,000	\$ 338,223,955	\$ 500,000	\$ 114,953,182	\$ 47,770,281	\$ 637,707,418	-3.25%
2011-2012	\$ 137,516,235	\$ 345,205,193	\$ 500,000	\$ 96,612,427	\$ -	\$ 583,833,855	-8.45%
2012-2013	\$ 136,287,208	\$ 340,520,941	\$ 489,286	\$ 96,612,427	\$ -	\$ 573,909,862	-1.70%
2013-2014	\$ 144,869,704	\$ 337,766,419	\$ 489,286	\$ 96,612,427	\$ -	\$ 579,737,836	1.02%
2014-2015	\$ 144,869,705	\$ 348,716,419	\$ 489,286	\$ 96,612,427	\$ -	\$ 590,687,837	1.89%
2015-2016	\$ 144,869,705	\$ 353,867,608	\$ 500,000	\$ 96,612,427	\$ -	\$ 635,649,740	0.87%
2016-2017	\$ 144,994,705	\$ 395,820,096	\$ 500,000	\$ 96,612,427	\$ -	\$ 638,927,228	0.53%
2017-2018	\$ 144,555,335	\$ 464,709,466	\$ 500,000	\$ 96,612,427	\$ -	\$ 706,377,228	10.56%
2019-2020	\$ 144,555,335	\$ 521,709,466	\$ 500,000	\$ 94,112,427	\$ -	\$ 760,877,228	7.72%

*Includes CCDF, Pay for Performance, and Fraud Restitution and mid-year IBC supplemental budget increases

**American Recovery and Reinvestment Act of 2009 (ARRA)

8. *Trends in Methodologies*
The factors most often recommended in the proposed equity models over the years since 1999:

- Total population of birth- to 5-year-olds.
- Number of birth- to 5-year-olds at less than 150-percent of the Federal Poverty Level.
- Number of TANF families with children, ages birth to 13 years old.
- Number of at-risk children.
- Number of children in foster care.
- Total number of children served by provider type and care level.
- Equalization by county using the Florida Price Level Index (FPLI) or District Cost Differential (DCD).

III. Initiatives to improve the SR Program

A. *Gold Seal Quality Care Program*

In 1996, the Florida Legislature established the Gold Seal Quality Care program to acknowledge child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standard reflect quality in the level of care and supervision provided to children (s. 4002.281, F.S.).

The Gold Seal Quality Care Program is not an accreditation, but a designation which is voluntary with potential benefits to those that participate including, but not limited to:

- A positive marketing tool for prospective parents.
- Tax exemptions on certain educational materials, and property taxes.
- Higher reimbursement for SR providers.
- Eligible to participate in the VPK Program.

Participation is available to all provider types that meet the definition of child care with the exception of certain license-exempt school-age programs identified in administrative rule (see Rule 65C-22.008(3), F.A.C.). SR providers that have a Gold Seal designation are eligible to receive a differential payment up to 20-percent above the coalition's reimbursement rate.

B. *2018 Quality Initiatives*

In 2018, the Florida Legislature passed legislation (HB 1091) affecting SR providers, which included requirements for implementing a program assessment, child assessments and differential payments (s. 1002.82(2)(a)(o), F.S.).

1. Program Assessments

OEL selected the *Classroom Assessment Scoring System (CLASS®)* as the program assessment tool because it met the statutory requirements to, "...measure[s] the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years." The CLASS® tool also has a strong evidence-based effect on child outcomes. CLASS® is an observation-based program assessment instrument that measures teacher-child interactions in three broad areas—emotional support, classroom organization and instructional support. It describes multiple teaching components linked to student achievement and social development.

OEL was also required to specify a minimum threshold for contracting purpose and program improvement through an improvement plan. With a few exceptions, providers had to meet the minimum threshold in order to be eligible for a SR contract. Additionally, a threshold was set that if scored, would require the provider to develop and implement an improvement plan.

For 2019-2020, these minimum thresholds were established as displayed below and included in the applicable administrative rule (Rule 6M-4.741, Florida Administrative Code

(E.A.C.I.) As a result of these requirements, only providers who scored at or above 2.51 were eligible to participate in the SR program. Providers with scores of 2.51 – 2.99 must implement a quality improvement plan.

Overview of 2018 CLASS® Results

Composite CLASS® Score	Number of Providers Statewide	% of Total Providers
0 - 2.5	11	0.3%
2.51 - 2.99	95	2%
3.0 - 3.99	931	22%
4.0 - 4.99	2,085	51%
5.0 - 5.99	908	22%
6.0 - 7.0	88	2%

2. Child Assessments

HB 1091 also required OEL to, "Identify observation-based child assessments that are valid, reliable and developmentally appropriate for use at least three times a year." Additionally, it was required that these assessments: provide interval level and criterion-referenced data that measures equivalent levels of growth across the core domains of early childhood development and that can be used for determining developmentally appropriate learning gains; measure progress in the performance standards; provide for appropriate accommodations for children with disabilities and English language learners; and be administered by qualified individuals, consistent with the developer's instructions (s. 1002.82(2)(k), F.S.).

OEL procured contracts with three companies for these assessments: Assessment Technology Incorporated (ATI) (Galileo), Teaching Strategies (Gold), and COR Advantage (High Scope).

3. Differential Payment Rates

One of the HB 1091 requirements was the development of a differential payment program based on quality measures, program and/or child assessments, by July 2019. Specifically, it required that the differential payments must not exceed a total of 15-percent for each care level and unit of care, and no more than 5-percent of the 15-percent total may be provided to providers who submit valid and reliable data to the statewide information system using one of the OEL-identified child assessments (see s. 1002.82(2)(o), F.S.).

As required, OEL developed a quality performance incentive differential payment program, with tiered payments based on achieving defined quality measures for program assessment and implementation of child assessments (see Rule 6M-4-500, FAC). Providers are ineligible to receive differential payments if:

- They have been determined essential for meeting capacity needs but do not meet the minimum threshold score for contracting.
- Are currently on a Quality Improvement Plan.
- Are exempt from having a program assessment.

The differential rates were adopted for 2019-2020. On the CLASS®, providers scoring:

- 4.00 - 4.99 receive a 4-percent differential.
- 5.00 - 5.99 receive a 7-percent differential.
- 6.00 - 7.00 receive a 10-percent differential.

Providers also can receive a 5-percent differential rate for implementing child assessments. To receive the differential, providers who choose to implement child assessment must:

- Use an OEL approved assessment tool and be determined reliable as defined by the assessment tool.
- Assess children at least three times a year.
- Submit data at the end of each assessment period to the statewide information system for each child assessed.

For 2019-2020, \$40 million was appropriated to OEL for payments to coalitions and Redlands Christian Migrant Association for:

- Provider's SR Program Assessment score (differential payment rate of 4-percent, 7-percent or 10-percent).
- Provider participation in child assessment (differential payment rate of 5-percent)
- Current enrollments at each eligible provider.

As of September 13, 2019, \$25 million has been awarded to coalitions and RCMA for these differential payment rates.

C. Contracted Slots

In 2016, the Florida Legislature appropriated \$10M to provide contracted slots within the SR program. In subsequent years, coalitions have had the option to provide contracted slots within existing SR funding. The Contracted Slots program is intended to provide SR children with a steady, high-quality learning environment, while also providing incentives and financial stability to providers serving high-risk/high-need areas. (s.1002.82(2)(m), F.S.). Participating coalitions must base the use of contracted slots on a community assessment. Providers must meet certain eligibility criteria to participate in the program.

D. Preschool Development Grant Birth through Five (PDG B-5)

In 2018, OEL was awarded the PDG B-5, which includes specific activities related to identifying the cost of providing quality child care. OEL contracted with the University of Florida Lastinger Center to complete an updated cost modeling analysis which combines a county-by-county assessment of capacity, enrollment, and payment rates, in order to support important strategic planning that focuses on a number of critical aspects of quality and accessibility of early care and education programs. This grant also required the development of a cost modeling tool to analyze SR provider reimbursement rates against the true cost of child care.

To design and develop the protocols and automated models, extensive data collection and analysis was completed. A statewide case study was developed that allows the user to model county-level variations, and numerous capacity and quality scenarios were completed to document the full impact of program differentiations on child care provider operations. Data on current base reimbursement rates for all 67 counties was also analyzed, as was the impact of quality performance incentive payment differentials.

The Lastinger Center, in partnership with OEL, completed comprehensive data collection and analysis to validate the current cost of child care by county, as well as the impact of current base payment rates and differentials. The cost models and calculation assumptions created will be used to develop an informative interactive calculator. The automated calculator will include all basic operational expenses and revenues of child care providers, as well as the current policy levers for increasing payment rates in alignment with quality.

The automation and functionality of the calculator will provide utility at the provider level, community and regional level, and state system level to inform the need for potential modifications to payment rates, targeted investments in quality, and considerations for funding efficiencies to maximize SR funding.

For the initial analysis, a workbook was developed that provides a side-by-side analysis of the current rates for the following:

- 75th percentile rate of each county's 2017 market rate for each care level based on the data within the Non-Gold Seal Private Center distribution table.
- Daily payment-rate schedule for licensed or exempt providers that is approved by OEL for each early learning coalition and/or county.

The workbooks will allow OEL to model payment rate scenarios on the current approved base payment rate schedule, as well as scenarios that include funding the Gold Seal differential at the percentages currently approved for each coalition, the impact of the CLASS® payment differential and the 5-percent differential for child assessment.

OEL may also use the analysis capabilities of the side-by-side rate workbook to conduct ongoing analysis of both payment rates against the 75th percentile and the differential impacts on

funding, as well as determine counties and/or care levels that the state and/or an early learning coalition may want to focus on as a part of ensuring funding is sufficient to access quality early learning opportunities.

Using the current market rate survey and existing base reimbursement rate schedules, in the examples displayed in the tables below, most counties (61 total) fall well below the 75th percentile rate for all care levels as illustrated for Duval, Escambia and Hillsborough counties. Even with maximum differentials applied, the total weekly reimbursement rates for each care level in Duval and Hillsborough counties are still below the 75th percentile rate. Whereas, in Escambia County with maximum differentials applied, the reimbursement rates in some care codes exceeds the 75th percentile rate by more than 20-percent.

Example 1: 2017 Market Rate Survey and 75th Percentile Analysis

County	Care Level	75 th Percentile Rate	State Funded SR Weekly Rates	SR Payment Rates compared to 75 th Percentile Rate
Duval	(INF)	\$ 195.00	\$ 130.00	under
Duval	(TOD)	\$ 167.50	\$ 115.00	under
Duval	(2YR)	\$ 167.50	\$ 108.75	under
Duval	(PR3)	\$ 145.00	\$ 100.00	under
Duval	(PR4)	\$ 145.00	\$ 85.00	under
Duval	(PR5)	\$ 145.00	\$ 85.00	under
Duval	(SCH)	\$ 120.00	\$ 62.00	under
Escambia	(INF)	\$ 157.50	\$ 139.50	under
Escambia	(TOD)	\$ 138.13	\$ 128.50	under
Escambia	(2YR)	\$ 138.13	\$ 117.50	under
Escambia	(PR3)	\$ 126.67	\$ 110.50	under
Escambia	(PR4)	\$ 126.67	\$ 107.50	under
Escambia	(PR5)	\$ 126.67	\$ 107.50	under
Escambia	(SCH)	\$ 110.00	\$ 97.50	under
Hillsborough	(INF)	\$ 207.25	\$ 153.00	under
Hillsborough	(TOD)	\$ 167.50	\$ 130.00	under
Hillsborough	(2YR)	\$ 167.50	\$ 99.00	under
Hillsborough	(PR3)	\$ 148.33	\$ 92.00	under
Hillsborough	(PR4)	\$ 148.33	\$ 94.00	under
Hillsborough	(PR5)	\$ 148.33	\$ 94.00	under
Hillsborough	(SCH)	\$ 125.00	\$ 80.00	under

Example 2: Current Market Rate Survey and 75th Percentile Analysis

County	Rate Type	75th Percentile Rate	State Under Market Rates	Equi-Sed	Class	Child Assessment	Total Monthly Fees	SR Payments based on 75th Percentile Rate
Duval	(NF)	\$ 195.00	\$ 190.00	\$ 26.00	\$ 13.00	\$ 8.50	\$ 173.50	under
Duval	(TOD)	\$ 167.50	\$ 115.00	\$ 23.00	\$ 11.50	\$ 5.75	\$ 155.25	under
Duval	(TR)	\$ 167.50	\$ 108.75	\$ 21.75	\$ 10.88	\$ 5.44	\$ 146.81	under
Duval	(PR3)	\$ 145.00	\$ 100.00	\$ 20.00	\$ 10.00	\$ 5.00	\$ 135.00	under
Duval	(PR4)	\$ 145.00	\$ 85.00	\$ 17.00	\$ 8.50	\$ 4.25	\$ 114.75	under
Duval	(PR5)	\$ 145.00	\$ 85.00	\$ 17.00	\$ 8.50	\$ 4.25	\$ 114.75	under
Duval	(SCH)	\$ 120.00	\$ 62.00	\$ 12.40	\$ 6.20	\$ 3.10	\$ 83.70	under
Essex	(NF)	\$ 157.50	\$ 139.50	\$ 27.90	\$ 13.95	\$ 6.98	\$ 188.33	over/75th
Essex	(TOD)	\$ 138.43	\$ 112.50	\$ 25.70	\$ 12.85	\$ 6.43	\$ 173.48	over/75th
Essex	(TR)	\$ 138.43	\$ 117.50	\$ 23.50	\$ 11.75	\$ 5.88	\$ 158.63	over/75th
Essex	(PR3)	\$ 126.67	\$ 110.50	\$ 22.10	\$ 11.05	\$ 5.53	\$ 149.18	over/75th
Essex	(PR4)	\$ 126.67	\$ 107.50	\$ 21.50	\$ 10.75	\$ 5.38	\$ 145.13	over/75th
Essex	(PR5)	\$ 126.67	\$ 107.50	\$ 21.50	\$ 10.75	\$ 5.38	\$ 145.13	over/75th
Essex	(SCH)	\$ 110.00	\$ 97.50	\$ 19.50	\$ 9.75	\$ 4.88	\$ 131.68	over/75th
Hillsborough	(NF)	\$ 207.25	\$ 153.00	\$ 30.60	\$ 15.30	\$ 7.65	\$ 205.53	under
Hillsborough	(TOD)	\$ 167.50	\$ 130.00	\$ 26.00	\$ 13.00	\$ 6.50	\$ 173.50	over/75th
Hillsborough	(TR)	\$ 167.50	\$ 99.00	\$ 19.80	\$ 9.90	\$ 4.95	\$ 131.65	under
Hillsborough	(PR3)	\$ 148.33	\$ 92.00	\$ 18.40	\$ 9.20	\$ 4.60	\$ 124.20	under
Hillsborough	(PR4)	\$ 148.33	\$ 94.00	\$ 18.80	\$ 9.40	\$ 4.70	\$ 126.50	under
Hillsborough	(PR5)	\$ 148.33	\$ 94.00	\$ 18.80	\$ 9.40	\$ 4.70	\$ 126.50	under
Hillsborough	(SCH)	\$ 125.00	\$ 80.00	\$ 16.00	\$ 8.00	\$ 4.00	\$ 108.00	under

E. *Enhanced Field System Modernization (EFS Mod)*
 Part of the 2018 legislation that was passed required OEL to enhance the EFS Mod system to accommodate for HB 1091 requirements. S. 1002.82(2)(b), F.S., established that by July 1, 2019, EFS Mod must:

- Allow a parent to monitor the development of his or her child as the child moves among programs within the state.
- Enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.

The EFS Mod implementation of 2018 HB 1091 functionality is behind schedule due to effort spent resolving data anomalies with 2018-19 SR enrollments, provider attendance and reimbursement data due to migration issues stemming from the July 2018 rollout of eligibility and enrollment features. Therefore, it is not recommended that 2018-2019 SR data be used to simulate a change in the funding model at this time.

IV. Future Quality Initiatives

- A. *Minimum CLASS® Threshold*
Administrative rules specify the minimum CLASS® score that is required for SR providers to be eligible for a contract to provide these services. It is proposed that the minimum threshold, currently at 2.51 for 2019-2020, be raised to 3.50 for 2020-2021 and to 4.00 for 2021-2022.
 - B. *Gold Seal Differential Payment*
Consideration is being given to require all coalitions to pay Gold Seal providers the full 20-percent differential payment.
 - C. *Contracted Slots*
Consideration is also being given to expanding the use of contracted slots in high-need communities that will be impacted by raising the minimum quality threshold (CLASS®) as presented above.
- V. **Summary of Prior Work and the Identification of Key Issues**

As indicated in Section II, there have been multiple attempts to change the SR Funding Model. All of these proposed models have attempted to achieve the following:

1. Establish equitable funding across Florida’s diverse counties to meet the needs of their unique communities.
2. Reflect local economic conditions through the inclusion of a factor such as the FPLI or the DCD.
3. Provide stable funding for communities affected by changes in the funding model to ensure continuity of services by minimizing the gains and losses over a multi-year implementation period.

Also noteworthy, was the practice of targeting the allocation of any additional or new SR funds to coalitions with waiting lists. This practice had the unintended effect of creating further inequities across counties and coalitions. Most recently, a study funded by the PDG B-5, showcased the instability of the child care reimbursement rates in many counties.

VI. Funding Methodology Recommendations

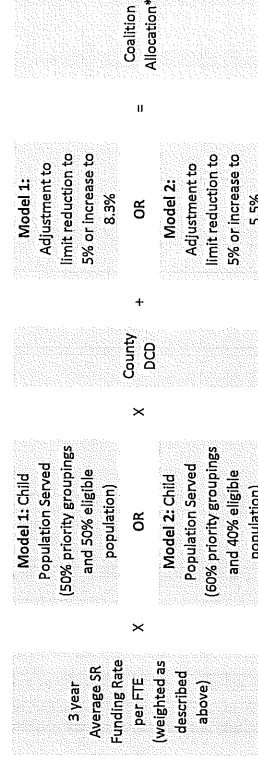
Below are descriptions of three funding methodologies that have been proposed: one, in section “A” by a work group in 2014 and the other, in section “B” most recently by an independent contractor. The third, outlined in section “C”, is a conceptual framework for consideration.

- A. *2014 SR Funding Model Work Group Methodology*
In December 2012, Governor Rick Scott directed OEL to convene a work group to identify an allocation model for SR based on equity. The workgroup consisted of stakeholders representing coalitions, child care providers, early learning advocates, government entities and OEL. The workgroup considered seven models and indicated their preferences, via rankings, on two models. Both models:
 - Used the average funding rate per full-time equivalent (FTE) child for the past three years, with the most recent year weighted 50-percent the second year weighted 30-percent, and the third weighted 20-percent. (Other models only used the current year funding rate).
 - Reflected variations in local economic conditions through the use of the District Cost Differential.
 - Limited any decreases in funding to 5-percent per year.

The models varied on two factors:

1. The relative influence of the formula driven by statutory priority group numbers versus the total eligible population of children ages birth through 5 under 150-percent of the Federal Poverty Level. One model split the influence 50/50 and the other used a 60/40 split.
2. The limitations of increases for any single coalition.

Neither of the 2014 SR Funding Model work group recommendations, for which the formula calculations for each are depicted below, were implemented.



*For multi-county coalitions, each county’s allocation would be added together prior to the adjustment to limit a coalition’s increases or decreases

B. Zone Model Methodology

In 2019, a new funding methodology was presented for allocating SR Program funding to the 30 coalitions and RCMA. The model used the following factors:

Market Rate Survey: The federal guidance for determining payment rates that are reasonable in alignment with the cost of care recommends using a market rate survey. The market rate survey collects data by provider type and care level and is representative of the 75th frequency rate for full-time care. (See Appendix 1 for 2017 Market Survey Report.)

Florida Price Level Index: The FPLI was established by the Legislature as the basis for the District Cost Differential in the Florida Education Finance Program (FEFP). It represents the cost of hiring comparable personnel across school districts. Extensive data on wages is used to estimate the relative cost of hiring comparable workers among Florida's 67 counties in a given year. The calculation is based on wage and employment data for hundreds of occupations collected by the Florida Department of Economic Opportunity's Bureau of Labor Market Statistics as part of the U.S. Bureau of Labor Statistics' Occupational Employment Statistics Survey. Although data for all occupations is not available for every county, data for many occupations is available even in small counties. The calculation compares wages across counties holding occupation constant. This means that, all else equal, a county's index is not impacted by having more or less workers in high wage occupations, but only by having higher or lower wages within occupations as compared to wages in other counties for those same occupations. The purpose of using the FPLI is to account for differences in the cost of care and equalize across counties. In order to create parity across the state, the model places each of the 67 counties in one of four zones based on its FPLI rate.

In 2019, the legislature required the Office of Economic and Demographic Research (EDR) to develop a new methodology for calculating the FPLI. The EDR must compare the current FPLI to the new FPLI and provide a transition plan that minimizes negative impacts for 2020-2021, using the new wage level index. The report is due to the legislature and the Governor by October 1, 2019. (Section 13, Ch. 2019-116, L.O.F.)

Population Data: The SR Program is primarily provided for low-income families. Using the same percentage of eligible birth-to-age-5 children in each county provides equitable access to funding in each community and the potential for each county and coalition to serve a relatively equal percentage of the eligible child population.

Using the number of children in each county birth to 5 whose income is below 200-percent of the Federal Poverty Level, this data set accounts for the potentially eligible population of children that allows for program entrance at 150-percent of the federal poverty level and program exit eligibility at 200-percent of the federal poverty level or 85-percent of State Median Income. The percentage of children served in this model is set at 12-percent across all counties and is based on the most recent data available from the Office of Economic and Demographic Research.

Child Care Level: The cost of care varies greatly by care level and provider type. This is largely due to the different teacher-to-child ratio requirements for each age group. To account for the variability of the different costs the model uses the 75th frequency market rate for full-time toddler care.

Additional Assumptions: As presented in 2019, the calculation of the model limited changes to any coalition's base funding from the 2018-2019 allocation represented in the 2018 General Appropriations Act. The model also assumed a compression rate of no more than \$7 million new dollars per coalition. The compression rate was chosen to help infuse new dollars into communities at a reasonable pace.

Based on the available data sets the proposed formula calculation for the Zone Model would be as follows:

$$\text{Zone Prevailing Market Rate for Toddler Care} \times \text{County's FPLI Rate} \times \text{Defined \% of Eligible Population} = \text{County Allocation}^*$$

*For multi-county coalitions, each county's allocation is added together to obtain the coalition allocation

Zones: In order to place counties in one of the four zones, it is important to understand the differences in operating costs due to the varying costs of goods and services by county. (Counties labeled in bold print in the following tables indicate single county coalitions.)

Zone 4: Counties whose FPLI rate was between 100.39 - to the highest rate. It is proposed that this zone is funded using \$180 a week for toddler care.

ZONE 4		FLORIDA PRICE LEVEL INDEX
BROWARD		102.41%
St. Johns		100.98%
DUVAL		101.18%
Marin		102.20%
Dade		101.63%
Monroe		106.39%
ORANGE		100.85%
PALM BEACH		105.28%
Collier		106.27%
Lee		102.59%
SARASOTA		100.94%

Zone 3: Counties whose FPLI rate was between 97.00 - 100.38. It is proposed that this zone is funded using \$170 a week for toddler care.

ZONE 3	FLORIDA PRICE LEVEL INDEX
ALACHUA	97.51%
Leon	96.78%
BREVARD	98.59%
Clay	98.84%
Nassau	98.88%
ESCAMBIA	96.92%
Charlotte	98.53%
HILLSBOROUGH	100.38%
Indian River	100.11%
LAKE	97.52%
MANATEE	98.45%
Okaloosa	99.25%
Walton	98.01%
OSCEOLA	98.53%
Pasco	97.76%
PINELLAS	99.61%
SEMINOLE	99.30%
ST. LUCIE	100.29%
Glades	98.61%
Hendry	100.09%

Zone 2: Counties whose FPLI rate was between 94.00 - 96.99. It is proposed that this zone is funded using \$150 a week for toddler care.

ZONE 2	FLORIDA PRICE LEVEL INDEX
Gadsden	94.28%
Jefferson	94.00%
Wakulla	94.39%
Baker	96.91%
Bradford	96.28%
Putnam	95.07%
Flagler	94.69%
Volusia	95.75%
Columbia	93.82%
Union	95.06%
DeSoto	97.08%
Hardee	95.37%
Highlands	94.50%
Okeechobee	97.53%
Gilchrist	94.40%
Levy	94.34%
Sumter	96.49%
Bay	96.53%
Hernando	95.74%
POLK	96.05%
SANTA ROSA	96.92%

Zone 1: Counties whose FPLI rate was between the lowest rate and - 93.99. It is proposed that this zone is funded using \$140 a week for toddler care.

ZONE 1	FLORIDA PRICE LEVEL INDEX
Liberty	92.17%
Madison	91.44%
Taylor	91.18%
Hamilton	90.64%
Lafayette	90.80%
Suwanee	92.40%
MARION	93.59%
Citrus	93.67%
Dixie	92.59%
Calhoun	92.10%
Franklin	92.09%
Gulf	93.11%
Holmes	92.74%
Jackson	92.24%
Washington	92.81%

Please note for calculation purposes the weekly rate times the FPLI should then be multiplied by 52 weeks to account for a full-time -equivalent (FTE) before being multiplied by the population.

C. *Conceptual Framework for SR Funding Methodology*

In an effort to provide equitable funding based on actual children served and the percentage of the eligible population in each county, a model could be developed that is similar to the way in which the VPK Program is funded. The model would need to consider the following data components in order to equitably distribute SR Program funding across the 30 coalitions and RCMA and ensure a relatively equal level of funding per child served.

Statewide reimbursement rates by care level and provider type: Due to the significant variability of reimbursement rates across the state, and in an effort to achieve the federal goal of payments at the 75th percentile of the market rate, the state could set reimbursement rates for all counties and coalitions. Because each care level and provider type has remarkably different costs, a reimbursement rate table by care level and provider type could be established in the General Appropriations Act or by OEL for use at the local level.

Estimated Full-Time Equivalent (FTE) by county: Each child served in the SR Program should be funded at relatively the same reimbursement rate regardless of the location in which they are served. Including factors for growth and for the percentage of eligible population served in each county, as well as the unmet need based on the total eligible population in each county, as determined by the Early Learning Programs Estimating Conference pursuant to s. 216.136(8), F.S., will provide funding not only for children currently receiving care but also for eligible children who have not yet accessed services.

Florida Price Level Index or District Cost Differential: The difference between the FPI and the DCD is simply that the DCD uses a 3-year average of the FPI prior to use in the FEPF to smooth any peaks or valleys in the FPI resulting from economic changes in counties across the state. (Please see *FPI description above in section IV*)

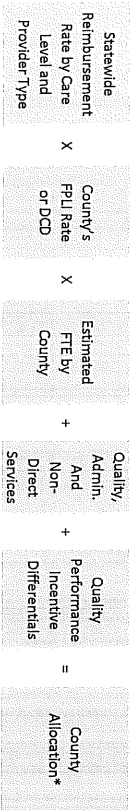
Local Quality Initiatives: Additional funding to allow coalitions to continue to meet local needs and implement coalition driven quality initiatives at the direction of their boards and local communities. (See *CCDF expenditure categories in section I*)

Non-direct services: Additional funding to allow coalitions to continue to provide the necessary program as defined in state law. (See *CCDF expenditure categories in section I*)

Administrative costs: Coalitions are limited to 5-percent for administration of the programs. This funding would continue to fund administration costs for the SR Program. (See *CCDF expenditure categories in section I*)

Quality Performance Incentives (Payment Differentials): Adding funding based on the quality performance incentive percentages based on the number of providers who meet certain quality measures ensures that providers continue to work towards statewide priority quality initiatives such as Gold Seal, program assessment (CLASS9) and child assessment (see *Initiatives to Improve the SR Program in Section III*).

Based on the available data sets the proposed formula calculation for the conceptual framework methodology would be as follows:



*For multi-county coalitions, each county's allocation is added together to obtain the coalition allocation.

VII.

Additional Recommendations

Based on the review of the potential impact of recent initiatives to improve the quality of SR programs, the impact on the 2018-2019 SR data given the migration issues from the legacy data system to EIS Mod, and the anticipation of a new FPI calculation from the Office of Economic and Demographic Research, it is recommended that OEL:

1. Recalibrate reimbursement rates in 2020-2021 using the anticipated additional CCDF funds (approximately \$140 million). This should be accomplished by targeting specific care levels (i.e., infant, toddler and preschool) and coalitions where the reimbursement rates are low. The goal of the recalibration of rates would be to reach the 75th percentile.
2. Consider statutory authority to establish statewide child care reimbursement rates to reduce the variance and resulting inequities across coalitions.
3. Review the impact of SR program improvement initiatives for 2019-2020 and 2020-2021 including the use of contracted slots, as discussed in Section III, which gives high-quality providers a stable revenue source to maintain services.
4. Determine the impact of the three methodologies, described in Section V, based on SR data and feedback from stakeholders.

**Gold Seal
Private Centers**

Care Level	Number of Providers		Market Rate (Private Pay Rates)						School Readiness Reimbursement Rate		
	Rates Included	Rates Excluded	Average	Maximum	Minimum	Median	Most Frequent	75th Percentile Rate	Average SR Reimbursement Rate	% of Average Market Rate	% of 75th Percentile Rate
Infant	1,031	27	\$195.77	\$309.00	\$57.50	\$190.00	\$150.00	\$225.00	\$156.76	80.10%	69.67%
Toddler	1,378	20	\$171.65	\$307.00	\$55.00	\$165.00	\$135.00	\$194.75	\$130.49	76.02%	67.01%
Preschool	1,422	23	\$153.72	\$307.00	\$57.74	\$146.67	\$150.00	\$175.00	\$117.54	76.46%	67.17%
School age	1,112	19	\$132.37	\$290.00	\$50.00	\$125.50	\$110.00	\$152.25	\$102.09	77.13%	67.06%

Large Family Child Care Homes (FCCH)

Care Level	Number of Providers		Market Rate (Private Pay Rates)						School Readiness Reimbursement Rate		
	Rates Included	Rates Excluded	Average	Maximum	Minimum	Median	Most Frequent	75th Percentile Rate	Average SR Reimbursement Rate	% of Average Market Rate	% of 75th Percentile Rate
Infant	67	0	\$170.42	\$275.00	\$100.00	\$165.00	\$150.00	\$185.00	\$148.37	87.06%	80.20%
Toddler	69	0	\$155.25	\$275.00	\$95.00	\$150.00	\$130.00	\$172.50	\$129.74	83.57%	75.21%
Preschool	69	0	\$138.75	\$250.00	\$83.33	\$134.90	\$100.00	\$150.00	\$116.96	84.30%	77.97%
School age	54	0	\$119.09	\$250.00	\$60.00	\$110.00	\$100.00	\$130.00	\$102.87	86.37%	79.13%

Family Child Care Homes (FCCH)

Care Level	Number of Providers		Market Rate (Private Pay Rates)						School Readiness Reimbursement Rate		
	Rates Included	Rates Excluded	Average	Maximum	Minimum	Median	Most Frequent	75th Percentile Rate	Average SR Reimbursement Rate	% of Average Market Rate	% of 75th Percentile Rate
Infant	69	3	\$170.64	\$225.00	\$130.00	\$170.00	\$150.00	\$185.00	\$149.86	87.82%	81.01%
Toddler	71	2	\$159.08	\$295.00	\$112.50	\$155.00	\$144.58	\$178.75	\$133.90	84.17%	74.91%
Preschool	71	2	\$144.04	\$283.73	\$100.00	\$138.33	\$129.47	\$156.67	\$118.69	82.40%	75.76%
School age	66	1	\$129.78	\$250.00	\$85.00	\$122.50	\$125.00	\$140.00	\$99.70	76.82%	71.21%

Public School

Care Level	Number of Providers		Market Rate (Private Pay Rates)						School Readiness Reimbursement Rate		
	Rates Included	Rates Excluded	Average	Maximum	Minimum	Median	Most Frequent	75th Percentile Rate	Average SR Reimbursement Rate	% of Average Market Rate	% of 75th Percentile Rate
Preschool	81	5	\$160.28	\$284.73	\$52.70	\$121.60	\$121.60	\$228.20	\$105.72	65.96%	46.33%
School age	96	0	\$167.60	\$256.00	\$52.70	\$162.14	\$228.20	\$228.20	\$115.04	68.64%	50.41%

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Private Schools

Care Level	Number of Providers		Market Rate (Private Pay Rates)						School Readiness Reimbursement Rate		
	Rates Included	Rates Excluded	Average	Maximum	Minimum	Median	Most Frequent	75th Percentile Rate	Average SR Reimbursement Rate	% of Average Market Rate	% of 75th Percentile Rate
Preschool	16	1	\$142.50	\$250.00	\$65.00	\$126.90	#N/A	\$195.94	\$116.92	82.05%	59.67%
School age	9	1	\$139.19	\$225.00	\$79.00	\$135.00	#N/A	\$138.57	\$89.87	64.57%	64.86%

The rates provided have been converted to weekly rates. For quality assurance purposes, the following rates have been excluded: full time or part time rates above \$300.00, full time rates less than \$50.00, and part time rates less than \$25.00

** is displayed when the number of Private Rates Included at the county level is less than 4. Refer to the state level data in these instances.

Providers not included in the rate calculation include: Head Start Only, Playgroup, Summer Camp/Recreational Programs, Sick Care Agency, Nanny/Au Pair Agency, and Family Friends and Neighbor providers.

Data reflects revised 2017 Private Pay rates from Pinellas County incorporated on March 15, 2019.

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Appendix 2 – History of School Readiness Funding Formula

Richard Corcoran
 Commissioner of Education
 State Gulf
 Executive Director



History of School Readiness Allocation Methodology

Prior to 1992-2000
 Prior to 1999, the responsibility for early care and education programs was divided among the state departments of Education and Children and Families and the federal Head Start Program. The Florida Department of Education (DOE) administered and funded school-based readiness programs such as the Prekindergarten Program for Children with Disabilities, Florida First Start, and Migrant Preschoolers. The Department of Children and Family Services (DCFS) administered the Subsidized Child Care Program, which provided child care services to at-risk and economically disadvantaged children since 1978.
 Funding was allocated to the 15 DCF districts across the state, which were then contracted with 25 community child-care coordinating agencies to administer the program. Subsidized child care within DCF accounted for approximately 80% of total early care and education program funding. The federal Head Start Program also provided readiness services in local communities through funding provided directly to individual grantees. These programs functioned independently except for various interagency coordination efforts required by law.

1999-2000
 In 1999, the legislature authorized the School Readiness Act (Ch. 99-377, Laws of Florida), creating the Florida Partnership for School Readiness (Partnership), a state-level governing board to coordinate statewide program efforts and creating local school readiness coalitions to plan and implement a comprehensive program of readiness services. To staff the Partnership, the legislature transferred Subsidized Child Care Program positions from DCF and the Prekindergarten Early Intervention (Pre-K) Program within DOE to the Partnership, which was assigned to the Executive Office of the Governor for administrative purposes.

The intent of the School Readiness Act was to create a more cohesive, efficient and integrated school readiness system and increase children's chances of achieving future educational success and becoming productive members of society. The legislation created three major components:
 - A state-level governing board with responsibility for coordinating statewide efforts.
 - Local school readiness coalitions to oversee services.
 - An estimating conference for school readiness programs.

For the first time, Florida's early care and education programs (apart from programs for students with disabilities and Head Start) were subject to the guidance and direction of a single entity at both the state and local levels. The bill required coalitions to receive funding from each of the previously separate early education and child care programs that were funded with state, federal, lottery or local funds including Florida First Start programs, Even-Start literacy programs, Prekindergarten early intervention programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, and other programs and teen parent programs, together with any additional funds appropriated or obtained for the programs and their funding streams became components of the coalitions' Integrated School Readiness Program, with the goal of preparing children for success in school.

2000-2001

In 2000, the legislature further revised funding requirements for the Partnership to provide funding for coalitions (Ch. 2000-149, Laws of Florida). The biggest change was to redirect funding that was previously allocated to school districts by the Commissioner of Education for the Prekindergarten Early Intervention Program (\$102.8 million in General Revenue; Specific Appropriation 6 of Ch. 2000-166, Laws of Florida) to be allocated by the Partnership to the newly formed school readiness coalitions. The allocation used a minimum amount plus an additional allocation based on an allocation factor equal to one-quarter of each coalition's percentage share of the state's 3- and 4-year-old population plus three-quarters of each school district's percentage share of the state's total free lunchers served.

For each of the programs incorporated into the new School Readiness Program, overseen by the Partnership, the following allocation factors for coalitions were applied for the 2000-2001 fiscal year:

Previous Program	Allocation Factors Used
Pre-kindergarten Early Intervention Program	- Minimum grant \$55,000 - 15% additional allocation of share of 3 & 4-year-old population - 75% additional allocation of share of Free & Reduced Lunches
DOE Migrant Pre-Kindergarten Program	- Number of FTE reported for service in survey 5 for 1999-2000
DCF – Wages	- 60% based on 2000-01 Expenditures - 20% for Cash Assistance Households - 20% for Transitional Childcare Enrollment
DCF – Subsidized Receipts	- 60% based on 2000-01 Expenditures - 20% for Cash Assistance Households - 20% for Transitional Childcare Enrollment
DCF – Working Poor	- 20% based on 2000-01 Expenditures - 10% for Dependency hearings - 10% for Maltreatment reports

In 2001, the legislature transferred administrative support for the Partnership from the Executive Office of the Governor to the Agency for Workforce Innovation (AWI) (Ch. 2001-170, Laws of Florida). The legislature also repealed the statutory authority for the Individual school-based readiness programs, thereby creating a single readiness program under the direction of the Partnership and local coalitions. The AWI assumed direct responsibility for certain administrative aspects such as budget development and allocation. At the local level, school readiness coalitions were given direct authority. Although local school boards were no longer directly involved in administering the program, they can still provide program services and support through contractual arrangements with readiness coalitions.

During the first two years of the program (i.e., through June 1, 2001), only seven coalitions signed contracts with the Partnership and assumed responsibility for funding and services. Thus, during this period, funding for the 50 remaining coalitions went directly to the school districts and community child-care coordinating agencies, and the local coalitions did not assume control of the program. The lack of a centralized funding source during the first 20 months of the program's existence slowed progress and created a major barrier to program implementation at the local level. Centralized funding is now one of the major elements of the School Readiness Program and enables coalitions to unify planning and local control of readiness programs.

Because funding was not centralized until 2001, coalitions were unable to assume control of the program. The original School Readiness legislation required the Partnership to present to the legislature, by February 1, 2001, a plan for combining the different funding streams into a School Readiness Trust Fund. The

Partnership submitted its proposal to the legislature in January 2000. However, the Trust Fund was never established partly due to concerns regarding the legality of combining multiple federal grant programs into one source at the state level. As a result, the different funding sources were not combined and placed under the control of the Partnership. Budget authority for the Pre-K Program and the subsidized child care Program remained with the DOE and the DCF, respectively, during the program's first two years.

During the 2000-2001 fiscal year, the Partnership developed a way to centralize the funding for coalitions with approved plans. By working with the DOE and DCF to develop a method for combining the funding at the local level, the result of these interagency efforts was a completed contracting process, which transferred the funds from the two agencies to approved coalitions. The Partnership developed a standardized contract that coalitions with approved plans could sign to begin receiving program funding.

In March 2001, the Senator and the City/County school readiness coalitions began the first two Florida coalitions to sign contracts with the Partnership. As of September 1, 2001, 38 of the 57 approved had signed contracts with the Partnership. It was expected to have all coalitions under contract by July 2002. The 2001 legislature took steps to further correct this problem by eliminating the individual readiness programs that existed previously and by giving the Agency for Workforce Innovation (AWI) the authority to administer all school readiness funds pursuant to a contract with the Partnership. Programmatic and budgetary authority for the program was combined into a single administrative entity, which was not the case during the previous two years.

For each of the programs incorporated into the new School Readiness Program overseen by the Partnership, the following allocation factors for coalitions were applied for the 2001-2002 fiscal year:

Program	Allocation Factors Used
Pre-K/Kindergarten Early Intervention Program	- 60% based on 2000-2001 allocation - 30% for 2- to 5-year-old population at P/L < 150% - 10% for 2- to 5-year-old population at P/L > 150%
DOE Magnet Pre-Kindergarten Program	- 10% for Magnet Enrollment - 60% based on 2000-2001 allocation
Partnership - First Start	- 50% Projected Births - 25% P/L - 25% Handicap Enrollment
Partnership - Wages	- Budget 2000-01 50% - Cash Assistance Households 20% - Transitional Childcare Enrollment 20%
Partnership - Subsidized Respite	- 60% for Budget 2000-01 - 20% for Cash Assistance Households - 20% for Transitional Childcare Enrollment
Partnership - Working Poor	- 80% for zero to 4-year-old population at P/L < 135% - 10% for Dependency Hearings - 10% for Reassessment Reports

At the beginning of the 2001-2002 fiscal year, some coalitions were not formed yet, so interim contracts were used to fund the program. In March 2001, the Partnership was informed that the case of one of the contracts transferred to a contract with the new coalition. Consequently, the Partnership made additional allocations to coalitions in March 2002 to complete the fiscal year. At the June 2002 Board Conference call meeting, the Partnership failed to approve an allocation formula for submission to the Legislative Budget Commission (LBC).

2003-2004

For the 2003-2004 fiscal year, the Partnership approved continuation of coalition budgets at the FY 2001-2002 contracted amount, including additional allocations received in March 2003. However, in November 2002, pursuant to a Partnership created One Percent Policy on expenditures for the 2001-2002 fiscal year, coalitions with less than 99% of their 2001-2002 allocation expended were penalized and their 2002-2003 fiscal year contracts were reduced by these amounts. The One Percent Policy had a shelter provision for reductions to coalition contracts of a not-to-exceed \$400,000 or less than \$40,000. Reference Partnership Board Item #2002-011. Furthermore, on May 22, 2003, the Partnership approved a funding formula distribution plan (Item #2003-021). This funding formula allocated all program funding based on the following factors:

- Forty percent based on the zero- to 5-year-old population at greater than 150% P/L
- Fifteen percent based on the total zero- to 5-year-old population at greater than 150% P/L
- Twenty-five percent based on the number of TANF families with children ages zero to 13 years old.
- Five percent based on the number of maltreatment reports.
- Fifteen percent based on SMIUS results.
- Sparsity weightings were applied to the zero- to 5-year-old population at greater than 150% of P/L and the number of TANF families with children ages zero to 13 years old.

For the 2003-2004 fiscal year, the Partnership approved continuation of coalition budgets at the 2002-2003 fiscal year level, as adjusted by November 2002 actions, pursuant to provide language contained in the 2003-2004 General Appropriations Act (Specific Appropriation 2014A, Ch. 2003-297, Laws of Florida). However, a similar policy on expenditures from the previous year was applied in November 2003, except that the not-to-exceed was 125% (Reference Partnership Item 2003-001), and coalition contract allocations for the 2003-2004 fiscal year were adjusted.

2004-2005

For the 2004-2005 fiscal year, the Partnership approved continuation of coalition budgets at the 2003-2004 fiscal year level, as adjusted by November 2003 actions, pursuant to language contained in HB 821 (the bill that created the Partnership) as amended by Governor Bush. The funding formula previously approved by the Partnership on May 22, 2003, was not approved by the Governor or LBC.

In a December 2004 special session, for the statutory implementation of the new Voluntary Pre-Kindergarten (VPK) constitutional initiative, HB 4A was passed which eliminated the Partnership and transferred its responsibility for early education to the AWI, making the agency responsible for state-level coordination of the School Readiness and VPK programs and of the School Readiness coalitions, which were renamed Early Learning Coalitions (ELC). The bill also established a maximum number (50) of ELCs in Florida. DOE was made responsible for developing educational standards and measuring program outcomes for the VPK program and the AWI was directed to adopt an allocation formula to be submitted and approved by the Governor and the LBC and to allocate school readiness funds for the 2004-2005 fiscal year consistently with the 2003-2004 fiscal year funding allocations (Ch. 2004-454, Laws of Florida).

2005-2006

For the 2005-2006 fiscal year, AWI submitted a proposed allocation formula to the Governor and the LBC on May 20, 2005. The funding formula proposed allocating School Readiness funding based on the following factors and methodologies:

- Ninety-five percent of funding allocated based on equity:
- Using an average of the 3-year direct services cost history for each client group (TANF, Protected Services, Working Poor).
 - Working Poor allocation was broken down further at 75% of the 3-year direct services cost history and 25% of the estimated children at greater than 200% FPL.
 - Allocation was then "equalized" by multiplying the allocations by the District Cost Differential (DCD) for each county.

- Fifty percent based on performance, as measured by:
- Fifty percent for counties with >45% of the Children Ready Now population.
 - Fifty percent using special incentives.

The SAC failed to adopt the allocation formula and Governor Bush subsequently directed ANW to allocate funds for the 2005-2006 fiscal year based on the prior fiscal year allocations.

2005-2007

For the 2005-2007 fiscal year, the legislature revised section 411.09(5), F.S., to direct ANW to recommend a formula for allocation of School Readiness funds to the governor and the chairs of the House and Senate Appropriations Committees by January 2 of each year. The legislature then would specify in the general appropriations act any changes to the formula and the amount of funding to be allocated for the upcoming fiscal year. However, the legislature was silent as to the distribution of funding for the 2007-2008 fiscal year. GAA (Specific Appropriation 2504, ch. 2006-25, Laws of Florida), without any specific directive from the governor or legislature, AWI allocated funds for the 2006-2007 fiscal year consistent with the prior year's allocation methodology.

2007-2008

For the 2007-2008 fiscal year, AWI submitted an allocation formula for use in FY 2007-2008 to the Governor and the designated legislative committees on December 28, 2006. The funding formula submitted by AWI was very similar to the one previously submitted in 2005. The legislature was again silent as to the distribution of school readiness funds in the 2007-2008 GAA (Specific Appropriation 2351, ch. 2007-72, Laws of Florida). It is unclear what, if any changes were made to the allocations for the 2007-2008 fiscal year. The allocation submitted by AWI was based on the following factors and methodologies:

- Ninety-nine percent of funding allocated based on equity:
- Using an average of the 3-year direct services cost history for each client group.
 - Working Poor allocation was broken down further at 75% of the 3-year direct services cost history and 25% of the estimated children at greater than 150% FPL.
 - Allocation was then "equalized" by multiplying the allocations by the DCD for each county.
- One percent based on performance, as measured by:
- Monitoring Results
 - Compliance with Terms & Conditions of Contracts
 - School Readiness Rate Scores

2008-2008 THROUGH 2011-2012

Between 2008 and 2011, AWI submitted allocation formula recommendations for each fiscal year to apply to new funds only (funding levels above the 2007-2008 level). Because these were new funds, the provisions in each of these fiscal years, the recommended funding methodologies had no impact on the allocation of funds for these years.

In 2011, the legislature reorganized AWI (Ch. 2011-342, Laws of Florida) and effective October 1, 2011, it was renamed the Department of Economic Opportunity. As a part of this reorganization, the Early Learning Division of AWI became a separate budget entity within the DOE with a direct report to the Governor, and was renamed as Florida's Office of Early Learning (OEL).

In 2011, the new office convened a working group comprised of select ELC executive directors who agreed upon a methodology with which to fund the 31 ELCs and Redempt Migrant Christian Association (RCMA). OEL submitted an allocation formula based upon the results of the group's work. The OEL proposed the agreed upon equity-based allocation formula that began the process of implementing an "equity-based" allocation formula as recommended by the auditor general and prescribed in HB 5103 from the 2012 legislative session (the bill was subsequently vetoed by the Governor).

The 2012 GAA required OEL to allocate the funds provided for the 2012-2013 fiscal year as prescribed in HB 5103 and recommended for approval by OEL to the School Readiness allocation conference (proviso in Specific Appropriation 75, ch. 2012-118). The allocation formula that was implemented in July 2012 redistributed 10% of the prior funding allocation using the "equity-based" allocation which was based on the eligible population served by each coalition. This action resulted in ELCs either losing or gaining funding based upon the historical allocation from the 2011-2012 fiscal year which was increased to funds available for the 2012-2013 fiscal year.

Equity Methodology proposed by OEL: For each of the factors listed below the percentage for each county was calculated. The result was multiplied by the total allocation and the weight was applied. The four resulting allocations were summed and multiplied by the DCD. The percentage of this adjusted allocation was determined and multiplied by 10% and the result was the initial allocation. This factor was added to the remaining 90% of continuation funding.

Factors	Weight
Children Birth through 5	30%
Children Birth through 5 under 150%FPL	25%
Children Birth through 5 under 200% FPL	25%
Children 6 to 12 Under 200% FPL	20%

2013-2015

For the 2013-2015 fiscal year, OEL, as directed by the governor, proposed a funding formula that mirrored what was implemented the prior year which would have resulted in no additional loss or gain incurred by ELCs from the funding in the 2012-2013 fiscal year. While the legislature acted upon that recommendation and maintained the same allocation amounts for the 2013-2014 fiscal year, they also restored any reductions that coalitions received for the 2012-2013 fiscal year due to the formula used by OEL. The GAA specifically allocated funding to each coalition that included approximately \$5 million to restore the funding loss of any coalition which was a result of the use of the allocation formula used in the 2012-2013 fiscal year (Specific Appropriation 79, Ch. 2013-40, Laws of Florida).

2015-2015 through 2019-2020

School Readiness funding continued to be specifically allocated to coalitions via the GAA; however, OEL maintained the authority to reallocate funds between ELCs based on actual enrollments and expenditures.

Fiscal Year	GAA Funding Allocations	Supplemental Appropriations
2015-2016	SSM in federal funds for workload increase - Each ELC received an additional \$45 increase (Specific Appropriation 8J, Ch. 2015-51, Laws of Florida)	
2015-2016	SSM in federal funds for workload increase - Each ELC received a 5% increase. ROMA received additional \$111,993 (not part of the allocation preparation formula) (Specific Appropriation 8J, Ch. 2015-232, Laws of Florida)	
2016-2017	\$30M in federal funds for workload increase and \$29M for replication of funds from expense (S29K in federal and S23K CR) - Each ELC received a 1.84% increase. (Specific Appropriation 8J, Ch. 2016-86, Laws of Florida)	In September 2016, the LEC increased SR budget authority by \$20M in federal funds. LEC allocated based on 50% GAA allocation and 50% vanilla. This allocation did not impact future allocation methodology. (September 16, 2016 LEC meeting budget amendment # 8202-0820).
2017-2018	SSM in federal funds to narrow the S20M LEC budget authority/increase from the 2015-2017 fiscal year and 55% enhancement due to an increase in the federal award - Each ELC received a 4.38% increase over the 2016-2017 GAA allocation. (Specific Appropriation 8J, Ch. 2017-79, Laws of Florida)	
2018-2019	\$7M in federal funds to provide increased trust fund authority for a federal award increase - Each ELC and ROMA received an additional 1.15% increase. (Specific Appropriation 8J, Ch. 2018-9, Laws of Florida)	In July 2018, the LEC authorized increased SR budget authority by \$6M in federal funds but allowed OEL the authority to allocate to coalitions. OEL allocated \$20M based on the current working \$30M based on the current allocation and \$20 based on GAA allocation. This allocation did not impact future allocation methodology. (July 19, 2018 LEC meeting budget amendment # 8202-0820).
2019-2020	\$75M in federal funds to provide increased trust fund authority for federal award increase - Each ELC and ROMA received a 12.2% increase over the 2018-19 GAA allocation. (Specific Appropriation 8J, Ch. 2019-115, Laws of Florida)	

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 1696

INTRODUCER: Senator Perry

SUBJECT: Student Athletes

DATE: January 22, 2020

REVISED: _____

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

I. Summary:

SB 1696 adds requirements to protect students participating in extracurricular activities and athletics. Specifically, the bill requires:

- Each Florida High School Athletic Association (FHSAA) member public school to make its automated external defibrillator (AED) available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session.
- A school employee or volunteer with current training in cardiopulmonary resuscitation and use of an AED, beginning June 1, 2021, to be present at each athletic event, practice, workout, or conditioning session during and outside of the school year.
- All employees or volunteers expected to use an AED to complete the training and be notified annually of the location of each AED on school grounds.
- The FHSAA to make training and resources to monitor heat stress using WetBulb Globe Temperature (WBGT) and heat index levels available to each member school.
- Each school's emergency action plan to include a procedure for onsite cooling using cold-water immersion.
- Athletic coaches and sponsors of outdoor extracurricular activities to complete annual exertional heat illness training, including administration of cooling zones.
- Students involved in interscholastic athletics to pass a medical evaluation prior to participating in relevant activities outside of the school year.

The bill takes effect July 1, 2020.

II. Present Situation:

Exertional Heat Stroke (EHS)

Exertional heat stroke (EHS), the most severe form of heat illness,¹ is associated with sustained high body temperature resulting from dehydration, strenuous exercise, and environmental heat exposure.² If not promptly recognized and treated, EHS can progress to multi-organ system failure and death.³ EHS remains one of the leading causes of sudden death in athletics⁴ despite evidence showing a 100 percent survival rate when an athlete is cooled down to an appropriate core body temperature within the first 10 minutes of collapsing.⁵ Research shows that the best practice for rapid cooling treatment is cold water immersion, preferably in a cooling zone,⁶ in a tub that is filled with water and ice to lower the athlete's core body temperature.⁷ High school athletic associations in states such as Arkansas, Georgia, Hawaii, Idaho, Kentucky, Mississippi, New Jersey, North Carolina, Utah, and Vermont require schools to have cold water immersion tubs for onsite cooling for all practices that take place in warm weather.⁸

Since 1995, 64 football players have died nationally from EHS, 47 of which occurred at the high school level.⁹ Ninety percent of recorded EHS deaths have occurred during practice.¹⁰ From 2014-2018, there was an average of 2.2 EHS deaths per year associated with football.¹¹

¹ University of Connecticut, Korey Stringer Institute, *Heat Illnesses*, <https://ksi.uconn.edu/emergency-conditions/heat-illnesses/> (last visited Dec. 4, 2019). Heat illnesses are a spectrum of illnesses that occur due to heat exposure. This heat exposure can come from either environmental heat (air temperature) or intense exercise. Such conditions include heat cramps, heat exhaustion, and heat syncope (orthostatic dizziness).

² Office of Program Policy Analysis and Government Accountability, *Prevention and Treatment of Exertional Heat Illness: Presentation to the House PreK-12 Innovation Subcommittee* (Oct. 23, 2019), available at [https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting Packets&FileName=pki_10-23-19.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki_10-23-19.pdf) [hereinafter *OPPAGA Presentation*].

³ *Id.*

⁴ William M. Adams, *Exertional Heat Stroke within Secondary School Athletics*, Current Sports Medicine Reports (April 2019), American College of Sports Medicine, available at https://journals.lww.com/acsm-csmr/Fulltext/2019/04000/Exertional_Heat_Stroke_within_Secondary_School.13.aspx#pdf-link [hereinafter *Exertional Heat Stroke within Secondary School Athletics*].

⁵ *OPPAGA Presentation*, *supra* note 2, at 17.

⁶ Florida High School Athletic Association, *Administrative Policies of the Florida High School Athletic Association* (April 29, 2019), at 107, available at https://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1920_handbook_policies_website_116.pdf [hereinafter *Administrative Policies of the Florida High School Athletic Association*]. A cooling zone is an area identified for rest out of direct sunlight. It should include ice sponges and towels, cold water immersion tubs, tarps that can be filled with ice and wrapped around an athlete, and other cooling alternatives to facilitate the cooling process.

⁷ *OPPAGA Presentation*, *supra* note 2, at 17; *Exertional Heat Stroke within Secondary School Athletics*, *supra* note 4.

⁸ University of Connecticut, Korey Stringer Institute, *State High School Sports Safety Policies*, <https://ksi.uconn.edu/high-school-state-policies-2-2-2/> (last visited Dec. 4, 2019) [hereinafter *State High School Sports Safety Policies*].

⁹ National Center for Catastrophic Sports Injury Research, *Annual Survey of Football Injury Research 2018* (Feb. 15, 2019), available at <https://nccsir.unc.edu/files/2019/02/Annual-Football-2018-Fatalities-FINAL.pdf> [hereinafter *Annual Survey of Football Injury Research*].

¹⁰ *Id.*

¹¹ *Id.*

Florida leads the nation in high school student athlete deaths from EHS, with four since 2011.¹² Over 460 student athletes were treated for exertional heat illness during the 2017-2018 school year.¹³

Environmental Monitoring and Hydration

The National Federation of State High School Associations Sports Medicine Advisory Committee has published a position statement regarding best practices for maintaining hydration and minimizing risk for EHS.¹⁴ These include drinking water regularly throughout all athletic activity and weighing athletes before and after hot weather athletic activities to assess the change in hydration status of each athlete.¹⁵

Adjusting and modifying athletic activity levels based on environmental conditions is a best practice for preventing EHS in athletes.¹⁶ The FHSAA requires:¹⁷

- Member schools to follow a preseason acclimatization and recovery model for all sports;
- Individual schools or districts to select and promote a method of environmental monitoring for use outside the acclimatization period; and
- Staff to comply with standard recommendations for practice modifications.

WetBulb Thermometer

The WetBulb Globe Temperature (WBGT), an on-site measure of ambient temperature, humidity, sun angle, wind, and cloud cover, is commonly used to monitor environmental conditions during exercise.¹⁸ This differs from the heat index, which takes into consideration temperature and humidity for shady areas.¹⁹ Other states such as Hawaii, New Jersey, and North Carolina, require environmental monitoring and activity modification for high school athletics based on WBGT or heat index levels.²⁰

Automated External Defibrillators (AEDs)

Florida law requires each public school member of the FHSAA to have an operational automated external defibrillator (AED) on school grounds.²¹ Each school must ensure that all employees or volunteers who are reasonably expected to use the device obtain appropriate training, including completion of a course in cardiopulmonary resuscitation (CPR) or a basic first aid course that

¹² Laurence Reisman, *Heat-related football deaths: Florida high schools must do more, mourning Sebastian parents say*, TCPalm, Aug. 31, 2018, available at <https://www.tcpalm.com/story/opinion/columnists/laurence-reisman/2018/08/31/fhsaa-heat-stroke-preventable-shogran-sebastian-river-korey-stringer-riverdale-football-collapse/1136460002/>.

¹³ *OPPAGA Presentation*, supra note 2, at 23.

¹⁴ National Federation of State High School Associations Sports Medicine Advisory Committee, *Position Statement and Recommendations for Maintaining Hydration to Optimize Performance and Minimize the Risk for Exertional Heat Illness* (October 2018), available at <https://www.nfhs.org/media/1014751/nfhs-hydration-position-statement-final-april-2018.pdf>.

¹⁵ *Id.*; *Annual Survey of Football Injury Research*, supra note 9, at 18.

¹⁶ *Id.*; *Annual Survey of Football Injury Research*, supra note 9, at 17; *Exertional Heat Stroke within Secondary School Athletics*, supra note 4.

¹⁷ *Administrative Policies of the Florida High School Athletic Association*, supra note 6, at 105 and 107.

¹⁸ *OPPAGA Presentation*, supra note 2, at 20.

¹⁹ National Weather Service, *WetBulb Globe Temperature*, <https://www.weather.gov/tsa/wbgt> (last visited Nov. 25, 2019).

²⁰ *State High School Sports Safety Policies*, supra note 8.

²¹ Section 1006.165, F.S.

includes CPR training, and demonstrated proficiency in the use of an AED.²² The location of each AED must be registered with a local emergency medical services medical director.²³

The Florida High School Athletic Association (FHSAA)

The FHSAA is designated by Florida law as the governing nonprofit organization of athletics in Florida public schools.²⁴ The FHSAA is tasked with adopting bylaws that establish eligibility requirements for all students who participate in high school athletic competition in FHSAA member schools.²⁵ The FHSAA requires all student athletes to satisfactorily pass a medical evaluation each year before participating in interscholastic athletic activity.²⁶

The FHSAA does not require its member schools to have devices and equipment available to effectively respond to and prevent EHS in student athletes.²⁷ Current FHSAA policies also do not require member schools to:²⁸

- Regulate summer athletic activity, with the exception of football;²⁹
- Establish or adopt hydration guidelines;
- Have cooling zones with cold water immersion tubs or other cooling materials;
- Have an individual trained in CPR and AED present at athletic activities; or
- Ensure an AED is present at all athletic activities, preseason or regular.

Sports Medicine Advisory Committee (SMAC)

The FHSAA's Sports Medicine Advisory Committee (SMAC) is composed of physicians and athletic trainers and functions as a resource for issues of health and safety in high school athletics.³⁰ The SMAC has recommended that the FHSAA Board of Directors require all schools to use WBGT thermometer devices for environmental monitoring,³¹ require all schools to have cold water immersion tubs with ice and water available,³² and require athletic coaches to receive training on when to use an AED or cold water immersion.³³ These recommendations are not reflected in current FHSAA policies.

²² *Id.*

²³ *Id.*

²⁴ Section 1006.20(1), F.S.

²⁵ Section 1006.20(2)(a), F.S.

²⁶ Section 1006.20(2)(c), F.S.

²⁷ *OPPAGA Presentation, supra* note 2, at 12.

²⁸ *Administrative Policies of the Florida High School Athletic Association, supra* note 6, at 105 and 107-108.

²⁹ See FHSAA, *Heat Acclimatization and Football Contact Procedures*,

[https://www.fhsaa.org/sites/default/files/orig_uploads/sports/football/archives/2018-](https://www.fhsaa.org/sites/default/files/orig_uploads/sports/football/archives/2018-19/heat_acclimatization_and_football_contact_procedures.pdf)

[19/heat_acclimatization_and_football_contact_procedures.pdf](https://www.fhsaa.org/sites/default/files/orig_uploads/sports/football/archives/2018-19/heat_acclimatization_and_football_contact_procedures.pdf) (last visited Jan. 21, 2020). Recommendations are also

included for individuals participating in cross country or in sports utilizing helmets. *Id.* FHSAA recommendations are not requirements under Florida law.

³⁰ Section 1006.20(2)(m), F.S.; Florida High School Athletic Association, *Who we are*, <https://www.fhsaa.org/about> (last visited Nov. 26, 2019).

³¹ Florida High School Athletic Association, *Sports Medicine Advisory Committee Meeting* (Aug. 29, 2017), available at https://www.fhsaa.org/sites/default/files/orig_uploads/gov/sportsmed/minutes/170829.pdf.

³² Florida High School Athletic Association, *Sports Medicine Advisory Committee Meeting* (Jan. 30, 2018), available at https://www.fhsaa.org/sites/default/files/orig_uploads/gov/sportsmed/minutes/180130.pdf.

³³ *Id.*

III. Effect of Proposed Changes:

SB 1696 adds requirements to protect students participating in extracurricular activities and athletics. Specifically, the bill requires:

- Each Florida High School Athletic Association (FHSAA) member public school to make its automated external defibrillator (AED) available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session.
- A school employee or volunteer with current training in cardiopulmonary resuscitation and use of an AED, beginning June 1, 2021, to be present at each athletic event, practice, workout, or conditioning session during and outside of the school year.
- All employees or volunteers expected to use an AED to complete the training and be notified annually of the location of each AED on school grounds.
- The FHSAA to make training and resources to monitor heat stress using WetBulb Globe Temperature (WBGT) and heat index levels available to each member school.
- Each school's emergency action plan to include a procedure for onsite cooling using cold-water immersion.
- Athletic coaches and sponsors of outdoor extracurricular activities to complete annual exertional heat illness training, including administration of cooling zones.
- Students involved in interscholastic athletics to pass a medical evaluation prior to participating in relevant activities outside of the school year.

The bill requires the FHSAA to put measures in place to protect student athletes year round. These measures include:

- Making training and resources for the effective monitoring of heat stress using WBGT and heat index levels available to each member.
- Establishing WBGT and heat index levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session.
- Requiring member schools to monitor heat stress using WBGT and heat index levels and modify athletic activities accordingly, including suspending or moving activities.
- Establishing hydration guidelines, including appropriate introduction of electrolytes after extended activities or when a student participates in multiple athletic activities in a day.
- Establishing requirements for cooling zones, including, at a minimum, the immediate availability of cold-water immersion tubs or equivalent means to rapidly cool internal body temperature when a student exhibits symptoms of exertional heat stroke, and for the presence at athletic activities of an employee or volunteer trained to implement and administer the cooling zones.
- Requiring each school's emergency action plan to include a procedure for onsite cooling using cold-water immersion or equivalent means before a student is transported to a hospital for exertional heat stroke.

The bill requires all athletic coaches and sponsors of extracurricular activities involving outdoor practices or events to complete annual training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.

The board of directors for the FHSAA must notify each member school of any policy change the Sports Medicine Advisory Committee recommends, which it considers at a board meeting but

does not adopt. The notification must include the board's rationale for not adopting the committee recommendation and must be provided in writing to each member school within 30 days after the board meeting.

The bill expands FHSAA bylaws to require all students participating in or who are candidates for interscholastic athletic involvement to satisfactorily pass a medical evaluation yearly prior to participating in conditioning or activities that occur outside of the school year.

These safeguards may protect student athletes and prevent heat-related illness or death.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on Florida High School Athletic Association member schools for costs associated with the purchase of automated external defibrillators (AEDs), cold water immersion tubs, or WetBulb Globe Temperature

thermometers, as necessary, and having an individual with current cardiopulmonary resuscitation and AED training at each athletic activity, including those that take place in the non-school year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.165 and 1006.20.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



476932

LEGISLATIVE ACTION

Senate

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. .
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. .

House

The Committee on Education (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 97

and insert:

1. Make training and resources available to each member school for the effective monitoring of heat stress.

2. Establish guidelines for monitoring heat stress and identify heat stress levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session. Heat stress must be determined by measuring the ambient temperature, humidity, wind



476932

12 speed, sun angle, and cloud cover at the site of the athletic
13 activity.

14 3. Require member schools to monitor heat stress and modify
15 athletic activities, including suspending or moving activities,
16 based on the heat stress guidelines.

17 4. Establish hydration guidelines, including appropriate
18 introduction of electrolytes after extended activities or when a
19 student participates in multiple activities in a day.

20 5. Establish requirements for cooling zones, including, at
21 a minimum, the immediate availability of cold-water immersion
22 tubs or equivalent means to rapidly cool internal body
23 temperature when a student exhibits symptoms of exertional
24 heatstroke and the presence of an employee or volunteer trained
25 to administer cold-water immersion.

26 6. Require each school's emergency action plan, as required
27 by the Florida High School Athletic Association, to include a
28 procedure for onsite cooling using cold-water immersion or
29 equivalent means before a student is transported to a hospital
30 for exertional heatstroke.

31
32 The requirements of this paragraph apply year round.

33 (b) Each athletic coach and sponsor of extracurricular
34 activities involving outdoor practices or events shall annually
35 complete training in exertional heat illness identification,
36 prevention, and response, including the effective administration
37 of cooling zones.

38
39 ===== T I T L E A M E N D M E N T =====

40 And the title is amended as follows:



476932

41 Delete lines 12 - 14
42 and insert:
43 relating to student athlete safety; amending s.
44 1006.20, F.S.; requiring that

By Senator Perry

8-01383-20

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1 A bill to be entitled
 2 An act relating to student athletes; amending s.
 3 1006.165, F.S.; revising requirements for the
 4 availability of automated external defibrillators on
 5 school grounds; delaying implementation of a
 6 requirement that certain school employees and
 7 volunteers complete specified training; requiring that
 8 a school employee or volunteer who has received the
 9 training be present at certain athletic activities, by
 10 a specified date; requiring the Florida High School
 11 Athletic Association to establish certain requirements
 12 relating to student athlete safety; requiring the
 13 association to notify member schools of certain
 14 information; amending s. 1006.20, F.S.; requiring that
 15 a medical evaluation be performed before a student
 16 begins conditioning; applying requirements related to
 17 medical evaluations to activities occurring outside
 18 the school year; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1006.165, Florida Statutes, is amended
 23 to read:

24 1006.165 Well-being of students participating in
 25 extracurricular activities ~~Automated external defibrillator,~~
 26 ~~use~~ training.-

27 (1) (a) Each public school that is a member of the Florida
 28 High School Athletic Association must have an operational
 29 automated external defibrillator on the school grounds. The

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

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30 defibrillator must be available in a clearly marked and
 31 publicized location for each athletic contest, practice,
 32 workout, or conditioning session, including those conducted
 33 outside of the school year. Public and private partnerships are
 34 encouraged to cover the cost associated with the purchase and
 35 placement of the defibrillator and training in the use of the
 36 defibrillator.

37 (b)(2) Beginning June 1, 2021, a school employee or
 38 volunteer with current training in cardiopulmonary resuscitation
 39 and use of a defibrillator must be present at each athletic
 40 event during and outside of the school year, including
 41 practices, workouts, and conditioning sessions. The training
 42 received by the employee or volunteer must include ~~Each school~~
 43 ~~must ensure that all employees or volunteers who are reasonably~~
 44 ~~expected to use the device obtain appropriate training,~~
 45 ~~including~~ completion of a course in cardiopulmonary
 46 resuscitation or a basic first aid course that includes
 47 cardiopulmonary resuscitation training, and demonstrated
 48 proficiency in the use of an automated external defibrillator.
 49 All employees or volunteers who may be reasonably expected to
 50 use a defibrillator must complete the training.

51 (c)(3) The location of each ~~automated external~~
 52 ~~defibrillator must be registered with a local emergency medical~~
 53 ~~services medical director. Each individual required to complete~~
 54 the training under paragraph (b) must be notified annually of
 55 the location of each defibrillator on the school grounds.

56 (2) (a) In order to better protect student athletes
 57 participating in athletics during hot weather and to avoid
 58 preventable injury or death, the Florida High School Athletic

Page 2 of 6

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

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59 Association shall:

60 1. Make available to each member school training and
 61 resources for the effective monitoring of heat stress using
 62 WetBulb Globe Temperature (WBGT) and heat index levels.

63 2. Establish WBGT and heat index levels at which a school
 64 must make a cooling zone available for each outdoor athletic
 65 contest, practice, workout, or conditioning session.

66 3. Require member schools to monitor heat stress using WBGT
 67 and heat index levels and modify athletic activities
 68 accordingly, including suspending or moving activities.

69 4. Establish hydration guidelines, including appropriate
 70 introduction of electrolytes after extended activities or when a
 71 student participates in multiple athletic activities in a day.

72 5. Establish requirements for cooling zones, including, at
 73 a minimum, the immediate availability of cold-water immersion
 74 tubs or equivalent means to rapidly cool internal body
 75 temperature when a student exhibits symptoms of exertional heat
 76 stroke, and for the presence at athletic activities of an
 77 employee or volunteer trained to implement and administer the
 78 cooling zones.

79 6. Require each school's emergency action plan to include a
 80 procedure for onsite cooling using cold-water immersion or
 81 equivalent means before a student is transported to a hospital
 82 for exertional heat stroke.

83 The requirements of this paragraph apply year round.

84 (b) All athletic coaches and sponsors of extracurricular
 85 activities involving outdoor practices or events shall complete
 86 annual training in exertional heat illness identification,
 87

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88 prevention, and response, including effective administration of
 89 cooling zones.

90 (3) The board of directors for the Florida High School
 91 Athletic Association shall notify each member school of any
 92 policy change recommended by the Sports Medicine Advisory
 93 Committee which it considers at a board meeting, but does not
 94 adopt. The notification must include the board's rationale for
 95 not adopting the committee recommendation and must be provided
 96 in writing to each member school within 30 days after the board
 97 meeting.

98 (4) The use of automated external defibrillators by
 99 employees and volunteers is covered under ss. 768.13 and
 100 768.1325.

101 Section 2. Paragraph (c) of subsection (2) of section
 102 1006.20, Florida Statutes, is amended to read:

103 1006.20 Athletics in public K-12 schools.—

104 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

105 (c) The FHSAA shall adopt bylaws that require all students
 106 participating in interscholastic athletic competition or who are
 107 candidates for an interscholastic athletic team to
 108 satisfactorily pass a medical evaluation each year prior to
 109 participating in interscholastic athletic competition or
 110 engaging in any practice, tryout, workout, conditioning, or
 111 other physical activity associated with the student's candidacy
 112 for an interscholastic athletic team, including activities that
 113 occur outside of the school year. Such medical evaluation may be
 114 administered only by a practitioner licensed under chapter 458,
 115 chapter 459, chapter 460, or s. 464.012, and in good standing
 116 with the practitioner's regulatory board. The bylaws must shall

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117 establish requirements for eliciting a student's medical history
118 and performing the medical evaluation required under this
119 paragraph, which ~~must shall~~ include a physical assessment of the
120 student's physical capabilities to participate in
121 interscholastic athletic competition as contained in a uniform
122 preparticipation physical evaluation and history form. The
123 evaluation form ~~must shall~~ incorporate the recommendations of
124 the American Heart Association for participation cardiovascular
125 screening and ~~shall~~ provide a place for the signature of the
126 practitioner performing the evaluation with an attestation that
127 each examination procedure listed on the form was performed by
128 the practitioner or by someone under the direct supervision of
129 the practitioner. The form ~~shall~~ also must contain a place for
130 the practitioner to indicate if a referral to another
131 practitioner was made in lieu of completion of a certain
132 examination procedure. The form must shall provide a place for
133 the practitioner to whom the student was referred to complete
134 the remaining sections and attest to that portion of the
135 examination. The preparticipation physical evaluation form must
136 ~~shall~~ advise students to complete a cardiovascular assessment
137 and must shall include information concerning alternative
138 cardiovascular evaluation and diagnostic tests. Results of such
139 medical evaluation must be provided to the school. A student is
140 not eligible to participate, as provided in s. 1006.15(3), in
141 any interscholastic athletic competition or engage in any
142 practice, tryout, workout, or other physical activity associated
143 with the student's candidacy for an interscholastic athletic
144 team until the results of the medical evaluation have been
145 received and approved by the school.

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146 Section 3. This act shall take effect July 1, 2020.

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