

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 443 Education

**SPONSOR(S):** Education & Employment Committee and Choice & Innovation Subcommittee, Valdés and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/CS/CS/SB 986

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**FINAL HOUSE FLOOR ACTION:** 109 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/HB 443 passed the House on April 28, 2023, as amended, and subsequently passed the Senate on May 1, 2023. The bill includes HB 585 and portions of CS/CS/HB 857 and CS/CS/CS/HB 1021.

The bill requires a charter school sponsor to annually report to its charter schools and to the Department of Education (DOE) on the administrative and educational services being rendered from the sponsor's portion of the administrative fee. Additionally, a sponsor is required to provide training to a charter school on any required systems.

The bill requires a charter school sponsor to timely review and reimburse federal grant funds to a charter school within 60 calendar days from the date of submission, if the submission provides all the necessary information to qualify for reimbursement. A sponsor who does not reimburse within the 60 calendar days is required to pay interest to the charter school. In addition, the bill authorizes a charter school operated by a not-for-profit entity to loan any unrestricted current or capital assets identified in the charter school's annual audit to another school operated by the same entity in another school district in this state. The loan must be unforgiveable and repaid within 5 years to the originating school by the receiving school.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school and requires a charter school that limits enrollment based on reasonable academic standards to place a student on a progress monitoring plan for at least one semester before dismissing the student from the school.

The bill expands the eligibility for the Florida Teachers Supply Assistance Program and extends the validity period of an adjunct teaching certificate from 3 to 5 years. The bill authorizes private tutoring of up to 25 students be provided in specified facilities without obtaining exceptions, rezoning, or land use changes. Additionally, to protect the health and safety of Florida's students, the bill also requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district.

The bill revises award priority for the Community School Grant Program to include school districts expanding a program based on the feeder pattern of an existing community school in the district. The bill revises annual program reporting requirements and requires the DOE and participating school districts to provide data in order to evaluate and report on the program.

The bill requires the Department of Children and Families to report on specified information regarding the training of child care personnel and make recommendations on licensing and regulation of child care facilities. The bill modifies requirements for obtaining or maintaining the Gold Seal Quality Care designation and requires the DOE's single statewide information system, used for the school readiness program, to allow a parent to find early learning programs online.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on May 17, 2023, ch. 2023-102, L.O.F., and will become effective on July 1, 2023.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0443z1.DOCX

**DATE:** 5/18/2023

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Florida Charter Schools

##### Present Situation

All charter schools in Florida are tuition-free public schools within the state's public education system.<sup>1</sup> Charter schools are nonsectarian and operate under a performance contract with a sponsor.<sup>2</sup> This performance contract is known as a "charter."<sup>3</sup> The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>4</sup> One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."<sup>5</sup>

In Florida, several types of entities may authorize or "sponsor" charter schools:

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.<sup>6</sup>
- State universities may sponsor charter lab schools.<sup>7</sup>
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.<sup>8</sup>

During the 2021-22 school year, over 361,939 students were enrolled in 703 charter schools in 47 of Florida's 67 school districts.<sup>9</sup>

##### *Charter School Sponsor's Responsibilities*

A charter school sponsor's responsibilities include:<sup>10</sup>

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.

A sponsor must provide various administrative and educational services to charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student

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<sup>1</sup> Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

<sup>2</sup> Section 1002.33(1), (7), and (9)(a), F.S.

<sup>3</sup> Section 1002.33(7) and (9)(c), F.S.

<sup>4</sup> Section 1002.33(2)(b)3. and (16), F.S.

<sup>5</sup> Section 1002.33(2)(a)1., F.S.

<sup>6</sup> Section 1002.33(5)(a)1.-3., F.S.; In 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the Department of Education. A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S.

<sup>7</sup> Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

<sup>8</sup> Section 1002.34(3)(a)-(b), F.S.

<sup>9</sup> Florida Department of Education, *Fact Sheet, Office of Independent Education & Parental Choice, Florida's Charter Schools* (Sept. 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

<sup>10</sup> Section 1002.33(5)(b), F.S.

education program administration, eligibility determination and reporting for National School Lunch Program, assessment test administration, processing of teacher certification data and student information services.<sup>11</sup>

A sponsor may withhold an administrative fee for the various administrative services provided to the charter school. The amount withheld is a percentage based on weighted full-time equivalent students.<sup>12</sup> The administrative fee is calculated, up to five percent for:<sup>13</sup>

- Enrollment of up to and including 250 students in a charter school or virtual charter school.
- Enrollment of up to and including 500 students within a charter school system and meets all of the following:
  - Includes conversion charter schools and nonconversion charter schools.
  - Has all of its schools located in the same county.
  - Has a total enrollment exceeding the total enrollment of at least one school district in Florida.
  - Has the same governing board for all of its schools.
  - Does not contract with a for-profit service provider for management of school operations.

A sponsor may withhold up to two percent for enrollment of up to and including 250 students in a high-performing charter school or up 250 students in an exceptional student education center that meets specified requirements.<sup>14</sup>

The sponsor is required to provide to the Department of Education (DOE), by September 15 of each year, the total amount of funding withheld from the charter schools for the prior fiscal year.<sup>15</sup>

### *Charter School Funding*

Like traditional public schools, charter school operations are funded through the Florida Education Finance Program (FEFP) based on student enrollment. Each charter school reports student enrollment to its sponsor for inclusion in the district’s report of student enrollment.<sup>16</sup> The following chart summarizes how a charter school’s share of FEFP funds is determined:

Calculating a Charter School’s Share of FEFP Funds <sup>17</sup>						
Sum of the district’s operating funds from the FEFP and the General Appropriations	÷	The total funded weighted full-time	×	The weighted full-time equivalent	=	

<sup>11</sup> Section 1002.33(20)(a)1., F.S.

<sup>12</sup> Section 1002.33(20)(a)2., F.S., If a charter school serves 75 percent or more exceptional education students, the percentage is required to be calculated based on unweighted full-time equivalent students.

<sup>13</sup> Section 1002.33(20)(a)2.a., F.S.

<sup>14</sup> Section 1002.33(20)(a)b.-c., F.S. A charter school that is an exceptional student education center and that receives two consecutive ratings of “maintaining” or higher may replicate its educational program. The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the requirements and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school, *see* s. 1008.3415, F.S.

<sup>15</sup> Section 1002.33(20)(a)4., F.S.

<sup>16</sup> Section 1002.33(17)(a)-(b), F.S.

<sup>17</sup> Section 1002.33(17)(b) and (c), F.S.

Act (GAA), including the district's gross state and local funds, discretionary lottery funds, and funds from the district's current operating discretionary tax levies		equivalent students in the district		students for the charter school		Charter school allotment of FEFP dollars
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A charter school is also entitled to a proportionate share of categorical funds included in the FEFP for students who qualify for the categorical.<sup>18</sup> Categorical funds must be spent for specified purposes, which include student transportation, safe schools, supplemental academic instruction, evidence-based reading instruction, mental health assistance, instructional materials, teacher classroom supplies, class-size reduction operating funds, and teacher salary increases.<sup>19</sup>

Total funding for each charter school is recalculated during the year to reflect the revised calculations under the FEFP by the state and the actual weighted FTE reported by the charter school during the survey periods.<sup>20</sup> For charter schools operated by a not-for-profit or municipal entity, any unrestricted current<sup>21</sup> and capital assets<sup>22</sup> identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district.<sup>23</sup>

Sponsors are required to make timely and efficient payment and reimbursements to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible to receive.<sup>24</sup>

Once a sponsor receives state or federal funds, the payments must be issued to the charter school no later than 10 working days after receipt of such funds. If a warrant for payment is not issued within 10 working days after receipt, the sponsor is required to pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of one percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued.<sup>25</sup> Currently, the law does not address timely review and reimbursement of federal grant funds to charter schools.

### *Student Eligibility for Enrollment*

<sup>18</sup> Section 1002.33(17)(b), F.S.

<sup>19</sup> See, e.g., s. 1011.62(6), F.S. (general categoricals); s. 1011.68, F.S. (student transportation); s. 1011.62(12), F.S. (safe schools allocation); s. 1011.62(1)(f), F.S. (supplemental academic instruction); s. 1011.62(18), F.S. (evidence-based reading instruction allocation); s. 1011.62(13), F.S. (mental health assistance); s. 1011.67, F.S. (instructional materials); s. 1012.71, F.S. (Florida Teachers Classroom Supply Assistance Program); s. 1011.685, F.S. (class size reduction); and s. 1011.62(14), F.S. (teacher salary increase allocation).

<sup>20</sup> Section 1002.33(17)(b)1., F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year, based upon the October and February FTE enrollment surveys.

<sup>21</sup> Current assets include cash or other assets that are reasonably expected to be realized in cash or sold or consumed within a year. See Florida Department of Education, *Financial and Program Cost Accounting and Reporting for Florida Schools (2021)*, at 2-1, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/REDBK.pdf>.

<sup>22</sup> *Id.*, at 2-3, Capital assets include, but are not limited to, land, land improvements, buildings, building improvements, vehicles, machinery, furniture, equipment, and all other tangible and intangible assets that are used in operations and have useful lives that extend beyond a single accounting period.

<sup>23</sup> Section 1002.33(17)(b)1., F.S. Unrestricted current assets must be used in accordance with s. 1011.62, F.S., and any unrestricted capital assets shall be used in accordance with s. 1013.62(2), F.S. *Id.*

<sup>24</sup> Section 1002.33(17)(e), F.S.

<sup>25</sup> *Id.*

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.<sup>26</sup> The charter school governing board determines the school's capacity based upon its contract.<sup>27</sup> Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>28</sup> Enrollment preference may be given to:<sup>29</sup>

- siblings of current charter school students;
- children of a member of the charter school governing board;
- children of charter school employees;
- children who complete a Voluntary Prekindergarten Education (VPK) program, during the previous year, provided by the charter school, the charter school's governing board, or a VPK provider which has a written agreement with the governing board;
- children of active-duty U.S. Armed Forces personnel; and
- children who attend or are assigned to a failing school.

Additionally, a charter school-in-the-workplace may give enrollment preference to students whose parents are employees of the school's business partner and students whose parents are residents of the municipality in which the school is located. A charter school-in-a-municipality may also give enrollment preference to students whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.<sup>30</sup>

Charter schools may limit the enrollment process in order to target the following student populations:<sup>31</sup>

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school.
- Exceptional education students.
- Children of a business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet reasonable academic, artistic or other eligibility standards established by the charter school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units.<sup>32</sup>

### *Standard Charter Forms*

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<sup>26</sup> Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. *see* 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). *see also* U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter-ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

<sup>27</sup> Section 1002.31(2)(b), F.S.

<sup>28</sup> Section 1002.33(10)(b), F.S.

<sup>29</sup> Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

<sup>30</sup> Section 1002.33(10)(d)4.a.-b., F.S.

<sup>31</sup> Section 1002.33(10)(e)1.-7., F.S.

<sup>32</sup> *Id.* Students living in such a development are entitled to 50 percent of the student stations in the charter schools.

The DOE must provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created.<sup>33</sup> The information must include the standard application form, standard charter and virtual charter contracts, standard evaluation instrument, and standard charter and virtual charter renewal contracts.<sup>34</sup> To fulfill these requirements, the DOE, after consulting with sponsors and charter school directors, must recommend that the State Board of Education (SBE) adopt rules to implement the forms.<sup>35</sup>

### *Safe-School Officers*

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options in order for charter schools to satisfy the requirement that at least one safe-school officer be present on each school facility.<sup>36</sup>

A safe-school officer may be a school resource officer,<sup>37</sup> school safety officer,<sup>38</sup> school guardian,<sup>39</sup> or a school security guard.<sup>40</sup>

### Effect of the Bill

The bill requires a charter school sponsor to annually provide a report to its charter schools on what administrative and educational services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the DOE by September 15 of each year. Additionally, the bill requires a sponsor, as a part of providing administrative and educational services to a school, to provide training on systems the sponsor will require the charter school to use.

The bill implements a requirement for the timely review and reimbursement of federal grant funds to charter schools. Under the bill, a sponsor must reimburse a charter school for federal grant funds within 60 calendar days from the date of submission, if the submission provides all the necessary information to qualify for reimbursement. If a warrant for payment is not made within the 60 calendar days after an approved submittal for reimbursement of federal grant funds, the sponsor is required to pay the charter school, in addition to the amount of the scheduled disbursement, an interest rate of one percent per month calculated on a daily basis on the unpaid balance from the expiration of the 60 calendar days for the reimbursement of the federal grant funds.

The bill authorizes a charter school operated by a not-for-profit entity to loan any unrestricted current or capital assets identified in the charter school's annual audit to another school operated by the same entity in another school district in this state. The loan must be unforgiveable and repaid within 5 years to the originating school by the receiving school.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school and requires a charter school that limits enrollment based on

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<sup>33</sup> Florida Department of Education, *Charter Schools New Application*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-resources/new-applicant/> (last visited May 1, 2023).

<sup>34</sup> Section 1002.33(21), F.S.

<sup>35</sup> Section 1002.33(28), F.S. and Rule 6A-6.0786.

<sup>36</sup> Section 1006.12, F.S.

<sup>37</sup> Section 1006.12(1), F.S.

<sup>38</sup> Section 1006.12(2), F.S.

<sup>39</sup> Section 1006.12(3), F.S.

<sup>40</sup> Section 1006.12(4), F.S.

reasonable academic standards, to place a student on a progress monitoring plan for at least one semester before dismissing the student from the school.

The bill requires the SBE to adopt rules to implement a standard monitoring tool for conducting annual site review of charter schools.

## Community Schools

### Present Situation

Community schools are sometimes called “full-service” or “extended service” schools that combine a rigorous academic program with a wide range of in-school services, supports and opportunities to promote children’s learning and development.<sup>41</sup> To achieve this, the Community Partnership Schools model includes four core community partners, a school district, a university or college, nonprofit, and healthcare provider. All community school models share the same focus, but they vary in their approach to organizing resources.<sup>42</sup>

In 2010, the University of Central Florida (UCF) co-founded a Community Partnership School model with the Children’s Home Society of Florida and Orange County Public schools at Evans High School in Orlando.<sup>43</sup> UCF founded the Center for Community Schools in 2014 to help expand Community Partnerships Schools across the state and to advance community schools more broadly.<sup>44</sup> Currently, there are 15 UCF-Certified Community Partnership Schools in Florida.<sup>45</sup>

### *Community School Grant Program*

In 2019, the Legislature established the Community School Grant Program (program) to fund and support the planning and implementation of community school programs, subject to legislative appropriation.<sup>46</sup>

Contingent upon available funds, the Center for Community Schools (center) at UCF may facilitate the implementation of its community school model in Florida through grants that enable community organizations to establish long-term partnerships and secure resources for planning, staffing, and providing services to students and families through the community school model.<sup>47</sup>

As part of administering the grant program, the center must:<sup>48</sup>

- Require a participating public school to establish long-term partnerships through a memorandum of understanding. After receiving a grant award, the center must condition the award of grant funds in the subsequent years upon the matching funds secured through the long-term partnerships.
- Prioritize grant awards based on demonstration of the technical and financial ability to sustain the community school model beyond an initial grant award. For planning grant awards, priority must be given to school districts in which the community school model has not been established

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<sup>41</sup> University of Central Florida, *What is a Community School?*, <https://ccie.ucf.edu/communityschools/about-community-schools/#whatiscommunity> (last visited May 1, 2023).

<sup>42</sup> University of Central Florida, *Community Partnership Schools Models*, (2019), available at <https://ccie.ucf.edu/wp-content/uploads/sites/12/2019/09/CommunityPartnershipSchools-OnePager.pdf>.

<sup>43</sup> University of Central Florida, *The Backdrop: Challenges Facing Public Schools*, available at <https://ccie.ucf.edu/communityschools/about-community-schools/#model>, The Central Florida Family Health Center joined as a healthcare community partner in 2012 for Evans High School.

<sup>44</sup> University of Central Florida, *About the Center*, <https://ccie.ucf.edu/communityschools/about/> (last visited May 2, 2023).

<sup>45</sup> *Id.*

<sup>46</sup> Section 1003.64(1), F.S.

<sup>47</sup> Section 1003.64(3), F.S.

<sup>48</sup> *Id.*

and which demonstrate the technical and financial ability to sustain the community school model.

The center is required to annually publish on its website information on each community organization receiving a grant, including:<sup>49</sup>

- The amount of grant funds provided through the center for each participating school and the amount of matching funds provided by the community organization for each year the community organization has received a grant for that school.
- The long-term partnerships that have entered into a memorandum of understanding for implementing the community school model.
- A description of the services and community engagement activities provided through the community school model.
- The number of students, families, and community members served through the community school model.
- The academic progress of students enrolled at the public school, including student progression data, attendance, behavior, student achievement and learning gains on statewide, standardized assessments.

### Effect of the Bill

The bill revises the priority for Community School Grant planning awards, authorizing a school district which is expanding a program based on the feeder pattern of an existing community school in the district to be eligible to receive an award.

The bill revises the required annual reporting of the center to include the academic progress of students participating in services at the public school and data of schools identified by the center as comparison sites for evaluation purposes. Additionally, the bill requires the DOE and participating school districts to annually provide data necessary for the center to conduct a thorough evaluation of the school model.

## **District School Board Duties and Responsibilities**

### Present Situation

The Florida Constitution provides that each county in Florida constitutes a school district and requires each district to be governed by a school board comprised of at least five members who serve staggered terms of four years.<sup>50</sup> Additionally, the Florida Constitution states, “the school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed [by the constitution].”<sup>51</sup>

As a part of a school board’s responsibility for the operation and control of public K-12 schools in their district, a board must establish, organize, and operate their public schools and educational programs, employees, and facilities.<sup>52</sup> To fulfil these requirements and to provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, the district school board must:<sup>53</sup>

- Adopt rules for admitting, classifying, promoting, and graduating students to or from the various schools of the district.
- Provide for the enforcement of all laws and rules relating to the attendance of students at school.

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<sup>49</sup> Section 1003.64(4), F.S.

<sup>50</sup> Art. IX s. (4)(a), Fla. Const.

<sup>51</sup> Art. IX s. (4)(b), Fla. Const.

<sup>52</sup> Section 1003.02, F.S.

<sup>53</sup> Section 1003.02(1)(a)-(j), F.S.



- Adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion and maintain a code of student conduct.
- Provide adequate instructional materials for all students in the core courses of mathematics, language arts, social studies, science, reading, and literature.
- Make provision for the transportation of students to the public schools or school activities they are required or expected to attend, efficiently and economically.
- Approve and adopt a districtwide school facilities program.
- Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property.
- Approve and adopt a districtwide school building program.
- Provide for the operation of all public schools as free schools for a term of 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for the minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.
- Keep all necessary records and make all needed and required reports, as required by law or by rules of the SBE.
- At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.
- Notify the parent of a student who earns an industry certification that articulates for postsecondary credit of the estimated cost savings to the parent before the student's high school graduation versus the cost of acquiring such certification after high school graduation, which would include the tuition and fees associated with available postsecondary credits.

### *Emergency Response to a Choking Student*

The Florida Department of Health, in its oversight role for School Health Programs, publishes an Emergency Guide for Schools (Guidelines).<sup>54</sup> The Guidelines provide step by step directions for school personnel in response to a number of medical emergencies that could occur on campus.<sup>55</sup> The Guidelines also provide a Student Injury Report form to permit school personnel to document the facts surrounding the incident.<sup>56</sup>

Specifically related to choking, the guidelines recommend that schools designate at least one employee who has received instruction in choking rescue to be present in the cafeteria at all meals.<sup>57</sup> The guidelines also contain step by step instructions, including illustrations, on the appropriate rescue response to a choking incident for anyone, infants through adults.<sup>58</sup>

Additionally, there are publicly available training and resources on the appropriate response to a child choking in the school setting.<sup>59</sup>

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<sup>54</sup> Florida Department of Health, *Emergency Guidelines for Schools 2019 Florida Edition*, available at <https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/documents/emergency-guidelines-for-schools-2019.pdf>.

<sup>55</sup> *Id.* Medical emergencies for which the Guidelines provide information include, but are not limited to, allergic reactions, burns, CPR (infant, child, and adult), fractures and sprains, head injuries, heat emergencies, poisoning and overdose, seizures, unconsciousness, and vomiting. *Id.* at 1.

<sup>56</sup> *Id.* at 8.

<sup>57</sup> *Id.* at 24.

<sup>58</sup> *Id.* at 28. This guidance is applied to an individual that is choking but remains conscious. If the individual has lost consciousness, the Guidelines recommend performing CPR on the individual to clear the air passage. *Id.* at 24-27.

<sup>59</sup> Act Fast Anti Choking Trainer, *Choking Prevention and First Aid for School Age Children*, available at <https://www.actfastmed.com/wp-content/uploads/2021/08/ActFast-Instructional-Guide-4-28-17.pdf>.

## Effect of the Bill

The bill requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district. The poster must be easily visible and prominently placed.

## **Educator Certification**

### Present Situation

The DOE issues three types of educator certificates:

- Professional Certificate. The professional certificate is Florida's highest type of full-time educator certification.<sup>60</sup> The professional certificate is valid for 5 years and is renewable.<sup>61</sup>
- Temporary Certificate. The temporary certificate covers employment in full-time positions for which educator certification is required.<sup>62</sup> In 2023, the Florida Legislature extended the validity period for a nonrenewable temporary certificate from 3 to 5 years.<sup>63</sup>
- Athletic Coaching Certificate. The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.<sup>64</sup> The DOE issues two types of athletic coaching certificates – one is valid for 5 years and may be issued for subsequent 5-year periods while the other is valid for 3 years and may be issued only once.<sup>65</sup> The 5-year certificate requires satisfaction of certain specialization requirements established in rule.<sup>66</sup>

To be eligible for an educator certificate, a person must:<sup>67</sup>

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning<sup>68</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;<sup>69</sup>
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

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<sup>60</sup> Rule 6A-4.004(3), F.A.C.

<sup>61</sup> Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(d), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(4), F.A.C.

<sup>62</sup> Rule 6A-4.004(1)(a)2., F.A.C.

<sup>63</sup> Chapter 2023-16, L.O.F.

<sup>64</sup> Section 1012.55(2)(a), F.S.

<sup>65</sup> Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

<sup>66</sup> *See* rule 6A-4.0282, F.A.C.

<sup>67</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>68</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies*,

[https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg3.html#RegionalInstitutional](https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional) (last visited May 3, 2023) (list of accrediting agencies approved by the U.S. Department of Education).

<sup>69</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. S. 1012.56(2)(c), F.S.

An applicant must submit an application and the required fee to the DOE.<sup>70</sup>

In addition to the certifications issued by the DOE, school districts are authorized to issue adjunct teaching certificates to instructional staff who have expertise in the subject area to be taught. To be eligible for an adjunct certificate, an applicant must meet all general requirements for educator certification and demonstrate expertise in the area to be taught by passing a subject-area test. A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position.<sup>71</sup>

An adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.<sup>72</sup> School districts are required to:<sup>73</sup>

- post requirements on its website for the issuance of an adjunct teaching certificate, which must specify the subject area test through which an applicant demonstrates subject area mastery; and
- annually report to the DOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions.

### Effect of the Bill

To align with the extension of Florida's temporary teaching certificate from 3 to 5 years, the bill extends the validity period for an adjunct teaching certificate from 3 to 5 years.

## **The Florida Teachers Supply Assistance Program**

### Present Situation

The Florida Teacher Supply Assistance Program (program) provides funds to school districts and charter schools for classroom teachers<sup>74</sup> to purchase, on behalf of school districts or charter schools, classroom materials and supplies for the public school students assigned to them.<sup>75</sup> Program funds are appropriated by the Legislature in the GAA and distributed by July 15 to each school district by the Commissioner of Education based on the district's proportionate share of the state's total unweighted full time equivalent student enrollment.<sup>76</sup>

District school boards are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who is estimated to be employed by the

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<sup>70</sup> Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

<sup>71</sup> Section 1012.57(1) and (4), F.S.

<sup>72</sup> *Id.* An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

<sup>73</sup> Section 1012.57(6)(a)-(b), F.S.

<sup>74</sup> Section 1012.71(1), F.S. A classroom teacher means a certified teacher employed by a public school district or public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the FEFP.

<sup>75</sup> Section 1012.71, F.S. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds are to be used to supplement the materials and supplies otherwise available to classroom teachers.

<sup>76</sup> Section 1012.71(2), F.S.

school district or a charter school in the district by September 1 of each year. A job-share classroom teacher<sup>77</sup> may receive a prorated share of the amount provided to a full-time classroom teacher.<sup>78</sup>

As of July 1 of each school year, if a classroom teacher is expected to be employed by a school district or charter school in the district on September 1, then the district school board and each charter school governing board may provide the teacher with their proportionate share by August 1. If a teacher's expected employment is determined after July 1, then the district school board and each charter governing board must provide the teacher with the teacher's proportionate share of funds by September 30.<sup>79</sup>

Each classroom teacher must sign a statement acknowledging receipt of the funds, and keep receipts for at least four years to show that the funds were spent as required by the program. Any unused funds must be returned to the district school board at the end of the regular school year.<sup>80</sup>

The 2022-2023 GAA appropriated \$54,143,275 to the program.<sup>81</sup>

### Effect of the Bill

The bill expands the definition of "classroom teacher" eligible for program funds to also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

To conform to the expanded program eligibility, the bill requires a school district to calculate a prorated share of the program funds for a classroom teacher who teaches less than full time.

### **Private Tutoring Program**

#### Present Situation

With few exceptions, Florida law requires all children who will be six years of age on February 1, of each school year and are less than 16 years of age to attend school regularly. Children who will be five years of age by September 1, of each school year are eligible for public kindergarten.<sup>82</sup>

Regular attendance, as required under the law, can be satisfied by attendance in:<sup>83</sup>

- a public school supported by public funds;
- a parochial, religious, or denominational school;
- a private school supported in whole or in part by tuition charges or by endowments or gifts;
- a home education program; or
- a private tutoring program.

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<sup>77</sup> *Id.* at 20, A job-share classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

<sup>78</sup> Section 1012.71(3), F.S.

<sup>79</sup> *Id.*

<sup>80</sup> Section 1012.71(4), F.S. Unused funds must be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored.

<sup>81</sup> Specific Appropriations 5 and 89, s. 2 ch. 2022-156, L.O.F

<sup>82</sup> Section 1003.21(1)(a), F.S.

<sup>83</sup> Section 1003.01(13), F.S.

Attendance in a private tutoring program satisfies regular school attendance if the person tutoring the student meets the following requirements:<sup>84</sup>

- Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.
- Keeps all records and make all reports required by the state and district school board and makes regular reports on the attendance of students.<sup>85</sup>
- Requires students to be in actual attendance for the minimum length of time prescribed by the law and by rules of the SBE and district school boards.<sup>86</sup>

### Effect of the Bill

The bill authorizes private tutoring to be provided to up to 25 students in any commercial building with a valid certificate of occupancy, library, community service, museum, performing arts, theatre, cinema, or church facility; in any facility or land owned by a FCS institution or university; in any similar public institution facility; and in any facility recently used to house a school or licensed child care facility<sup>87</sup> within the preexisting zoning and land use designations of the facility without obtaining a special exception, rezoning, or a land use change so long as the provision of such tutoring meets all applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

## **Child Care Licensing**

### Present Situation

Child care is the care, protection and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.<sup>88</sup> If a program meets the statutory definition of child care, it is subject to regulation by the Department of Children and Families (DCF) or local licensing agencies, unless the statute specifically excludes or exempts it from regulation.<sup>89</sup>

### *Child Care Personnel*

Current law defines child care personnel as all owners, operators, employees, and volunteers working in a child care facility.<sup>90</sup>

The DCF establishes minimum training requirements for child care personnel.<sup>91</sup> DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.<sup>92</sup> The minimum standards for

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<sup>84</sup> Section 1002.43, F.S.

<sup>85</sup> See also s.1011.60(2), F.S.

<sup>86</sup> See also s. 1003.23(2), F.S.

<sup>87</sup> The child care facility must be licensed under s. 402.305, F.S.

<sup>88</sup> Section 402.302(1), F.S.

<sup>89</sup> Any county whose licensing standards meet or exceed the state minimum standards may designate, by ordinance, a local licensing agency in their county to license child care facilities. Counties choosing to administer their own child care licensing programs are licensed by DCF. See s. 402.306, F.S.

<sup>90</sup> Section 402.302(3), F.S.

<sup>91</sup> Section 402.305(2)(e), F.S.

<sup>92</sup> Florida Department of Children and Families, *Child Care Facility Handbook, October 2021*, available at [https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook\\_0.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf).

training must ensure that all child care personnel take an approved 40-clock-hour introductory course in child care covering the following topic areas:<sup>93</sup>

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the DCF, for owner-operators and child care personnel of a child care facility.
- Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

The DCF must evaluate or contract for an evaluation to determine the status of and means to improve staff training requirements and testing procedures. The evaluation must be conducted every 2 years. The evaluation must include, but not be limited to, determining: <sup>94</sup>

- The availability, quality, scope, and sources of current staff training.
- The need for specialty training.
- Ways to increase in-service training.
- Ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training.

### *Child Care Licensing Standards*

The DCF is also responsible for establishing minimum licensing standards for the following:

- Sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards must require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.<sup>95</sup>
- Admissions and recordkeeping. During the months of August and September of each year, each child care facility must provide parents of children enrolled in the facility detailed information regarding:
  - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
  - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.<sup>96</sup>
  - A plan of activities which must ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.<sup>97</sup>
  - Specialized child care facilities for the care of mildly ill children.<sup>98</sup>

### Effect of the Bill

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<sup>93</sup> *Id.*

<sup>94</sup> Section. 402.305(2), F.S.

<sup>95</sup> Section. 402.305(7), F.S.

<sup>96</sup> Section. 402.305(9), F.S.

<sup>97</sup> Section. 402.305(13), F.S.

<sup>98</sup> Section. 402.305(17), F.S.

The bill removes the DCF requirements for conducting evaluations or contracting out evaluations, every 2 years, to determine the status of and means to improve staff training requirements and testing procedures.

The bill requires, by December 31, 2024, and every 5 years thereafter, the DCF to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, concerning, at a minimum, the following:

- The current training requirements and coursework offered to child care personnel and any DCF recommendations regarding:
  - The availability, quality, relevance, scope, cost, effectiveness, and sources of current and prospective training.
  - The need for specialty training and approaches to increase inservice training.
- The licensing and regulations of child care facilities, including the DCF's identification of and recommendations regarding:
  - The elimination of rules that are unnecessary, vague, or redundant and the elimination of redundancy or subjectivity in the application of rules by licensing staff.
  - Streamlining the standards used to classify violations.
  - Methods to simplify inspections and the elimination of duplicative and unnecessary inspections.

The bill requires the DCF to adopt rules and revise policies based on the recommendations of the report and authorizes DCF to contract for production of the report.

## **Gold Seal Quality Care Program**

### Present Situation

The DOE administers the Gold Seal Quality Care program. In 1996,<sup>99</sup> the Florida Legislature established the Gold Seal Quality Care Program to recognize child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standards reflect quality in the level of care and supervision provided to children. The Gold Seal Quality Care Program is not an accreditation, but a designation with potential benefits to those that participate including, but not limited to:<sup>100</sup>

- A positive marketing tool for prospective parents.
- Tax exemptions. The Department of Revenue issues the exemption certificates for sales tax. This exemption is for certain educational materials.
- Higher reimbursement for School Readiness providers.
- Eligibility to participate in VPK.

Currently, 2,890 providers are listed as a Gold Seal Quality Care provider.<sup>101</sup>

To obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must have:<sup>102</sup>

- No class I<sup>103</sup> violations within preceding 2 years;

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<sup>99</sup> Ch. 96-175, s. 72, L.O.F.

<sup>100</sup> Florida Division of Early Learning, *About the Gold Seal Quality Care Program*, <https://www.floridaearlylearning.com/providers/gold-seal-quality-care-program> (last visited May 3, 2023).

<sup>101</sup> Department of Children and Families, *Child Care Provider List*, (Mar. 1, 2023), available at <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>.

<sup>102</sup> Section 1002.945, F.S.

<sup>103</sup> Class "I" violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines present an imminent danger to the clients of the provider or a substantial probability that death or serious physical or emotional harm would result therefrom. Section 408.813, F.S.

- Less than 3 class II<sup>104</sup> violations within preceding 2 years;
- Less than 3 class III<sup>105</sup> violations within the preceding 2 years that were not corrected within 1 year.

The DOE has not terminated any providers from the program.

### Effect of the Bill

The bill modifies requirements for obtaining or maintaining the Gold Seal Quality Care designation by requiring a provider to not have three or more of the same Class II violations, rather than just three or more class II violations in general.

## **School Readiness Program**

### Present Situation

The School Readiness Program is a state-federal partnership between Florida’s Department of Education Division of Early Learning (DEL) and the Office of Child Care of the United States Department of Health and Human Services.<sup>106</sup> Local oversight of the School Readiness program is provided by early learning coalitions (ELCs) and school districts, with ELCs responsible for private providers and districts responsible for programs provided by public schools. Florida’s DEL administers the program at the state level, including statewide coordination of the ELCs.<sup>107</sup>

As part of their duties for administering the program, the DOE is required to establish a single statewide information system that each ELC must use for the purposes of managing the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and ELCs. In addition, the statewide information system must:<sup>108</sup>

- 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.

### Effect of the Bill

The bill modifies the requirements of the single statewide information system used for the school readiness program, to include allowing a parent to find early learning programs online, including the program’s performance, and must integrate into the state’s online educational choice portal.<sup>109</sup>

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

<sup>104</sup> Class “II” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines directly threaten the physical or emotional health, safety, or security of the clients, other than class I violations. *Id.*

<sup>105</sup> Class “III” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of clients, other than class I or class II violations. *Id.*

<sup>106</sup> See 1002.82(1), F.S., U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, <https://www.acf.hhs.gov/occ/fact-sheet> (last visited May 2, 2023).

<sup>107</sup> Section 1002.82(1), F.S.

<sup>108</sup> Section 1002.82(2)(q)1. and 2.

<sup>109</sup> Section 12, ch. 2023-016, L.O.F



A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not appear to have a fiscal impact.