



Children, Families & Seniors Subcommittee

**Monday, March 15, 2021
1:00 PM – 3:00 PM
Sumner Hall (404 HOB)**

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Children, Families & Seniors Subcommittee

Start Date and Time: Monday, March 15, 2021 01:00 pm
End Date and Time: Monday, March 15, 2021 03:00 pm
Location: Sumner Hall (404 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 419 Early Learning and Early Grade Success by Grall
HB 897 Strong Families Tax Credit by Koster
HB 1287 Child Care Facility Transportation by Diamond

Consideration of the following proposed committee bill(s):

PCB CFS 21-01 -- Child Welfare

This meeting will be live-streamed on <https://thefloridachannel.org/>. Persons who wish to attend must register at www.myfloridahouse.gov, and pick up a pass at the Legislative Welcome Center on the 4th Floor of the Capitol beginning one hour before the start of the meeting. Audience seating will be socially distanced and will be available on a first-come, first-served basis. Registration closes three hours before the meeting starts.

NOTICE FINALIZED on 03/11/2021 4:08PM by Osborne.Erin

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 419 Early Learning and Early Grade Success

SPONSOR(S): Grall and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1282

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	16 Y, 0 N	Guy	Brink
2) Children, Families & Seniors Subcommittee		Rahming	Brazzell
3) PreK-12 Appropriations Subcommittee			
4) Education & Employment Committee			

SUMMARY ANALYSIS

The Florida Office of Early Learning (OEL) is responsible for overseeing statewide implementation of the School Readiness and Voluntary Prekindergarten Education (VPK) early learning programs. Although situated within the Department of Education (DOE) and accountable to the Commissioner of Education, the OEL and its executive director have independent authority to exercise all powers, duties, and functions prescribed by law and adopt rules. The bill revises the statewide governance of early learning programs by:

- repealing the OEL and its executive director and establishing a Division of Early Learning within the DOE, thereby placing the responsibility for overseeing the VPK and School Readiness programs, including rulemaking authority, with the State Board of Education (SBE);
- providing a type two transfer of the Gold Seal Quality Care Program from the Department of Children and Families to the DOE;
- repealing the Child Care Executive Partnership and establishing the Council for Early Grades Success; and
- subjecting Early Learning Coalitions (ELCs) to the SBE's oversight enforcement authority.

The bill also revises the composition of ELC membership, reduces the maximum allowable number of ELCs from 31 to 30, and provides the DOE with authority to merge ELCs in certain circumstances.

The bill establishes a timeline for phasing in a new VPK accountability system based on a performance metric that includes student outcomes, learning gains, and observations of child-teacher interactions. The bill requires the commissioner to develop a coordinated screening and progress monitoring program for VPK through grade 3 students that provides the outcomes and learning gains data for the VPK performance metric. The VPK accountability system must assign VPK providers a performance designation beginning with the 2022-2023 program year.

The bill also:

- allows certain child care providers on military installations to participate in early learning programs; and
- allows districts to use the research-based reading allocation to fund intensive interventions for VPK students who are identified with a substantial reading deficiency.

The bill appropriates \$3,088,000 in recurring funds from the General Revenue Fund to the DOE to implement the coordinated screening and progress monitoring program for VPK and kindergarten students beginning in Fiscal Year 2022-2023. The bill also appropriates \$677,759 to implement the VPK program assessment and \$100,000 to contract for a review of the school readiness payment rates.

The bill takes effect upon becoming a law.

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

STORAGE NAME: h0419b.CFS

DATE: 3/12/2021

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Governance of Early Learning Programs

State-Level Governance

Present Situation

The State Board of Education (SBE) is the constitutional entity charged with supervising the system of free public schools in Florida.¹ In this role, it coordinates and implements public education in Florida—except for the State University System, establishes objectives and long range plans, appoints the Commissioner of Education, annually develops a coordinated K-20 budget, and oversees the Florida Department of Education (DOE).² The SBE has rulemaking authority to carry out these functions³ and implements accountability measures based primarily on student achievement for Florida's K-20 public education system, which includes K-12 free public schools and the Florida College System.⁴

Specifically, the SBE has education and oversight authority over school districts and the Florida College System concerning performance and compliance with laws. This includes the authority of the commissioner to investigate allegations of noncompliance; order compliance within a specified timeframe; and withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, and other funds deemed eligible by the Legislature until compliance is achieved.⁵

While the SBE is responsible for K-20 public education in the state, Florida's Office of Early Learning (OEL) is responsible for statewide implementation of the School Readiness and Voluntary Prekindergarten Education (VPK) programs.⁶ In 2013, the Legislature established the OEL in the Office of Independent Education and Parental Choice at the DOE. The OEL is accountable to the commissioner but has authority to independently exercise all powers, duties, and functions prescribed by law and adopt rules to implement the School Readiness and VPK programs.⁷ It oversees local Early Learning Coalitions (ELCs) regarding child enrollment, attendance reporting, and reimbursement of program providers and monitors compliance with program requirements.⁸ It is administered by an executive director.⁹ The commissioner may appoint staff to carry out the duties and functions of the OEL as part of the DOE.¹⁰ As of the 2019-2020 fiscal year, the OEL's annual budget is \$1.3 billion.¹¹

All OEL rules are submitted to the SBE for approval or disapproval; rules not acted on by the SBE within 60 days of receipt are deemed approved and filed with the Department of State.¹² The OEL also administers the statewide Child Care Resource and Referral (CCR&R) network, which provides families with information about state-funded early learning programs and a customized listing of child care

¹ See Fla. Const. Art. IX, s. 2; s. 1001.02(1), F.S.

² See s. 1001.02, F.S.

³ Section 1001.02(1), F.S.

⁴ See ss. 1008.31, and 1008.32, F.S.

⁵ See s. 1008.32(2)-(4), F.S.

⁶ See ss. 20.15(3)(i)1. and 1001.213, F.S.

⁷ Section 1001.213(1)-(2), F.S.

⁸ Section 1002.75(2), F.S.

⁹ Section 20.15(3)(c)(i)1., F.S.

¹⁰ Section 1001.10(6)(a), F.S.

¹¹ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 19.

¹² See s. 1001.213(2), F.S.

providers. The CCR&R is used to document requests for services. For providers, the CCR&R provides technical assistance regarding initiating or expanding services and program and budget development.¹³

The law defines the OEL as a state agency for purposes of establishing an inspector general within it.¹⁴ The OEL inspector general operates separately from the DOE inspector general and must, among other things:

- review agency actions to improve program performance;
- direct, coordinate, and supervise audits, investigations, and management reviews;
- conduct activities to prevent and detect fraud in OEL programs and operations and recommend corrective actions; and
- keep the Chief Inspector General informed about fraud, abuses, and deficiencies relating to OEL programs and operations.¹⁵

Although appointed by the Chief Inspector General, the OEL inspector general reports administratively to the OEL executive director. According to the DOE, it processes nearly \$2 million annually in repayments from ELCs or individuals who have committed fraud.

The Department of Children and Families (DCF) administers the state's child care provider licensing program, including inspections of all child care providers for specified health and safety standards,¹⁶ and oversees state-mandated child care personnel training.¹⁷ It also administers the Gold Seal Quality Care Program, which the Legislature established in 1996 to recognize facility and home-based child care providers that go beyond minimum licensing requirements and are accredited based on specified standards by qualifying accrediting entities.¹⁸ These standards must be based on applicable accrediting standards of the National Association for the Education of Young Children, the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.¹⁹

Child care providers that earn the Gold Seal designation may be eligible for benefits such as certain property tax and sales tax exemptions and increased reimbursement rates through the School Readiness program.²⁰ However, committing a class I violation²¹ is grounds for termination of the Gold Seal designation for 2 years.²²

Section 402.315(5), F.S., requires the DCF to hold in a trust fund all child care licensing moneys the DCF collects to be reallocated at specified times to fund child care licensing activities, including the Gold Seal Quality Care program.

¹³ Sections 1001.213(5), 1002.82(2)(f)1.b., and 1002.92(1) and (3), F.S.; Florida Office of Early Learning, *Welcome to Florida's Early Learning Family Portal*, <https://familyservices.floridaeearlylearning.com/> (last visited Feb. 26, 2021); see also Florida's Office of Early Learning, *Family Resources: Find Quality Child Care*, <http://www.floridaeearlylearning.com/family-resources/find-quality-child-care/locate-a-child-care-resource-referral-service> (last visited Feb. 26, 2021).

¹⁴ Section 20.055(1)(d), F.S.

¹⁵ See s. 20.055(2), F.S.

¹⁶ See ss. 402.301-402.319, and 1002.88, F.S.

¹⁷ Sections 402.301-402.319, F.S.; see also Florida Department of Children and Family Services, *Provider Search*, <https://cares.myflfamilies.com/PublicSearch> (last visited Feb. 26, 2021).

¹⁸ See s. 402.281(1)-(2), F.S.; rule 65C-20.014, F.A.C.; Florida Department of Children and Families, *Child Care: About the Gold Seal Quality Care Program*, <https://www.myflfamilies.com/service-programs/child-care/goldseal.shtml> (last visited Feb. 26, 2021).

¹⁹ Section 402.281(2), F.S.

²⁰ See ss. 212.08(5)(m) and 402.26(6), F.S., and rule 12D-7.015, F.A.C.

²¹ The DCF classifies licensing violations as class I, II, and III violations. Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child. Class II violations are less serious in nature than Class I violations, and could be anticipated to pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(e), F.A.C.

²² See 402.281(4)(a), F.S.

Effect of Proposed Changes

The bill expands Florida's K-20 public education system under the supervision of the SBE to include the School Readiness and VPK programs currently overseen by the OEL. Requirements in law relating to the K-20 education system, the K-20 Education Code, and the K-20 data warehouse are changed to reflect the Early Learning-20 system. This will require data from early learning programs to be included in the education warehouse for the first time. Changes to the database may be necessary to include the new data.

The bill removes the OEL from the Office of Independent Education and Parental Choice and establishes it as the Division of Early Learning (DEL) within the DOE. Accordingly, rulemaking authority and accountability responsibilities for VPK and School Readiness will fall under the SBE. The SBE's oversight and enforcement authority, including the authority to withhold funds, will now apply to ELCs.

The bill deletes the OEL executive director position, which places day-to-day administration of the DEL under the direct authority of the commissioner.

Because the OEL is repealed, the bill deletes authority for a dedicated OEL inspector general. The functions currently performed by the OEL inspector general will become the responsibility of the DOE inspector general.

The bill provides a type two transfer of administrative responsibility for the Gold Seal Quality Care Program from the DCF to the DOE, including rulemaking authority. For purposes of accreditation under the Gold Seal program, accreditation standards must be based on nationally recognized standards rather than only those established by the National Association for the Education of Young Children, the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.

In order to be an approved Gold Seal program accreditor, the bill requires the accreditor to demonstrate to the DOE that its accreditation processes have:

- clearly defined prerequisites that a child care provider must meet before beginning the accreditation process;
- procedures for completion of a self-study and comprehensive onsite verification process for each classroom;
- a training process for accreditation verifiers to ensure inter-rater reliability;
- ongoing compliance procedures that include completion of an audit and filing of an annual report;
- procedures for renewal every 5 years, including onsite verification;
- a process for verifying continued compliance if ownership changes;
- procedures for revocation for failure to meet accreditation standards; and
- a process to communicate accreditation issues with governmental stakeholders.

The DOE must establish a process for verifying Gold Seal accreditor compliance with these requirements, including an auditing program, and requires the DOE to recommend to the SBE termination of the accreditor's eligibility for 2 to 5 years if it is unable to correct deficiencies within 30 days. If an accreditor loses its approved status, the providers it accredited have 1 year to obtain accreditation from another approved accreditor. An accreditor is liable for repayment of provider payment differentials if it fraudulently grants accreditation or fails to conduct on-site verification.

The bill allows the DOE to recommend to the SBE that a Gold Seal provider maintain its status after it is cited for a Class I or Class II violation if it has been in business for 5 or more years and has no other Class I violations.

The bill retains reference to the Gold Seal Quality Care program in s. 402.315(5), which could result in the DCF being required to use child care licensing moneys held in the DCF's trust fund for the purposes of the Gold Seal Quality Care program that will now be administered by DOE.

The bill provides additional transparency of VPK and School Readiness program providers by requiring the following additional information be accessible through the CCR&R:

- Whether the provider participates in the Child Care Food Program.
- A link to licensing inspection reports.
- A VPK provider's performance metric, as discussed *infra*, including its program assessment composite score, learning gains score, achievement score, and its designations.
- A School Readiness provider's program assessment composite score, including care-level composite scores delineated by infant, toddler, and preschool classrooms.
- Whether a School Readiness program participates in child observation assessments.
- Whether the provider holds a Gold Seal Quality Care designation.
- Whether the provider implements a DOE-approved curriculum and the name of the curriculum.

The CCR&R must also include an ELC's customer satisfaction survey data, as discussed *infra*.

Local Oversight

Present Situation

Local oversight of the School Readiness and VPK programs is provided by ELCs and school districts, with ELCs responsible for private providers and districts responsible for programs provided by public schools.²³ There are currently 30 ELCs, based on counties or regions, although the law permits the establishment of up to 31 ELCs.²⁴ ELCs may, but cannot be required to, join for purposes of planning and implementation.

Each ELC is governed by a board of directors composed of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.²⁵ Members may not serve more than two consecutive terms at a time, and the chair is appointed in that position for a period of 4 years.²⁶ Membership must be between 15 and 30 persons and must include:

- A DCF regional administrator or his or her designee.
- A district school superintendent or his or her designee.
- A local workforce development board executive director or his or her designee.
- A county health department director or his or her designee.
- A children's services council or juvenile welfare board chair or executive director, if applicable.
- An agency head of a local child care licensing agency.
- A president of a Florida College System institution or his or her permanent designee.
- A member appointed by a board of county commissioners or the governing board of a municipality.
- A Head Start director.
- A representative of private for-profit child care providers, including private for-profit family day care homes.
- A representative of faith-based child care providers.
- A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

²³ Sections 1002.55(1), 1002.61(1)(a)-(b), 1002.63(1), and 1002.82(1), F.S.

²⁴ Section 1002.83(1), F.S.; Florida Office of Early Learning, *Early Learning Coalition Directory* (Feb 26, 2021), available at <http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/ED%20ELAC/6.%20Coalition%20Directory.pdf>

²⁵ Section 1002.83(3), F.S.

²⁶ Section 1002.83(11), F.S.

- A central agency administrator, where applicable.²⁷

If two or more ELC members represent the same entity, only one of the members may serve as a voting member.²⁸ More than one-third of the members of each ELC must be private sector business members who do not have, or do not have a relative²⁹ who has, a substantial financial interest in the design or delivery of the VPK or School Readiness programs.³⁰

Every 2 years, each ELC must submit a School Readiness program plan for approval by the OEL before administering the program and before funds may be expended.³¹ The plan must include detailed descriptions of the ELCs procedures for implementing the School Readiness program, the ELC's quality activities and services, and a budget, among other things.³² If the OEL finds that an ELC has not substantially implemented its School Readiness plan, met performance standards adopted by the OEL, or effectively administered the School Readiness or VPK program, it may contract with a qualified entity to continue School Readiness and prekindergarten program services until it reestablishes the ELC with a new, approved plan.³³

An ELC may not contract with a member or a member's relative without a two-thirds vote of the ELC with a quorum present, all conflicts of interest disclosed before the vote, and OEL approval before execution. Such contracts under \$25,000 are not subject to OEL approval; however, OEL must be notified within 30 days after approval by the ELC.³⁴

Effect of Proposed Changes

The bill reduces the total number of ELCs that may be established from 31 to 30. The bill removes the central agency administrator as a required member and allows the appointment of a DCF child care regulation representative as an alternative to the local licensing agency head. The bill provides that a children's services council or juvenile welfare board chair must be appointed from each county in the ELC's service area, if applicable. The ELC may also appoint two additional members of the business community.

If the Governor-appointed chair is absent, the bill allows the commissioner to appoint an interim chair from within the ELC board membership. If a member is found to be nonparticipating (i.e., is consistently absent from meetings), the bill allows the ELC to request an alternate designee to fill the nonparticipating member's seat. The bill also requires each ELC to annually evaluate its executive director or chief executive officer on forms adopted by the DOE and submit the evaluation to the commissioner by June 30.

The 4-year limitation on the chair's appointment is removed—this appears to allow a member's tenure as chair to be less or more than 4 years, subject to existing term limits. The bill adds board members of any early learning sub-recipient entity to the list of individuals for whom a contract with the ELC must be approved.

The bill transfers oversight responsibility from the OEL to the DOE and requires the DOE to adopt procedures for merging ELCs that include consolidating and merging ELCs to minimize duplication of programs and services due to the merger and terminating ELC members as necessary. The DOE may

²⁷ Section 1002.83(4), F.S.

²⁸ Section 1002.83(5), F.S.

²⁹ A "relative" includes a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. See s. 112.3143(1)(c), F.S.

³⁰ Section 1002.83(5), F.S.

³¹ *Id.*

³² See s. 1002.85(3), F.S.

³³ Section 1002.82(3), F.S.

³⁴ See s. 1002.84(20), F.S.

remove an ELC from eligibility to administer early learning programs, including VPK, if it fails to meet performance standards.

The DOE must adopt performance standards and outcome measures for ELCs that include implementation of a customer satisfaction survey. The survey must be provided to:

- customers who use the CCR&R upon completion of a referral inquiry;
- parents, annually, at the time eligibility for programs is determined;
- VPK and School Readiness program providers; and
- ELC board members who fill seats as required by law.

Annual survey results must be based on a statistically significant sample size and included in the DOE's ELC report. If the ELC's satisfaction survey results are below 60 percent, the ELC must be placed on a correction plan. If the ELC does not raise its customer satisfaction above 60 percent by the next year, the DOE may contract with another entity or merge the ELC, regardless of whether it meets VPK performance standards.

The Voluntary Prekindergarten Education Program

Overview

In 2004, the Legislature established the VPK program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.³⁵ A child must be a Florida resident and attain four years of age on or before September 1 of the program year to be eligible for the VPK program.³⁶ The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.³⁷ Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.³⁸

Voluntary Prekindergarten Education Programs			
Program Characteristics	School Year-Programs		Summer Program (s. 1002.61, F.S.)
	Public School (s. 1002.63, F.S.)	Private Prekindergarten Provider (s. 1002.55, F.S.)	
Provider Type	Public school	Private prekindergarten provider	Public school or private prekindergarten provider
Minimum Program Length	540 instructional hours	540 instructional hours	300 instructional hours
Class Size	4 to 20 students	4 to 20 students	4 to 12 students
Prekindergarten Director Credential³⁹	Not required	Required	Private prekindergarten provider only

³⁵ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year.

³⁶ Section 1002.53(2), F.S. Funds appropriated for the VPK program may not be used to enroll eligible students participating in the Gardiner Scholarship Program. *See* s. 1002.385(4)(a), F.S.

³⁷ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

³⁸ Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. DOE is responsible for approving SIS providers. Section 1002.66, F.S. Children who participate in the program are eligible to receive a McKay Scholarship to enroll in and attend a private school. *See* s. 1002.39(2)(a)1., F.S.

³⁹ The Florida Department of Education establishes the minimum standards for a credential for directors of private prekindergarten providers delivering the VPK program. Section 1002.57(1), F.S.; *see also* rule 6M-8.610, F.A.C.

Voluntary Prekindergarten Education Programs			
Program Characteristics	School Year-Programs		Summer Program (s. 1002.61, F.S.)
	Public School (s. 1002.63, F.S.)	Private Prekindergarten Provider (s. 1002.55, F.S.)	
Minimum Required Instructor Credential	Child Development Associate (CDA) plus 2 trainings or equivalent	CDA plus 2 trainings or equivalent	Florida-certified teacher or bachelor's or higher degree in specified major
Second Instructor for Large Classes (credential not required)	For classes of 12 to 20 students	For classes of 12 to 20 students	Not allowed

Student enrollment in the VPK program for the 2019-2020 school year, the most recent year measured, was 171,199.⁴⁰

Each ELC is the single point of entry for VPK program registration and enrollment in the ELC's county or multi-county service area.⁴¹ Each ELC must coordinate with each school district in its service area to develop procedures for enrolling children in public school VPK programs.⁴²

The DOE is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.⁴³

The DCF administers the state's child care provider licensing program, oversees the state-mandated child care personnel training, and posts VPK program provider profiles on its website.⁴⁴ The VPK program may be offered by either a private prekindergarten provider or a public school. To offer the VPK program, a private prekindergarten provider must apply with the ELC using forms prescribed by the OEL and must be a:

- licensed child care facility;
- licensed family child care home (FCCH);
- licensed large family child care home (LFCCH);
- nonpublic school exempt from licensure; or
- faith-based child care provider exempt from licensure.⁴⁵

In addition, a private prekindergarten provider must:

- be accredited by an accrediting association that is:
 - a member of either the National Council for Private School Accreditation or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools, and

⁴⁰ Florida Office of Early Learning, *2019-20 OEL Annual Report* (Dec. 2020) at 18, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf).

⁴¹ Section 1002.53(4)(a)-(b), 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 Feb. 26, 2021).

⁴² Section 1002.53(4)(c), F.S.

⁴³ Sections 1002.69(1)-(3) and 1002.73, F.S.

⁴⁴ Sections 402.301-402.319, F.S.; see also Florida Department of Children and Family Services, *Provider Search*, <https://cares.myflfamilies.com/PublicSearch> (last visited Feb. 26, 2021).

⁴⁵ Section 1002.55(3)(a) and (h), F.S.; see also rule 6M-8.300(3), F.A.C.; s. 402.305, F.S. (child care facilities licensing); s. 402.313, F.S. (family day care homes licensing); s. 402.3131, F.S. (large family child care homes licensing); s. 402.316, F.S. (faith-based provider exempt from licensure).

- has written accreditation standards that meet the state's licensing requirements and requires at least one onsite visit before accreditation is granted;⁴⁶
- hold a current Gold Seal Quality Care designation;⁴⁷ or
- be licensed and demonstrate to the ELC that the provider meets the VPK program's statutory requirements.⁴⁸

VPK Providers by Classification 2019-2020⁴⁹	
Provider Classification	Participating Providers
Licensed Child Care Facility	4,537
Licensed FCCH	10
Licensed LFCCH	31
License-Exempt	118
Public School	1,305
Private School	450
Specialized Service Providers	50
Total Providers	6,501

Private prekindergarten providers must also sign and agree to the terms outlined in the approved statewide VPK provider contract, follow all applicable statutes and administrative rules, maintain general liability insurance and maintain any required workers' compensation insurance and reemployment assistance or unemployment compensation coverage.⁵⁰

Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must apply with the ELC.⁵¹ School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district's summer program.⁵²

⁴⁶ Section 1002.55(3)(b)1., F.S.; see also National Council for Private School Accreditation, <http://www.ncpsa.org> (last visited Feb. 26, 2021); Florida Association of Academic Nonpublic Schools, <http://www.faans.org> (last visited Feb. 26, 2021); Southern Association of Colleges and Schools, <http://www.sacs.org/> (last visited Feb. 26, 2021); Western Association of Colleges and Schools, <http://www.acswasc.org/> (last visited Feb. 26, 2021); Middle States Association of Colleges and Schools, <https://www.msa-cess.org/> (last visited Feb. 26, 2021); New England Association of Colleges and Schools, <http://www.neasc.org/> (last visited Feb. 26, 2021).

⁴⁷ Section 402.281, F.S.; rule 65C-22.009, F.A.C.; see also Florida Department of Children and Family Services, *Gold Seal Quality Care*, <https://www.myflfamilies.com/service-programs/child-care/goldseal.shtml> (last visited Feb. 26, 2021). The DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FCCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

⁴⁸ Section 1002.55(3)(b), F.S.

⁴⁹ Florida Office of Early Learning, *2019-20 OEL Annual Report* (Nov. 2020) at 25, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%202012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%202012-29-30-GA(1).pdf).

⁵⁰ Section 1002.55(3)(i) – (l), F.S.

⁵¹ Sections 1002.61(3)(a) and (8) and 1002.63(3) and (8), F.S.

⁵² Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

VPK Program Training Requirements

Present Situation

A public school or private prekindergarten provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials:

- a child development associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition, plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course;⁵³ or
- a credential approved by DCF as being equivalent to or greater than the CDA, plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course.⁵⁴

However, in lieu of the minimum credentials listed above, a prekindergarten instructor for a private prekindergarten provider may hold:

- an educational credential approved by OEL as being equivalent to or greater than any of these educational credentials;
- an associate's or higher degree in child development;
- an associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through 8 years of age;
- a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- a bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current.⁵⁵

A public school or private prekindergarten provider offering a school-year VPK program 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.⁵⁶

A public school or private prekindergarten provider offering a summer VPK program must have for each class a Florida-certified teacher or at least one instructor with the following credentials:

- bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current.⁵⁷

⁵³ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. Emergent literacy includes oral communication, knowledge of print and letters, phonemic and phonological awareness (recognition that words are made up of sounds), and vocabulary and comprehension development. Sections 1002.59, F.S. The emergent literacy training requirement does not apply to individuals who completed required training for staff of child care facilities, family day care homes, and large family child care homes licensed by DCF before the establishment of emergent literacy training courses or April 1, 2005, whichever occurred later. Section 1002.55(3)(c)2., F.S.; see ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5), F.S.

⁵⁴ Sections 1002.55(3)(c)1.b. and 2. and 1002.59, 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.

⁵⁵ Section 1002.55(4), F.S. Although these credentialing requirements appear in the section of law regarding private prekindergarten providers offering the school year program, OEL interprets them to also apply to public school instructors of the school year program. Florida Department of Education, *Technical Assistance Paper: #07-01*, at 2 (Jan. 2007), available at <http://info.fl DOE.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

⁵⁶ Sections 1002.55(3)(f) and 1002.63(7), F.S.

⁵⁷ Sections 1002.61(4) and 1002.55(4)(a)-(b), F.S.

The OEL must adopt minimum standards for one or more emergent literacy training courses for prekindergarten teachers to meet training requirements.⁵⁸ Each course must be at least 5 clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including:

- oral communication;
- knowledge of print and letters;
- phonemic and phonological awareness; and
- vocabulary and comprehension.

Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.⁵⁹ In addition, the OEL must adopt minimum standards for one or more training courses on the VPK performance standards it adopts.⁶⁰

Professional development and teacher resources are available online, including the VPK Teacher Toolkit, activity plans aligned to the VPK standards, Bright Beginnings resources, and courses developed by the OEL in collaboration with the Lastinger Center at the University of Florida.⁶¹

Effect of Proposed Changes

The bill revises provisions relating to VPK Program training by:

- requiring the minimum standards for a prekindergarten director credential to include training on implementation of curriculum and use of student data to inform instruction;
- allowing a private school administrator who holds a valid educational leadership certificate issued by the DOE to satisfy the VPK prekindergarten director requirement;
- requiring the DOE to make available online courses, of at least 8 hours in length, that support prekindergarten instructors in increasing the competency of teacher-child interactions;
- requiring a prekindergarten teacher to complete three, rather than only one, emergent literacy courses, by July 1, 2022; and
- specifying that the prekindergarten teacher training course on VPK standards be recognized as part of an informal early learning career pathway.⁶²

The bill also requires school district summer VPK programs to give priority to teachers who have completed the emergent literacy and VPK standards training and provides that a child care facility director credential no longer satisfies the prekindergarten director credential requirement for VPK providers.

VPK Provider Accountability

Present Situation

Kindergarten Readiness Rate

The performance of each VPK provider is annually reflected in its kindergarten readiness rate calculated by the OEL.⁶³ The readiness rate must be determined using the results of a kindergarten

⁵⁸ Section 1002.59(1), F.S.

⁵⁹ See *id.*

⁶⁰ Section 1002.59(2), F.S.

⁶¹ See Florida Office of Early Learning, *Professional Development*, <http://www.floridaearlylearning.com/providers/professional-development> (last visited Feb. 26, 2021). See also Early Learning Florida, *Courses*, <https://www.earlylearningflorida.com/catalog> (last visited Feb. 26, 2021).

⁶² See s. 1002.995(1)(b), F.S.

⁶³ See s. 1002.69(5), F.S.

readiness screening that measures a child's attainment of Florida's VPK standards. The screening adopted for this purpose is the Florida Kindergarten Readiness Screener (FLKRS).⁶⁴

The VPK standards describe what children should know and be able to do at the end of VPK 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.⁶⁵ Florida's Constitution expressly requires VPK standards to help students make age-appropriate progress in the development of language and cognitive capabilities and emotional, social, regulatory, and moral capacities.⁶⁶

Students must be tested within the first 30 school days of kindergarten and the statewide screening must provide objective data concerning each student's readiness for kindergarten.⁶⁷

The readiness rates are expressed as the percentage of children who are ready for kindergarten as demonstrated by achieving the score identified in rule.⁶⁸ A provider must have at least 60 percent of children meet the "ready for kindergarten" score on the FLKRS in order to avoid probationary status.⁶⁹ Children who attended less than 70 percent of a VPK program are not included in a provider's readiness rates, and readiness rates are not calculated for providers with fewer than four children assessed. Providers that do not meet the minimum readiness rate are placed on probation and required to take certain corrective actions.⁷⁰

The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK preassessment and postassessment known as the "Florida VPK Assessment."⁷¹ The OEL adopted the VPK Assessment in 2015.⁷² The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment from at least 2 successive years of administration. Learning gains are demonstrated if a student attains a higher scoring category (below expectations, meeting expectations, or exceeding expectations) from the preassessment to the postassessment on the following domains: Print Knowledge, Phonological Awareness, Mathematics, and Oral Language/Vocabulary.⁷³

The Florida VPK Assessment must be administered by individuals who are employed by a VPK provider and who:

- complete training on proper administration of the assessment that is offered by the OEL or OEL-trained individuals, through online training, or via DVD, if available; and
- meet the VPK instructor qualifications in law.⁷⁴

For the 2013-14 through 2015-2016 VPK program year, readiness rates were not calculated for any provider because administration of the previous FLKRS assessment was halted in September 2014; therefore no student met the criteria for inclusion in readiness rates. Those providers that did not previously meet the minimum readiness rate remained on probation. Readiness rates have been

⁶⁴ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the FLKRS in 2017. Florida Department of Education Contract No. 17-651 (2017). *See* rule 6M-8.602(3)(b)1., F.A.C.

⁶⁵ *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., available at <http://flbt5.floridaeearlylearning.com/docs/OEL-SR15BtoK.pdf>.

⁶⁶ Fla. Const. Art. IX, s. (1)(b).

⁶⁷ *See* s. 1002.69(1), F.S.

⁶⁸ Rule 6M-8.601(3)(b)1., F.A.C.

⁶⁹ Rule 6M-8.601(3)(b)5., F.A.C.

⁷⁰ Section 1002.67(4)(c)1., F.S.

⁷¹ Section 1002.69(5), F.S.; rule 6A-1.09433(1)(b), F.A.C.

⁷² *See* rule 6A-1.09433, F.A.C.

⁷³ Rule 6M-8.601(3)(b)3., F.A.C.

⁷⁴ *See* rule 6A-1.09433(2), F.A.C.

calculated since the 2016-2017 VPK program year based on student performance on the FLKRS (Star Early Literacy Assessment);⁷⁵ however no new providers have been placed on probation.⁷⁶ About 53 percent of kindergarten students were designated as “ready for kindergarten” based on the Fall 2019 administration of the FLKRS.⁷⁷ Of the 6,089 VPK providers with a 2018-2019 readiness rate, 2,175 did not meet the minimum rate.⁷⁸

In 2019, the OEL adopted a rule establishing a readiness rate based on 90 percent student achievement on the FLKRS and 10 percent learning gains on the VPK assessment.⁷⁹ Beginning with the 2018-2019 VPK program year, providers can again be placed on probation for failing to meet the minimum readiness rate.⁸⁰

Program Assessment

In 2018, the Legislature revised School Readiness program accountability requirements to include a program assessment measuring 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.⁸¹ The OEL has selected the Teachstone Classroom Assessment Scoring System (CLASS) Assessment Tool as the program assessment, and requirements for observations and observers are provided in the Program Assessment Requirements Handbook.⁸² CLASS observations must be provided by each ELC annually and observers who administer the CLASS must be certified for the age group of the classroom being observed. Certification is achieved by completing and passing all trainings and assessments required by Teachstone to conduct a CLASS observation; only ELC staff, OEL vendors, or ELC designees may conduct an observation.⁸³

Unlike School Readiness providers, VPK providers are not required to undergo program assessments.

Eligibility to Provide the VPK Program

Each ELC and district school board is responsible for verifying that private and public VPK providers, respectively, comply with VPK Program laws.⁸⁴ If a provider refuses to comply with law or engages in misconduct, the OEL must require the ELC or district school board to remove the provider or public school from eligibility to deliver the VPK Program and receive VPK funds for a period of 5 years.⁸⁵ An ELC or school district must require a provider or public school that falls below the minimum kindergarten readiness rate to:

- submit for approval and implement an improvement plan;
- place the provider or school on probation; and

⁷⁵ 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(3)(b)1., F.A.C.

⁷⁶ Florida Office of Early Learning, *OEL Annual Report 2019-20* (Nov. 2020) at 47, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/2018-19%20OEL%20Annual%20Report FINAL ADA.pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/2018-19%20OEL%20Annual%20Report%20FINAL%20ADA.pdf).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Rule 6M-8.601(3), F.A.C.

⁸⁰ Rule 6M-.601(5)(b), F.A.C.

⁸¹ Section 1002.82(2)(n), F.S.

⁸² See Form OEL-SR 740, incorporated by reference in rule 6M-4.740, F.A.C.; Florida’s Office of Early Learning, *Classroom Assessment Scoring System* (2018), available at <http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/CLASS%20FAQ ADA.pdf>.

⁸³ See Form OEL-SR 740 at 1, incorporated by reference in rule 6M-4.740, F.A.C.

⁸⁴ Section 1002.67(4)(a), F.S.

⁸⁵ Section 1002.67(4)(b), F.S.

- 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.⁸⁶

If the provider or public school remains on probation for 2 consecutive years and does not meet the readiness rate and is not granted a good cause exemption, it must be removed from eligibility to provide the program for 5 years.⁸⁷

A good cause exemption releases a public school or private prekindergarten provider from being determined ineligible to deliver the VPK program and receive state funds for the VPK program. Upon request by a public school or private prekindergarten provider, OEL may grant such provider or school a good cause exemption. Such exemption is valid for one year, and may be renewed upon request by the public school or private prekindergarten provider.⁸⁸ A public school or private prekindergarten provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until such school or provider meets the minimum kindergarten readiness rate.⁸⁹

A request by a public school or private prekindergarten provider to OEL for good cause exemption or renewal of such exemption must include the following:

- submission of data by the public school or private prekindergarten provider which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.
- submission and review of data available from the respective ELC or district school board, DCF, local licensing authority, or an accrediting association, as applicable, relating to the public school's or private prekindergarten provider's compliance with state and local health and safety standards.
- submission and review of data available to OEL on the performance of the children served and the calculation of the public school's or private prekindergarten provider's kindergarten readiness rate.⁹⁰

A good cause exemption may not be granted to any private prekindergarten provider that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption.⁹¹

The OEL must notify the applicable ELC of the good cause exemption granted to a private prekindergarten provider within the coalition's service area, and direct that coalition to not remove the provider from eligibility to deliver the VPK program.⁹²

Effect of Proposed Changes

The bill revises the VPK standards to include mathematical thinking and early math skills and executive functioning skills. It also requires that a VPK provider's curriculum include instruction in early math skills and prepare students for kindergarten. The bill requires the DOE to review and, if necessary, revise the standards for the end-of-prekindergarten screening at least every 3 years.

The bill repeals the kindergarten readiness rate and the FLKRS and VPK Assessment, and phases in a VPK program performance metric that, by the beginning of the 2022-2023 program year, will include:

- a program assessment composite score;

⁸⁶ Section 1002.67(4)(c)1., F.S.

⁸⁷ Section 1002.67(4)(c)3., F.S.

⁸⁸ Section 1002.69(7)(a), F.S.

⁸⁹ Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

⁹⁰ Section 1002.69(7)(b)-(c), F.S.

⁹¹ Section 1002.69(7)(d), F.S.

⁹² Section 1002.69(7)(f), F.S.

- learning gains and norm-referenced learning outcomes based on the VPK standards for early literacy and math; and
- the ability to assign a performance designation for each provider.

The bill provides that each ELC is responsible for conducting program assessments and must ensure individuals conducting the assessments are doing so according to assessment requirements. The SBE must determine by rule the minimum program assessment composite score and who may administer program assessments, screening, and progress monitoring.

Consistent with the CLASS used for School Readiness providers, the program assessment must measure in each VPK classroom 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. Results from the assessment must be given to the provider within 14 days after the observation.

The learning gains and learning outcomes must be determined using a new, coordinated screening and progress monitoring program (CSPMP) for all students in VPK through grade 3. For VPK students, beginning in the 2022-2023 program year, the CSPMP must be administered once within the first 30 days of the program year, once midyear, and once within the last 30 days before the end of the program year. The SBE may adopt alternate timeframes for nontraditional school year calendars or summer programs. A student's learning gains must be based on the initial and final progress monitoring results during the VPK program year. A kindergarten student's initial progress monitoring results will not be related back to the VPK provider in calculating the performance metric.

The bill provides the following transition to the new performance metric; a score will be calculated for each VPK provider based on the components identified for each program year:

Program Year	Outcomes/Readiness	Learning Gains	Program Assessment Composite Score
2020-21	Percent of students assessed as ready for kindergarten (based on kindergarten FLKRS administration in the 2020-21 school year)	VPK Assessment	N/A
2021-22	N/A	N/A	100%
2022-23	CSPMP	CSPMP (initial and final administration)	At least 50%
2023-24 (Includes assignment of performance designation to VPK Provider)	CSPMP	CSPMP (initial and final administration)	At least 50%

Beginning with the 2022-2023 program year, the methodology for calculating the performance metric must be analyzed by a third-party expert with experience in quantitative analysis, early childhood assessment, and designing state-level accountability systems. The expert must produce program performance metric profiles that can inform the assignment of a designation to a VPK provider and develop a methodology to determine a student's readiness for kindergarten. The expert may not be a direct stakeholder or have had a financial interest in the design or delivery of the VPK program or public school systems within the last 5 years (after July 1, 2016). The methodology may include only students who attended at least 85 percent of the VPK program, an increase from the current 75 percent requirement, which will decrease the number of students who are included in a VPK provider's performance metric.

Beginning with the 2023-2024 program year, the DOE must assign a designation to each VPK provider within 45 days after the conclusion of the VPK program year based on the methodology in place for the

2022-2023 program year. The designations are “excellent,” “highly proficient,” “proficient,” “emerging proficiency,” and “unsatisfactory”; however, the DOE may adopt comparable designation terminology so long as letter grades are not used. Each provider must annually receive a program assessment composite score; a performance metric consisting of the learning outcomes, learning gains, and program assessment composite score; and a designation. The designations must be included in the provider’s performance profile accessible through the CCR&R.

The bill establishes a payment differential for VPK providers, subject to an appropriation, based upon provider designations. Subject to appropriation, the DOE must provide for a performance-based differential payment of up to 15 percent of the base VPK student allocation; however, VPK providers that earn a designation of “proficient” or below are not eligible. The DOE and the expert must confer with the Council for Early Grades Success before approval of the methodology and differential payments.

The DOE must adopt a minimum performance metric or designation that indicates a VPK provider’s satisfactory delivery of the VPK program. Beginning with the 2021-2022 program year, if a VPK provider’s program assessment composite score is lower than the contracting threshold for School Readiness programs, then the VPK provider may not participate in the VPK program in the following year and thereafter until it meets the minimum threshold. The OEL has previously explained that it would not be appropriate to hold a VPK provider to School Readiness program assessment standards because program requirements, including those related to staff, are different.⁹³

If a VPK provider does not meet the minimum performance metric or designation indicating satisfactory delivery of the VPK program, the ELC or school district, as applicable, must:

- require the provider to submit an improvement plan for approval and implement the plan;
- place the provider on probation; and
- require corrective action, including the use of DOE-approved VPK curriculum.

The bill requires that if a VPK provider remains on probation for 2 years and does not meet the minimum program performance metric or designation or is not eligible for a good cause exemption, the provider’s contract must be terminated for a least 2 years, but no more than 5 years. This time frame is reduced from the current prohibition of 5 years. Similarly, the bill reduces the time frame during which a VPK provider that fails to implement an improvement plan or take corrective actions may not participate in the VPK program from at least 5 years to between 2 and 5 years. Each VPK program must be provided fiscal and programmatic monitoring at least biennially. The bill provides that a child care provider with a provisional license issued by the DCF may still be eligible to offer the VPK program.

The bill requires representatives from school districts and ELCs to meet annually to develop strategies for transitioning students from the VPK program to kindergarten.

The bill also specifies that child development programs operating on a military installation certified by the U.S. Department of Defense and accredited by a national accrediting body may offer a VPK program. Such a program may satisfy basic health and safety requirements by submitting and verifying annual inspections by the Department of Defense. Additionally, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act.⁹⁴

⁹³ Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 23.

⁹⁴ 28 U.S.C. ss. 2671 *et seq.*

School Readiness Program

Overview

Established in 1999,⁹⁵ 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, abandonment, or homelessness; foster children; and children with disabilities.⁹⁶ The School Readiness Program offers financial assistance for child care to these families while supporting children in the development of skills for success in school. Additionally, the program provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, Migrant Head Start, CCR&R and the VPK program.⁹⁷ The School Readiness Program is a state-federal partnership between the OEL⁹⁸ and the Office of Child Care of the United States Department of Health and Human Services.⁹⁹

Federal regulations governing the Child Care and Development Fund (CCDF),¹⁰⁰ the primary funding source for the School Readiness Program, authorize states to use grant funds for child care services, if:

- the child is under 13 years of age, or at the state's option, under age 19 if the child is physically or mentally incapable of caring for himself or herself or under court supervision;
- the child's family income does not exceed 85 percent of the state's median income for a family of the same size; and
- the child:
 - resides with a parent or parents who work or attend job training or educational programs; or
 - receives, or needs to receive, protective services.¹⁰¹

Within these broad federal eligibility categories, Florida law specifies additional priorities to include students who are considered at-risk (e.g., are homeless or in foster care).¹⁰²

A child who is ineligible due to a parent's job loss or cessation of education or job training will continue to receive School Readiness Program services for at least three months to enable the parent to obtain employment or resume education or job training.¹⁰³

⁹⁵ Section 1, ch. 99-357, L.O.F.

⁹⁶ Sections 1002.81 and 1002.87, F.S.

⁹⁷ Florida Office of Early Learning, *School Readiness Program*, <http://www.floridaearlylearning.com/family-resources/financial-assistance> (last visited July 3, 2019).

⁹⁸ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education. The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness Program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified at* s. 1001.213, F.S.

⁹⁹ See U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, <http://www.acf.hhs.gov/programs/occ/fact-sheet-occ> (last visited Feb. 28, 2021).

¹⁰⁰ 45 C.F.R. parts 98 and 99.

¹⁰¹ 45 C.F.R. s. 98.20(a). Florida does not provide school readiness funding for children 13-18 years of age who are physically or mentally incapable of self-care or under court supervision. See Florida's Office of Early Learning, *Florida Child Care Development Fund (CCDF) Plan with Conditional Approval Letter for FY 2019-2021*, at 53 (October 1, 2018), available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CCDBG_FY2019-2021CCDFPlanFINAL_FINAL_4.9.19.pdf. [hereinafter *CCDF State Plan*].

¹⁰² See ss. 1002.81(1)(d) and (f) and 1002.87(1), F.S.

¹⁰³ Section 1002.87(6), F.S.

Provider Eligibility

Present Situation

In order to be eligible to deliver the School Readiness program, a provider must be:

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family day care home (LFDCH);
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.¹⁰⁴

School Readiness Providers by Classification Fiscal Year 2018-2019¹⁰⁵										
Provider Classification	Total Providers		Gold Seal Providers		Non-Gold Seal Providers		Providers Participating in Quality Performance Incentive (QPI)¹⁰⁶		Providers Participating in Child Assessment	
	#	%	#	%	#	%	#	%	#	%
Licensed Child Care Facilities	5,009	69%	1,356	82%	3,653	66%	2,647	75%	949	55%
Licensed FDCH	902	13%	60	4%	842	15%	531	15%	303	18%
Licensed LFDCH	264	4%	66	4%	198	4%	186	5%	147	9%
Licensed-Exempt Faith-Based Child Care Providers	165	2%	12	1%	153	3%	70	2%	115	7%
Private Schools	140	2%	46	3%	94	2%	57	2%	87	5%
Public Schools	650	9%	104	6%	546	10%	13	0%	61	4%
Registered FCCH	77	1%	0	0%	77	1%	29	1%	50	3%
Informal	1	0%	0	0%	1	0%	0	0%	1	0%
Total	7,208	100%	1,644	100%	5,564	100%	3,533	100%	1,713	100%

Beginning with the 2019-20 School Readiness contract year and subsequent years, all School Readiness providers serving children from birth to kindergarten entry must have a program assessment conducted and meet the contract minimum threshold to be eligible to participate in the School Readiness Program.¹⁰⁷ A coalition must waive the contract minimum threshold if the coalition determines that a provider is essential to meet local child care capacity needs as defined in the Coalition's School Readiness plan.¹⁰⁸

¹⁰⁴ Section 1002.88(1)(a), F.S.

¹⁰⁵ Email from Katerina Maroney, Early Learning Policy Manager, Florida Office of Early Learning, *Updated School Readiness Information* (October 9, 2019).

¹⁰⁶ The QPI is the differentiated payment schedule for providers who earn certain scores on the CLASS program assessment.

¹⁰⁷ Rule 6M-4.740(2), F.A.C.

¹⁰⁸ *Id.* Providers that have had the contract minimum threshold waived must be on a Quality Improvement Plan. Providers that meet the minimum score for contracting but do not meet the Quality Improvement Threshold must be placed on a Quality Improvement Plan.

Other eligibility requirements include screening child care personnel, implementing curriculum approved by the OEL, meeting basic health and safety requirements and comply with immunization requirements, maintaining appropriate liability insurance coverage, and executing the standard provider contract.¹⁰⁹

Effect of Proposed Changes

The bill includes the following providers as eligible for the School Readiness Program:

- Child development programs operating on a military installation certified by the U.S. Department of Defense and accredited by a national accrediting body.
- Providers issued a provisional license by the DCF.¹¹⁰

The bill requires that School Readiness providers collect parent copayment fees, unless a waiver is granted, to be eligible to offer the program. A provider may not deliver the program while its license has been converted to probationary status by the DCF.

The bill repeals the Child Care Executive Partnership established in s. 1002.94, F.S., which last convened in June 2017.¹¹¹

The bill also specifies that a U.S. Department of Defense-certified and nationally accredited child development program operating on a military installation may satisfy basic health and safety requirements by submitting and verifying annual inspections by the Department of Defense. The provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act.¹¹²

School Readiness Funding

Present Situation

School Readiness funding for participating providers comes primarily from reimbursements from the ELC and tuition payments by participating families.¹¹³ Each ELC reimburses participating providers with appropriated funds for each eligible child, either through child care certificates provided by parents or through contracted slots.¹¹⁴ The reimbursement and co-payment amounts are determined locally by ELCs, subject to approval by the OEL. Any additional amount a parent must pay is based on the difference between the provider's tuition rate and the sum of the reimbursement rate and required parent co-payment. Reimbursement amounts vary based on provider type and level of care, and co-payments are determined using a sliding fee scale.¹¹⁵

Federal regulation requires states to ensure equal access to child care through the CCDF by determining a fair market rate every 2 years using a statistically valid and reliable survey.¹¹⁶ The survey must be completed at least 2 years before the market rates are calculated and take effect. Based in part on recommendation by the Office of Child Care within the federal Department of Health and Human Services, the OEL calculates the average market rate and the 75th percentile market rate for

¹⁰⁹ See s. 1002.88(1), F.S.

¹¹⁰ A provisional license may be issued to providers who do not meet all licensing requirements but meet background screening and health and safety requirements. See s. 402.309, F.S.

¹¹¹ Florida Office of Early Learning, *Meeting Agendas*, <http://www.floridaearlylearning.com/coalitions/ccep-program/meeting-agendas>.

¹¹² 28 U.S.C. ss. 2671 *et seq.*

¹¹³ See ss. 1002.84(8) and 1002.89, F.S.; Specific Appropriation 86, s. 2, ch. 2019-115, L.O.F.

¹¹⁴ See rule 6M-4.500(1), F.A.C.; see also CCDF State Plan, note 101, *supra*.

¹¹⁵ See s. 1002.895, F.S.; rules 6M-4.400(2) and 6M-4.500(1), F.A.C.

¹¹⁶ See 45 C.F.R. § 98.45(a) and (c). Alternatively, states may set payment rates using an alternative methodology approved by the federal Administration for Children and Families.

each county to help ELCs determine provider reimbursement schedules.¹¹⁷ The OEL establishes market rates for the following provider types and levels of care for each county:¹¹⁸

- Provider Type:
 - Private Center
 - Large Family Child Care Home
 - Family Child Care Home
 - Public School
 - Non-Public School
 - Faith-Based Exempt
- Level of Care:
 - Infant – Birth to 12 months
 - Toddler – 12 to 24 months
 - 2 year-old – 24 to 36 months
 - Preschool 3 year-old – 36 to 48 months
 - Preschool 4 year-old; 48 to 60 months
 - School Age; School entry to 14 years
 - Special Needs; Birth to 14 years

The market rate calculation must also differentiate rates between full-time and part-time child care services, differentiate between Gold Seal status and non-Gold Seal provider status, and consider discounted rates for child care services for multiple children in a single family.¹¹⁹

To calculate market rates, the OEL sorts provider private pay rates for a given level of care within the county from highest to lowest, calculates the average market rate, and identifies the 75th percentile pay rate. Although there is no minimum threshold for provider reimbursement rates in law, ELCs must consider the market rate schedule in determining its own minimum reimbursement rates, which must be approved by the OEL.¹²⁰ In addition, a provider may receive additional funding above the minimum reimbursement rate if it qualifies for any of the following quality-based differentials:¹²¹

- Up to an additional 20 percent for Gold Seal status.
- Up to an additional 10 percent for achieving certain CLASS scores identified in rule (also known as the quality performance incentive).
- An additional 5 percent for participating in an OEL-approved child assessment tool.

Generally, an ELC may not reimburse a provider at a higher rate than the provider's private pay rate.¹²² However, the total additional reimbursement for these differentials may exceed a provider's private pay rate by up to 20 percent.¹²³ Providers may also receive differentials for participating in the Contracted Slots Program (10 percent above the 75th percentile market rate) and for serving children with special needs (up to 20 percent above the maximum approved base reimbursement rate established for infant care by the ELC).¹²⁴

¹¹⁷ See s. 1002.895(4), F.S.; Child Care and Development Fund (CCDF) Program, 81 FR 67438 (Nov. 29, 2016) (codified at 45 C.F.R. pt. 98); Florida Office of Early Learning, *2019 Market Rate Survey and Process* (May 2019), on file with House Education staff [hereinafter referred to as Market Rate Presentation].

¹¹⁸ Section 1002.895(2)(a) and (b), F.S.

¹¹⁹ Section 1002.895(1) and (2)(a), (c), and (d), F.S.

¹²⁰ See s. 1002.895(4), F.S.; see also Florida CCDF Plan at 6, *supra*, note 101.

¹²¹ See s. 1002.82(2)(o), F.S.; rule 6M-4.500(9), (10), and (11), F.A.C.

¹²² See Market Rate Presentation, *supra*, note 117.

¹²³ Rule 6M-4.500(8)(a), F.A.C.

¹²⁴ Rule 6M-4.500(5) and (6), F.A.C.

Below is an overview of the 2017 state-level, market rate calculations for Gold Seal Private Centers, taken from the 2017 Market Rate Report. Note that the OEL compares the average reimbursement rate actually used by ELCs as compared to the average and 75th percentile market rates.¹²⁵

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	\$195.72	\$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%

Each ELC must assess a co-payment for each child that participates in the School Readiness program. The co-payment is determined using a sliding scale so that participating families have equitable access to child care.¹²⁶ Each sliding fee scale must be approved by the OEL, which reviews the scale to determine whether it reflects annually released income limits, has an effective date no later than July 1 of that year, and that co-payments do not exceed 10 percent of a family's income, regardless of the number of children in care. If the co-payment does exceed 10 percent, the ELC must justify that the co-payment is affordable in order for the scale to be approved by the OEL.¹²⁷ The co-payment may not be equal or greater than the provider's private pay rate.¹²⁸ Co-payments may also be waived on a case-by-case basis for an at-risk family or temporarily waived for a family that experiences a natural disaster or other event specified in law.¹²⁹

Effect of Proposed Changes

The bill revises the DOE's procedures for determining the market rate calculation and payment differentials, as they relate to providers that hold a Gold Seal Quality Care designation, to require the provider to adhere to the accrediting agency's teacher to child ratios and group size requirements. Currently, the provider must attain an overall compliance percentage of 85 percent with the agency's accreditation standards.¹³⁰ A provider meeting these requirements will be eligible for a minimum differential payment of 20 percent.

The bill also revises the market rate calculation by basing it on the prevailing rate, by county, rather than the average rate in an ELC.

The bill expands the circumstances in which a parent co-payment can be waived to include the parent's participation in the Head Start or Early Head Start Program and requires the DOE to adopt requirements for making contracted slots available to children who reside in a poverty area tract based on census data. The contracted slots program may be used to increase child care capacity using the assessment of local priorities based on family needs and community data.

¹²⁵ Florida Office of Early Learning, *Florida Department of Education 2017 Market Rate Report* (last updated Apr. 29, 2019), available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Market_Rate_Report_2017_Full_Time_Final_web_04292019.pdf.

¹²⁶ Rule 6M-4.400(1), F.A.C.

¹²⁷ *Id.*

¹²⁸ Rule 6M-4.400(2)(d), F.A.C.

¹²⁹ Section 1002.84(8), F.S.; rule 6M-4.400(6), F.A.C.

¹³⁰ See rule 65C-20.014(4)(c), F.A.C.

Early Literacy

Research-Based Reading Instruction Allocation

Present Situation

The research-based reading instruction allocation in the Florida Education Finance Program (FEFP) is established to assist school districts with implementing their comprehensive reading instruction and interventions for K-12 students in public schools.¹³¹ The Legislature annually appropriates these funds to each school district, which must be used to provide a system of reading instruction.¹³² The system may include:

- an additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools;
- kindergarten through grade 5 reading intervention teachers;
- reading coaches;
- professional development for school district teachers in scientifically based reading instruction;
- summer reading camps 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; and
- intensive interventions for K-12 students who have been identified as having a reading deficiency or who are reading below grade level.¹³³

School districts must annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation using a form provided by the DOE.

Effect of Proposed Changes

The bill expands allowable uses of the research-based reading instruction allocation to include:

- intensive interventions for students who completed the VPK program and exhibited a substantial deficiency in early literacy; and
- participation of such students in summer reading camps currently provided for students in K-3.

VPK students who exhibit a substantial reading deficiency based on the new coordinated screening and progress monitoring program must be referred to the school district, where they may be provided these interventions using the school district's research-based reading allocation.

The bill also requires that intensive reading interventions provided through the research-based reading instruction allocation be evidence based and defines evidence based to mean demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.¹³⁴

Supplemental instructional materials purchased with allocation funds must be scientifically researched and evidence based as identified by the DOE's Just Read, Florida! Office.

¹³¹ See s. 1011.62(9), F.S.

¹³² See s. 1011.62(9)(c), F.S.

¹³³ See *id.*

¹³⁴ The language "demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes" is drawn from part of the definition of "evidence based" under the federal Every Student Succeeds Act (ESSA). Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.* Under ESSA, this language includes any state, local or school activity, strategy, or intervention that has strong evidence from at least one well-designed and well-implemented study, moderate evidence from at least one well-designed and well-implemented quasi-experimental study, or promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias. See 20 § 7801(21)(A)(i).

Progress Monitoring and Intervention

Present Situation

Each district school board must establish a plan for student progression based on the student's mastery of the Next Generation Sunshine State Standards (NGSSS).¹³⁵ The plan must, among other things, emphasize student reading proficiency in grades K-3 and provide targeted instructional support for students with identified deficiencies.¹³⁶ School districts must prioritize remedial and supplemental instruction resources for K-3 students who have a substantial deficiency based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations.¹³⁷ These students must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following the identification of the deficiency. The intensive interventions must continue until the student demonstrates grade level proficiency as determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts assessment.¹³⁸

Effect of Proposed Changes

The bill adds to progress monitoring and intervention provisions by requiring the commissioner to design the coordinated screening and progress monitoring program (CSPMP) to assess emergent literacy and mathematics skills for VPK through grade 3 students based on the NGSSS and VPK standards. The CSPMP must be implemented for VPK and kindergarten students beginning with the 2022-2023 school year and must:

- provide interval level and norm-referenced data that measures equivalent levels of growth;
- be a developmentally appropriate, valid and reliable direct assessment;
- be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays;
- accurately measure the core content in the applicable grade level standards;
- document learning gains for the achievement of these standards; and
- provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication.

The results of the CSPMP for students in VPK through grade 3 must be reported to the DOE and maintained in the education data warehouse.

The bill establishes within the DOE the Council for Early Grades Success (CEGS), as a council defined under s. 20.03, F.S.,¹³⁹ to oversee the CSPMP. The CEGS is responsible for reviewing the implementation and administration of the CSPMP, including training and student outcomes, and must provide recommendations to the DOE that supports grade-level or higher reading for grade 3 students. The CEGS must:

- review any procurement solicitation documents and criteria prior to publication;
- develop training plans and timelines;
- identify appropriate personnel, processes, and procedures required for the administration of the CSPMP;
- provide input on the methodology for calculating a VPK provider's performance metric and the grading system;

¹³⁵ Sections 1003.41 and 1008.25, F.S. The plan must focus specifically on ELA, math, science and social study standards.

¹³⁶ See s. 1008.25(2)(a), F.S.

¹³⁷ See s. 1008.25(3)(a) and (5)(a), F.S.

¹³⁸ See s. 1008.25(5)(a), F.S.

¹³⁹ Section 20.03(7) defines "council" to mean an "advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives." See *id.*

- work with the independent expert to identify a methodology for determining a child's kindergarten readiness;
- review data on age-appropriate learning gains by grade level that a student would need to attain in order to demonstrate proficiency in reading by grade 3;
- continually review anonymized data from the results of the CSPMP to support practices that enable grade 3 students to read at or above grade level.

All members of the CEGS must be Florida residents. Membership is as follows:

- 2 members appointed by the Governor.
- A representative of the Department of Education.
- A parent of a child who is 4 to 9 years old.
- 13 members appointed jointly by the Legislature , to include:
 - A representative of an urban school district.
 - A representative of a rural school district.
 - A representative of an urban ELC.
 - A representative of a rural ELC.
 - A representative of an early learning provider.
 - A representative of a faith-based early learning provider.
 - A kindergarten teacher with at least 5 years of teaching experience.
 - A second grade teacher with at least 5 years of teaching experience.
 - A school principal.
 - Four representatives with subject matter expertise in early learning, early grade success, or child assessments and who are not direct stakeholders within an ELC or public school system or potential recipients of a contract resulting from the CEGS's recommendations.

The CEGS must elect a chair and vice chair, one of which being a subject matter expert. The vice chair must be an appointee of the Legislature but may not be one of the subject matter experts appointed by the Legislature. The bill specifies that a majority of the members, not just those members present, constitutes a quorum. The CEGS must meet at least biennially; members may be reimbursed for travel expenses but may not receive compensation. The bill does not establish member term limits.

The commissioner must also:

- develop a plan, in coordination with the CEGS, for implementing the CSPMP taking into account timelines for the review of the NGSSS and VPK standards;
- provide data, reports, and information as requested to the CEGS.

Other Provisions

The Florida Children and Youth Cabinet is a coordinating council tasked with promoting interdepartmental collaboration and program implementation to improve the self-sufficiency, safety, economic stability, health, and quality of life for Florida's children. The cabinet is within the Executive Office of the Governor and must meet between four and six times a year.¹⁴⁰ It has 16 members, including the executive director of the OEL. Because the bill repeals the OEL, the membership of the cabinet is revised to include a representative from the DEL.

B. SECTION DIRECTORY:

Section 1. Amends s. 20.055, F.S.; conforming provisions to changes made by the act.

¹⁴⁰ See s. 402.56(3), F.S.
 STORAGE NAME: h0419b.CFS
 DATE: 3/12/2021

Section 2. Amends s. 20.15, F.S.; deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; establishing the Division of Early Learning within the department.

Sections 3 - 9. Amend ss. 39.202, 39.604, 212.08, 216.136, 383.14, 391.308, and 402.26, F.S.; conforming provisions to changes made by the act.

Section 10. Transfers, renumbers, and amends s. 402.281, F.S.; revising the requirements of the Gold Seal Quality Care program; requiring the State Board of Education to adopt specified rules; revising accrediting association requirements; providing requirements for accrediting associations; requiring the department to adopt a specified process; providing requirements for such process; deleting a requirement for the department to consult certain entities for specified purposes; providing requirements for certain providers to maintain Gold Seal Quality Care status; providing exemptions to certain ad valorem taxes; providing rate differentials to certain providers.

Section 11. Provides for a type two transfer of the Gold Seal Quality Care program in the Department of Children and Families to the Department of Education; provides for the continuation of certain contracts and interagency agreements.

Section 12. Amends s. 402.315, F.S.; conforming a cross-reference to changes made by the act.

Section 13. Amends s. 402.56, F.S.; revising the membership of the Children and Youth Cabinet;

Sections 14 – 24. Amend ss., 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21, 1001.02, 1001.03, 1001.10, and 1001.11, F.S.; conforming provisions and cross-references to changes made by the act.

Section 25. Repeals s. 1001.213, F.S., relating to the Office of Early Learning.

Sections 26 – 33. Amend ss. 1001.215, 1001.23, 1001.70, 1001.706, 1002.22, 1002.32, 1002.34, and 1002.36 F.S.; conforming provisions and cross-references to changes made by the act.

Section 34. Amends s. 1002.53, F.S.; revising the requirements for certain program provider profiles; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program.

Section 35. Amends s. 1002.55, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the Voluntary Prekindergarten Education Program; providing that a private prekindergarten provider is ineligible for participation in the program under certain circumstances; revising requirements a prekindergarten instructor must meet; revising requirements for specified training courses for prekindergarten instructors; providing that a private school administrator who holds a specified certificate meets certain credential requirements; providing liability insurance requirements for child development programs operating on a military installment participating in the program; requiring early learning coalitions to verify private prekindergarten provider compliance with specified provisions; requiring such coalitions to remove a providers eligibility under specified circumstances.

Section 36. Amends s. 1002.57, F.S.; revising the minimum standards for a credential for certain prekindergarten directors.

Section 37. Amends s. 1002.59, F.S.; revising requirements for emergent literacy and performance standards training courses for prekindergarten instructors; requiring the department to make certain courses available.

Section 38. Amends s. 1002.61, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; revising the criteria for a teacher to receive priority for the summer program in school district; requiring a child development program operating on a military installment to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider from eligibility under certain circumstances.

Section 39. Amends s. 1002.63, F.S.; requiring early learning coalitions to verify specified information; providing for the removal of public school program providers from the program under certain circumstances.

Section 40. Amends s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review and revise performance standards on a specified schedule; revising curriculum requirements for the program; requiring the department to adopt procedures for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program.

Section 41. Creates s. 1002.68, F.S.; requiring providers of the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such program; requiring certain portions of the screening and progress monitoring program to be administered by individuals who meet specified criteria; requiring the results of specified assessments to be reported to the parents of participating students; providing requirements for such assessments; providing department duties and responsibilities relating to such assessments; providing requirements for a specified methodology used to calculate the results of such assessments; requiring the department to establish a designation system for program providers; providing for the adoption of a minimum performance metric or designation for program participation; providing procedures for a provider whose score or designation falls below the minimum requirement; providing for the revocation of program eligibility for a provider; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing department and provider requirements for such exemptions; requiring annual meeting of representatives from specific entities.

Section 42. Repeals s. 1002.69, F.S., relating to statewide kindergarten screening and readiness rates.

Sections 43 – 44. Amend ss. 1002.71 and 1002.72, F.S.; conforming provisions to changes made by the act.

Section 45. Amends s. 1002.73, F.S.; requiring the department to adopt a statewide provider contract; requiring such contract to be published on the department's website; providing requirements for such contract; prohibiting providers from offering services during an appeal of termination from the program; providing applicability; requiring the department to adopt specified procedures relating to the Voluntary Prekindergarten Education Program; providing duties of the department relating to such program.

Section 46. Repeals s. 1002.75, F.S., relating to the powers and duties of the Office of Early Learning.

Section 47 - 48. Amends ss. 1002.79 and 1002.81; conforming provisions and cross-references to changes made by the act.

- Section 49. Amending s. 1002.82, F.S.; providing duties of the department relating to early learning; exempting certain child development programs operating on a military installment from specified inspection requirements; requiring the department to monitor specified standards and benchmarks for certain purposes; revising the age range used for specified standards; requiring the department to provide specified technical support; revising requirements for a specified assessment program; requiring the department to adopt certain standards and outcome measures including specified surveys; requiring the department to adopt procedures for the merging of early learning coalitions; revising the requirements for a specified report.
- Section 50. Amends s. 1002.83, F.S.; revising the number of authorized early learning coalitions; revising the number of and requirements for members of an early learning coalition; revising requirements for such coalitions.
- Section 51. Amends s. 1002.84, F.S.; revising early learning coalition responsibilities and duties; revising requirements for the waiver of specified copayments.
- Section 52. Amends s. 1002.85, F.S.; revising the requirements for school readiness program plans.
- Section 53. Amends s. 1002.88, F.S.; authorizing certain child development programs operating on military installations to participate in the school readiness program; revising requirements to deliver such program; providing that a specified annual inspection for a child development program participating in the school readiness program meets certain provider requirements; providing requirements for a child development program to meet certain liability requirements.
- Sections 54 – 56. Amend ss. 1002.89, 1002.895, 1002.91, F.S.; conforming provisions and cross-references to changes made by the act.
- Section 57. Amends s. 1002.92, F.S.; revising the requirements for specified services child care resources and referral agencies must provide.
- Section 58. Amends s. 1002.93, F.S.; conforming provisions to changes made by the act.
- Section 59. Repeals s. 1002.94, F.S., relating to the Child Care Executive Partnership.
- Sections 60 – 65. Amend ss. 1002.95, 1002.96, 1002.97, 1002.995, 1004.096 and 1007.01, F.S.; conforming provisions and cross-references to changes made by the act.
- Section 66. Creates s. 1008.2125, F.S.; creating the coordinated screening and progress monitoring program within the department for specified purposes; requiring the Commissioner of Education to design such program; providing requirements for the administration of such program and the use of results from the program; providing requirements for the commissioner; creating the Council for Early Grade Success; providing duties of the council; providing membership of the council; requiring the council to elect a chair and a vice chair; providing requirements for such appointments; providing for per diem for members of the council; providing meeting requirements for the council; providing for a quorum of the council.
- Section 67. Amends s. 1008.25, F.S.; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds.

Sections 68 – 70. Amend ss. 1008.31, 1008.32, and 1008.33, F.S.; conforming provisions to changes made by the act.

Section 71. Amends s. 1011.62, F.S.; revising the research-based reading instruction allocation to authorize the use of such funds for certain intensive reading interventions for certain students; revising the requirements for specified reading instruction and interventions; defining the term “evidence-based.”

Section 72. Provides an appropriation for Fiscal Year 2022-2023 in the amount of \$3,088,000 in recurring funds from the General Revenue Fund to the Department of Education to implement the coordinated screening and progress monitoring program required by the act.

Section 73. Provides an appropriation for Fiscal Year 2021-2022 in the amount of \$100,000 in nonrecurring funds from the General Revenue Fund to the Department of Education to issue a competitive solicitation for the completion of a review of the school readiness payment rates.

Section 74. Provides an appropriation for Fiscal Year 2021-2022 in the amount of \$677,759 in nonrecurring funds from the General Revenue Fund to the Department of Education to implement the VPK program assessment.

Section 75. Provides that the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates recurring funds to the DOE as follows:

- \$3,088,000 to implement the coordinated screening and progress monitoring program for Voluntary Prekindergarten and kindergarten students beginning in Fiscal Year 2022-2023.
- \$677,759 in recurring funds to implement the VPK program assessment beginning in Fiscal Year 2021-2022.
- The bill also appropriates \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to issue a competitive solicitation to contract for the completion of a review of the school readiness payment rates.

The bill repeals the kindergarten readiness screening established in s. 1002.69(1), F.S., and the Voluntary Prekindergarten (VPK) program pre- and post-assessment established in s. 1002.67(3), F.S. The total amount of recurring base funds use to contract for these two assessments is \$6.8 million. The bill does not eliminate this recurring appropriation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill repeals the OEL, which places rulemaking authority, rather than authority to approve rules, to the SBE. In addition, the SBE will assume rulemaking authority for the Gold Seal Quality Care Program, which the bill removes from the DCF.

The DOE must also adopt rules for the transmittal of early learning data to the educational data warehouse and implementation of the VPK through grade 3 screening and progress monitoring program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 64 of the bill includes statutory text from s. 1004.096(2)(b), F.S., but does not include any amendatory language.

The bill title includes amending s. 1003.575, F.S., but there is no amendatory language included in the bill for that section of law.

The bill repeals the OEL and its rulemaking authority and therefore existing rules regulating issues such as the statewide VPK provider contract and instructor credentials. It is unclear if sufficient time would exist for SBE to adopt rules before the start of the 2021-2022 program year.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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.; deleting the Office of Early Learning
6 from within the Office of Independent Education and
7 Parental Choice of the Department of Education;
8 establishing the Division of Early Learning within the
9 department; amending s. 39.202, F.S.; conforming
10 provisions to changes made by the act; amending s.
11 39.604, F.S.; revising approved child care or early
12 education settings for the placement of certain
13 children; conforming a cross-reference to changes made
14 by the act; amending ss. 212.08, 216.136, 383.14,
15 391.308, and 402.26, F.S.; conforming provisions and
16 cross-references to changes made by the act;
17 transferring, renumbering, and amending s. 402.281,
18 F.S.; revising the requirements of the Gold Seal
19 Quality Care program; requiring the State Board of
20 Education to adopt specified rules; revising
21 accrediting association requirements; providing
22 requirements for accrediting associations; requiring
23 the department to adopt a specified process; providing
24 requirements for such process; deleting a requirement
25 for the department to consult certain entities for

26 specified purposes; providing requirements for certain
27 providers to maintain Gold Seal Quality Care status;
28 providing exemptions to certain ad valorem taxes;
29 providing rate differentials to certain providers;
30 providing for a type two transfer of the Gold Seal
31 Quality Care program in the Department of Children and
32 Families to the Department of Education; providing for
33 the continuation of certain contracts and interagency
34 agreements; amending s. 402.315, F.S.; conforming a
35 cross-reference to changes made by the act; amending
36 s. 402.56, F.S.; revising the membership of the
37 Children and Youth Cabinet; amending ss. 411.227,
38 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21,
39 1001.02, 1001.03, 1001.10, and 1001.11, F.S.;
40 conforming provisions and cross-references to changes
41 made by the act; repealing s. 1001.213, F.S., relating
42 to the Office of Early Learning; amending ss.
43 1001.215, 1001.23, 1001.70, 1001.706, 1002.22,
44 1002.32, 1002.34, and 1002.36 F.S.; conforming
45 provisions and cross-references to changes made by the
46 act; amending s. 1002.53, F.S.; revising the
47 requirements for certain program provider profiles;
48 requiring students enrolled in the Voluntary
49 Prekindergarten Education Program to participate in a
50 specified screening and progress monitoring program;

51 amending s. 1002.55, F.S.; authorizing certain child
52 development programs operating on a military
53 installment to be private prekindergarten providers
54 within the Voluntary Prekindergarten Education
55 Program; providing that a private prekindergarten
56 provider is ineligible for participation in the
57 program under certain circumstances; revising
58 requirements a prekindergarten instructor must meet;
59 revising requirements for specified courses for
60 prekindergarten instructors; providing that a private
61 school administrator who holds a specified certificate
62 meets certain credential requirements; providing
63 liability insurance requirements for child development
64 programs operating on a military installment
65 participating in the program; requiring early learning
66 coalitions to verify private prekindergarten provider
67 compliance with specified provisions; requiring such
68 coalitions to remove a providers eligibility under
69 specified circumstances; amending s. 1002.57, F.S.;
70 revising the minimum standards for a credential for
71 certain prekindergarten directors; amending s.
72 1002.59, F.S.; revising requirements for emergent
73 literacy and performance standards training courses
74 for prekindergarten instructors; requiring the
75 department to make certain courses available; amending

s. 1002.61, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; revising the criteria for a teacher to receive priority for the summer program in school district; requiring a child development program operating on a military installment to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider from eligibility under certain circumstances; amending s. 1002.63, F.S.; requiring early learning coalitions to verify specified information; providing for the removal of public school program providers from the program under certain circumstances; amending s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review and revise performance standards on a specified schedule; revising curriculum requirements for the program; requiring the department to adopt procedures for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program; creating s. 1002.68, F.S.; requiring providers of the

Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such program; requiring certain portions of the screening and progress monitoring program to be administered by individuals who meet specified criteria; requiring the results of specified assessments to be reported to the parents of participating students; providing requirements for such assessments; providing department duties and responsibilities relating to such assessments; providing requirements for a specified methodology used to calculate the results of such assessments; requiring the department to establish a designation system for program providers; providing for the adoption of a minimum performance metric or designation for program participation; providing procedures for a provider whose score or designation falls below the minimum requirement; providing for the revocation of program eligibility for a provider; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing department and provider requirements for such exemptions; requiring annual meeting of representatives from specified entities; repealing s.

1002.69, F.S., relating to Statewide kindergarten screening and readiness rates; amending ss. 1002.71 and 1002.72, F.S.; conforming provisions to changes made by the act; amending s. 1002.73, F.S.; requiring the department to adopt a statewide provider contract; requiring such contract to be published on the department's website; providing requirements for such contract; prohibiting providers from offering services during an appeal of termination from the program; providing applicability; requiring the department to adopt specified procedures relating to the Voluntary Prekindergarten Education Program; providing duties of the department relating to such program; repealing s. 1002.75, F.S., relating to the powers and duties of the Office of Early Learning; amending ss. 1002.79 and 1002.81, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.82, F.S.; providing duties of the department relating to early learning; exempting certain child development programs operating on a military installment from specified inspection requirements; requiring the department to monitor specified standards and benchmarks for certain purposes; revising the age range used for specified standards; requiring the department to provide specified

technical support; revising requirements for a specified assessment program; requiring the department to adopt requirements to make certain contracted slots available to serve specified populations; requiring the department adopt certain standards and outcome measures including specified surveys; requiring the department to adopt procedures for the merging of early learning coalitions; revising the requirements for a specified report; amending s. 1002.83, F.S.; revising the number of authorized early learning coalitions; revising the number of and requirements for members of an early learning coalition; revising requirements for such coalitions; amending s. 1002.84, F.S.; revising early learning coalition responsibilities and duties; revising requirements for the waiver of specified copayments; amending s. 1002.85, F.S.; revising the requirements for school readiness program plans; amending s. 1002.88, F.S.; authorizing certain child development programs operating on military installations to participate in the school readiness program; revising requirements to deliver such program; providing that a specified annual inspection for a child development program participating in the school readiness program meets certain provider requirements; providing requirements

for a child development program to meet certain liability requirements; amending ss. 1002.89, 1002.895, and 1002.91, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.92, F.S.; revising the requirements for specified services child care resources and referral agencies must provide; amending s. 1002.93, F.S.; conforming provisions to changes made by the act; repealing s. 1002.94, F.S., relating to the Child Care Executive Partnership Program; amending ss. 1002.95, 1002.96, 1002.97, 1002.995, 1003.575, 1004.096, and 1007.01, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 1008.2125, F.S.; creating the coordinated screening and progress monitoring program within the department for specified purposes; requiring the Commissioner of Education to design such program; providing requirements for the administration of such program and the use of results from the program; providing requirements for the commissioner; creating the Council for Early Grade Success; providing duties of the council; providing membership of the council; requiring the council to elect a chair and a vice chair; providing requirements for such appointments; providing for per diem for members of the council;

providing meeting requirements for the council;
providing for a quorum of the council; amending s.
1008.25, F.S.; authorizing certain students who
enrolled in the Voluntary Prekindergarten Education
Program to receive intensive reading interventions
using specified funds; amending ss. 1008.31, 1008.32,
and 1008.33, F.S.; conforming provisions to changes
made by the act; amending s. 1011.62, F.S.; revising
the research-based reading instruction allocation to
authorize the use of such funds for certain intensive
reading interventions for certain students; revising
the requirements for specified reading instruction and
interventions; defining the term "evidence-based;"
providing appropriations; providing requirements for
the use of such funds; providing an effective date.

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

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

20.055 Agency inspectors general.—

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

(a) "Agency head" means the Governor, a Cabinet officer,
or a secretary or executive director as those terms are defined
in s. 20.03, the chair of the Public Service Commission, the

226 Director of the Office of Insurance Regulation of the Financial
227 Services Commission, the Director of the Office of Financial
228 Regulation of the Financial Services Commission, the board of
229 directors of the Florida Housing Finance Corporation, ~~the~~
230 ~~executive director of the Office of Early Learning,~~ and the
231 Chief Justice of the State Supreme Court.

232 (d) "State agency" means each department created pursuant
233 to this chapter and the Executive Office of the Governor, the
234 Department of Military Affairs, the Fish and Wildlife
235 Conservation Commission, the Office of Insurance Regulation of
236 the Financial Services Commission, the Office of Financial
237 Regulation of the Financial Services Commission, the Public
238 Service Commission, the Board of Governors of the State
239 University System, the Florida Housing Finance Corporation, ~~the~~
240 ~~Office of Early Learning,~~ and the state courts system.

241 Section 2. Paragraphs (c) through (j) of subsection (3) of
242 section 20.15, Florida Statutes, are redesignated as paragraphs
243 (d) through (k), respectively, present paragraph (i) of
244 subsection (3) and subsection (5) are amended, and a new
245 paragraph (c) is added to subsection (3) of that section, to
246 read:

247 20.15 Department of Education.—There is created a
248 Department of Education.

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

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251 (c) Division of Early Learning.

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

254 ~~1. The Office of Early Learning, which shall be~~
255 ~~administered by an executive director who is fully accountable~~
256 ~~to the Commissioner of Education. The executive director shall,~~
257 ~~pursuant to s. 1001.213, administer the early learning programs,~~
258 ~~including the school readiness program and the Voluntary~~
259 ~~Prekindergarten Education Program at the state level.~~

260 ~~2.~~ the Office of K-12 School Choice, which shall be
261 administered by an executive director who is fully accountable
262 to the Commissioner of Education.

263 (5) POWERS AND DUTIES.—The State Board of Education and
264 the Commissioner of Education shall assign to the divisions such
265 powers, duties, responsibilities, and functions as are necessary
266 to ensure the greatest possible coordination, efficiency, and
267 effectiveness of education for students in Early Learning-20 ~~K-~~
268 ~~20~~ education under the jurisdiction of the State Board of
269 Education.

270 Section 3. Paragraph (a) of subsection (2) of section
271 39.202, Florida Statutes, is amended to read:

272 39.202 Confidentiality of reports and records in cases of
273 child abuse or neglect.—

274 (2) Except as provided in subsection (4), access to such
275 records, excluding the name of, or other identifying information

with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

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

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;
6. Employment screening for caregivers in residential group homes; or
7. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

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

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

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

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

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

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

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

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

Section 6. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

351 (b) The Division ~~Office~~ of Early Learning shall provide
352 information on needs and waiting lists for school readiness
353 programs, and information on the needs for the Voluntary
354 Prekindergarten Education Program, as requested by the Early
355 Learning Programs Estimating Conference or individual conference
356 principals in a timely manner.

357 Section 7. Paragraph (b) of subsection (1) and paragraph
358 (b) of subsection (2) of section 383.14, Florida Statutes, are
359 amended to read:

360 383.14 Screening for metabolic disorders, other hereditary
361 and congenital disorders, and environmental risk factors.—

362 (1) SCREENING REQUIREMENTS.—To help ensure access to the
363 maternal and child health care system, the Department of Health
364 shall promote the screening of all newborns born in Florida for
365 metabolic, hereditary, and congenital disorders known to result
366 in significant impairment of health or intellect, as screening
367 programs accepted by current medical practice become available
368 and practical in the judgment of the department. The department
369 shall also promote the identification and screening of all
370 newborns in this state and their families for environmental risk
371 factors such as low income, poor education, maternal and family
372 stress, emotional instability, substance abuse, and other high-
373 risk conditions associated with increased risk of infant
374 mortality and morbidity to provide early intervention,
375 remediation, and prevention services, including, but not limited

376 to, parent support and training programs, home visitation, and
377 case management. Identification, perinatal screening, and
378 intervention efforts shall begin prior to and immediately
379 following the birth of the child by the attending health care
380 provider. Such efforts shall be conducted in hospitals,
381 perinatal centers, county health departments, school health
382 programs that provide prenatal care, and birthing centers, and
383 reported to the Office of Vital Statistics.

384 (b) Postnatal screening.—A risk factor analysis using the
385 department's designated risk assessment instrument shall also be
386 conducted as part of the medical screening process upon the
387 birth of a child and submitted to the department's Office of
388 Vital Statistics for recording and other purposes provided for
389 in this chapter. The department's screening process for risk
390 assessment shall include a scoring mechanism and procedures that
391 establish thresholds for notification, further assessment,
392 referral, and eligibility for services by professionals or
393 paraprofessionals consistent with the level of risk. Procedures
394 for developing and using the screening instrument, notification,
395 referral, and care coordination services, reporting
396 requirements, management information, and maintenance of a
397 computer-driven registry in the Office of Vital Statistics which
398 ensures privacy safeguards must be consistent with the
399 provisions and plans established under chapter 411, Pub. L. No.
400 99-457, and this chapter. Procedures established for reporting

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information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Screening Advisory Council and the Department of Education ~~Office of Early Learning~~.

(2) RULES.—

(b) After consultation with the Department of Education ~~Office of Early Learning~~, the department shall adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes.

Section 8. Paragraph (h) of subsection (2) of section 391.308, Florida Statutes, is amended to read:

391.308 Early Steps Program.—The department shall implement and administer part C of the federal Individuals with

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Disabilities Education Act (IDEA), which shall be known as the "Early Steps Program."

(2) DUTIES OF THE DEPARTMENT.—The department shall:

(h) Promote interagency cooperation and coordination, with the Medicaid program, the Department of Education program pursuant to part B of the federal Individuals with Disabilities Education Act, and programs providing child screening such as the Florida Diagnostic and Learning Resources System, ~~the Office of Early Learning~~, Healthy Start, and the Help Me Grow program.

1. Coordination with the Medicaid program shall be developed and maintained through written agreements with the Agency for Health Care Administration and Medicaid managed care organizations as well as through active and ongoing communication with these organizations. The department shall assist local program offices to negotiate agreements with Medicaid managed care organizations in the service areas of the local program offices. Such agreements may be formal or informal.

2. Coordination with education programs pursuant to part B of the federal Individuals with Disabilities Education Act shall be developed and maintained through written agreements with the Department of Education. The department shall assist local program offices to negotiate agreements with school districts in the service areas of the local program offices.

Section 9. Subsection (6) of section 402.26, Florida

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Statutes, is amended to read:

402.26 Child care; legislative intent.—

~~(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.~~

Section 10. Section 402.281, Florida Statutes, is transferred, renumbered as section 1002.945, Florida Statutes, and amended to read:

1002.945 ~~402.281~~ Gold Seal Quality Care program.—

(1)(a) There is established within the Department of Education the Gold Seal Quality Care Program.

(b) A child care facility, large family child care home, or family day care home that is accredited by an accrediting association approved by the Department of Education under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate "Gold Seal Quality Care" designation.

(2) The State Board of Education ~~department~~ shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards and input from accrediting associations ~~based on the applicable~~

476 ~~accrediting standards of the National Association for the~~
477 ~~Education of Young Children (NAEYC), the National Association of~~
478 ~~Family Child Care, and the National Early Childhood Program~~
479 ~~Accreditation Commission.~~

480 (3)(a) In order to be approved by the Department of
481 Education for participation in the Gold Seal Quality Care
482 program, an accrediting association must apply to the department
483 and demonstrate that it:

484 1. Is a recognized accrediting association.

485 2. Has accrediting standards that substantially meet or
486 exceed the Gold Seal Quality Care standards adopted by the state
487 board ~~department~~ under subsection (2).

488 3. Is a registered corporation with the Department of
489 State.

490 4. Can provide evidence that the process for accreditation
491 has, at a minimum, all of the following components:

492 a. Clearly defined prerequisites that a child care
493 provider must meet before beginning the accreditation process.
494 However, accreditation may not be granted to a child care
495 facility, large family child care home, or family day care home
496 before the site is operational and is attended by children.

497 b. Procedures for completion of a self-study and
498 comprehensive onsite verification process for each classroom
499 that documents compliance with accrediting standards.

500 c. A training process for accreditation verifiers to

501 ensure inter-rater reliability.

502 d. Ongoing compliance procedures that include requiring
503 each accredited child care facility, large family child care
504 home, and family day care home to file an annual report with the
505 accrediting association and risk-based, onsite auditing
506 protocols for accredited child care facilities, large family
507 child care homes, and family day care homes.

508 e. Procedures for the revocation of accreditation due to
509 failure to maintain accrediting standards as evidenced by sub-
510 paragraph d. or any other relevant information received by
511 the accrediting association.

512 f. Accreditation renewal procedures that include an onsite
513 verification occurring at least every 5 years.

514 g. A process for verifying continued accreditation
515 compliance in the event of a transfer of ownership of
516 facilities.

517 h. A process to communicate issues that arise during the
518 accreditation period with governmental entities that have a
519 vested interest in the Gold Seal Quality Care Program, including
520 the Department of Education, the Department of Children and
521 Families, the Department of Health, local licensing entities if
522 applicable, and the early learning coalition.

523 (b) The Department of Education shall establish a process
524 that verifies that the accrediting association meets the
525 provisions of paragraph (a), which must include an auditing

program and any other procedures that may reasonably determine
an accrediting association's compliance with this section. If an
accrediting association is not in compliance and fails to cure
its deficiencies within 30 days, the department shall recommend
to the state board termination of the accrediting association's
participation as an accrediting association in the program for a
period of at least 2 years but no more than 5 years. If an
accrediting association is removed from being an approved
accrediting association, each child care provider accredited by
that association shall have up to 1 year to obtain a new
accreditation from a department approved accreditation
association.

(c) If an accrediting association has granted
accreditation to a child care facility, large family child care
home, or family day care under fraudulent terms or failed to
conduct onsite verifications, the accrediting association shall
be liable for the repayment of any rate differentials paid under
subsection (6).

~~(b) In approving accrediting associations, the department~~
~~shall consult with the Department of Education, the Florida Head~~
~~Start Directors Association, the Florida Association of Child~~
~~Care Management, the Florida Family Child Care Home Association,~~
~~the Florida Children's Forum, the Florida Association for the~~
~~Education of the Young, the Child Development Education~~
~~Alliance, the Florida Association of Academic Nonpublic Schools,~~

~~the Association of Early Learning Coalitions, providers
receiving exemptions under s. 402.316, and parents.~~

(4) In order 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 meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and failed to correct the violation within 1 year after the date of

each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.

(5) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing under s. 402.316 which achieves Gold Seal Quality status under this section shall be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax under s. 196.198.

(6) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 which achieves Gold Seal Quality status under this section and which participates in the school readiness program shall receive a minimum of a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care.

601 ~~(7)(5)~~ The state board ~~Department of Children and Families~~
602 shall adopt rules under ss. 120.536(1) and 120.54 which provide
603 criteria and procedures for reviewing and approving accrediting
604 associations for participation in the Gold Seal Quality Care
605 program and,~~7~~ conferring and revoking designations of Gold Seal
606 Quality Care providers,~~7~~ ~~and classifying violations.~~

607 Section 11. Type two transfer from the Department of
608 Children and Families.-

609 (1) All powers, duties, functions, records, offices,
610 personnel, associated administrative support positions,
611 property, pending issues, existing contracts, administrative
612 authority, administrative rules, and unexpended balances of
613 appropriations, allocations, and other funds relating to the
614 Gold Seal Quality Care program within the Department of Children
615 and Families are transferred by a type two transfer, as defined
616 in s. 20.06(2), Florida Statutes, to the Department of
617 Education.

618 (2) Any binding contract or interagency agreement existing
619 before July 1, 2021, between the Department of Children and
620 Families, or an entity or agent of the department, and any other
621 agency, entity, or person relating to the Gold Seal Quality Care
622 program shall continue as a binding contract or agreement for
623 the remainder of the term of such contract or agreement on the
624 successor entity responsible for the program, activity, or
625 functions relative to the contract or agreement.

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626 Section 12. Subsection (5) of section 402.315, Florida
627 Statutes, is amended to read:

628 402.315 Funding; license fees.—

629 (5) All moneys collected by the department for child care
630 licensing shall be held in a trust fund of the department to be
631 reallocated to the department during the following fiscal year
632 to fund child care licensing activities, including the Gold Seal
633 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

634 Section 13. Paragraph (a) of subsection (4) of section
635 402.56, Florida Statutes, is amended to read:

636 402.56 Children's cabinet; organization; responsibilities;
637 annual report.—

638 (4) MEMBERS.—The cabinet shall consist of 16 members
639 including the Governor and the following persons:

- 640 (a)1. The Secretary of Children and Families;
641 2. The Secretary of Juvenile Justice;
642 3. The director of the Agency for Persons with
643 Disabilities;
644 4. A representative from the Division ~~The director of the~~
645 ~~Office~~ of Early Learning;
646 5. The State Surgeon General;
647 6. The Secretary of Health Care Administration;
648 7. The Commissioner of Education;
649 8. The director of the Statewide Guardian Ad Litem Office;
650 9. A representative of the Office of Adoption and Child

651 Protection;

652 10. A superintendent of schools, appointed by the
653 Governor; and

654 11. Five members who represent children and youth advocacy
655 organizations and who are not service providers, appointed by
656 the Governor.

657 Section 14. Paragraph (d) of subsection (1), paragraph (a)
658 of subsection (2), and paragraph (c) of subsection (3) of
659 section 411.227, Florida Statutes, are amended to read:

660 411.227 Components of the Learning Gateway.—The Learning
661 Gateway system consists of the following components:

662 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
663 ACCESS.—

664 (d) In collaboration with other local resources, the
665 demonstration projects shall develop public awareness strategies
666 to disseminate information about developmental milestones,
667 precursors of learning problems and other developmental delays,
668 and the service system that is available. The information should
669 target parents of children from birth through age 9 and should
670 be distributed to parents, health care providers, and caregivers
671 of children from birth through age 9. A variety of media should
672 be used as appropriate, such as print, television, radio, and a
673 community-based Internet website, as well as opportunities such
674 as those presented by parent visits to physicians for well-child
675 checkups. The Learning Gateway Steering Committee shall provide

676 technical assistance to the local demonstration projects in
677 developing and distributing educational materials and
678 information.

679 1. Public awareness strategies targeting parents of
680 children from birth through age 5 shall be designed to provide
681 information to public and private preschool programs, child care
682 providers, pediatricians, parents, and local businesses and
683 organizations. These strategies should include information on
684 the school readiness performance standards adopted by the
685 Department of Education ~~Office of Early Learning~~.

686 2. Public awareness strategies targeting parents of
687 children from ages 6 through 9 must be designed to disseminate
688 training materials and brochures to parents and public and
689 private school personnel, and must be coordinated with the local
690 school board and the appropriate school advisory committees in
691 the demonstration projects. The materials should contain
692 information on state and district proficiency levels for grades
693 K-3.

694 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

695 (a) In coordination with ~~the Office of Early Learning~~, the
696 Department of Education, and the Florida Pediatric Society, and
697 using information learned from the local demonstration projects,
698 the Learning Gateway Steering Committee shall establish
699 guidelines for screening children from birth through age 9. The
700 guidelines should incorporate recent research on the indicators

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most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the Department of Children and Families and, the Department of Education, ~~and the Office of Early Learning~~, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 15. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, which is held by the department, ~~the Office of Early Learning~~, CareerSource Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a local workforce development board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such

726 confidential and exempt information may be released for purposes
727 directly connected with:

728 (a) The administration of the temporary assistance for
729 needy families plan under Title IV-A of the Social Security Act,
730 as amended, by the department, ~~the Office of Early Learning,~~
731 CareerSource Florida, Inc., the Department of Military Affairs,
732 the Department of Health, the Department of Revenue, the
733 Department of Education, a local workforce development board or
734 local committee created pursuant to s. 445.007, or a school
735 district.

736 (b) The administration of the state's plan or program
737 approved under Title IV-B, Title IV-D, or Title IV-E of the
738 Social Security Act, as amended, or under Title I, Title X,
739 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
740 Social Security Act, as amended.

741 (c) An investigation, prosecution, or criminal, civil, or
742 administrative proceeding conducted in connection with the
743 administration of any of the plans or programs specified in
744 paragraph (a) or paragraph (b) by a federal, state, or local
745 governmental entity, upon request by that entity, if such
746 request is made pursuant to the proper exercise of that entity's
747 duties and responsibilities.

748 (d) The administration of any other state, federal, or
749 federally assisted program that provides assistance or services
750 on the basis of need, in cash or in kind, directly to a

751 participant.

752 (e) An audit or similar activity, such as a review of
753 expenditure reports or financial review, conducted in connection
754 with the administration of plans or programs specified in
755 paragraph (a) or paragraph (b) by a governmental entity
756 authorized by law to conduct such audit or activity.

757 (f) The administration of the reemployment assistance
758 program.

759 (g) The reporting to the appropriate agency or official of
760 information about known or suspected instances of physical or
761 mental injury, sexual abuse or exploitation, or negligent
762 treatment or maltreatment of a child or elderly person receiving
763 assistance, if circumstances indicate that the health or welfare
764 of the child or elderly person is threatened.

765 (h) The administration of services to elderly persons
766 under ss. 430.601-430.606.

767 Section 16. Section 1000.01, Florida Statutes, is amended
768 to read:

769 1000.01 The Florida Early Learning-20 ~~K-20~~ education
770 system; technical provisions.—

771 (1) NAME.—Chapters 1000 through 1013 shall be known and
772 cited as the "Florida Early Learning-20 ~~K-20~~ Education Code."

773 (2) LIBERAL CONSTRUCTION.—The provisions of the Florida
774 Early Learning-20 ~~K-20~~ Education Code shall be liberally
775 construed to the end that its objectives may be effected. It is

776 the legislative intent that if any section, subsection,
777 sentence, clause, or provision of the Florida Early Learning-20
778 ~~K-20~~ Education Code is held invalid, the remainder of the code
779 shall not be affected.

780 (3) PURPOSE.—The purpose of the Florida Early Learning-20
781 ~~K-20~~ Education Code is to provide by law for a state system of
782 schools, courses, classes, and educational institutions and
783 services adequate to allow, for all Florida's students, the
784 opportunity to obtain a high quality education. The Florida
785 Early Learning-20 ~~K-20~~ education system is established to
786 accomplish this purpose; however, nothing in this code shall be
787 construed to require the provision of free public education
788 beyond grade 12.

789 (4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.—As
790 required by s. 1, Art. IX of the State Constitution, the Florida
791 Early Learning-20 ~~K-20~~ education system shall include the
792 uniform system of free public K-12 schools. These public K-12
793 schools shall provide 13 consecutive years of instruction,
794 beginning with kindergarten, and shall also provide such
795 instruction for students with disabilities, gifted students,
796 limited English proficient students, and students in Department
797 of Juvenile Justice programs as may be required by law. The
798 funds for support and maintenance of the uniform system of free
799 public K-12 schools shall be derived from state, district,
800 federal, and other lawful sources or combinations of sources,

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including any fees charged nonresidents as provided by law.

Section 17. Paragraph (a) of Subsection (1) and subsection (2) of section 1000.02, Florida Statutes, are amended to read:

1000.02 Policy and guiding principles for the Florida Early Learning-20 ~~K-20~~ education system.—

(1) It is the policy of the Legislature:

(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of early learning ~~kindergarten~~ through graduate school education for Florida's students.

(2) The guiding principles for Florida's Early Learning-20 ~~K-20~~ education system are:

(a) A coordinated, seamless system for early learning ~~kindergarten~~ through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and allows the opportunity for a high quality education for all Floridians.

(d) A system that safeguards equity and supports academic excellence.

(e) A system that provides for local operational flexibility while promoting accountability for student achievement and improvement.

Section 18. Section 1000.03, Florida Statutes, is amended to read:

1000.03 Function, mission, and goals of the Florida Early

826 Learning-20 ~~K-20~~ education system.—

827 (1) Florida's Early Learning-20 ~~K-20~~ education system
828 shall be a decentralized system without excess layers of
829 bureaucracy. Florida's Early Learning-20 ~~K-20~~ education system
830 shall maintain a systemwide technology plan based on a common
831 set of data definitions.

832 (2)(a) The Legislature shall establish education policy,
833 enact education laws, and appropriate and allocate education
834 resources.

835 (b) With the exception of matters relating to the State
836 University System, the State Board of Education shall oversee
837 the enforcement of all laws and rules, and the timely provision
838 of direction, resources, assistance, intervention when needed,
839 and strong incentives and disincentives to force accountability
840 for results.

841 (c) The Board of Governors shall oversee the enforcement
842 of all state university laws and rules and regulations and the
843 timely provision of direction, resources, assistance,
844 intervention when needed, and strong incentives and
845 disincentives to force accountability for results.

846 (3) Public education is a cooperative function of the
847 state and local educational authorities. The state retains
848 responsibility for establishing a system of public education
849 through laws, standards, and rules to assure efficient operation
850 of an Early Learning-20 ~~a K-20~~ system of public education and

adequate educational opportunities for all individuals. Local educational authorities have a duty to fully and faithfully comply with state laws, standards, and rules and to efficiently use the resources available to them to assist the state in allowing adequate educational opportunities.

(4) The mission of Florida's Early Learning-20 ~~K-20~~ education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

(5) The priorities of Florida's Early Learning-20 ~~K-20~~ education system include:

(a) Learning and completion at all levels, including increased high school graduation rate and readiness for postsecondary education without remediation.—All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.

(b) Student performance.—Students demonstrate that they meet the expected academic standards consistently at all levels of their education.

(c) Civic literacy.—Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

876 (d) Alignment of standards and resources.—Academic
877 standards for every level of the Early Learning-20 ~~K-20~~
878 education system are aligned, and education financial resources
879 are aligned with student performance expectations at each level
880 of the Early Learning-20 ~~K-20~~ education system.

881 (e) Educational leadership.—The quality of educational
882 leadership at all levels of Early Learning-20 ~~K-20~~ education is
883 improved.

884 (f) Workforce education.—Workforce education is
885 appropriately aligned with the skills required by the new global
886 economy.

887 (g) Parental, student, family, educational institution,
888 and community involvement.—Parents, students, families,
889 educational institutions, and communities are collaborative
890 partners in education, and each plays an important role in the
891 success of individual students. Therefore, the State of Florida
892 cannot be the guarantor of each individual student's success.
893 The goals of Florida's Early Learning-20 ~~K-20~~ education system
894 are not guarantees that each individual student will succeed or
895 that each individual school will perform at the level indicated
896 in the goals.

897 (h) Comprehensive Early Learning-20 ~~K-20~~ career and
898 education planning.—It is essential that Florida's Early
899 Learning-20 ~~K-20~~ education system better prepare all students at
900 every level for the transition from school to postsecondary

education or work by providing information regarding:

1. Career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to pursue postsecondary instruction required to enter each career.

2. How to make informed decisions about the program of study that best addresses the students' interests and abilities while preparing them to enter postsecondary education or the workforce.

3. Recommended coursework and programs that prepare students for success in their areas of interest and ability.

This information shall be provided to students and parents through websites, handbooks, manuals, or other regularly provided communications.

Section 19. Section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida Early Learning-20 ~~K-20~~ education system.— Florida's Early Learning-20 ~~K-20~~ education system provides for the delivery of early learning and public education through publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and

926 other educational services as provided or authorized by the
927 Constitution and laws of the state.

928 (1) EARLY LEARNING.—Early learning includes the Voluntary
929 Prekindergarten Education Program and the school readiness
930 program.

931 (2)~~(1)~~ PUBLIC K-12 SCHOOLS.—The public K-12 schools
932 include charter schools and consist of kindergarten classes;
933 elementary, middle, and high school grades and special classes;
934 virtual instruction programs; workforce education; career
935 centers; adult, part-time, and evening schools, courses, or
936 classes, as authorized by law to be operated under the control
937 of district school boards; and lab schools operated under the
938 control of state universities.

939 (3)~~(2)~~ PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—
940 Public postsecondary educational institutions include workforce
941 education; Florida College System institutions; state
942 universities; and all other state-supported postsecondary
943 educational institutions that are authorized and established by
944 law.

945 (4)~~(3)~~ FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The
946 Florida School for the Deaf and the Blind is a component of the
947 delivery of public education within Florida's Early Learning-20
948 ~~K-20~~ education system.

949 (5)~~(4)~~ THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual
950 School is a component of the delivery of public education within

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Florida's Early Learning-20 ~~K-20~~ education system.

Section 20. Section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida Early Learning-20 ~~K-20~~ Education Code:

(1) "Articulation" is the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.

(2) "Commissioner" is the Commissioner of Education.

(3) "Florida College System institution" except as otherwise specifically provided, includes all of the following public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution:

(a) Eastern Florida State College, which serves Brevard County.

(b) Broward College, which serves Broward County.

(c) College of Central Florida, which serves Citrus, Levy, and Marion Counties.

(d) Chipola College, which serves Calhoun, Holmes, Jackson, Liberty, and Washington Counties.

(e) Daytona State College, which serves Flagler and Volusia Counties.

(f) Florida SouthWestern State College, which serves Charlotte, Collier, Glades, Hendry, and Lee Counties.

(g) Florida State College at Jacksonville, which serves Duval and Nassau Counties.

(h) The College of the Florida Keys, which serves Monroe County.

(i) Gulf Coast State College, which serves Bay, Franklin, and Gulf Counties.

(j) Hillsborough Community College, which serves Hillsborough County.

(k) Indian River State College, which serves Indian River, Martin, Okeechobee, and St. Lucie Counties.

(l) Florida Gateway College, which serves Baker, Columbia, Dixie, Gilchrist, and Union Counties.

(m) Lake-Sumter State College, which serves Lake and Sumter Counties.

(n) State College of Florida, Manatee-Sarasota, which serves Manatee and Sarasota Counties.

(o) Miami Dade College, which serves Miami-Dade County.

(p) North Florida College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

(q) Northwest Florida State College, which serves Okaloosa and Walton Counties.

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1001 (r) Palm Beach State College, which serves Palm Beach
1002 County.
1003 (s) Pasco-Hernando State College, which serves Hernando
1004 and Pasco Counties.
1005 (t) Pensacola State College, which serves Escambia and
1006 Santa Rosa Counties.
1007 (u) Polk State College, which serves Polk County.
1008 (v) St. Johns River State College, which serves Clay,
1009 Putnam, and St. Johns Counties.
1010 (w) St. Petersburg College, which serves Pinellas County.
1011 (x) Santa Fe College, which serves Alachua and Bradford
1012 Counties.
1013 (y) Seminole State College of Florida, which serves
1014 Seminole County.
1015 (z) South Florida State College, which serves DeSoto,
1016 Hardee, and Highlands Counties.
1017 (aa) Tallahassee Community College, which serves Gadsden,
1018 Leon, and Wakulla Counties.
1019 (bb) Valencia College, which serves Orange and Osceola
1020 Counties.
1021 (4) "Department" is the Department of Education.
1022 (5) "Parent" is either or both parents of a student, any
1023 guardian of a student, any person in a parental relationship to
1024 a student, or any person exercising supervisory authority over a
1025 student in place of the parent.

(6) "State university," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

(a) The University of Florida.

(b) The Florida State University.

(c) The Florida Agricultural and Mechanical University.

(d) The University of South Florida.

(e) The Florida Atlantic University.

(f) The University of West Florida.

(g) The University of Central Florida.

(h) The University of North Florida.

(i) The Florida International University.

(j) The Florida Gulf Coast University.

(k) New College of Florida.

(l) The Florida Polytechnic University.

(7) "Next Generation Sunshine State Standards" means the state's public K-12 curricular standards adopted under s. 1003.41.

(8) "Board of Governors" is the Board of Governors of the State University System.

Section 21. Subsection (1) and paragraphs (e) and (s) of subsection (2) of section 1001.02, Florida Statutes, are amended to read:

1001.02 General powers of State Board of Education.—

(1) The State Board of Education is the chief implementing

1051 and coordinating body of public education in Florida except for
1052 the State University System, and it shall focus on high-level
1053 policy decisions. It has authority to adopt rules pursuant to
1054 ss. 120.536(1) and 120.54 to implement the provisions of law
1055 conferring duties upon it for the improvement of the state
1056 system of Early Learning-20 ~~K-20~~ public education except for the
1057 State University System. Except as otherwise provided herein, it
1058 may, as it finds appropriate, delegate its general powers to the
1059 Commissioner of Education or the directors of the divisions of
1060 the department.

1061 (2) The State Board of Education has the following duties:

1062 (e) To adopt and submit to the Governor and Legislature,
1063 as provided in s. 216.023, a coordinated Early Learning-20 ~~K-20~~
1064 education budget that estimates the expenditure requirements for
1065 the Board of Governors, as provided in s. 1001.706, the State
1066 Board of Education, including the Department of Education and
1067 the Commissioner of Education, and all of the boards,
1068 institutions, agencies, and services under the general
1069 supervision of the Board of Governors, as provided in s.
1070 1001.706, or the State Board of Education for the ensuing fiscal
1071 year. The State Board of Education may not amend the budget
1072 request submitted by the Board of Governors. Any program
1073 recommended by the Board of Governors or the State Board of
1074 Education which will require increases in state funding for more
1075 than 1 year must be presented in a multiyear budget plan.

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(s) To establish a detailed procedure for the implementation and operation of a systemwide ~~K-20~~ technology plan that is based on a common set of data definitions.

Section 22. Subsections (8) and (9) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

(8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education shall enforce compliance with law and state board rule by all school districts, early learning coalitions, and public postsecondary educational institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.—The State Board of Education, in conjunction with the Board of Governors regarding the State University System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public Early Learning-20 ~~K-20~~ education system as such databases existed on June 30, 2002.

Section 23. Subsection (1), paragraphs (g), (k), and (l) of subsection (6), and subsection (8) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(1) The Commissioner of Education is the chief educational

1101 officer of the state and the sole custodian of the educational
1102 ~~K-20~~ data warehouse, and is responsible for giving full
1103 assistance to the State Board of Education in enforcing
1104 compliance with the mission and goals of the Early Learning ~~K-20~~
1105 education system, except for the State University System.

1106 (6) Additionally, the commissioner has the following
1107 general powers and duties:

1108 (g) To submit to the State Board of Education, on or
1109 before October 1 of each year, recommendations for a coordinated
1110 Early Learning-20 ~~K-20~~ education budget that estimates the
1111 expenditures for the Board of Governors, the State Board of
1112 Education, including the Department of Education and the
1113 Commissioner of Education, and all of the boards, institutions,
1114 agencies, and services under the general supervision of the
1115 Board of Governors or the State Board of Education for the
1116 ensuing fiscal year. Any program recommended to the State Board
1117 of Education that will require increases in state funding for
1118 more than 1 year must be presented in a multiyear budget plan.

1119 (k) To prepare, publish, and disseminate user-friendly
1120 materials relating to the state's education system, including
1121 the state's K-12 scholarship programs, the school readiness
1122 program, and the Voluntary Prekindergarten Education Program.

1123 (l) To prepare and publish annually reports giving
1124 statistics and other useful information pertaining to the
1125 state's K-12 scholarship programs, the school readiness program,

and the Voluntary Prekindergarten Education Program.

(8) In the event of an emergency situation, the commissioner may coordinate through the most appropriate means of communication with early learning coalitions, local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

Section 24. Paragraph (b) of subsection (1) and subsection (4) of section 1001.11, Florida Statutes, are amended to read:

1001.11 Commissioner of Education; other duties.—

(1) The Commissioner of Education must independently perform the following duties:

(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education, the Early Learning-20 ~~K-20~~ education system, and early learning programs.

(4) The commissioner shall develop and implement an integrated Early Learning-20 ~~K-20~~ information system for educational management in accordance with the requirements of chapter 1008.

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1151 Section 25. Section 1001.213, Florida Statutes, is
1152 repealed.

1153 Section 26. Subsection (7) of section 1001.215, Florida
1154 Statutes, is amended to read:

1155 1001.215 Just Read, Florida! Office.—There is created in
1156 the Department of Education the Just Read, Florida! Office. The
1157 office is fully accountable to the Commissioner of Education and
1158 shall:

1159 (7) Review, evaluate, and provide technical assistance to
1160 school districts' implementation of the ~~K-12~~ comprehensive
1161 reading plan required in s. 1011.62(9).

1162 Section 27. Subsection (1) of section 1001.23, Florida
1163 Statutes, is amended to read:

1164 1001.23 Specific powers and duties of the Department of
1165 Education.—In addition to all other duties assigned to it by law
1166 or by rule of the State Board of Education, the department
1167 shall:

1168 ~~(1) Adopt the statewide kindergarten screening in~~
1169 ~~accordance with s. 1002.69.~~

1170 Section 28. Subsection (3) of section 1001.70, Florida
1171 Statutes, is amended to read:

1172 1001.70 Board of Governors of the State University
1173 System.—

1174 (3) The Board of Governors, in exercising its authority
1175 under the State Constitution and statutes, shall exercise its

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1176 authority in a manner that supports, promotes, and enhances an
1177 Early Learning-20 ~~a K-20~~ education system that provides
1178 affordable access to postsecondary educational opportunities for
1179 residents of the state to the extent authorized by the State
1180 Constitution and state law.

1181 Section 29. Paragraph (b) of subsection (4) of section
1182 1001.706, Florida Statutes, is amended to read:

1183 1001.706 Powers and duties of the Board of Governors.—

1184 (4) POWERS AND DUTIES RELATING TO FINANCE.—

1185 (b) The Board of Governors shall prepare the legislative
1186 budget requests for the State University System, including a
1187 request for fixed capital outlay, and submit them to the State
1188 Board of Education for inclusion in the Early Learning-20 ~~K-20~~
1189 legislative budget request. The Board of Governors shall provide
1190 the state universities with fiscal policy guidelines, formats,
1191 and instruction for the development of individual university
1192 budget requests.

1193 Section 30. Paragraph (b) of subsection (1) of section
1194 1002.22, Florida Statutes, is amended to read:

1195 1002.22 Education records and reports of K-12 students;
1196 rights of parents and students; notification; penalty.—

1197 (1) DEFINITIONS.—As used in this section, the term:

1198 (b) "Institution" means any public school, center,
1199 institution, or other entity that is part of Florida's education
1200 system under s. 1000.04(2), (4), and (5) ~~s. 1000.04(1), (3), and~~

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1201 ~~(4).~~

1202 Section 31. Subsections (3) and (10) of section 1002.32,
1203 Florida Statutes, are amended to read:

1204 1002.32 Developmental research (laboratory) schools.—

1205 (3) MISSION.—The mission of a lab school shall be the
1206 provision of a vehicle for the conduct of research,
1207 demonstration, and evaluation regarding management, teaching,
1208 and learning. Programs to achieve the mission of a lab school
1209 shall embody the goals and standards established pursuant to ss.
1210 1000.03(5) and 1001.23(1) ~~1001.23(2)~~ and shall ensure an
1211 appropriate education for its students.

1212 (a) Each lab school shall emphasize mathematics, science,
1213 computer science, and foreign languages. The primary goal of a
1214 lab school is to enhance instruction and research in such
1215 specialized subjects by using the resources available on a state
1216 university campus, while also providing an education in
1217 nonspecialized subjects. Each lab school shall provide
1218 sequential elementary and secondary instruction where
1219 appropriate. A lab school may not provide instruction at grade
1220 levels higher than grade 12 without authorization from the State
1221 Board of Education. Each lab school shall develop and implement
1222 a school improvement plan pursuant to s. 1003.02(3).

1223 (b) Research, demonstration, and evaluation conducted at a
1224 lab school may be generated by the college of education and
1225 other colleges within the university with which the school is

1226 affiliated.

1227 (c) Research, demonstration, and evaluation conducted at a
1228 lab school may be generated by the State Board of Education.
1229 Such research shall respond to the needs of the education
1230 community at large, rather than the specific needs of the
1231 affiliated college.

1232 (d) Research, demonstration, and evaluation conducted at a
1233 lab school may consist of pilot projects to be generated by the
1234 affiliated college, the State Board of Education, or the
1235 Legislature.

1236 (e) The exceptional education programs offered at a lab
1237 school shall be determined by the research and evaluation goals
1238 and the availability of students for efficiently sized programs.
1239 The fact that a lab school offers an exceptional education
1240 program in no way lessens the general responsibility of the
1241 local school district to provide exceptional education programs.

1242 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
1243 and facilitate the mission of the lab schools, in addition to
1244 the exceptions to law specified in s. 1001.23(1) ~~s. 1001.23(2)~~,
1245 the following exceptions shall be permitted for lab schools:

1246 (a) The methods and requirements of the following statutes
1247 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
1248 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
1249 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
1250 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;

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1251 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
1252 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;
1253 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
1254 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
1255 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);
1256 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
1257 1011.73; and 1011.74.

1258 (b) With the exception of s. 1001.42(18), s. 1001.42 shall
1259 be held in abeyance. Reference to district school boards in s.
1260 1001.42(18) shall mean the president of the university or the
1261 president's designee.

1262 Section 32. Paragraph (b) of subsection (10) of section
1263 1002.34, Florida Statutes, is amended to read:

1264 1002.34 Charter technical career centers.—

1265 (10) EXEMPTION FROM STATUTES.—

1266 (b) A center must comply with the Florida Early Learning-
1267 20 K-20 Education Code with respect to providing services to
1268 students with disabilities.

1269 Section 33. Subsection (1) of section 1002.36, Florida
1270 Statutes, is amended to read:

1271 1002.36 Florida School for the Deaf and the Blind.—

1272 (1) RESPONSIBILITIES.—The Florida School for the Deaf and
1273 the Blind, located in St. Johns County, is a state-supported
1274 residential public school for hearing-impaired and visually
1275 impaired students in preschool through 12th grade. The school is

1276 a component of the delivery of public education within Florida's
1277 Early Learning-20 ~~K-20~~ education system and shall be funded
1278 through the Department of Education. The school shall provide
1279 educational programs and support services appropriate to meet
1280 the education and related evaluation and counseling needs of
1281 hearing-impaired and visually impaired students in the state who
1282 meet enrollment criteria. Unless otherwise provided by law, the
1283 school shall comply with all laws and rules applicable to state
1284 agencies. Education services may be provided on an outreach
1285 basis for sensory-impaired children ages 0 through 5 years and
1286 to district school boards upon request. Graduates of the Florida
1287 School for the Deaf and the Blind shall be eligible for the
1288 William L. Boyd, IV, Effective Access to Student Education Grant
1289 Program as provided in s. 1009.89.

1290 Section 34. Paragraph (b) of subsection (4) and subsection
1291 (5) of section 1002.53, Florida Statutes, are amended, and
1292 paragraph (d) is added to subsection (6), to read:

1293 1002.53 Voluntary Prekindergarten Education Program;
1294 eligibility and enrollment.—

1295 (4)

1296 (b) The application must be submitted on forms prescribed
1297 by the department ~~Office of Early Learning~~ and must be
1298 accompanied by a certified copy of the child's birth
1299 certificate. The forms must include a certification, in
1300 substantially the form provided in s. 1002.71(6)(b)2., that the

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parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department ~~Office of Early Learning~~ may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the department in accordance with s. 1002.92(3) ~~Office of Early Learning~~. ~~The profiles must include, at a minimum, the following information about each provider and school:~~

~~(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and~~

~~(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.~~

(6)

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must allow his or her child to participate in the coordinated screening and

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1326 progress monitoring program under s. 1008.2125.

1327 Section 35. Paragraphs (a), (b), (c), (e), (g), (h), (i),
1328 (j), and (l) of subsection (3), subsection (4), and paragraph
1329 (b) of subsection (5) of section 1002.55, Florida Statutes, are
1330 amended, and subsection (6) is added to that section, to read:

1331 1002.55 School-year prekindergarten program delivered by
1332 private prekindergarten providers.—

1333 (3) To be eligible to deliver the prekindergarten program,
1334 a private prekindergarten provider must meet each of the
1335 following requirements:

1336 (a) The private prekindergarten provider must be a child
1337 care facility licensed under s. 402.305, family day care home
1338 licensed under s. 402.313, large family child care home licensed
1339 under s. 402.3131, nonpublic school exempt from licensure under
1340 s. 402.3025(2), ~~or~~ faith-based child care provider exempt from
1341 licensure under s. 402.316, child development program that is
1342 accredited by a national accrediting body and operates on a
1343 military installation that is certified by the United States
1344 Department of Defense, or private prekindergarten provider that
1345 has been issued a provisional license under s. 402.309. A
1346 private prekindergarten provider may not deliver the program
1347 while holding a probation-status license under s. 402.310.

1348 (b) The private prekindergarten provider must:

1349 1. Be accredited by an accrediting association that is a
1350 member of the National Council for Private School Accreditation,

1351 or the Florida Association of Academic Nonpublic Schools, or be
1352 accredited by the Southern Association of Colleges and Schools,
1353 or Western Association of Colleges and Schools, or North Central
1354 Association of Colleges and Schools, or Middle States
1355 Association of Colleges and Schools, or New England Association
1356 of Colleges and Schools; and have written accreditation
1357 standards that meet or exceed the state's licensing requirements
1358 under s. 402.305, s. 402.313, or s. 402.3131 and require at
1359 least one onsite visit to the provider or school before
1360 accreditation is granted;

1361 2. Hold a current Gold Seal Quality Care designation under
1362 s. 1002.945 ~~s. 402.281~~; or

1363 3. Be licensed under s. 402.305, s. 402.313, or s.
1364 402.3131 and demonstrate, before delivering the Voluntary
1365 Prekindergarten Education Program, as verified by the early
1366 learning coalition, that the provider meets each of the
1367 requirements of the program under this part, including, but not
1368 limited to, the requirements for credentials and background
1369 screenings of prekindergarten instructors under paragraphs (c)
1370 and (d), minimum and maximum class sizes under paragraph (f),
1371 prekindergarten director credentials under paragraph (g), and a
1372 developmentally appropriate curriculum under s. 1002.67(2)(b).

1373 (c) The private prekindergarten provider must have, for
1374 each prekindergarten class of 11 children or fewer, at least one
1375 prekindergarten instructor who meets each of the following

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requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Families may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete at least three ~~an~~ emergent literacy training courses that include developmentally appropriate and experiential learning practices for children ~~course~~ and a student performance standards training course approved by the department ~~office~~ as meeting or exceeding the minimum standards adopted under s. 1002.59. The requirement for completion of the standards training course shall take effect July 1, 2022 ~~2014~~, and be recognized as part of the informal early learning career pathway identified by the department under s. 1002.995(1)(b). ~~Such and the~~ course shall be available online or in person.

(e) A private prekindergarten provider may assign a

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1401 substitute instructor to temporarily replace a credentialed
1402 instructor if the credentialed instructor assigned to a
1403 prekindergarten class is absent, as long as the substitute
1404 instructor is of good moral character and has been screened
1405 before employment in accordance with level 2 background
1406 screening requirements in chapter 435. The department ~~Office of~~
1407 ~~Early Learning~~ shall adopt rules to implement this paragraph
1408 which shall include required qualifications of substitute
1409 instructors and the circumstances and time limits for which a
1410 private prekindergarten provider may assign a substitute
1411 instructor.

1412 (g) The private prekindergarten provider must have a
1413 prekindergarten director who has a prekindergarten director
1414 credential that is approved by the department ~~office~~ as meeting
1415 or exceeding the minimum standards adopted under s. 1002.57. A
1416 private school administrator who holds a valid certificate in
1417 educational leadership issued by the department satisfies the
1418 requirement for a prekindergarten director credential under s.
1419 1002.57. Successful completion of a child care facility director
1420 credential under s. 402.305(2) (g) before the establishment of
1421 the prekindergarten director credential under s. 1002.57 or July
1422 1, 2006, whichever occurs later, satisfies the requirement for a
1423 prekindergarten director credential under this paragraph.

1424 (h) The private prekindergarten provider must register
1425 with the early learning coalition on forms prescribed by the

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1426 department ~~Office of Early Learning~~.

1427 (i) The private prekindergarten provider must execute the
1428 statewide provider contract prescribed under s. 1002.73 ~~s.~~
1429 ~~1002.75~~, except that an individual who owns or operates multiple
1430 private prekindergarten sites ~~providers~~ within a coalition's
1431 service area may execute a single agreement with the coalition
1432 on behalf of each site ~~provider~~.

1433 (j) The private prekindergarten provider must maintain
1434 general liability insurance and provide the coalition with
1435 written evidence of general liability insurance coverage,
1436 including coverage for transportation of children if
1437 prekindergarten students are transported by the provider. A
1438 provider must obtain and retain an insurance policy that
1439 provides a minimum of \$100,000 of coverage per occurrence and a
1440 minimum of \$300,000 general aggregate coverage. The department
1441 ~~office~~ may authorize lower limits upon request, as appropriate.
1442 A provider must add the coalition as a named certificateholder
1443 and as an additional insured. A provider must provide the
1444 coalition with a minimum of 10 calendar days' advance written
1445 notice of cancellation of or changes to coverage. The general
1446 liability insurance required by this paragraph must remain in
1447 full force and effect for the entire period of the provider
1448 contract with the coalition.

1449 (l) Notwithstanding paragraph (j), for a private
1450 prekindergarten provider that is a state agency or a subdivision

1451 thereof, as defined in s. 768.28(2), the provider must agree to
1452 notify the coalition of any additional liability coverage
1453 maintained by the provider in addition to that otherwise
1454 established under s. 768.28. The provider shall indemnify the
1455 coalition to the extent permitted by s. 768.28. Notwithstanding
1456 paragraph (j), for a child development program that is
1457 accredited by a national accrediting body and operates on a
1458 military installation that is certified by the United States
1459 Department of Defense, the provider may demonstrate liability
1460 coverage by affirming that it is subject to the Federal Tort
1461 Claims Act, 28 U.S.C. s. 2671 et seq.

1462 (4) A prekindergarten instructor, in lieu of the minimum
1463 credentials ~~and courses~~ required under paragraph (3)(c), may
1464 hold one of the following educational credentials:

1465 (a) A bachelor's or higher degree in early childhood
1466 education, prekindergarten or primary education, preschool
1467 education, or family and consumer science;

1468 (b) A bachelor's or higher degree in elementary education,
1469 if the prekindergarten instructor has been certified to teach
1470 children any age from birth through 6th grade, regardless of
1471 whether the instructor's educator certificate is current, and if
1472 the instructor is not ineligible to teach in a public school
1473 because his or her educator certificate is suspended or revoked;

1474 (c) An associate's or higher degree in child development;

1475 (d) An associate's or higher degree in an unrelated field,

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1476 at least 6 credit hours in early childhood education or child
1477 development, and at least 480 hours of experience in teaching or
1478 providing child care services for children any age from birth
1479 through 8 years of age; or

1480 (e) An educational credential approved by the department
1481 as being equivalent to or greater than an educational credential
1482 described in this subsection. The department may adopt criteria
1483 and procedures for approving equivalent educational credentials
1484 under this paragraph.

1485 (5)

1486 (b) Notwithstanding any other ~~provision of~~ law, if a
1487 private prekindergarten provider has been cited for a class I
1488 violation, as defined by rule of the Child Care Services Program
1489 Office of the Department of Children and Families, the coalition
1490 may refuse to contract with the provider.

1491 (6) Each early learning coalition must verify that each
1492 private prekindergarten provider delivering the Voluntary
1493 Prekindergarten Education Program within the coalition's county
1494 or multicounty region complies with this part. If a private
1495 prekindergarten provider fails or refuses to comply with this
1496 part or engages in misconduct, the department shall require the
1497 early learning coalition to remove the provider from eligibility
1498 to deliver the program and receive state funds under this part
1499 for a period of at least 2 years but no more than 5 years.

1500 Section 36. Paragraphs (b) and (c) of subsection (2) of

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1501 section 1002.57, Florida Statutes, are redesignated as
1502 paragraphs (c) and (d), respectively, subsection (1) is amended,
1503 and a new paragraph (b) is added to subsection (2) of that
1504 section, to read:

1505 1002.57 Prekindergarten director credential.—

1506 (1) The department ~~office~~, in consultation with the
1507 Department of Children and Families, shall adopt minimum
1508 standards for a credential for prekindergarten directors of
1509 private prekindergarten providers delivering the Voluntary
1510 Prekindergarten Education Program. The credential must encompass
1511 requirements for education and onsite experience.

1512 (2) The educational requirements must include training in
1513 the following:

1514 (b) Implementation of curriculum and usage of student-
1515 level data to inform the delivery of instruction;

1516 Section 37. Section 1002.59, Florida Statutes, is amended
1517 to read:

1518 1002.59 Emergent literacy and performance standards
1519 training courses.—

1520 (1) The department ~~office~~ shall adopt minimum standards
1521 for ~~one or more training~~ courses in emergent literacy for
1522 prekindergarten instructors. Each course must comprise 5 clock
1523 hours and provide instruction in strategies and techniques to
1524 address the age-appropriate progress of prekindergarten students
1525 in developing emergent literacy skills, including oral

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1526 communication, knowledge of print and letters, phonemic and
1527 phonological awareness, and vocabulary and comprehension
1528 development. Each course must also provide resources containing
1529 strategies that allow students with disabilities and other
1530 special needs to derive maximum benefit from the Voluntary
1531 Prekindergarten Education Program. Successful completion of an
1532 emergent literacy training course approved under this section
1533 satisfies requirements for approved training in early literacy
1534 and language development under ss. 402.305(2)(e)5., 402.313(6),
1535 and 402.3131(5).

1536 (2) The department ~~office~~ shall adopt minimum standards
1537 for ~~one or more training~~ courses on the performance standards
1538 adopted under s. 1002.67(1). Each course must be comprised of
1539 ~~comprise~~ at least 3 clock hours, provide instruction in
1540 strategies and techniques to address age-appropriate progress of
1541 each child in attaining the standards, and be available online.

1542 (3) The department shall make available online
1543 professional development and training courses comprised of at
1544 least 8 clock hours that support prekindergarten instructors in
1545 increasing the competency of teacher-child interactions.

1546 Section 38. Subsections (6) through (8) of section
1547 1002.61, Florida Statutes, are renumbered as subsections (7)
1548 through (9), respectively, paragraph (b) of subsection (1),
1549 paragraph (b) of subsection (3), subsection (4), and present
1550 subsections (6) and (8) are amended, and new subsections (6) and

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(10) are added to that section, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(1)

(b) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a private prekindergarten provider. A child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense may administer the summer prekindergarten program as a private prekindergarten provider.

(3)

(b) Each public school delivering the summer prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

(4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4), each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds one of the educational credentials specified in s. 1002.55(4)(a) or (b). As used in this subsection, the term "certified teacher"

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means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education and have completed emergent literacy and performance standards courses, as provided for in s. 1002.55(3)(c)2.

(6) A child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense shall comply with the requirements of a private prekindergarten provider in this section.

(7)~~(6)~~ A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department ~~Office of Early Learning~~ shall adopt rules to implement this subsection which shall include

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required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(9)~~(8)~~ Each public school delivering the summer prekindergarten program must also register with the early learning coalition on forms prescribed by the department ~~Office of Early Learning~~ and deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(10) (a) Each early learning coalition shall verify that each private prekindergarten provider and public school delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part or engages in misconduct, the department shall require the early learning coalition to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years but no more than 5 years.

Section 39. Paragraph (b) of subsection (3) and subsections (6) and (8) of section 1002.63, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

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1002.63 School-year prekindergarten program delivered by public schools.—

(3)

(b) Each public school delivering the school-year prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department ~~Office of Early Learning~~ shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must register with the early learning coalition on forms prescribed by the department ~~Office of Early~~

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1651 ~~Learning~~ and deliver the Voluntary Prekindergarten Education
1652 Program in accordance with this part.

1653 (9) (a) Each early learning coalition shall verify that
1654 each public school delivering the Voluntary Prekindergarten
1655 Education Program within the coalition's service area complies
1656 with this part.

1657 (b) If a public school fails or refuses to comply with
1658 this part or engages in misconduct, the department shall require
1659 the early learning coalition to remove the school from
1660 eligibility to deliver the Voluntary Prekindergarten Education
1661 Program and receive state funds under this part for a period of
1662 at least 2 years but no more than 5 years.

1663 Section 40. Section 1002.67, Florida Statutes, is amended
1664 to read:

1665 1002.67 Performance standards ~~and~~ and curricula ~~and~~
1666 ~~accountability.~~—

1667 (1) (a) The department ~~office~~ shall develop and adopt
1668 performance standards for students in the Voluntary
1669 Prekindergarten Education Program. The performance standards
1670 must address the age-appropriate progress of students in the
1671 development of:

1672 1. The capabilities, capacities, and skills required under
1673 s. 1(b), Art. IX of the State Constitution; ~~and~~

1674 2. Emergent literacy skills, including oral communication,
1675 knowledge of print and letters, phonemic and phonological

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1676 awareness, and vocabulary and comprehension development; and
1677 3. Mathematical thinking and early math skills.

1678
1679 ~~By October 1, 2013, the office shall examine the existing~~
1680 ~~performance standards in the area of mathematical thinking and~~
1681 ~~develop a plan to make appropriate professional development and~~
1682 ~~training courses available to prekindergarten instructors.~~

1683 (b) At least every 3 years, the department ~~office~~ shall
1684 ~~periodically~~ review and, if necessary, revise the performance
1685 standards established under s. 1002.67 ~~for the statewide~~
1686 ~~kindergarten screening administered under s. 1002.69~~ and align
1687 the standards to the standards established by the state board
1688 for student performance on the statewide assessments
1689 administered pursuant to s. 1008.22.

1690 (2)(a) Each private prekindergarten provider and public
1691 school may select or design the curriculum that the provider or
1692 school uses to implement the Voluntary Prekindergarten Education
1693 Program, except as otherwise required for a provider or school
1694 that is placed on probation under s. 1002.68 ~~paragraph (4)(c).~~

1695 (b) Each private prekindergarten provider's and public
1696 school's curriculum must be developmentally appropriate and
1697 must:

1698 1. Be designed to prepare a student for early literacy and
1699 provide for instruction in early math skills;

1700 2. Enhance the age-appropriate progress of students in

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attaining the performance standards adopted by the department under subsection (1); and

3. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.2125 ~~Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.~~

(c) The department office shall adopt procedures for the review and approval of ~~approve~~ curricula for use by private prekindergarten providers and public schools that are placed on probation under s. 1002.68 ~~paragraph (4)(c)~~. The department office shall administer the review and approval process and maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

~~(3)(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by rule of the State Board of Education.~~

~~(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.~~

~~(c) The pre- and post-assessment must be administered by~~

~~individuals meeting requirements established by rule of the
State Board of Education.~~

~~(4)(a) Each early learning coalition shall verify that
each private prekindergarten provider delivering the Voluntary
Prekindergarten Education Program within the coalition's county
or multicounty region complies with this part. Each district
school board shall verify that each public school delivering the
program within the school district complies with this part.~~

~~(b) If a private prekindergarten provider or public school
fails or refuses to comply with this part, or if a provider or
school engages in misconduct, the office shall require the early
learning coalition to remove the provider and require the school
district to remove the school from eligibility to deliver the
Voluntary Prekindergarten Education Program and receive state
funds under this part for a period of 5 years.~~

~~(c)1. If the kindergarten readiness rate of a private
prekindergarten provider or public school falls below the
minimum rate adopted by the office as satisfactory under s.
1002.69(6), the early learning coalition or school district, as
applicable, shall require the provider or school to submit an
improvement plan for approval by the coalition or school
district, as applicable, and to implement the plan; shall place
the provider or school on probation; and shall require the
provider or school to take certain corrective actions, including
the use of a curriculum approved by the office under paragraph~~

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1751 ~~(2)(c) or a staff development plan to strengthen instruction in~~
1752 ~~language development and phonological awareness approved by the~~
1753 ~~office.~~

1754 ~~2. A private prekindergarten provider or public school~~
1755 ~~that is placed on probation must continue the corrective actions~~
1756 ~~required under subparagraph 1., including the use of a~~
1757 ~~curriculum or a staff development plan to strengthen instruction~~
1758 ~~in language development and phonological awareness approved by~~
1759 ~~the office, until the provider or school meets the minimum rate~~
1760 ~~adopted by the office as satisfactory under s. 1002.69(6).~~
1761 ~~Failure to implement an approved improvement plan or staff~~
1762 ~~development plan shall result in the termination of the~~
1763 ~~provider's contract to deliver the Voluntary Prekindergarten~~
1764 ~~Education Program for a period of 5 years.~~

1765 ~~3. If a private prekindergarten provider or public school~~
1766 ~~remains on probation for 2 consecutive years and fails to meet~~
1767 ~~the minimum rate adopted by the office as satisfactory under s.~~
1768 ~~1002.69(6) and is not granted a good cause exemption by the~~
1769 ~~office pursuant to s. 1002.69(7), the office shall require the~~
1770 ~~early learning coalition or the school district to remove, as~~
1771 ~~applicable, the provider or school from eligibility to deliver~~
1772 ~~the Voluntary Prekindergarten Education Program and receive~~
1773 ~~state funds for the program for a period of 5 years.~~

1774 ~~(d) Each early learning coalition and the office shall~~
1775 ~~coordinate with the Child Care Services Program Office of the~~

~~Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.~~

Section 41. Section 1002.68, Florida Statutes, is created to read:

1002.68 Voluntary Prekindergarten Education Program accountability.—

(1) (a) Beginning with the 2022-2023 program year, each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must participate in the coordinated screening and progress monitoring program in accordance with s. 1008.2125. The coordinated screening and progress monitoring program results shall be used by the department to identify student learning gains, index development learning outcomes upon program completion relative to the performance standards established under s. 1002.67 and representative norms, and inform a private prekindergarten provider's and public school's performance metric.

(b) At a minimum, the initial and final progress monitoring or screening must be administered by individuals meeting requirements adopted by the department under s. 1008.2125.

1801 (c) Each private prekindergarten provider and public
1802 school must provide a student's performance results from the
1803 coordinated screening and progress monitoring to the student's
1804 parents within 7 days after the administration of such
1805 coordinated screening and progress monitoring.

1806 (2) Beginning with the 2021-2022 program year, each
1807 private prekindergarten provider and public school in the
1808 Voluntary Prekindergarten Education Program must participate in
1809 a program assessment of each voluntary prekindergarten education
1810 classroom. The program assessment shall measure the quality of
1811 teacher-child interactions, including emotional support,
1812 classroom organization, and instructional support for children
1813 ages 3 to 5 years. Each private prekindergarten provider and
1814 public school in the Voluntary Prekindergarten Education Program
1815 shall receive from the department the results of the program
1816 assessment for each classroom within 14 days after the
1817 observation. Each early learning coalition shall be responsible
1818 for the administration of the program assessments which must be
1819 conducted by individuals qualified to conduct program
1820 assessments under s. 1002.82(2)(n).

1821 (3)(a) For the 2020-2021 program year, the department
1822 shall calculate a kindergarten readiness rate for each private
1823 prekindergarten provider and public school in the Voluntary
1824 Prekindergarten Education Program based upon learning gains and
1825 the percentage of students who are assessed as ready for

kindergarten. The department shall require that each school district administer the statewide kindergarten screening in use before the 2021-2022 school year to each kindergarten student in the school district within the first 30 school days of the 2021-2022 school year. Private schools may administer the statewide kindergarten screening to each kindergarten student in a private school who was enrolled in the Voluntary Prekindergarten Education Program. Learning gains shall be determined using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment in use before the 2021-2022 program year. Any private prekindergarten provider or public school in the Voluntary Prekindergarten Education Program which fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year is subject to the probation requirements of subsection (5).

(b) For the 2021-2022 program year, the department shall calculate a program assessment composite score for each provider based on the program assessment under subsection (2). Any private prekindergarten provider or public school in the Voluntary Prekindergarten Education Program which fails to meet the minimum program assessment composite score established by the state board pursuant to s. 1002.82(2)(n) for the 2021-2022 program year is subject to the probation requirements of subsection (5).

(4) (a) Beginning with the 2022-2023 program year, the

department shall adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:

1. Program assessment composite scores under subsection (3), which must be weighted at no less than 50 percent.

2. Learning gains operationalized as change in ability scores from the initial and final progress monitoring results described in subsection (1).

3. Norm-referenced developmental learning outcomes described in subsection (1).

(b) The methodology for calculating a provider's performance metric may only include prekindergarten students who have attended at least 85 percent of a private prekindergarten provider's or public school's program.

(c) The program assessment composite score and performance metric must be calculated for each private prekindergarten or public school site.

(d) The methodology shall include a statistical latent profile analysis that has been conducted by an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems. The independent expert shall be able to produce a limited number of performance metric profiles that summarize the profiles of all sites that must be used to inform the following

1876 designations: "unsatisfactory," "emerging proficiency,"
1877 "proficient," "highly proficient," and "excellent" or comparable
1878 terminology determined by the State Board of Education which may
1879 not include letter grades. The independent expert may not be a
1880 direct stakeholder or have had a financial interest in the
1881 design or delivery of the Voluntary Prekindergarten Education
1882 Program or public school system within the last 5 years.

1883 (e) Subject to an appropriation, the department shall
1884 provide for a differential payment to a private prekindergarten
1885 provider and public school based on the provider's designation.
1886 The maximum differential payment may not exceed a total of 15
1887 percent of the base student allocation per full-time equivalent
1888 student under s. 1002.71 attending in the consecutive program
1889 year for that program. A private prekindergarten provider or
1890 public school may not receive a differential payment if it
1891 receives a designation of proficient or lower. Before the
1892 adoption of the methodology, the department and the independent
1893 expert shall confer with the Council for Early Grade Success
1894 under s. 1008.2125 before receiving approval from the State
1895 Board of Education for the final recommendations on the
1896 designation system and differential payments.

1897 (f) The department shall adopt procedures to annually
1898 calculate each private prekindergarten provider's and public
1899 school's performance metric, based on the methodology adopted in
1900 paragraphs (a) and (b), and assign a designation under paragraph

1901 (d). Beginning with the 2023-2024 program year, each private
1902 prekindergarten provider or public school shall be assigned a
1903 designation within 45 days after the conclusion of the school-
1904 year Voluntary Prekindergarten Education Program delivered by
1905 all participating private prekindergarten providers or public
1906 schools and within 45 days after the conclusion of the summer
1907 Voluntary Prekindergarten Education Program delivered by all
1908 participating private prekindergarten providers or public
1909 schools.

1910 (g) A private prekindergarten provider or public school
1911 that is designated proficient, highly proficient, or excellent
1912 demonstrates the provider's or school's satisfactory delivery of
1913 the Voluntary Prekindergarten Education Program.

1914 (h) The designations shall be displayed in the early
1915 learning provider performance profiles required under s.
1916 1002.92(3).

1917 (5)(a) If a public school's or private prekindergarten
1918 provider's program assessment composite score for its
1919 prekindergarten classrooms fails to meet the minimum program
1920 assessment composite score for contracting established by the
1921 department pursuant to s. 1002.82(2)(n), the private
1922 prekindergarten provider or public school may not participate in
1923 the Voluntary Prekindergarten Education Program beginning in the
1924 consecutive program year and thereafter until the public school
1925 or private prekindergarten provider meets the minimum composite

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1926 score for contracting.

1927 (b) If a private prekindergarten provider's or public
1928 school's performance metric or designation falls below the
1929 minimum performance metric or designation, the early learning
1930 coalition shall:

1931 1. Require the provider or school to submit for approval
1932 to the early learning coalition an improvement plan and
1933 implement the plan.

1934 2. Place the provider or school on probation.

1935 3. Require the provider or school to take certain
1936 corrective actions, including the use of a curriculum approved
1937 by the department under s. 1002.67(2)(c) and a staff development
1938 plan approved by the department to strengthen instructional
1939 practices in emotional support, classroom organization,
1940 instructional support, language development, phonological
1941 awareness, alphabet knowledge, and mathematical thinking.

1942 (c) A private prekindergarten provider or public school
1943 that is placed on probation must continue the corrective actions
1944 required under paragraph (b) until the provider or school meets
1945 the minimum performance metric or designation adopted by the
1946 department. Failure to meet the requirements of subparagraphs
1947 (b)1. and 3. shall result in the termination of the provider's
1948 or school's contract to deliver the Voluntary Prekindergarten
1949 Education Program for a period of at least 2 years but no more
1950 than 5 years.

1951 (d) If a private prekindergarten provider or public school
1952 remains on probation for 2 consecutive years and fails to meet
1953 the minimum performance metric or designation, or is not granted
1954 a good cause exemption by the department, the department shall
1955 require the early learning coalition to revoke the provider's or
1956 school's eligibility to deliver the Voluntary Prekindergarten
1957 Education Program and receive state funds for the program for a
1958 period of at least 2 years but no more than 5 years.

1959 (6) (a) The department, upon the request of a private
1960 prekindergarten provider or public school that remains on
1961 probation for at least 2 consecutive years and subsequently
1962 fails to meet the minimum performance metric or designation, and
1963 for good cause shown, may grant to the provider or school an
1964 exemption from being determined ineligible to deliver the
1965 Voluntary Prekindergarten Education Program and receive state
1966 funds for the program. Such exemption is valid for 1 year and,
1967 upon the request of the private prekindergarten provider or
1968 public school and for good cause shown, may be renewed.

1969 (b) A private prekindergarten provider's or public
1970 school's request for a good cause exemption, or renewal of such
1971 an exemption, must be submitted to the department in the manner
1972 and within the timeframes prescribed by the department and must
1973 include the following:

1974 1. Data from the private prekindergarten provider or
1975 public school which documents the achievement and progress of

the children served, as measured by any required screenings or assessments.

2. Data from the program assessment required under subsection (2) which demonstrates effective teaching practices as recognized by the tool developer.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

(c) The department shall adopt criteria for granting good cause exemptions. Such criteria must include, but are not limited to, all of the following:

1. Child demographic data that evidences a private prekindergarten provider or public school 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 students' individual education plans.

2. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school on an alternative measure that has comparable validity and reliability of the coordinated screening and progress monitoring program in accordance with s. 1008.2125.

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2001 3. Program assessment data under subsection (2) which
2002 demonstrates effective teaching practices as recognized by the
2003 tool developer.

2004 4. Verification that local and state health and safety
2005 requirements are met.

2006 (d) A good cause exemption may not be granted to any
2007 private prekindergarten provider or public school that has any
2008 class I violations or two or more class II violations, as
2009 defined by rule of the Department of Children and Families,
2010 within the 2 years preceding the provider's or school's request
2011 for the exemption.

2012 (e) A private prekindergarten provider or public school
2013 granted a good cause exemption shall continue to implement its
2014 improvement plan and continue the corrective actions required
2015 under subsection (5) (b) until the provider or school meets the
2016 minimum performance metric.

2017 (f) If a good cause exemption is granted to a private
2018 prekindergarten provider or public school that remains on
2019 probation for 2 consecutive years and if the provider meets all
2020 other applicable requirements of this part, the department shall
2021 notify the early learning coalition of the good cause exemption
2022 and direct that the early learning coalition not remove the
2023 provider from eligibility to deliver the Voluntary
2024 Prekindergarten Education Program or to receive state funds for
2025 the program.

2026 (g) The department shall report the number of private
2027 prekindergarten providers or public schools that have received a
2028 good cause exemption and the reasons for the exemptions as part
2029 of its annual reporting requirements under s. 1002.82(7).

2030 (7) Representatives from each school district and
2031 corresponding early learning coalitions must meet annually to
2032 develop strategies to transition students from the Voluntary
2033 Prekindergarten Education Program to kindergarten.

2034 Section 42. Section 1002.69, Florida Statutes, is
2035 repealed.

2036 Section 43. Paragraph (c) of subsection (3), subsection
2037 (4), paragraph (b) of subsection (5), paragraphs (b) and (d) of
2038 subsection (6), and subsection (7) of section 1002.71, Florida
2039 Statutes, are amended to read:

2040 1002.71 Funding; financial and attendance reporting.—

2041 (3)

2042 (c) The initial allocation shall be based on estimated
2043 student enrollment in each coalition service area. The
2044 department ~~Office of Early Learning~~ shall reallocate funds among
2045 the coalitions based on actual full-time equivalent student
2046 enrollment in each coalition service area. Each coalition shall
2047 report student enrollment pursuant to subsection (2) on a
2048 monthly basis. A student enrollment count for the prior fiscal
2049 year may not be amended after September 30 of the subsequent
2050 fiscal year.

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(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the department's ~~Office of Early Learning's~~ uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll, unless the child is granted a good

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2076 cause exemption under this subsection. The department ~~Office of~~
2077 ~~Early Learning~~ shall establish criteria specifying whether a
2078 good cause exists for a child to withdraw from a program under
2079 paragraph (a), whether a child has substantially completed a
2080 program under paragraph (b), and whether an extreme hardship
2081 exists which is beyond the child's or parent's control under
2082 paragraph (b).

2083 (5)

2084 (b) The department ~~Office of Early Learning~~ shall adopt
2085 procedures for the payment of private prekindergarten providers
2086 and public schools delivering the Voluntary Prekindergarten
2087 Education Program. The procedures shall provide for the advance
2088 payment of providers and schools based upon student enrollment
2089 in the program, the certification of student attendance, and the
2090 reconciliation of advance payments in accordance with the
2091 uniform attendance policy adopted under paragraph (6)(d). The
2092 procedures shall provide for the monthly distribution of funds
2093 by the department ~~Office of Early Learning~~ to the early learning
2094 coalitions for payment by the coalitions to private
2095 prekindergarten providers and public schools.

2096 (6)

2097 (b)1. Each private prekindergarten provider's and district
2098 school board's attendance policy must require the parent of each
2099 student in the Voluntary Prekindergarten Education Program to
2100 verify, each month, the student's attendance on the prior

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month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the department ~~Office of Early Learning~~. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE

AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child, ...(Name of Student)..., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of Provider or School)... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...

...(Date)...

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal

2126 business hours. The department ~~Office of Early Learning~~ shall
2127 adopt procedures for early learning coalitions and school
2128 districts to review the original signed forms against the
2129 certified student attendance. The review procedures shall
2130 provide for the use of selective inspection techniques,
2131 including, but not limited to, random sampling. Each early
2132 learning coalition and the school districts must comply with the
2133 review procedures.

2134 (d) The department ~~Office of Early Learning~~ shall adopt,
2135 for funding purposes, a uniform attendance policy for the
2136 Voluntary Prekindergarten Education Program. The attendance
2137 policy must apply statewide and apply equally to all private
2138 prekindergarten providers and public schools. The attendance
2139 policy must include at least the following provisions:

2140 1. A student's attendance may be reported on a pro rata
2141 basis as a fractional part of a full-time equivalent student.

2142 2. At a maximum, 20 percent of the total payment made on
2143 behalf of a student to a private prekindergarten provider or a
2144 public school may be for hours a student is absent.

2145 3. A private prekindergarten provider or public school may
2146 not receive payment for absences that occur before a student's
2147 first day of attendance or after a student's last day of
2148 attendance.

2149
2150 The uniform attendance policy shall be used only for funding

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purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The department ~~Office of Early Learning~~ shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Each early learning coalition may retain and expend no more than 4.0 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 44. Subsection (1) of section 1002.72, Florida

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2176 Statutes, is amended to read:

2177 1002.72 Records of children in the Voluntary
2178 Prekindergarten Education Program.—

2179 (1)(a) The records of a child enrolled in the Voluntary
2180 Prekindergarten Education Program held by an early learning
2181 coalition, the department ~~Office of Early Learning~~, or a
2182 Voluntary Prekindergarten Education Program provider are
2183 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2184 of the State Constitution. For purposes of this section, such
2185 records include assessment data, health data, records of teacher
2186 observations, and personal identifying information of an
2187 enrolled child and his or her parent.

2188 (b) This exemption applies to the records of a child
2189 enrolled in the Voluntary Prekindergarten Education Program held
2190 by an early learning coalition, the department ~~Office of Early~~
2191 ~~Learning~~, or a Voluntary Prekindergarten Education Program
2192 provider before, on, or after the effective date of this
2193 exemption.

2194 Section 45. Section 1002.73, Florida Statutes, is amended
2195 to read:

2196 1002.73 Department of Education; powers and duties;
2197 accountability requirements.—

2198 (1) The department shall adopt by rule a standard
2199 statewide provider contract to be used with each Voluntary
2200 Prekindergarten Education Program provider, with standardized

2201 attachments by provider type. The department shall publish a
2202 copy of the standard statewide provider contract on its website.
2203 The standard statewide provider contract shall include, at a
2204 minimum, provisions for provider probation, termination for
2205 cause, and emergency termination for actions or inactions of a
2206 provider that pose an immediate and serious danger to the
2207 health, safety, or welfare of children. The standard statewide
2208 provider contract shall also include appropriate due process
2209 procedures. During the pendency of an appeal of a termination,
2210 the provider may not continue to offer its services. Any
2211 provision imposed upon a provider that is inconsistent with, or
2212 prohibited by, law is void and unenforceable ~~administer the~~
2213 ~~accountability requirements of the Voluntary Prekindergarten~~
2214 ~~Education Program at the state level.~~

2215 (2) The department shall adopt procedures for ~~its~~:

2216 (a) The approval of prekindergarten director credentials
2217 under ss. 1002.55 and 1002.57.

2218 (b) The approval of emergent literacy and early
2219 mathematics skills training courses under ss. 1002.55 and
2220 1002.59.

2221 (c) Annually notifying private prekindergarten providers
2222 and public schools placed on probation for not meeting the
2223 minimum performance metric or designation as required by s.
2224 1002.68 of the high-quality professional development
2225 opportunities developed or supported by the department.

2226 (d) The administration of the Voluntary Prekindergarten
2227 Education Program by the early learning coalitions, including,
2228 but not limited to, procedures for:

2229 1. Enrolling students in and determining the eligibility
2230 of children for the Voluntary Prekindergarten Education Program
2231 under s. 1002.53, which shall include the enrollment of children
2232 by public schools and private providers that meet specified
2233 requirements.

2234 2. Providing parents with profiles of private
2235 prekindergarten providers and public schools under s. 1002.53.

2236 3. Registering private prekindergarten providers and
2237 public schools to deliver the program under ss. 1002.55,
2238 1002.61, and 1002.63.

2239 4. Determining the eligibility of private prekindergarten
2240 providers to deliver the program under ss. 1002.55 and 1002.61
2241 and streamlining the process of determining provider eligibility
2242 whenever possible.

2243 5. Verifying the compliance of private prekindergarten
2244 providers and public schools and removing providers or schools
2245 from eligibility to deliver the program due to noncompliance or
2246 misconduct as provided in s. 1002.67.

2247 6. Paying private prekindergarten providers and public
2248 schools under s. 1002.71.

2249 7. Documenting and certifying student enrollment and
2250 student attendance under s. 1002.71.

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2251 8. Reconciling advance payments in accordance with the
2252 uniform attendance policy under s. 1002.71.

2253 9. Reenrolling students dismissed by a private
2254 prekindergarten provider or public school for noncompliance with
2255 the provider's or school district's attendance policy under s.
2256 1002.71.

2257 (3) The department shall administer the accountability
2258 requirements of the Voluntary Prekindergarten Education Program
2259 at the state level.

2260 (4) The department shall adopt procedures governing the
2261 administration of the Voluntary Prekindergarten Education
2262 Program by the early learning coalitions for:

2263 (a) Approving improvement plans of private prekindergarten
2264 providers and public schools under s. 1002.68.

2265 (b) Placing private prekindergarten providers and public
2266 schools on probation and requiring corrective actions under s.
2267 1002.68.

2268 (c) Removing a private prekindergarten provider or public
2269 school from eligibility to deliver the program due to the
2270 provider's or school's remaining on probation beyond the time
2271 permitted under s. 1002.68. Notwithstanding any other law, if a
2272 private prekindergarten provider has been cited for a class I
2273 violation, as defined by rule of the Child Care Services Program
2274 Office of the Department of Children and Families, the coalition
2275 may refuse to contract with the provider or revoke the

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2276 provider's eligibility to deliver the Voluntary Prekindergarten
2277 Education Program.

2278 (d) Enrolling children in and determining the eligibility
2279 of children for the Voluntary Prekindergarten Education Program
2280 under s. 1002.66.

2281 (e) Paying specialized instructional services providers
2282 under s. 1002.66.

2283 ~~(c) Administration of the statewide kindergarten screening~~
2284 ~~and calculation of kindergarten readiness rates under s.~~
2285 ~~1002.69.~~

2286 ~~(d) Implementation of, and determination of costs~~
2287 ~~associated with, the state-approved prekindergarten enrollment~~
2288 ~~screening and the standardized postassessment approved by the~~
2289 ~~department, and determination of the learning gains of students~~
2290 ~~who complete the state-approved prekindergarten enrollment~~
2291 ~~screening and the standardized postassessment approved by the~~
2292 ~~department.~~

2293 (f)(e) Approving Approval of specialized instructional
2294 services providers under s. 1002.66.

2295 ~~(f) Annual reporting of the percentage of kindergarten~~
2296 ~~students who meet all state readiness measures.~~

2297 (g) Granting of a private prekindergarten provider's or
2298 public school's request for a good cause exemption under s.
2299 1002.68 s. 1002.69(7).

2300 (5) The department shall adopt procedures for the

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2301 distribution of funds to early learning coalitions under s.
2302 1002.71.

2303 ~~(6)-(3)~~ Except as provided by law, the department may not
2304 impose requirements on a private prekindergarten provider or
2305 public school that does not deliver the Voluntary
2306 Prekindergarten Education Program or receive state funds under
2307 this part.

2308 Section 46. Sections 1002.75, Florida Statutes, is
2309 repealed.

2310 Section 47. Section 1002.79, Florida Statutes, is amended
2311 to read:

2312 1002.79 Rulemaking authority.—The State Board of Education
2313 ~~Office of Early Learning~~ shall adopt rules under ss. 120.536(1)
2314 and 120.54 to administer the provisions of this part conferring
2315 duties upon the department ~~office~~.

2316 Section 48. Section 1002.81, Florida Statutes, is amended
2317 to read:

2318 1002.81 Definitions.—Consistent with the requirements of
2319 45 C.F.R. parts 98 and 99 and as used in this part, the term:

2320 (1) "At-risk child" means:

2321 (a) A child from a family under investigation by the
2322 Department of Children and Families or a designated sheriff's
2323 office for child abuse, neglect, abandonment, or exploitation.

2324 (b) A child who is in a diversion program provided by the
2325 Department of Children and Families or its contracted provider

2326 and who is from a family that is actively participating and
2327 complying in department-prescribed activities, including
2328 education, health services, or work.

2329 (c) A child from a family that is under supervision by the
2330 Department of Children and Families or a contracted service
2331 provider for abuse, neglect, abandonment, or exploitation.

2332 (d) A child placed in court-ordered, long-term custody or
2333 under the guardianship of a relative or nonrelative after
2334 termination of supervision by the Department of Children and
2335 Families or its contracted provider.

2336 (e) A child in the custody of a parent who is considered a
2337 victim of domestic violence and is receiving services through a
2338 certified domestic violence center.

2339 (f) A child in the custody of a parent who is considered
2340 homeless as verified by a Department of Children and Families
2341 certified homeless shelter.

2342 (2) "Authorized hours of care" means the hours of care
2343 that are necessary to provide protection, maintain employment,
2344 or complete work activities or eligible educational activities,
2345 including reasonable travel time.

2346 (3)~~(4)~~ "Direct enhancement services" means services for
2347 families and children that are in addition to payments for the
2348 placement of children in the school readiness program. Direct
2349 enhancement services for families and children may include
2350 supports for providers, parent training and involvement

activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in s. 1002.89(5)(b) ~~s. 1002.89(6)(b)~~.

(4)~~(5)~~ "Disenrollment" means the removal, either temporary or permanent, of a child from participation in the school readiness program. Removal of a child from the school readiness program may be based on the following events: a reduction in available school readiness program funding, participant's failure to meet eligibility or program participation requirements, fraud, or a change in local service priorities.

(5)~~(6)~~ "Earned income" means gross remuneration derived from work, professional service, or self-employment. The term includes commissions, bonuses, back pay awards, and the cash value of all remuneration paid in a medium other than cash.

(6)~~(7)~~ "Economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(7)~~(8)~~ "Family income" means the combined gross income, whether earned or unearned, that is derived from any source by

all family or household members who are 18 years of age or older who are currently residing together in the same dwelling unit. The term does not include income earned by a currently enrolled high school student who, since attaining the age of 18 years, or a student with a disability who, since attaining the age of 22 years, has not terminated school enrollment or received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion. The term also does not include food stamp benefits or federal housing assistance payments issued directly to a landlord or the associated utilities expenses.

(8)~~(9)~~ "Family or household members" means spouses, former spouses, persons related by blood or marriage, persons who are parents of a child in common regardless of whether they have been married, and other persons who are currently residing together in the same dwelling unit as if a family.

(9)~~(10)~~ "Full-time care" means at least 6 hours, but not more than 11 hours, of child care or early childhood education services within a 24-hour period.

(10)~~(11)~~ "Market rate" means the price that a child care or early childhood education provider charges for full-time or part-time daily, weekly, or monthly child care or early childhood education services.

~~(12) "Office" means the Office of Early Learning of the Department of Education.~~

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2401 ~~(11)(13)~~ "Part-time care" means less than 6 hours of child
2402 care or early childhood education services within a 24-hour
2403 period.

2404 ~~(12)(3)~~ "Prevailing ~~Average~~ market rate" means the
2405 biennially determined 75th percentile of a reasonable frequency
2406 distribution ~~average~~ of the market rate by program care level
2407 and provider type in a predetermined geographic market at which
2408 child care providers charge a person for child care services.

2409 ~~(13)(14)~~ "Single point of entry" means an integrated
2410 information system that allows a parent to enroll his or her
2411 child in the school readiness program or the Voluntary
2412 Prekindergarten Education Program at various locations
2413 throughout a county, that may allow a parent to enroll his or
2414 her child by telephone or through a website, and that uses a
2415 uniform waiting list to track eligible children waiting for
2416 enrollment in the school readiness program.

2417 ~~(14)(15)~~ "Unearned income" means income other than earned
2418 income. The term includes, but is not limited to:

- 2419 (a) Documented alimony and child support received.
- 2420 (b) Social security benefits.
- 2421 (c) Supplemental security income benefits.
- 2422 (d) Workers' compensation benefits.
- 2423 (e) Reemployment assistance or unemployment compensation
- 2424 benefits.
- 2425 (f) Veterans' benefits.

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(g) Retirement benefits.

(h) Temporary cash assistance under chapter 414.

(15)~~(16)~~ "Working family" means:

(a) A single-parent family in which the parent with whom the child resides is employed or engaged in eligible work or education activities for at least 20 hours per week;

(b) A two-parent family in which both parents with whom the child resides are employed or engaged in eligible work or education activities for a combined total of at least 40 hours per week; or

(c) A two-parent family in which one of the parents with whom the child resides is exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459, and one parent is employed or engaged in eligible work or education activities at least 20 hours per week.

Section 49. Section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education ~~Office of Early Learning~~; powers and duties.—

(1) For purposes of administration of the Child Care and Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts 98 and 99, the Department of Education ~~Office of Early Learning~~ is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law. The department

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~~office~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any provision of ss. 411.223 and 1003.54 if the waiver is necessary for implementation of the school readiness program. Section 125.901(2)(a)3. does not apply to the school readiness program.

(2) The department ~~office~~ shall:

(a) Focus on improving the educational quality delivered by all providers participating in the school readiness program.

(b) Preserve parental choice by permitting parents to choose from a variety of child care categories, including center-based care, family child care, and informal child care to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18. Care and curriculum by a faith-based provider may not be limited or excluded in any of these categories.

(c) Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements, safeguarding the effective use of federal, state, and local resources to achieve the highest practicable level of school readiness for the children described in s. 1002.87, including:

1. The adoption of a uniform chart of accounts for budgeting and financial reporting purposes that provides standardized definitions for expenditures and reporting,

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consistent with the requirements of 45 C.F.R. part 98 and s. 1002.89 for each of the following categories of expenditure:

- a. Direct services to children.
- b. Administrative costs.
- c. Quality activities.
- d. Nondirect services.

2. Coordination with other state and federal agencies to perform data matches on children participating in the school readiness program and their families in order to verify the children's eligibility pursuant to s. 1002.87.

(d) Establish procedures for the biennial calculation of the prevailing ~~average~~ market rate.

(e) Review each early learning coalition's school readiness program plan every 2 years and provide final approval of the plan and any amendments submitted.

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the department ~~office~~:

1. Shall adopt specific program support services that address the state's school readiness program, including:

a. Statewide data information program requirements that include:

- (I) Eligibility requirements.
- (II) Financial reports.
- (III) Program accountability measures.

2501 (IV) Child progress reports.

2502 b. Child care resource and referral services.

2503 c. A single point of entry and uniform waiting list.

2504 2. May provide technical assistance and guidance on

2505 additional support services to complement the school readiness

2506 program, including:

2507 ~~a. Rating and improvement systems.~~

2508 a.b. Warm-Line services.

2509 ~~b.e.~~ Anti-fraud plans.

2510 ~~d. School readiness program standards.~~

2511 ~~e. Child screening and assessments.~~

2512 c.f. Training and support for parental involvement in

2513 children's early education.

2514 ~~d.g.~~ Family literacy activities and services.

2515 (g) Provide technical assistance to early learning

2516 coalitions.

2517 (h) In cooperation with the early learning coalitions,

2518 coordinate with the Child Care Services Program Office of the

2519 Department of Children and Families to reduce paperwork and to

2520 avoid duplicating interagency activities, health and safety

2521 monitoring, and acquiring and composing data pertaining to child

2522 care training and credentialing.

2523 (i) Enter into a memorandum of understanding with local

2524 licensing agencies and the Child Care Services Program Office of

2525 the Department of Children and Families for inspections of

2526 school readiness program providers to monitor and verify
2527 compliance with s. 1002.88 and the health and safety checklist
2528 adopted by the department ~~office~~. The provider contract of a
2529 school readiness program provider that refuses permission for
2530 entry or inspection shall be terminated. The health and safety
2531 checklist may not exceed the requirements of s. 402.305 and the
2532 Child Care and Development Fund pursuant to 45 C.F.R. part 98. A
2533 child development program that is accredited by a national
2534 accrediting body and operates on a military installation that is
2535 certified by the United States Department of Defense is exempted
2536 from the inspection requirements under s. 1002.88.

2537 (j) Monitor the alignment and consistency of the ~~Develop~~
2538 ~~and adopt~~ standards and benchmarks developed and adopted by the
2539 department that address the age-appropriate progress of children
2540 in the development of school readiness skills. The standards for
2541 children from birth to kindergarten entry ~~5 years of age~~ in the
2542 school readiness program must be aligned with the performance
2543 standards adopted for children in the Voluntary Prekindergarten
2544 Education Program and must address the following domains:

- 2545 1. Approaches to learning.
- 2546 2. Cognitive development and general knowledge.
- 2547 3. Numeracy, language, and communication.
- 2548 4. Physical development.
- 2549 5. Self-regulation.

2550 (k) Identify observation-based child assessments that are

valid, reliable, and developmentally appropriate for use at least three times a year. The assessments must:

1. Provide interval level and norm-referenced ~~critereion-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.

2. Measure progress in the performance standards adopted pursuant to paragraph (j).

3. Provide for appropriate accommodations for children with disabilities and English language learners and be administered by qualified individuals, consistent with the developer's instructions.

4. Coordinate with the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program.

5. Provide data in a format for use in the single statewide information system to meet the requirements of paragraph (q) ~~(p)~~.

(l) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.

(m) Provide technical support to an early learning coalition to facilitate the use of ~~Adopt by rule~~ a standard statewide provider contract adopted by the department to be used

2576 with each school readiness program provider, with standardized
2577 attachments by provider type. The department ~~office~~ shall
2578 publish a copy of the standard statewide provider contract on
2579 its website. The standard statewide contract shall include, at a
2580 minimum, contracted slots, if applicable, in accordance with the
2581 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
2582 parts 98 and 99; quality improvement strategies, if applicable;
2583 program assessment requirements; and provisions for provider
2584 probation, termination for cause, and emergency termination for
2585 those actions or inactions of a provider that pose an immediate
2586 and serious danger to the health, safety, or welfare of the
2587 children. The standard statewide provider contract shall also
2588 include appropriate due process procedures. During the pendency
2589 of an appeal of a termination, the provider may not continue to
2590 offer its services. Any provision imposed upon a provider that
2591 is inconsistent with, or prohibited by, law is void and
2592 unenforceable. Provisions for termination for cause must also
2593 include failure to meet the minimum quality measures established
2594 under paragraph (n) for a period of up to 5 years, unless the
2595 coalition determines that the provider is essential to meeting
2596 capacity needs based on the assessment under s. 1002.85(2)(j)
2597 and the provider has an active improvement plan pursuant to
2598 paragraph (n).

2599 (n) Adopt a program assessment for school readiness
2600 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. The implementation of the program assessment must ~~also~~ include the following components adopted by rule of the State Board of Education:

1. Quality measures, including a minimum program assessment composite score threshold for contracting purposes and program improvement through an improvement plan. The minimum program assessment composite score required for the Voluntary Prekindergarten Education Program contracting threshold must be the same as the minimum program assessment composite score required for contracting for the school readiness program. The methodology for the calculation of the minimum program assessment composite score shall be reviewed by the independent expert identified in s. 1002.68(4)(d).

2. Requirements for program participation, frequency of program assessment, and exemptions.

(o) No later than July 1, 2019, develop a differential payment program based on the quality measures adopted by the department ~~office~~ under paragraph (n). The differential payment may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than 5 percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide

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information system in the domains of language and executive functioning using a child assessment identified pursuant to paragraph (k). Providers below the minimum program assessment score adopted ~~threshold~~ for contracting purposes are ineligible for such payment.

(p) No later than July 1, 2022, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2)(j).

(q) ~~(p)~~ Establish a single statewide information system that each coalition 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 early learning coalitions. By July 1, 2019, the system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.
2. Enable analysis at the state, regional, and local level

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2651 to measure child growth over time, program impact, and quality
2652 improvement and investment decisions.

2653 (r)-(q) Provide technical support to coalitions to
2654 facilitate the use of ~~Adopt by rule~~ standardized procedures
2655 adopted in state board rule for early learning coalitions to use
2656 when monitoring the compliance of school readiness program
2657 providers with the terms of the standard statewide provider
2658 contract.

2659 (s)-(r) At least biennially provide fiscal and programmatic
2660 monitoring to ~~Monitor and~~ evaluate the performance of each early
2661 learning coalition in administering the school readiness
2662 program, ensuring proper payments for school readiness program
2663 services, implementing the coalition's school readiness program
2664 plan, and administering the Voluntary Prekindergarten Education
2665 Program. These monitoring and performance evaluations must
2666 include, at a minimum, onsite monitoring of each coalition's
2667 finances, management, operations, and programs.

2668 (t)-(s) Work in conjunction with the Bureau of Federal
2669 Education Programs within the Department of Education to
2670 coordinate readiness and voluntary prekindergarten services to
2671 the populations served by the bureau.

2672 (u)-(t) Administer a statewide toll-free Warm-Line to
2673 provide assistance and consultation to child care facilities and
2674 family day care homes regarding health, developmental,
2675 disability, and special needs issues of the children they are

2676 serving, particularly children with disabilities and other
2677 special needs. The department ~~office~~ shall:

2678 1. Annually inform child care facilities and family day
2679 care homes of the availability of this service through the child
2680 care resource and referral network under s. 1002.92.

2681 2. Expand or contract for the expansion of the Warm-Line
2682 to maintain at least one Warm-Line in each early learning
2683 coalition service area.

2684 (v) ~~(u)~~ Develop and implement strategies to increase the
2685 supply and improve the quality of child care services for
2686 infants and toddlers, children with disabilities, children who
2687 receive care during nontraditional hours, children in
2688 underserved areas, and children in areas that have significant
2689 concentrations of poverty and unemployment.

2690 (w) ~~(v)~~ Establish preservice and inservice training
2691 requirements that address, at a minimum, school readiness child
2692 development standards, health and safety requirements, and
2693 social-emotional behavior intervention models, which may include
2694 positive behavior intervention and support models, including the
2695 integration of early learning professional development pathways
2696 established in s. 1002.995.

2697 (x) ~~(w)~~ Establish standards for emergency preparedness
2698 plans for school readiness program providers.

2699 (y) ~~(x)~~ Establish group sizes.

2700 (z) ~~(y)~~ Establish staff-to-children ratios that do not

2701 exceed the requirements of s. 402.302(8) or (11) or s.
2702 402.305(4), as applicable, for school readiness program
2703 providers.

2704 (aa)~~(z)~~ Establish eligibility criteria, including
2705 limitations based on income and family assets, in accordance
2706 with s. 1002.87 and federal law.

2707 (3)(a) The department shall adopt performance standards
2708 and outcome measures for early learning coalitions that, at a
2709 minimum, include the development of objective customer service
2710 surveys that shall be deployed beginning in fiscal year 2022-
2711 2023 and be distributed to:

2712 1. Customers who use the services in s. 1002.92 upon the
2713 completion of a referral inquiry.

2714 2. Parents, annually, at the time of eligibility
2715 determination.

2716 3. Child care providers that participate in the school
2717 readiness program or the Voluntary Prekindergarten Education
2718 Program at the time of execution of the statewide provider
2719 contract.

2720 4. Board members required under s. 1002.83.

2721 (b) Results of the survey shall be based on a
2722 statistically significant sample size and calculated annually
2723 for each early learning coalition and included in the
2724 department's annual report under subsection (7). If an early
2725 learning coalition's customer satisfaction survey results are

below 60 percent, the coalition shall be placed on a 1-year corrective action plan. If, after being placed on corrective action, an early learning coalition's customer satisfaction survey results do not improve above the 60 percent threshold, the department may contract out or merge the coalition.

~~(4)(3)~~ If the department ~~office~~ determines during the review of school readiness program plans, or through monitoring and performance evaluations conducted under s. 1002.85, that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the department ~~office~~, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the department ~~office~~ may remove the coalition from eligibility to administer early learning programs and ~~temporarily~~ contract with a qualified entity to continue school readiness program and prekindergarten services in the coalition's county or multicounty region until the department ~~office~~ reestablishes or merges the coalition and a new school readiness program plan is approved in accordance with the rules adopted by the state board ~~office~~.

(5) The department shall adopt procedures for merging early learning coalitions for failure to meet the requirements of subsection (3) or subsection (4), including procedures for the consolidation of merging coalitions that minimizes

2751 duplication of programs and services due to the merger, and for
2752 the early termination of the terms of the coalition members
2753 which are necessary to accomplish the mergers.

2754 (6)~~(4)~~ The department ~~office~~ may request the Governor to
2755 apply for a waiver to allow a coalition to administer the Head
2756 Start Program to accomplish the purposes of the school readiness
2757 program.

2758 (7)~~(5)~~ By January 1 of each year, the department ~~office~~
2759 shall annually publish on its website a report of its activities
2760 conducted under this section. The report must include a summary
2761 of the coalitions' annual reports, a statewide summary, and the
2762 following:

2763 (a) An analysis of early learning activities throughout
2764 the state, including the school readiness program and the
2765 Voluntary Prekindergarten Education Program.

2766 1. The total and average number of children served in the
2767 school readiness program, enumerated by age, eligibility
2768 priority category, and coalition, and the total number of
2769 children served in the Voluntary Prekindergarten Education
2770 Program.

2771 2. A summary of expenditures by coalition, by fund source,
2772 including a breakdown by coalition of the percentage of
2773 expenditures for administrative activities, quality activities,
2774 nondirect services, and direct services for children.

2775 3. A description of the department's ~~office's~~ and each

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coalition's expenditures by fund source for the quality and enhancement activities described in s. 1002.89(5)(b) ~~s. 1002.89(6)(b)~~.

4. A summary of annual findings and collections related to provider fraud and parent fraud.

5. Data regarding the coalitions' delivery of early learning programs.

6. The total number of children disenrolled statewide and the reason for disenrollment.

7. The total number of providers by provider type.

8. The number of school readiness program providers who have completed the program assessment required under paragraph (2)(n); the number of providers who have not met the minimum program assessment composite score threshold for contracting established under paragraph (2)(n); and the number of providers that have an active improvement plan based on the results of the program assessment under paragraph (2)(n).

9. The total number of provider contracts revoked and the reasons for revocation.

(b) A detailed summary of the analysis compiled using the single statewide information system established in subsection (2) ~~activities and detailed expenditures related to the Child Care Executive Partnership Program.~~

(8)(a) ~~(6)(a)~~ Parental choice of child care providers, including private and faith-based providers, shall be

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established to the maximum extent practicable in accordance with
45 C.F.R. s. 98.30.

(b) As used in this subsection, the term "payment
certificate" means a child care certificate as defined in 45
C.F.R. s. 98.2.

(c) The school readiness program shall, in accordance with
45 C.F.R. s. 98.30, provide parental choice through a payment
certificate that provides, to the maximum extent possible,
flexibility in the school readiness program and payment
arrangements. The payment certificate must bear the names of the
beneficiary and the program provider and, when redeemed, must
bear the signatures of both the beneficiary and an authorized
representative of the provider.

(d) If it is determined that a provider has given any cash
or other consideration to the beneficiary in return for
receiving a payment certificate, the early learning coalition or
its fiscal agent shall refer the matter to the Department of
Financial Services pursuant to s. 414.411 for investigation.

(9)~~(7)~~ Participation in the school readiness program does
not expand the regulatory authority of the state, its officers,
or an early learning coalition to impose any additional
regulation on providers beyond those necessary to enforce the
requirements set forth in this part and part V of this chapter.

Section 50. Subsections (5) through (14) of section
1002.83, Florida Statutes, are renumbered as subsections (6)

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through (15), respectively, subsections (1) and (3), paragraphs (e), (f), and (m) of subsection (4), and present subsections (5), (11), and (13) are amended, and a new subsection (5) is added to that section, to read:

1002.83 Early learning coalitions.—

(1) Thirty ~~Thirty-one~~ or fewer early learning coalitions are established and shall maintain direct enhancement services at the local level and provide access to such services in all 67 counties. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program and the Voluntary Prekindergarten Education Program.

(3) The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the ~~same~~ qualifications of a as private sector business member ~~members appointed by the coalition~~ under subsection (6) ~~(5)~~. In the absence of a governor-appointed chair, the Commissioner of Education may appoint an interim chair from the current early learning coalition board membership.

(4) Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

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2851 (e) A children's services council or juvenile welfare
2852 board chair or executive director from each county, if
2853 applicable.

2854 (f) A Department of Children and Families child care
2855 regulation representative or an agency head of a local licensing
2856 agency as defined in s. 402.302, where applicable.

2857 ~~(m) A central agency administrator, where applicable.~~

2858 (5) If members of the board are found to be
2859 nonparticipating according to the early learning coalition
2860 bylaws, the early learning coalition may request an alternate
2861 designee who meets the same qualifications or membership
2862 requirements of the nonparticipating member.

2863 (6) ~~(5)~~ The early learning coalition may appoint additional
2864 ~~Including the members who appointed by the Governor under~~
2865 ~~subsection (3), more than one-third of the members of each early~~
2866 ~~learning coalition~~ must be private sector business members,
2867 either for-profit or nonprofit, who do not have, and none of
2868 whose relatives as defined in s. 112.3143 has, a substantial
2869 financial interest in the design or delivery of the Voluntary
2870 Prekindergarten Education Program created under part V of this
2871 chapter or the school readiness program. ~~To meet this~~
2872 ~~requirement, an early learning coalition must appoint additional~~
2873 ~~members.~~ The department ~~office~~ shall establish criteria for
2874 appointing private sector business members. These criteria must
2875 include standards for determining whether a member or relative

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2876 has a substantial financial interest in the design or delivery
2877 of the Voluntary Prekindergarten Education Program or the school
2878 readiness program.

2879 (12)~~(11)~~ Each early learning coalition shall establish
2880 terms for all appointed members of the coalition. The terms must
2881 be staggered and must be a uniform length that does not exceed 4
2882 years per term. ~~Coalition chairs shall be appointed for 4 years~~
2883 ~~pursuant to s. 20.052.~~ Appointed members may serve a maximum of
2884 two consecutive terms. When a vacancy occurs in an appointed
2885 position, the coalition must advertise the vacancy.

2886 (14)~~(13)~~ Each early learning coalition shall complete an
2887 annual evaluation of the early learning coalition's executive
2888 director or chief executive officer on forms adopted by the
2889 department. The annual evaluation must be submitted to the
2890 commissioner by June 30 of each year. ~~use a coordinated~~
2891 ~~professional development system that supports the achievement~~
2892 ~~and maintenance of core competencies by school readiness program~~
2893 ~~teachers in helping children attain the performance standards~~
2894 ~~adopted by the office.~~

2895 Section 51. Subsections (7) through (20) of section
2896 1002.84, Florida Statutes, are renumbered as subsections (8)
2897 through (21), respectively, subsections (1), (2), and (4) and
2898 present subsections (7), (8), (15), (16), (17), (18), and (20)
2899 of that section are amended, and a new subsection (7) is added
2900 to that section, to read:

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1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(1) Administer and implement a local comprehensive program of school readiness program services in accordance with this part and the rules adopted by the department ~~office~~, which enhances the cognitive, social, and physical development of children to achieve the performance standards.

(2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program in accordance with rules adopted by the State Board of Education ~~office~~.

(4) Establish a regional Warm-Line as directed by the department ~~office~~ pursuant to s. 1002.82(2)(u) ~~s. 1002.82(2)(t)~~. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.

(7) Use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the department.

(8) ~~(7)~~ Determine child eligibility pursuant to s. 1002.87 and provider eligibility pursuant to s. 1002.88. Child

2926 eligibility must be redetermined annually. A coalition must
2927 document the reason a child is no longer eligible for the school
2928 readiness program according to the standard codes prescribed by
2929 the department ~~office~~.

2930 (9)~~(8)~~ Establish a parent sliding fee scale that provides
2931 for a parent copayment that is not a barrier to families
2932 receiving school readiness program services. ~~Providers are~~
2933 ~~required to collect the parent's copayment.~~ A coalition may, ~~on~~
2934 ~~a case-by-case basis,~~ waive the copayment for an at-risk child
2935 or temporarily waive the copayment for a child whose family's
2936 income is at or below the federal poverty level or ~~and~~ whose
2937 family experiences a natural disaster or an event that limits
2938 the parent's ability to pay, such as incarceration, placement in
2939 residential treatment, or becoming homeless, or an emergency
2940 situation such as a household fire or burglary, or while the
2941 parent is participating in parenting classes or participating in
2942 an Early Head Start program or Head Start Program. A parent may
2943 not transfer school readiness program services to another school
2944 readiness program provider until the parent has submitted
2945 documentation from the current school readiness program provider
2946 to the early learning coalition stating that the parent has
2947 satisfactorily fulfilled the copayment obligation.

2948 (16)~~(15)~~ Monitor school readiness program providers in
2949 accordance with its plan, or in response to a parental
2950 complaint, to verify that the standards prescribed in ss.

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1002.82 and 1002.88 are being met using a standard monitoring tool adopted by the department ~~office~~. Providers determined to be high-risk by the coalition, as demonstrated by substantial findings of violations of federal law or the general or local laws of the state, shall be monitored more frequently. Providers with 3 consecutive years of compliance may be monitored biennially.

(17)~~(16)~~ Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the prevailing ~~average~~ market rate, include the projected number of children to be served, and be submitted for approval by the department ~~office~~. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(18)~~(17)~~ Implement an anti-fraud plan addressing the detection, reporting, and prevention of overpayments, abuse, and fraud relating to the provision of and payment for school readiness program and Voluntary Prekindergarten Education Program services and submit the plan to the department ~~office~~ for approval, as required by s. 1002.91.

(19)~~(18)~~ By October 1 of each year, submit an annual report to the department ~~office~~. The report shall conform to the format adopted by the department ~~office~~ and must include:

(a) Segregation of school readiness program funds,

2976 Voluntary Prekindergarten Education Program funds, ~~Child Care~~
2977 ~~Executive Partnership Program funds~~, and other local revenues
2978 available to the coalition.

2979 (b) Details of expenditures by fund source, including
2980 total expenditures for administrative activities, quality
2981 activities, nondirect services, and direct services for
2982 children.

2983 (c) The total number of coalition staff and the related
2984 expenditures for salaries and benefits. For any subcontracts,
2985 the total number of contracted staff and the related
2986 expenditures for salaries and benefits must be included.

2987 (d) The number of children served in the school readiness
2988 program, by provider type, enumerated by age and eligibility
2989 priority category, reported as the number of children served
2990 during the month, the average participation throughout the
2991 month, and the number of children served during the month.

2992 (e) The total number of children disenrolled during the
2993 year and the reasons for disenrollment.

2994 (f) The total number of providers by provider type.

2995 (g) A listing of any school readiness program provider, by
2996 type, whose eligibility to deliver the school readiness program
2997 is revoked, including a brief description of the state or
2998 federal violation that resulted in the revocation.

2999 (h) An evaluation of its direct enhancement services.

3000 (i) The total number of children served in each provider

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3001 facility.

3002 (21) (a) ~~(20)~~ To increase transparency and accountability,
3003 comply with the requirements of this section before contracting
3004 with one or more of the following persons or business entities
3005 which employs, has a contractual relationship with, or is owned
3006 by the following persons:

3007 1. A member of the coalition appointed pursuant to s.
3008 1002.83(3);

3009 2. A board member of any other early learning subrecipient
3010 entity;

3011 3. A coalition employee; or

3012 4. A relative, as defined in s. 112.3143(1)(c), of any
3013 person listed in subparagraphs 1.-3 ~~a coalition member or of an~~
3014 ~~employee of the coalition.~~

3015 (b) Such contracts may not be executed without the
3016 approval of the department ~~office~~. Such contracts, as well as
3017 documentation demonstrating adherence to this section by the
3018 coalition, must be approved by a two-thirds vote of the
3019 coalition, a quorum having been established; all conflicts of
3020 interest must be disclosed before the vote; and any member who
3021 may benefit from the contract, or whose relative may benefit
3022 from the contract, must abstain from the vote. A contract under
3023 \$25,000 ~~between an early learning coalition and a member of that~~
3024 ~~coalition or between a relative, as defined in s.~~
3025 ~~112.3143(1)(c), of a coalition member or of an employee of the~~

3026 ~~coalition~~ is not required to have the prior approval of the
3027 department ~~office~~ but must be approved by a two-thirds vote of
3028 the coalition, a quorum having been established, and must be
3029 reported to the department ~~office~~ within 30 days after approval.
3030 If a contract cannot be approved by the department ~~office~~, a
3031 review of the decision to disapprove the contract may be
3032 requested by the early learning coalition or other parties to
3033 the disapproved contract.

3034 Section 52. Section 1002.85, Florida Statutes, is amended
3035 to read:

3036 1002.85 Early learning coalition plans.—

3037 (1) The department ~~office~~ shall adopt rules prescribing
3038 the standardized format and required content of school readiness
3039 program plans as necessary for a coalition or other qualified
3040 entity to administer the school readiness program as provided in
3041 this part.

3042 (2) Each early learning coalition must biennially submit a
3043 school readiness program plan to the department ~~office~~ before
3044 the expenditure of funds. A coalition may not implement its
3045 school readiness program plan until it receives approval from
3046 the department ~~office~~. A coalition may not implement any
3047 revision to its school readiness program plan until the
3048 coalition submits the revised plan to and receives approval from
3049 the department ~~office~~. If the department ~~office~~ rejects a plan
3050 or revision, the coalition must continue to operate under its

3051 previously approved plan. The plan must include, but is not
3052 limited to:

3053 (a) The coalition's operations, including its membership
3054 and business organization, and the coalition's articles of
3055 incorporation and bylaws if the coalition is organized as a
3056 corporation. If the coalition is not organized as a corporation
3057 or other business entity, the plan must include the contract
3058 with a fiscal agent.

3059 (b) The minimum number of children to be served by care
3060 level.

3061 (c) The coalition's procedures for implementing the
3062 requirements of this part, including:

- 3063 1. Single point of entry.
- 3064 2. Uniform waiting list.
- 3065 3. Eligibility and enrollment processes and local
3066 eligibility priorities for children pursuant to s. 1002.87.
- 3067 4. Parent access and choice.
- 3068 5. Sliding fee scale and policies on applying the waiver
3069 or reduction of fees in accordance with s. 1002.84(9) ~~s.~~
3070 ~~1002.84(8)~~.
- 3071 6. Use of preassessments and postassessments, as
3072 applicable.
- 3073 7. Payment rate schedule.
- 3074 8. Use of contracted slots, as applicable, based on the
3075 results of the assessment required under paragraph (j).

(d) A detailed description of the coalition's quality activities and services, including, but not limited to:

1. Resource and referral and school-age child care.
2. Infant and toddler early learning.
3. Inclusive early learning programs.
4. Quality improvement strategies that strengthen teaching practices and increase child outcomes.

(e) A detailed budget that outlines estimated expenditures for state, federal, and local matching funds at the lowest level of detail available by other-cost-accumulator code number; all estimated sources of revenue with identifiable descriptions; a listing of full-time equivalent positions; contracted subcontractor costs with related annual compensation amount or hourly rate of compensation; and a capital improvements plan outlining existing fixed capital outlay projects and proposed capital outlay projects that will begin during the budget year.

(f) A detailed accounting, in the format prescribed by the department ~~office~~, of all revenues and expenditures during the previous state fiscal year. Revenue sources should be identifiable, and expenditures should be reported by two ~~three~~ categories: state and federal funds and, local matching funds, ~~and Child Care Executive Partnership Program funds~~.

(g) Updated policies and procedures, including those governing procurement, maintenance of tangible personal property, maintenance of records, information technology

3101 security, and disbursement controls.

3102 (h) A description of the procedures for monitoring school
3103 readiness program providers, including in response to a parental
3104 complaint, to determine that the standards prescribed in ss.
3105 1002.82 and 1002.88 are met using a standard monitoring tool
3106 adopted by the department ~~office~~. Providers determined to be
3107 high risk by the coalition as demonstrated by substantial
3108 findings of violations of law shall be monitored more
3109 frequently.

3110 (i) Documentation that the coalition has solicited and
3111 considered comments regarding the proposed school readiness
3112 program plan from the local community.

3113 (j) An assessment of local priorities within the county or
3114 multicounty region based on the needs of families and provider
3115 capacity using available community data.

3116 (3) The coalition may periodically amend its plan as
3117 necessary. An amended plan must be submitted to and approved by
3118 the department ~~office~~ before any expenditures are incurred on
3119 the new activities proposed in the amendment.

3120 (4) The department ~~office~~ shall publish a copy of the
3121 standardized format and required content of school readiness
3122 program plans on its website.

3123 (5) The department ~~office~~ shall collect and report data on
3124 coalition delivery of early learning programs. Elements shall
3125 include, but are not limited to, measures related to progress

3126 towards reducing the number of children on the waiting list, the
3127 percentage of children served by the program as compared to the
3128 number of administrative staff and overhead, the percentage of
3129 children served compared to total number of children under the
3130 age of 5 years below 150 percent of the federal poverty level,
3131 provider payment processes, fraud intervention, child attendance
3132 and stability, use of child care resource and referral, and
3133 kindergarten readiness outcomes for children in the Voluntary
3134 Prekindergarten Education Program or the school readiness
3135 program upon entry into kindergarten. The department ~~office~~
3136 shall request input from the coalitions and school readiness
3137 program providers before finalizing the format and data to be
3138 used. The report shall be implemented beginning July 1, 2014,
3139 and results of the report must be included in the annual report
3140 under s. 1002.82.

3141 Section 53. Paragraphs (a), (b), (c), (e), (f), (m), (n),
3142 (p), and (q) of subsection (1) and subsection (3) of section
3143 1002.88, Florida Statutes, are amended, and paragraph (s) is
3144 added to subsection (1) of that section, to read:

3145 1002.88 School readiness program provider standards;
3146 eligibility to deliver the school readiness program.—

3147 (1) To be eligible to deliver the school readiness
3148 program, a school readiness program provider must:

3149 (a) Be a child care facility licensed under s. 402.305, a
3150 family day care home licensed or registered under s. 402.313, a

large family child care home licensed under s. 402.3131, a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, ~~or~~ an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18, or a provider who has been issued a provisional license pursuant to s. 402.309. A provider may not deliver the program while holding a probation-status license under s. 402.310.

(b) Provide instruction and activities to enhance the age-appropriate progress of each child in attaining the child development standards adopted by the department ~~office~~ pursuant to s. 1002.82(2)(j). A provider should include activities to foster brain development in infants and toddlers; provide an environment that is rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses; and include 30 minutes of reading to children each day.

(c) Provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate

immunizations of children enrolled in the school readiness program.

1. For a provider that is licensed, compliance with s. 402.305, s. 402.3131, or s. 402.313 and this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

2. For a provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families, compliance with this subsection, as verified pursuant to s. 402.311, satisfies this requirement. Upon verification pursuant to s. 402.311, the provider shall annually post the health and safety checklist adopted by the department ~~office~~ prominently on its premises in plain sight for visitors and parents and shall annually submit the checklist to its local early learning coalition.

3. For a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the submission and verification of annual inspections pursuant to United States Department of Defense Instructions 6060.2 and 1402.05 satisfies this requirement.

(e) Employ child care personnel, as defined in s. 402.302(3), who have satisfied the screening requirements of chapter 402 and fulfilled the training requirements of the department ~~office~~.

(f) Implement one of the curricula approved by the

3201 department ~~office~~ that meets the child development standards.

3202 (m) For a provider that is not an informal provider,
3203 maintain general liability insurance and provide the coalition
3204 with written evidence of general liability insurance coverage,
3205 including coverage for transportation of children if school
3206 readiness program children are transported by the provider. A
3207 provider must obtain and retain an insurance policy that
3208 provides a minimum of \$100,000 of coverage per occurrence and a
3209 minimum of \$300,000 general aggregate coverage. The department
3210 ~~office~~ may authorize lower limits upon request, as appropriate.
3211 A provider must add the coalition as a named certificateholder
3212 and as an additional insured. A provider must provide the
3213 coalition with a minimum of 10 calendar days' advance written
3214 notice of cancellation of or changes to coverage. The general
3215 liability insurance required by this paragraph must remain in
3216 full force and effect for the entire period of the provider
3217 contract with the coalition.

3218 (n) For a provider that is an informal provider, comply
3219 with the provisions of paragraph (m) or maintain homeowner's
3220 liability insurance and, if applicable, a business rider. If an
3221 informal provider chooses to maintain a homeowner's policy, the
3222 provider must obtain and retain a homeowner's insurance policy
3223 that provides a minimum of \$100,000 of coverage per occurrence
3224 and a minimum of \$300,000 general aggregate coverage. The
3225 department ~~office~~ may authorize lower limits upon request, as

appropriate. An informal provider must add the coalition as a named certificateholder and as an additional insured. An informal provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider's contract with the coalition.

(p) Notwithstanding paragraph (m), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (m), for a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

(q) Execute the standard statewide provider contract adopted by the department ~~office~~.

(s) Collect all parent copayment fees unless a waiver has been granted under s. 1002.84(9).

(3) The department ~~office~~ and the coalitions may not:

(a) Impose any requirement on a child care provider or

early childhood education provider that does not deliver services under the school readiness program or receive state or federal funds under this part;

(b) Impose any requirement on a school readiness program provider that exceeds the authority provided under this part or part V of this chapter or rules adopted pursuant to this part or part V of this chapter; or

(c) Require a provider to administer a preassessment or postassessment.

Section 54. Subsections (3) through (7) of section 1002.89, Florida Statutes, are renumbered as subsections (2) through (6), respectively, and subsection (2) and present subsections (3) and (6) of that section are amended, to read:

1002.89 School readiness program; funding.—

~~(2) The office shall administer school readiness program funds and prepare and submit a unified budget request for the school readiness program in accordance with chapter 216.~~

(2)~~(3)~~ All instructions to early learning coalitions for administering this section shall emanate from the department ~~office~~ in accordance with the policies of the Legislature.

(5)~~(6)~~ Costs shall be kept to the minimum necessary for the efficient and effective administration of the school readiness program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent of the funds described in subsection (4) ~~subsection (5)~~

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may be used for administrative costs and no more than 22 percent of the funds described in subsection (4) ~~subsection (5)~~ may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services as follows:

(a) Administrative costs as described in 45 C.F.R. s. 98.54 ~~45 C.F.R. s. 98.52~~, which shall include monitoring providers using the standard methodology adopted under s. 1002.82 to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract adopted under s. 1002.82(2)(m).

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.53 ~~45 C.F.R. s. 98.51~~, which shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33.

2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment required under s. 1002.82(2)(n), child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued

professional development and training. Any grants awarded pursuant to this subparagraph shall comply with ss. 215.971 and 287.058.

3. Providing training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.

4. Providing, from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

6. Responding to Warm-Line requests by providers and parents, including providing developmental and health screenings to school readiness program children.

(c) Nondirect services as described in applicable Office of Management and Budget instructions are those services not

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defined as administrative, direct, or quality services that are required to administer the school readiness program. Such services include, but are not limited to:

1. Assisting families to complete the required application and eligibility documentation.
2. Determining child and family eligibility.
3. Recruiting eligible child care providers.
4. Processing and tracking attendance records.
5. Developing and maintaining a statewide child care information system.

As used in this paragraph, the term "nondirect services" does not include payments to school readiness program providers for direct services provided to children who are eligible under s. 1002.87, administrative costs as described in paragraph (a), or quality activities as described in paragraph (b).

Section 55. Subsection (1), paragraph (a) of subsection (2), and subsections (4), (5), and (6) of section 1002.895, Florida Statutes, are amended to read:

1002.895 Market rate schedule.—The school readiness program market rate schedule shall be implemented as follows:

(1) The department ~~office~~ shall establish procedures for the adoption of a market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) The market rate, including the minimum and the maximum

3351 rates for child care providers that hold a Gold Seal Quality
3352 Care designation under s. 1002.945 and adhere to its accrediting
3353 association's teacher-to-child ratios and group size
3354 requirements ~~s. 402.281~~.

3355 (b) The market rate for child care providers that do not
3356 hold a Gold Seal Quality Care designation.

3357 (2) The market rate schedule, at a minimum, must:

3358 (a) Differentiate rates by type, including, but not
3359 limited to, a child care provider that holds a Gold Seal Quality
3360 Care designation under s. 1002.945 and adheres to its
3361 accrediting association's teacher-to-child ratios and group size
3362 requirements ~~s. 402.281~~, a child care facility licensed under s.
3363 402.305, a public or nonpublic school exempt from licensure
3364 under s. 402.3025, a faith-based child care facility exempt from
3365 licensure under s. 402.316 that does not hold a Gold Seal
3366 Quality Care designation, a large family child care home
3367 licensed under s. 402.3131, or a family day care home licensed
3368 or registered under s. 402.313.

3369 (4) The market rate schedule shall be considered by an
3370 early learning coalition in the adoption of a payment schedule.
3371 The payment schedule must take into consideration the prevailing
3372 ~~average~~ market rate and, include the projected number of
3373 children to be served by each county, and be submitted for
3374 approval by the department ~~office~~. Informal child care
3375 arrangements shall be reimbursed at not more than 50 percent of

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the rate adopted for a family day care home.

(5) The department ~~office~~ may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(6) The department ~~office~~ may adopt rules for establishing procedures for the collection of child care providers' market rate, the calculation of the prevailing ~~average~~ market rate by program care level and provider type in a predetermined geographic market, and the publication of the market rate schedule.

Section 56. Section 1002.91, Florida Statutes, is amended to read:

1002.91 Investigations of fraud or overpayment; penalties.—

(1) As used in this subsection, the term "fraud" means an intentional deception, omission, or misrepresentation made by a person with knowledge that the deception, omission, or misrepresentation may result in unauthorized benefit to that person or another person, or any aiding and abetting of the commission of such an act. The term includes any act that constitutes fraud under applicable federal or state law.

(2) To recover state, federal, and local matching funds, the department ~~office~~ shall investigate early learning coalitions, recipients, and providers of the school readiness program and the Voluntary Prekindergarten Education Program to

determine possible fraud or overpayment. If by its own inquiries, or as a result of a complaint, the department ~~office~~ has reason to believe that a person, coalition, or provider has engaged in, or is engaging in, a fraudulent act, it shall investigate and determine whether any overpayment has occurred due to the fraudulent act. During the investigation, the department ~~office~~ may examine all records, including electronic benefits transfer records, and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys or other items or benefits authorizations to recipients.

(3) Based on the results of the investigation, the department ~~office~~ may, in its discretion, refer the investigation to the Department of Financial Services for criminal investigation or refer the matter to the applicable coalition. Any suspected criminal violation identified by the department ~~office~~ must be referred to the Department of Financial Services for criminal investigation.

(4) An early learning coalition may suspend or terminate a provider from participation in the school readiness program or the Voluntary Prekindergarten Education Program when it has reasonable cause to believe that the provider has committed fraud. The department ~~office~~ shall adopt by rule appropriate due process procedures that the early learning coalition shall apply in suspending or terminating any provider, including the

suspension or termination of payment. If suspended, the provider shall remain suspended until the completion of any investigation by the department ~~office~~, the Department of Financial Services, or any other state or federal agency, and any subsequent prosecution or other legal proceeding.

(5) If a school readiness program provider or a Voluntary Prekindergarten Education Program provider, or an owner, officer, or director thereof, is convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39, or is acting as the beneficial owner for someone who has been convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39, the early learning coalition shall refrain from contracting with, or using the services of, that provider for a period of 5 years. In addition, the coalition shall refrain from contracting with, or using the services of, any provider that shares an officer or director with a provider that is convicted of, found guilty of, or pleads guilty or nolo contendere to, regardless of adjudication, public assistance fraud pursuant to s. 414.39 for a period of 5 years.

(6) If the investigation is not confidential or otherwise exempt from disclosure by law, the results of the investigation may be reported by the department ~~office~~ to the appropriate legislative committees, the Department of Children and Families,

3451 and such other persons as the department ~~office~~ deems
3452 appropriate.

3453 (7) The early learning coalition may not contract with a
3454 school readiness program provider or a Voluntary Prekindergarten
3455 Education Program provider who is on the United States
3456 Department of Agriculture National Disqualified List. In
3457 addition, the coalition may not contract with any provider that
3458 shares an officer or director with a provider that is on the
3459 United States Department of Agriculture National Disqualified
3460 List.

3461 (8) Each early learning coalition shall adopt an anti-
3462 fraud plan addressing the detection and prevention of
3463 overpayments, abuse, and fraud relating to the provision of and
3464 payment for school readiness program and Voluntary
3465 Prekindergarten Education Program services and submit the plan
3466 to the department ~~office~~ for approval. The department ~~office~~
3467 shall adopt rules establishing criteria for the anti-fraud plan,
3468 including appropriate due process provisions. The anti-fraud
3469 plan must include, at a minimum:

3470 (a) A written description or chart outlining the
3471 organizational structure of the plan's personnel who are
3472 responsible for the investigation and reporting of possible
3473 overpayment, abuse, or fraud.

3474 (b) A description of the plan's procedures for detecting
3475 and investigating possible acts of fraud, abuse, or overpayment.

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3476 (c) A description of the plan's procedures for the
3477 mandatory reporting of possible overpayment, abuse, or fraud to
3478 the Office of Inspector General within the department ~~office~~.

3479 (d) A description of the plan's program and procedures for
3480 educating and training personnel on how to detect and prevent
3481 fraud, abuse, and overpayment.

3482 (e) A description of the plan's procedures, including the
3483 appropriate due process provisions adopted by the department
3484 ~~office~~ for suspending or terminating from the school readiness
3485 program or the Voluntary Prekindergarten Education Program a
3486 recipient or provider who the early learning coalition believes
3487 has committed fraud.

3488 (9) A person who commits an act of fraud as defined in
3489 this section is subject to the penalties provided in s.
3490 414.39(5) (a) and (b).

3491 Section 57. Subsections (1) and (2) and paragraphs (a),
3492 (c), and (d) of subsection (3) of section 1002.92, Florida
3493 Statutes, are amended to read:

3494 1002.92 Child care and early childhood resource and
3495 referral.—

3496 (1) As a part of the school readiness program, the
3497 department ~~office~~ shall establish a statewide child care
3498 resource and referral network that is unbiased and provides
3499 referrals to families for child care and information on
3500 available community resources. Preference shall be given to

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3501 using early learning coalitions as the child care resource and
3502 referral agencies. If an early learning coalition cannot comply
3503 with the requirements to offer the resource information
3504 component or does not want to offer that service, the early
3505 learning coalition shall select the resource and referral agency
3506 for its county or multicounty region based upon the procurement
3507 requirements of s. 1002.84(13) ~~s. 1002.84(12)~~.

3508 (2) At least one child care resource and referral agency
3509 must be established in each early learning coalition's county or
3510 multicounty region. The department ~~office~~ shall adopt rules
3511 regarding accessibility of child care resource and referral
3512 services offered through child care resource and referral
3513 agencies in each county or multicounty region which include, at
3514 a minimum, required hours of operation, methods by which parents
3515 may request services, and child care resource and referral staff
3516 training requirements.

3517 (3) Child care resource and referral agencies shall
3518 provide the following services:

3519 (a) Identification of existing public and private child
3520 care and early childhood education services, including child
3521 care services by public and private employers, and the
3522 development of an early learning provider performance profile ~~a~~
3523 ~~resource file~~ of those services through the single statewide
3524 information system developed by the department ~~office~~ under s.
3525 1002.82(2)(q) ~~s. 1002.82(2)(p)~~. These services may include

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family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, and vacation care programs, ~~parent education, the temporary cash assistance program, and related family support services.~~ The early learning provider performance profile resource file shall include, but not be limited to:

1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Program information.
6. Fees and eligibility for services.
7. Availability of transportation.
8. Participation in the Child Care Food Program, if applicable.
9. A link to licensing inspection reports, if applicable.
10. The components of the Voluntary Prekindergarten Education Program performance metric calculated under s. 1002.68 which must consist of the program assessment composite score, learning gains score, achievement score, and its designations, if applicable.

3551 11. The school readiness program assessment composite
3552 score and program assessment care level composite score results
3553 delineated by infant classrooms, toddler classrooms, and
3554 preschool classrooms results under s. 1002.82, if applicable.

3555 12. Gold Seal Quality Care designation under s. 1002.945,
3556 if applicable.

3557 13. Indication of whether the provider implements a
3558 curriculum approved by the department and the name of the
3559 curriculum, if applicable.

3560 14. Participation in the school readiness child assessment
3561 under s. 1002.82.

3562 (c) Maintenance of ongoing documentation of requests for
3563 service tabulated through the internal referral process through
3564 the single statewide information system. The following
3565 documentation of requests for service shall be maintained by the
3566 child care resource and referral network:

3567 1. Number of calls and contacts to the child care resource
3568 information and referral network component by type of service
3569 requested.

3570 2. Ages of children for whom service was requested.

3571 3. Time category of child care requests for each child.

3572 4. Special time category, such as nights, weekends, and
3573 swing shift.

3574 5. Reason that the child care is needed.

3575 6. Customer service survey data required under s.

3576 1002.82(3) ~~Name of the employer and primary focus of the~~
3577 ~~business for an employer-based child care program.~~

3578 (d) Assistance to families that connects them to parent
3579 education opportunities, the temporary cash assistance program,
3580 or social services programs that support families with children,
3581 and related child development support services ~~Provision of~~
3582 ~~technical assistance to existing and potential providers of~~
3583 ~~child care services. This assistance may include:~~

3584 1. ~~Information on initiating new child care services,~~
3585 ~~zoning, and program and budget development and assistance in~~
3586 ~~finding such information from other sources.~~

3587 2. ~~Information and resources which help existing child~~
3588 ~~care services providers to maximize their ability to serve~~
3589 ~~children and parents in their community.~~

3590 3. ~~Information and incentives that may help existing or~~
3591 ~~planned child care services offered by public or private~~
3592 ~~employers seeking to maximize their ability to serve the~~
3593 ~~children of their working parent employees in their community,~~
3594 ~~through contractual or other funding arrangements with~~
3595 ~~businesses.~~

3596 Section 58. Subsection (1) of section 1002.93, Florida
3597 Statutes, is amended to read:

3598 1002.93 School readiness program transportation services.—

3599 (1) The department ~~office~~ may authorize an early learning
3600 coalition to establish school readiness program transportation

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services for children at risk of abuse or neglect who are participating in the school readiness program, pursuant to chapter 427. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 59. Section 1002.94, Florida Statutes, is repealed.

Section 60. Section 1002.95, Florida Statutes, is amended to read:

1002.95 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The department ~~office~~ may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes. The goal of the program is to increase the education and training for caregivers, increase the compensation for child caregivers who complete the program requirements, and reduce the rate of participant turnover in the field of early childhood education.

(2) The State Board of Education ~~office~~ shall adopt rules as necessary to administer this section.

Section 61. Subsections (1) and (3) of section 1002.96, Florida Statutes, are amended to read:

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1002.96 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriation, the department ~~office~~ shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The department ~~office~~ may adopt rules as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 62. Subsection (1) and paragraph (g) of subsection (3) of section 1002.97, Florida Statutes, are amended to read:

1002.97 Records of children in the school readiness program.—

(1) The individual records of children enrolled in the school readiness program provided under this part, held by an early learning coalition or the department ~~office~~, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness program records may be released to:

(g) Parties to an interagency agreement among early

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learning coalitions, local governmental agencies, providers of the school readiness program, state agencies, and the department ~~office~~ for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness program records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parent by persons other than those authorized to receive the records.

Section 63. Subsections (1) and (3) of section 1002.995, Florida Statutes, are amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department ~~office~~ shall:

(a) Develop early learning professional development training and course standards to be utilized for school readiness program providers.

(b) Identify both formal and informal early learning career pathways with stackable credentials and certifications that allow early childhood teachers to access specialized professional development that:

1. Strengthens knowledge and teaching practices.
2. Aligns to established professional standards and core

competencies.

3. Provides a progression of attainable, competency-based stackable credentials and certifications.

4. Improves outcomes for children to increase kindergarten readiness and early grade success.

(3) The State Board of Education ~~office~~ shall adopt rules to administer this section.

Section 64. Paragraph (b) of subsection (2) of section 1004.096, Florida Statutes, is amended to read:

1004.096 Postsecondary credit for military training and education courses.—

(2) The Articulation Coordinating Committee shall convene a workgroup by July 15, 2020, which is responsible for developing a process for determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military.

(b) The Office of K-20 Articulation shall provide administrative support for the workgroup.

Section 65. Section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors; Articulation Coordinating Committee.—

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(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the Early Learning-20 ~~K-20~~ education system by building, sustaining, and strengthening relationships among Early Learning-20 ~~K-20~~ public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building, sustaining, and strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. The Legislature further intends that articulation policies and budget actions be implemented consistently in the practices of the Department of Education and postsecondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors.

(2) To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall collaboratively establish and adopt policies with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System and shall recommend the policies to the Legislature. The policies shall relate to:

(a) The alignment between the exit requirements of one education system and the admissions requirements of another

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education system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee, which shall make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the educational ~~K-20~~ data warehouse, established pursuant to ss. 1001.10 and 1008.31, to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist 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 chair shall be elected from the membership. The Office of K-20 Articulation shall provide administrative support for the committee. The committee shall:

3751 (a) Monitor the alignment between the exit requirements of
3752 one education system and the admissions requirements of another
3753 education system into which students typically transfer and make
3754 recommendations for improvement.

3755 (b) Propose guidelines for interinstitutional agreements
3756 between and among public schools, career and technical education
3757 centers, Florida College System institutions, state
3758 universities, and nonpublic postsecondary institutions.

3759 (c) Annually recommend dual enrollment course and high
3760 school subject area equivalencies for approval by the State
3761 Board of Education and the Board of Governors.

3762 (d) Annually review the statewide articulation agreement
3763 pursuant to s. 1007.23 and make recommendations for revisions.

3764 (e) Annually review the statewide course numbering system,
3765 the levels of courses, and the application of transfer credit
3766 requirements among public and nonpublic institutions
3767 participating in the statewide course numbering system and
3768 identify instances of student transfer and admissions
3769 difficulties.

3770 (f) Annually publish a list of courses that meet common
3771 general education and common degree program prerequisite
3772 requirements at public postsecondary institutions identified
3773 pursuant to s. 1007.25.

3774 (g) Foster timely collection and reporting of statewide
3775 education data to improve the Early Learning-20 ~~K-20~~ education

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performance accountability system pursuant to ss. 1001.10 and 1008.31, including, but not limited to, data quality, accessibility, and protection of student records.

(h) Recommend roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system established pursuant to s. 1006.735.

Section 66. Section 1008.2125, Florida Statutes, is created to read:

1008.2125 Coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3.—

(1) The primary purpose of the coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 is to provide information on students' progress in mastering the appropriate grade-level standards and to provide information on their progress to parents, teachers, and school and program administrators. Data shall be used by Voluntary Prekindergarten Education Program providers and school districts to improve instruction, by parents and teachers to guide learning objectives and provide timely and appropriate supports and interventions to students not meeting grade level expectations, and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The coordinated screening and progress

3801 monitoring program must:

3802 (a) Assess the progress of students in the Voluntary
3803 Prekindergarten Education Program through grade 3 in meeting the
3804 appropriate expectations in emergent literacy and math skills
3805 and in English Language Arts and mathematics, as required by ss.
3806 1002.67(1)(a) and 1003.41.

3807 (b) Provide data for accountability of the Voluntary
3808 Prekindergarten Education Program, as required by s. 1002.68.

3809 (c) Provide baseline data to the department of each
3810 student's readiness for kindergarten, which must be based on
3811 each kindergarten students progress monitoring results within
3812 the first 30 days of enrollment in accordance with paragraph
3813 (2)(a). The methodology for determining a student's readiness
3814 for kindergarten shall be developed by the same independent
3815 expert identified in s. 1002.68(4)(d).

3816 (d) Identify the educational strengths and needs of
3817 students in the Voluntary Prekindergarten Education Program
3818 through grade 3.

3819 (e) Provide teachers with progress monitoring data to
3820 provide timely interventions and supports pursuant to s.
3821 1008.25(4).

3822 (f) Assess how well educational goals and curricular
3823 standards are met at the provider, school, district, and state
3824 levels.

3825 (g) Provide information to aid in the evaluation and

development of educational programs and policies.

(2) The Commissioner of Education shall design a statewide, standardized coordinated screening and progress monitoring program to assess early literacy and mathematics skills and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, respectively. The coordinated screening and progress monitoring program must provide interval level and norm-referenced data that measures equivalent levels of growth; be a developmentally appropriate, valid, and reliable direct assessment; be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays; accurately measure the core content in the applicable grade level standards; document learning gains for the achievement of these standards; and provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication. Participation in the coordinated screening and progress monitoring program is mandatory for all students in the Voluntary Prekindergarten Education Program and enrolled in a public school in kindergarten through grade 3. The coordinated screening and progress monitoring program shall be implemented beginning in the 2022-2023 school year for students in the Voluntary Prekindergarten Education Program and kindergarten students, as follows:

3851 (a) The coordinated screening and progress monitoring
3852 program shall be administered within the first 30 days after
3853 enrollment, midyear, and within the last 30 days of the program
3854 or school year, in accordance with the rules adopted by the
3855 State Board of Education. The state board may adopt alternate
3856 timeframes to address nontraditional school year calendars or
3857 summer programs to ensure administration of the coordinated
3858 screening and progress monitoring program is administered a
3859 minimum of 3 times within a year or program.

3860 (b) The results of the coordinated screening and progress
3861 monitoring program shall be reported to the department, in
3862 accordance with the rules adopted by the state board, and
3863 maintained in the department's educational data warehouse.

3864 (3) The Commissioner of Education shall:

3865 (a) Develop a plan, in coordination with the Council for
3866 Early Grade Success, for implementing the coordinated screening
3867 and progress monitoring program in consideration of timelines
3868 for implementing new early literacy and mathematics skills and
3869 the English Language Arts and mathematics standards established
3870 in ss. 1002.67(1)(a) and 1003.41, as appropriate.

3871 (b) Provide data, reports, and information as requested to
3872 the Council for Early Grade Success.

3873 (4) The Council for Early Grade Success, a council defined
3874 in s. 20.03(7), is created within the Department of Education to
3875 oversee the coordinated screening and progress monitoring

3876 program and, except as otherwise provided in this section, shall
3877 operate consistent with s. 20.052.

3878 (a) The council shall be responsible for reviewing the
3879 implementation of, training for, administration of, and outcomes
3880 from the coordinated screening and progress monitoring program
3881 to provide recommendations to the department that supports grade
3882 3 students reading at or above grade level. The council, at a
3883 minimum, shall:

3884 1. Provide recommendations on the implementation of the
3885 coordinated screening and progress monitoring program, including
3886 reviewing any procurement solicitation documents and criteria
3887 before being published.

3888 2. Develop training plans and timelines for such training.

3889 3. Identify appropriate personnel, processes, and
3890 procedures required for the administration of the coordinated
3891 screening and progress monitoring program.

3892 4. Provide input on the methodology for calculating a
3893 provider's or school's performance metric and designations under
3894 s. 1002.68.

3895 5. Work with the department's independent expert under s.
3896 1002.68(4)(d) to review the methodology for determining a
3897 child's kindergarten readiness.

3898 6. Review data on age-appropriate learning gains by grade
3899 level that a student would need to attain in order to
3900 demonstrate proficiency in reading by grade 3.

3901 7. Continually review anonymized data from the results of
3902 the coordinated screening and progress monitoring program for
3903 students in the Voluntary Prekindergarten Education Program
3904 through grade 3 to help inform recommendations to the department
3905 that support practices that will enable grade 3 students to read
3906 at or above grade level.

3907 (b) The council shall be composed of 15 members who are
3908 residents of the state and appointed, notwithstanding any other
3909 provision of law, as follows:

3910 1. Two members appointed by the Governor, as follows:

3911 a. One representative from the Department of Education.

3912 b. One parent of a child who is 4 to 9 years of age.

3913 2. Thirteen members appointed jointly by the President of
3914 the Senate and Speaker of the House of Representatives, as
3915 follows:

3916 a. One representative of an urban school district.

3917 b. One representative of a rural school district.

3918 c. One representative of an urban early learning
3919 coalition.

3920 d. One representative of a rural early learning coalition.

3921 e. One representative of an early learning provider.

3922 f. One representative of a faith-based early learning
3923 provider.

3924 g. One representative who is a kindergarten teacher who
3925 has at least 5 years of teaching experience.

3926 h. One representative who is a second grade teacher who
3927 has at least 5 years of teaching experience.

3928 i. One representative who is a school principal.

3929 j. Four representatives with subject matter expertise in
3930 early learning, early grade success, or child assessments. The
3931 four representatives with subject matter expertise may not be
3932 direct stakeholders within the early learning or public school
3933 systems or potential recipients of a contract resulting from the
3934 committee's recommendations.

3935 (5) The council shall elect a chair and vice chair, one of
3936 whom must be a member who has subject matter expertise in early
3937 learning, early grade success, or child assessments. The vice
3938 chair must be a member appointed by the President of the Senate
3939 and the Speaker of the House of Representatives who is not one
3940 of the four members with subject matter expertise in early
3941 learning, early grade success, or child assessments appointed
3942 pursuant to sub-sub-paragraph(b)2.j. Members of the council
3943 shall serve without compensation but are entitled to
3944 reimbursement for per diem and travel expenses pursuant to s.
3945 112.061.

3946 (6) The council must meet at least biannually and may meet
3947 by teleconference or other electronic means, if possible, to
3948 reduce costs.

3949 (7) A majority of the members constitutes a quorum.

3950 Section 67. Paragraphs (b) and (c) of subsection (5) of

section 1008.25, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, paragraph (b) of subsection (6), subsection (7), and paragraph (a) of subsection (8) are amended, and a new paragraph (b) is added to subsection (5) of that section, to read:

1008.25 Public school student progression; student support; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under s. 1008.2125 shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. Such intensive reading interventions shall be paid for using funds from the district's research-based reading instruction allocation in accordance with s. 1011.62(9).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c) ~~(5)(b)~~, for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic

information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an

individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under paragraph (5)(c) ~~(5)(b)~~ must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These interventions must include:

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.

2. Participation in the school district's summer reading camp, which must incorporate the instructional and intervention strategies under subparagraph 1.

3. A minimum of 90 minutes of daily, uninterrupted reading

4026 instruction incorporating the instructional and intervention
4027 strategies under subparagraph 1. This instruction may include:

- 4028 a. Integration of content-rich texts in science and social
4029 studies within the 90-minute block.
- 4030 b. Small group instruction.
- 4031 c. Reduced teacher-student ratios.
- 4032 d. More frequent progress monitoring.
- 4033 e. Tutoring or mentoring.
- 4034 f. Transition classes containing 3rd and 4th grade
4035 students.
- 4036 g. Extended school day, week, or year.

4037 (b) Each school district shall:

- 4038 1. Provide written notification to the parent of a student
4039 who is retained under paragraph (5) (c) ~~(5) (b)~~ that his or her
4040 child has not met the proficiency level required for promotion
4041 and the reasons the child is not eligible for a good cause
4042 exemption as provided in paragraph (6) (b). The notification must
4043 comply with paragraph (5) (d) ~~(5) (e)~~ and must include a
4044 description of proposed interventions and supports that will be
4045 provided to the child to remediate the identified areas of
4046 reading deficiency.
- 4047 2. Implement a policy for the midyear promotion of a
4048 student retained under paragraph (5) (c) ~~(5) (b)~~ who can
4049 demonstrate that he or she is a successful and independent
4050 reader and performing at or above grade level in reading or,

upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

3. Provide students who are retained under paragraph (5) (c) ~~(5) (b)~~, including students participating in the school district's summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34, and, beginning July 1, 2020, the teacher must also be certified or endorsed in reading.

4. Establish at each school, when applicable, an intensive reading acceleration course for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2. The intensive reading acceleration course must provide the following:

a. Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the

grade 4 Next Generation Sunshine State Standards in other core subject areas through content-rich texts.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.

e. A read-at-home plan.

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5) (c) ~~(5) (b)~~, each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5) (a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

Section 68. Section 1008.31, Florida Statutes, is amended

4101 to read:

4102 1008.31 Florida's Early Learning-20 ~~K-20~~ education
4103 performance accountability system; legislative intent; mission,
4104 goals, and systemwide measures; data quality improvements.—

4105 (1) LEGISLATIVE INTENT.—It is the intent of the
4106 Legislature that:

4107 (a) The performance accountability system implemented to
4108 assess the effectiveness of Florida's seamless Early Learning-20
4109 ~~K-20~~ education delivery system provide answers to the following
4110 questions in relation to its mission and goals:

4111 1. What is the public receiving in return for funds it
4112 invests in education?

4113 2. How effectively is Florida's Early Learning-20 ~~K-20~~
4114 education system educating its students?

4115 3. How effectively are the major delivery sectors
4116 promoting student achievement?

4117 4. How are individual schools and postsecondary education
4118 institutions performing their responsibility to educate their
4119 students as measured by how students are performing and how much
4120 they are learning?

4121 (b) The Early Learning-20 ~~K-20~~ education performance
4122 accountability system be established as a single, unified
4123 accountability system with multiple components, including, but
4124 not limited to, student performance in public schools and school
4125 and district grades.

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4126 (c) The K-20 education performance accountability system
4127 comply with the requirements of the "No Child Left Behind Act of
4128 2001," Pub. L. No. 107-110, and the Individuals with
4129 Disabilities Education Act (IDEA).

4130 (d) The early learning accountability system comply with
4131 the requirements of part V and part VI of chapter 1002 and the
4132 requirements of the Child Care and Development Block Grant Trust
4133 Fund, pursuant to 45 C.F.R. parts 98 and 99.

4134 (e)~~(d)~~ The State Board of Education and the Board of
4135 Governors of the State University System recommend to the
4136 Legislature systemwide performance standards; the Legislature
4137 establish systemwide performance measures and standards; and the
4138 systemwide measures and standards provide Floridians with
4139 information on what the public is receiving in return for the
4140 funds it invests in education and how well the Early Learning-20
4141 ~~K-20~~ system educates its students.

4142 (f) 1.~~(e) 1.~~ The State Board of Education establish
4143 performance measures and set performance standards for
4144 individual public schools and Florida College System
4145 institutions, with measures and standards based primarily on
4146 student achievement.

4147 2. The Board of Governors of the State University System
4148 establish performance measures and set performance standards for
4149 individual state universities, including actual completion
4150 rates.

(2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(a) The mission of Florida's Early Learning-20 ~~K-20~~ education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.

(b) The process for establishing state and sector-specific standards and measures must be:

1. Focused on student success.
2. Addressable through policy and program changes.
3. Efficient and of high quality.
4. Measurable over time.
5. Simple to explain and display to the public.
6. Aligned with other measures and other sectors to support a coordinated Early Learning-20 ~~K-20~~ education system.

(c) The Department of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as indicated by evidence of student learning gains at all levels.
2. Seamless articulation and maximum access, as measured by evidence of progression, readiness, and access by targeted groups of students identified by the Commissioner of Education.
3. Skilled workforce and economic development, as measured

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4176 by evidence of employment and earnings.

4177 4. Quality efficient services, as measured by evidence of
4178 return on investment.

4179 5. Other goals as identified by law or rule.

4180 (3) ~~K-20~~ EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
4181 data required to implement education performance accountability
4182 measures in state and federal law, the Commissioner of Education
4183 shall initiate and maintain strategies to improve data quality
4184 and timeliness. The Board of Governors shall make available to
4185 the department all data within the State University Database
4186 System to be integrated into the educational ~~K-20~~ data
4187 warehouse. The commissioner shall have unlimited access to such
4188 data for the purposes of conducting studies, reporting annual
4189 and longitudinal student outcomes, and improving college
4190 readiness and articulation. All public educational institutions
4191 shall annually provide data from the prior year to the
4192 educational ~~K-20~~ data warehouse in a format based on data
4193 elements identified by the commissioner.

4194 (a) School districts and public postsecondary educational
4195 institutions shall maintain information systems that will
4196 provide the State Board of Education, the Board of Governors of
4197 the State University System, and the Legislature with
4198 information and reports necessary to address the specifications
4199 of the accountability system. The level of comprehensiveness and
4200 quality must be no less than that which was available as of June

30, 2001.

(b) Colleges and universities eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program shall annually report student-level data from the prior year for each student who receives state funds in a format prescribed by the Department of Education. At a minimum, data from the prior year must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. By October 1 of each year, the colleges and universities described in this paragraph shall report the data to the department.

(c) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

(d) Before establishing any new reporting or data collection requirements, the commissioner shall use existing data being collected to reduce duplication and minimize paperwork.

(4) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the

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provisions of this section relating to the educational ~~K-20~~ data warehouse.

Section 69. Section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of early learning coalitions, district school boards, and Florida College System institution boards of trustees in enforcement of all laws and rules. District school boards and Florida College System institution boards of trustees shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from early learning coalitions, school districts, and Florida College System institutions. Early Learning Coalition chief executive officers or executive directors, district school superintendents, and Florida College System institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) (a) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education

4251 which shall require the early learning coalition, district
4252 school board, or Florida College System institution board of
4253 trustees to document compliance with law or state board rule.

4254 (b) The Commissioner of Education shall report to the
4255 State Board of Education any findings by the Auditor General
4256 that an early learning coalition, ~~a~~ district school board, or
4257 Florida College System institution is acting without statutory
4258 authority or contrary to general law. The State Board of
4259 Education shall require the early learning coalition, district
4260 school board, or Florida College System institution board of
4261 trustees to document compliance with such law.

4262 (3) If the early learning coalition, district school
4263 board, or Florida College System institution board of trustees
4264 cannot satisfactorily document compliance, the State Board of
4265 Education may order compliance within a specified timeframe.

4266 (4) If the State Board of Education determines that an
4267 early learning coalition, ~~a~~ district school board, or Florida
4268 College System institution board of trustees is unwilling or
4269 unable to comply with law or state board rule within the
4270 specified time, the state board shall have the authority to
4271 initiate any of the following actions:

4272 (a) Report to the Legislature that the early learning
4273 coalition, school district, or Florida College System
4274 institution is unwilling or unable to comply with law or state
4275 board rule and recommend action to be taken by the Legislature.

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(b) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning coalition, school district, or Florida College System institution complies with the law or state board rule.

(c) Declare the early learning coalition, school district, or Florida College System institution ineligible for competitive grants.

(d) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 70. Paragraph (a) of subsection (3) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and

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students based upon the provisions of the Florida Early Learning-20 ~~K-20~~ Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

Section 71. Subsection (9) of section 1011.62, Florida Statutes, is amended to read:

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

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12, including certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b). Each school district that has one or more of the 300 lowest-performing elementary schools based on a 3-year average of the state reading assessment data must use the school's portion of the allocation to provide an additional hour per day of intensive reading instruction for the students in each school. The additional hour may be provided within the

4326 school day. Students enrolled in these schools who earned a
4327 level 4 or level 5 score on the statewide, standardized English
4328 Language Arts assessment for the previous school year may
4329 participate in the additional hour of instruction. Exceptional
4330 student education centers may not be included in the 300
4331 schools. The intensive reading instruction delivered in this
4332 additional hour shall include: research-based reading
4333 instruction that has been proven to accelerate progress of
4334 students exhibiting a reading deficiency; differentiated
4335 instruction based on screening, diagnostic, progress monitoring,
4336 or student assessment data to meet students' specific reading
4337 needs; explicit and systematic reading strategies to develop
4338 phonemic awareness, phonics, fluency, vocabulary, and
4339 comprehension, with more extensive opportunities for guided
4340 practice, error correction, and feedback; and the integration of
4341 social studies, science, and mathematics-text reading, text
4342 discussion, and writing in response to reading.

4343 (b) Funds for comprehensive, research-based reading
4344 instruction shall be allocated annually to each school district
4345 in the amount provided in the General Appropriations Act. Each
4346 eligible school district shall receive the same minimum amount
4347 as specified in the General Appropriations Act, and any
4348 remaining funds shall be distributed to eligible school
4349 districts based on each school district's proportionate share of
4350 K-12 base funding.

4351 (c) Funds allocated under this subsection must be used to
4352 provide a system of comprehensive reading instruction to
4353 students enrolled in the K-12 programs and certain students who
4354 exhibit a substantial deficiency in early literacy and completed
4355 the Voluntary Prekindergarten Education Program pursuant to s.
4356 1008.25(5)(b), which may include the following:

4357 1. An additional hour per day of evidence-based intensive
4358 reading instruction to students in the 300 lowest-performing
4359 elementary schools by teachers and reading specialists who have
4360 demonstrated effectiveness in teaching reading as required in
4361 paragraph (a).

4362 2. Kindergarten through grade 5 evidence-based ~~reading~~
4363 ~~intervention teachers to provide~~ intensive reading interventions
4364 provided by reading intervention teachers ~~intervention~~ during
4365 the school day and in the required extra hour for students
4366 identified as having a reading deficiency.

4367 3. Highly qualified reading coaches to specifically
4368 support teachers in making instructional decisions based on
4369 student data, and improve teacher delivery of effective reading
4370 instruction, intervention, and reading in the content areas
4371 based on student need.

4372 4. Professional development for school district teachers
4373 in scientifically based reading instruction, including
4374 strategies to teach reading in content areas and with an
4375 emphasis on technical and informational text, to help school

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4376 district teachers earn a certification or an endorsement in
4377 reading.

4378 5. Summer reading camps, using only teachers or other
4379 district personnel who are certified or endorsed in reading
4380 consistent with s. 1008.25(7)(b)3., for all students in
4381 kindergarten through grade 2 who demonstrate a reading
4382 deficiency as determined by district and state assessments, ~~and~~
4383 students in grades 3 through 5 who score at Level 1 on the
4384 statewide, standardized English Language Arts assessment, and
4385 certain students who exhibit a substantial deficiency in early
4386 literacy and completed the Voluntary Prekindergarten Education
4387 Program under s. 1008.25(5)(b).

4388 6. Scientifically researched and evidence-based
4389 supplemental instructional materials ~~that are grounded in~~
4390 ~~scientifically based reading research~~ as identified by the Just
4391 Read, Florida! Office pursuant to s. 1001.215(8).

4392 7. Evidence-based intensive interventions for students in
4393 kindergarten through grade 12 who have been identified as having
4394 a reading deficiency or who are reading below grade level as
4395 determined by the statewide, standardized English Language Arts
4396 assessment or for certain students who exhibit a substantial
4397 deficiency in early literacy and completed the Voluntary
4398 Prekindergarten Education Program under s. 1008.25(5)(b).

4399 (d)1. Annually, by a date determined by the Department of
4400 Education but before May 1, school districts shall submit a ~~K-12~~

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4401 comprehensive reading plan for the specific use of the research-
4402 based reading instruction allocation in the format prescribed by
4403 the department for review and approval by the Just Read,
4404 Florida! Office created pursuant to s. 1001.215. The plan
4405 annually submitted by school districts shall be deemed approved
4406 unless the department rejects the plan on or before June 1. If a
4407 school district and the Just Read, Florida! Office cannot reach
4408 agreement on the contents of the plan, the school district may
4409 appeal to the State Board of Education for resolution. School
4410 districts shall be allowed reasonable flexibility in designing
4411 their plans and shall be encouraged to offer reading
4412 intervention through innovative methods, including career
4413 academies. The plan format shall be developed with input from
4414 school district personnel, including teachers and principals,
4415 and shall provide for intensive reading interventions through
4416 integrated curricula, provided that, beginning with the 2020-
4417 2021 school year, the interventions are delivered by a teacher
4418 who is certified or endorsed in reading. Such interventions must
4419 incorporate evidence-based strategies identified by the Just
4420 Read, Florida! Office pursuant to s. 1001.215(8). No later than
4421 July 1 annually, the department shall release the school
4422 district's allocation of appropriated funds to those districts
4423 having approved plans. A school district that spends 100 percent
4424 of this allocation on its approved plan shall be deemed to have
4425 been in compliance with the plan. The department may withhold

4426 funds upon a determination that reading instruction allocation
4427 funds are not being used to implement the approved plan. The
4428 department shall monitor and track the implementation of each
4429 district plan, including conducting site visits and collecting
4430 specific data on expenditures and reading improvement results.
4431 By February 1 of each year, the department shall report its
4432 findings to the Legislature.

4433 2. Each school district that has a school designated as
4434 one of the 300 lowest-performing elementary schools as specified
4435 in paragraph (a) shall specifically delineate in the
4436 comprehensive reading plan, or in an addendum to the
4437 comprehensive reading plan, the implementation design and
4438 reading intervention strategies that will be used for the
4439 required additional hour of reading instruction. The term
4440 "reading intervention" includes evidence-based strategies
4441 frequently used to remediate reading deficiencies and also
4442 includes individual instruction, tutoring, mentoring, or the use
4443 of technology that targets specific reading skills and
4444 abilities.

4445
4446 For purposes of this subsection, the term "evidence-based" means
4447 demonstrating a statistically significant effect on improving
4448 student outcomes or other relevant outcomes.

4449 Section 72. For the 2022-2023 fiscal year, the sum of
4450 \$3,088,000 in recurring funds is appropriated from the General

Revenue Fund to the Department of Education to implement the coordinated screening and progress monitoring program required by s. 1008.2125, Florida Statutes. Of these funds, \$3 million shall be placed in reserve. The department is authorized to submit budget amendments requesting the release of funds pursuant to chapter 216, Florida Statutes. The budget amendment shall include a detailed operational work plan and spending plan. The department shall submit quarterly updates to the plans and quarterly project status reports to the Office of Policy and Budget in the Executive Office of the Governor and the chairs of the Senate Committee on Appropriations and the House of Representatives Appropriations Committee. Each status report must include progress made to date for each project activity, planned and actual tasks and deliverable completion dates, planned and actual costs incurred, and any current issues and risks.

Section 73. For the 2021-2022 fiscal year, the sum of \$100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to issue a competitive solicitation to contract with an independent third party consulting firm to conduct a review of the school readiness payment rates by county, provider type, and care level. The review shall include an evaluation of the current methodology for establishing the market rate schedule pursuant to s. 1002.895, Florida Statutes, the current school readiness

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4476 payment rates, and the impact of the approved pay differentials
4477 authorized under part VI of chapter 1002, Florida Statutes, on
4478 the payment rates. The review shall include recommendations on a
4479 methodology for setting the payment rates by county, by provider
4480 type, and by care level that takes into consideration the impact
4481 that local ordinances may have on the market rate if such
4482 ordinances require more stringent staff-to-child ratios than
4483 required in s. 402.305(4), Florida Statutes, but may not
4484 consider school readiness wait lists as a factor. The department
4485 shall submit the results of the review and the recommendations
4486 to the Governor's Office of Policy and Budget and the chairs of
4487 the Senate Committee on Appropriations and the House of
4488 Representatives Appropriations Committee by January 1, 2022.

4489 Section 74. For the 2021-2022 fiscal year, the sum of
4490 \$677,759 in recurring funds is appropriated from the General
4491 Revenue Fund to the Department of Education to assist in the
4492 implementation of s. 1002.68(2), Florida Statutes.

4493 Section 75. This act shall take effect upon becoming a
4494 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 897 Strong Families Tax Credit
SPONSOR(S): Koster
TIED BILLS: **IDEN./SIM. BILLS:** SB 908

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee		Rahming	Brazzell
2) Ways & Means Committee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Chapter 39, F.S., creates the child welfare system within the Department of Children and Families (DCF). The system includes a central abuse hotline (hotline), child protective investigations, in-home services and out-of-home placements, and legal services. The DCF contracts for case management, out-of-home services, and related services with community-based care lead agencies. The DCF is responsible for program oversight and the overall performance of the child welfare system.

Florida imposes select taxes on certain businesses and products within the state to generate revenue.

HB 897 creates s. 402.60, F.S., known as the Strong Families Tax Credit. This tax credit program provides tax credits for businesses that make monetary donations to certain eligible charitable organizations that provide services focused on child welfare and well-being, specifically:

- Preventing child abuse, neglect, abandonment, or exploitation;
- Assisting fathers in learning and improving parenting skills or to engage absent fathers in being more engaged in their children's lives;
- Providing books to the homes of children eligible for a free or reduced-price meal program or those testing below grade level in kindergarten through fifth grade;
- Assisting families who have children with a chronic illness or a physical, intellectual, developmental, or emotional disability; or
- Providing workforce development services to families of children eligible for a free or reduced-price meal program.

The tax credits are a dollar-for-dollar credit against certain tax liabilities and can be taken against the business's liability for several state taxes, including corporate income tax; insurance premium tax; severance taxes on oil and gas production; alcoholic beverage tax on beer, wine, and spirits; or self-accrued sales tax liability of direct pay permit holders.

The bill specifies requirements and procedures for, and limitations on, receiving the tax credits.

The bill also directs the Florida Institute for Child Welfare, an entity that performs research on child welfare initiatives contributing to a more effective child welfare system, to perform an analysis of the tax credit and the use of the funds and submit a report to the Governor, the Speaker of the House of Representatives, and President of the Senate by October 31, 2025.

The bill caps the tax credit at \$5 million annually. The bill appropriates \$208,000 in non-recurring general revenue funds to the Department of Revenue to implement the bill, which addresses the fiscal impact to that agency.

The bill has an indeterminate impact on state revenue and an insignificant, negative fiscal impact on the DCF.

The bill has an effective date of July 1, 2021.

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

STORAGE NAME: h0897.CFS

DATE: 3/12/2021

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of Children and Families

The Department of Children and Families (DCF) mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.¹ DCF must develop a strategic plan to fulfil its mission and establish measureable goals, objectives, performance standards, and quality assurance requirements to ensure DCF is accountable to taxpayers.²

Under s. 20.19(4), F.S., the DCF is required to provide services relating to:

- Adult protection.
- Child care regulation.
- Child welfare.
- Domestic violence.
- Economic self-sufficiency.
- Homelessness.
- Mental health.
- Refugees.
- Substance abuse.

The DCF must develop a strategic plan for fulfilling its mission and establish a set of measurable goals, objectives, performance standards, and quality assurance requirements to ensure it is accountable. The DCF must also deliver services by contract through private providers to the extent allowed by law and funding.³ These private providers include managing entities delivering behavioral health services and community-based care lead agencies to deliver child welfare services.

Florida's Child Welfare System

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline (hotline) and child protective investigations. The DCF and community-based care lead agencies (CBCs) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.

The DCF's practice model is based on the safety of the child within his or her home, using in-home services such as parenting coaching and counseling to maintain and strengthen that child's natural supports in his or her environment. The DCF contracts for case management, out-of-home services, and related services with CBCs.

The CBCs combine the outsourcing of foster care and related services to service agencies with an increased local community ownership of service delivery and design.⁴ CBCs contract with a number of

¹ S. 20.19(1), F.S.

² *Id.*

³ *Id.*

⁴ The Florida Department of Children and Families (DCF), *Community-Based Care*, <https://www.myflfamilies.com/service-programs/community-based-care/> (last visited Mar. 10, 2021).

subcontractors for case management and direct care services to children and their families. There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.⁵

The DCF remains responsible for a number of child welfare functions, including operating the hotline, performing child protective investigations, and providing children's legal services.⁶ Ultimately, the DCF is responsible for program oversight and the overall performance of the child welfare system.⁷

Florida Institute for Child Welfare

In 2014, the Legislature established the Florida Institute for Child Welfare (FICW) at the Florida State University College of Social Work. The Legislature created the FICW to provide research and evaluation that contributes to a more sustainable, accountable, and effective child welfare system. The purpose of the FICW is to advance the well-being of children and families by improving the performance of child protection and child welfare services through research, policy analysis, evaluation, and leadership development.⁸ Current law requires the FICW to establish an affiliate network of public and private universities with accredited degrees in social work. In 2017, the FICW expanded its affiliate network to include research affiliates, and there are now over 50 research faculty affiliates.

State Revenue Sources

Described below are select taxes imposed by Florida on certain businesses and products within the state.

Corporate Income Tax

Florida imposes a 5.5 percent tax on the taxable income of certain corporations and financial institutions doing business in Florida.⁹ Corporate income tax is remitted to the Department of Revenue (DOR) and distributed to General Revenue. Net collections of corporate income tax in FY 2020-21 are forecast to be \$2.81 billion.¹⁰

Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums.¹¹ Insurance premium taxes are paid by insurance companies under ch. 624, F.S., and are remitted to the DOR. These revenues are distributed to General Revenue with additional distributions to the Insurance Regulatory Trust Fund, the Police & Firefighters Premium Tax Trust Fund, and the Emergency Management Preparedness & Assistance Trust Fund. Net collections of insurance premium taxes are forecast to be \$930.1 million in FY 2020-21 with distributions to General Revenue of \$681 million.¹²

Severance Taxes on Oil and Gas Production

Oil and gas production severance taxes are imposed on persons who sever oil or gas in Florida for sale, transport, storage, profit, or commercial use.¹³ These taxes are remitted to the DOR and distributed to General Revenue with additional distributions to the Minerals Trust Fund and to the

⁵ DCF, *Community-Based Care Lead Agency Map*, <https://www.myflfamilies.com/service-programs/community-based-care/lead-agency-map.shtml> (last visited Mar. 10, 2020).

⁶ OPPAGA, report 06-50.

⁷ *Id.*

⁸ S. 1004.615, F.S.

⁹ Ss. 220.11(2) and 220.63(2), F.S.

¹⁰ *General Revenue Consensus Estimating Conference Comparison Report*, p. 27, <http://edr.state.fl.us/Content/conferences/generalrevenue/grpackage.pdf> (last visited Mar. 10, 2020).

¹¹ S. 624.509, F.S. (Different tax rates apply to wet marine and transportation insurance, self-insurance, and annuity premiums.)

¹² *General Revenue Consensus Estimating Conference Comparison Report*, p. 34, <http://edr.state.fl.us/Content/conferences/generalrevenue/grpackage.pdf> (last visited Mar. 10, 2020).

¹³ Ss. 211.02(1) and 211.025, F.S.

counties where production occurred. Receipts from the severance taxes on oil and gas are estimated to be \$1.3 million in FY 2020-2021 with distributions to General Revenue of \$9.3 million.¹⁴

Sales Taxes Paid by Direct Pay Permit Holders

Section 212.183, F.S., authorizes the DOR to establish a process for the self-accrual of sales taxes due under ch. 212, F.S. The process involves the DOR granting a direct pay permit to a taxpayer, who then pays the taxes directly to the DOR.¹⁵

Alcoholic Beverage Taxes

Florida imposes excise taxes on malt beverages, wines, and other beverages.¹⁶ The taxes are due from manufacturers, distributors and vendors of malt beverages, and from manufacturers and distributors of wine, liquor, and other specified alcoholic beverages. Taxes are remitted to the Division of Alcoholic Beverages and Tobacco (Division) in the Department of Business and Professional Regulation (DBPR).

The Division is responsible for supervising the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of all alcoholic beverages in Florida.¹⁷ Distributions of the excise taxes on alcoholic beverages are made to the General Revenue Fund, the Alcoholic Beverage and Tobacco Trust Fund, and Viticulture Trust Fund. Collections of alcoholic beverage taxes are forecast to be \$757.1 million in FY 2020-21 with distributions to General Revenue of \$297.5 million.¹⁸

Currently, there are no statutory provisions for a tax credit program for eligible contributions made to eligible organizations that work to promote the welfare of children.

Background Screening

Level 1 and Level 2 Criminal History Record Checks are terms used under Florida law to convey the method of the criminal history record check and the extent of the data searched. Level 1 and Level 2 are terms that pertain only to Florida and are not used by the Federal Bureau of Investigation (FBI) or other states:

- Level 1: a state-only name-based check.
- Level 2: a state and national fingerprint-based check and consideration of disqualifying offenses, applicable to employees and volunteers designated by law as holding positions of responsibility or trust and those required to be fingerprinted pursuant to ch. 435, F.S.¹⁹

Public Law (Pub. L.) 92-544 authorizes the Federal Bureau of Investigation (FBI) to exchange criminal history record information (CHRI) with state and local governmental agencies' officials for licensing and employment purposes. Criteria established under Pub. L. 92-544 requires state statutes to designate an authorized governmental agency to be responsible for receiving and screening the results of the CHRI to then determine an applicant's suitability for employment or licensing. For level 2 screening, the Florida Department of Law Enforcement (FDLE) is this state's authorized governmental agency given the responsibility to perform a criminal history record check of its records and request that the FBI

¹⁴ *General Revenue Consensus Estimating Conference Comparison Report*, p. 38, <http://edr.state.fl.us/Content/conferences/generalrevenue/grpackage.pdf> (last accessed Mar. 10, 2021).

¹⁵ S. 212.183, F.S., and r. 12A-1.0911, F.A.C. Direct pay permit holders include: dealers who annually make purchases in excess of \$10 million per year in any county; dealers who annually purchase at least \$100,000 of tangible personal property, including maintenance and repairs for their own use; dealers who purchase promotional materials whose ultimate use is unknown at purchase; eligible air carriers, vessels, railroads, and motor vehicles engaged in interstate and foreign commerce; and dealers who lease realty from a number of independent property owners.

¹⁶ Ss. 563.05, 564.06, and 565.12, F.S.

¹⁷ S. 561.02, F.S.

¹⁸ *General Revenue Consensus Estimating Conference Comparison Report*, p. 31, <http://edr.state.fl.us/Content/conferences/generalrevenue/grpackage.pdf> (last visited Mar. 10, 2021).

¹⁹ S. 435.05, F.S.

perform a national criminal history record check of its records for each employee for whom the request is made.²⁰

Under current law, designated eligible charitable organizations are not considered authorized governmental agencies to conduct background screenings and, therefore, are unable to request or obtain national records pursuant to s. 435.04, F.S.

Effect of Proposed Changes

Strong Families Tax Credit Program

Tax Credits for Contributions to Eligible Charitable Organizations

The bill creates s. 402.60, F.S., known as the Strong Families Tax Credit Program. This program provides tax credits for businesses that make monetary donations to certain eligible charitable organizations that provide services focused on child welfare and well-being. The tax credits are a dollar-for-dollar credit against certain tax liabilities.

The tax credit can be taken against the business's liability for several state taxes, including:

- Corporate income tax;
- Insurance premium tax;
- Severance taxes on oil and gas production;
- Alcoholic beverage tax on beer, wine, and spirits; or
- Self-accrued sales tax liability of direct pay permit holders.

New sections are created in each of the applicable tax chapters to create the credit authorized in s. 402.60, F.S., as discussed further below.

Certification and Responsibilities of Eligible Charitable Organizations

To qualify for the program, an eligible charitable organization must be exempt as a 501(c)(3) organization under the Internal Revenue Code, must be a Florida entity with its principal office in the state of Florida, and must provide services to:

- Prevent child abuse, neglect, abandonment, or exploitation;
- Assist fathers in learning and improving parenting skills or to engage absent fathers in being more engaged in their children's lives;
- Provide books to the homes of children eligible for a free or reduced-price meal program or those testing below grade level in kindergarten through fifth grade;
- Assist families who have children with a chronic illness or a physical, intellectual, developmental, or emotional disability; or
- Provide workforce development services to families of children eligible for a free or reduced-price meal program.

An eligible charitable organization cannot:

- Provide, pay for, or provide coverage for abortions or financially support any other entity that provides, pays for or provides coverage for abortions, or
- Receive more than 50% of its total annual revenue from the DCF, either directly or indirectly.

In addition, to participate in the program, the organization must:

- Apply to DCF for designation as an eligible charitable organization; and
- Provide one-time and ongoing information as requested by the DCF.

²⁰ S. 435.05(1)(c), F.S.
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An eligible charitable organization must spend 100% of the funds received under this program on direct services for Florida residents for an approved purpose under the Strong Families tax credit. It must also conduct background screenings on all volunteers and staff working with children in any program funded under the Strong Families tax credit. Under current law, designated eligible charitable organizations will be unable to conduct background screenings, as they are not considered authorized governmental agencies and, therefore, will be unable to request or obtain national records pursuant to s. 435.04, F.S.

In addition, the organization must annually provide a copy of its most recent IRS Return of Organization Exempt from Income Tax form (Form 990), hire an independent certified public accountant to conduct an audit of the organization, and provide the audit report to the DCF within 180 days after completion of the organization's fiscal year.

Responsibilities of the Department of Children and Families

The DCF would be responsible for reviewing and approving or denying applications from potential eligible charitable organizations. It must also review and designate eligible charitable organizations each year. The DCF is also responsible for creating and maintaining a section of their website dedicated to this tax credit program and providing information on the process for becoming an eligible charitable organization, a list of current eligible charitable organizations, and the process for a taxpayer to select an eligible charitable organization as the recipient of funding through the tax credit program.

Revenue Sources

Corporate Income Tax

The bill creates s. 220.1876, F.S., which, beginning January 1, 2022, authorizes a credit of 100% of an eligible contribution to an eligible charitable organization against any tax due under ch. 220, F.S., for corporate income tax.

Insurance Premium Tax

The bill creates s. 624.51056, F.S., which, beginning January 1, 2022, authorizes a credit of 100% of an eligible contribution to an eligible charitable organization against any tax due under s. 624.509(1), F.S.

Severance Taxes on Oil and Gas Production

The bill creates s. 211.0252, F.S., which, beginning July 1, 2022, authorizes a credit of 100% of an eligible contribution to an eligible charitable organization against any tax due under ss. 211.02 or 211.025, F.S., for oil or gas production. However, the credit may not exceed 50% of the tax due on the return the credit is taken, and this credit may be used only after any credit under s. 211.0251, F.S., has been used, up to a total of 50% of the liability on the return. The bill directs DOR to disregard tax credits under this section for purposes of the distributions of tax revenue under s. 211.06, F.S., so that only amounts distributed to the General Revenue Fund are reduced.

Sales Taxes Paid by Direct Pay Permit Holders

The bill creates s. 212.1833, F.S., which, beginning July 1, 2022, authorizes a credit of 100% of an eligible contribution to an eligible charitable organization against any state sales tax due from a direct pay permit holder as a result of the direct pay permit held pursuant to s. 212.183, F.S. The bill directs the DOR to disregard tax credits under this section for purposes of the distributions of tax revenue under s. 212.20, F.S., so that only amounts distributed to the General Revenue Fund are reduced.

Alcoholic Beverage Taxes

The bill creates s. 561.1212, F.S., to authorize a credit of 100% of an eligible contribution to an eligible charitable organization against tax due under ss. 563.05, 564.06, or 565.12, F.S., except for taxes imposed on domestic wine production, beginning January 1, 2022. Further, the credit is limited to 90% of the tax due on the return the credit is taken. The Division is directed to disregard tax credits under this section for purposes of the distributions of tax revenue under ss. 561.121 and 564.06(10), F.S., so that only amounts distributed to the General Revenue Fund are reduced.

Application and Approval of Tax Credits by DOR

Businesses that wish to participate in the program by making a donation to an eligible charitable organization must apply to the DOR beginning October 1, 2021, for an allocation of tax credit. The taxpayer must specify in the application each tax for which the taxpayer requests a credit, the applicable taxable year for a credit under ss. 220.1876 or 624.51056, F.S., relating to the corporate income and insurance premium tax credits, and the applicable state fiscal year for a credit under ss. 211.0252, 212.1833, or 561.1212, F.S., relating to oil and gas production, direct pay permit sales, and alcoholic beverage tax credits, respectively. The DOR is required to approve the tax credits on a first-come, first-served basis and must obtain the approval of the Division prior to approving an alcoholic beverage tax credit under s. 561.1212, F.S.

Any unused credit may be carried forward up to ten years. The bill generally does not allow a taxpayer to convey, transfer, or assign the credit to another entity unless all of the assets of the taxpayer are conveyed, transferred, or assigned in the same transaction. Upon approval of the DOR, transfers may be made between members of an affiliated group of corporations if the credit transferred will be taken against the same type of tax.

Rescinding Tax Credits

A taxpayer may apply to the DOR to rescind all or part of an approved tax credit. The amount rescinded becomes available for that state fiscal year to another eligible taxpayer as approved by the DOR if the taxpayer receives notice that the rescindment has been accepted.

Cap on Annual Tax Credit Approvals

The annual tax credit cap for all credits under this program is \$5 million per state fiscal year.

Provisions Specific to Corporate Income Tax

The bill amends two additional corporate income tax provisions related to the ordering and administration of tax credits to:

- Specify the order that credits for contributions to eligible charitable organizations are to be claimed relative to other credits authorized under ch. 220, F.S., and
- Add tax credit amounts claimed under s. 220.1876, F.S., back to taxable income for the purpose of determining a taxpayer's "adjusted federal income."

The bill provides rulemaking authority to the DOR, DCF, Auditor General, and the DBPR. In addition, the DOR is granted emergency rulemaking authority for purposes of implementing the act. An appropriation of \$208,000 is provided to the DOR for implementation costs.

The bill directs the FICW to perform an analysis of the tax credit and the use of the funds and submit a report to the Governor, the Speaker of the House of Representatives, and President of the Senate by October 31, 2025.

The bill takes effect July 1, 2021.

B. SECTION DIRECTORY:

- Section 1:** Creating s. 211.0252, F.S., relating to credit for contributions to eligible charitable organizations.
- Section 2:** Creating s. 212.1833, F.S., relating to credit for contributions to eligible charitable organizations.
- Section 3:** Amending s. 220.02, F.S., relating to legislative intent.
- Section 4:** Amending s. 220.13, F.S., relating to “adjusted federal income” defined.
- Section 5:** Amending s. 220.186, F.S., relating to credit for Florida alternative minimum tax.
- Section 6:** Creating s. 220.1876, F.S., relating to credit for contributions to eligible charitable organizations.
- Section 7:** Creating s. 402.62, F.S., relating to the Strong Families Tax Credit.
- Section 8:** Creating s. 561.1212, F.S., relating to credit for contributions to eligible charitable organizations.
- Section 9:** Creating s. 624.51056, F.S., relating to credit for contributions to eligible charitable organizations.
- Section 10:** Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

2. Expenditures:

The new tax credit will have non-recurring operational impacts of approximately \$204,000 on the DOR.²¹ Ongoing operational impacts on the DOR will be accommodated within current resources. The bill appropriates \$208,000 in non-recurring general revenue funds to the DOR to implement its provisions.

The DCF will incur administrative costs to implement the bill, which current resources are adequate to absorb.

The fiscal impact on the FDLE is indeterminate.²²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

2. Expenditures:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Eligible charitable organizations under the Strong Families Tax Credit will benefit from the dollar-for-dollar credit against certain tax liabilities.

²¹ Florida Department of Revenue, Agency Analysis of 2021 House Bill 897, Fiscal Impact Analysis (Mar. 3, 2021).

²² Florida Department of Law Enforcement, Agency Analysis of 2021 House Bill 897, Fiscal Impact Analysis (Feb. 15, 2021).

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides sufficient rulemaking authority to the DOR, DCF, Auditor General, and DBPR to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to the Strong Families Tax Credit;
3 creating ss. 211.0252 and 212.1833, F.S.; providing
4 credits against oil and gas production taxes and sales
5 taxes payable by direct pay permit holders,
6 respectively, under the Strong Families Tax Credit;
7 specifying requirements and procedures for, and
8 limitations on, the credits; amending s. 220.02, F.S.;
9 revising the order in which the corporate income tax
10 credit under the Strong Families Tax Credit is
11 applied; amending s. 220.13, F.S.; revising the
12 definition of the term "adjusted federal income";
13 amending s. 220.186, F.S.; revising the calculation of
14 the corporate income tax credit for the Florida
15 alternative minimum tax; creating s. 220.1876, F.S.;
16 providing a credit against the corporate income tax
17 under the Strong Families Tax Credit; specifying
18 requirements and procedures for, and limitations on,
19 the credit; creating s. 402.62, F.S.; creating the
20 Strong Families Tax Credit; defining terms; specifying
21 requirements for the Department of Children and
22 Families in designating eligible charitable
23 organizations; specifying requirements for eligible
24 charitable organizations receiving contributions;
25 specifying duties of the Department of Children and

26 Families; specifying a limitation on, and application
27 procedures for, the tax credit; specifying
28 requirements and procedures for, and restrictions on,
29 the carryforward, conveyance, transfer, assignment,
30 and rescindment of credits; specifying requirements
31 and procedures for the Department of Revenue;
32 providing construction; authorizing the Department of
33 Revenue, the Division of Alcoholic Beverages and
34 Tobacco of the Department of Business and Professional
35 Regulation, and the Department of Children and
36 Families to develop a cooperative agreement and adopt
37 rules; authorizing certain interagency information
38 sharing; creating ss. 561.1212 and 624.51056, F.S.;
39 providing credits against excise taxes on certain
40 alcoholic beverages and the insurance premium tax,
41 respectively, under the Strong Families Tax Credit;
42 specifying requirements and procedures for, and
43 limitations on, the credits; authorizing the
44 Department of Revenue to adopt emergency rules to
45 implement provisions related to the Strong Families
46 Tax Credit; providing an appropriation; requiring the
47 Florida Institute for Child Welfare to provide a
48 certain report to the Governor and the Legislature by
49 a specified date; providing an effective date.
50

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

52
53 Section 1. Section 211.0252, Florida Statutes, is created
54 to read:

55 211.0252 Credit for contributions to eligible charitable
56 organizations.—Beginning January 1, 2022, there is allowed a
57 credit of 100 percent of an eligible contribution made to an
58 eligible charitable organization under s. 402.62 against any tax
59 due under s. 211.02 or s. 211.025. However, the combined credit
60 allowed under this section and s. 211.0251 may not exceed 50
61 percent of the tax due on the return on which the credit is
62 taken. If the combined credit allowed under this section and s.
63 211.0251 exceeds 50 percent of the tax due on the return, the
64 credit must first be taken under s. 211.0251. Any remaining
65 liability must be taken under this section, but may not exceed
66 50 percent of the tax due. For purposes of the distributions of
67 tax revenue under s. 211.06, the department shall disregard any
68 tax credits allowed under this section to ensure that any
69 reduction in tax revenue received which is attributable to the
70 tax credits results only in a reduction in distributions to the
71 General Revenue Fund. Section 402.62 applies to the credit
72 authorized by this section.

73 Section 2. Section 212.1833, Florida Statutes, is created
74 to read:

75 212.1833 Credit for contributions to eligible charitable

76 organizations.—Beginning January 1, 2022, there is allowed a
77 credit of 100 percent of an eligible contribution made to an
78 eligible charitable organization under s. 402.62 against any tax
79 imposed by the state and due under this chapter from a direct
80 pay permitholder as a result of the direct pay permit held
81 pursuant to s. 212.183. For purposes of the dealer's credit
82 granted for keeping prescribed records, filing timely tax
83 returns, and properly accounting and remitting taxes under s.
84 212.12, the amount of tax due used to calculate the credit shall
85 include any eligible contribution made to an eligible charitable
86 organization from a direct pay permitholder. For purposes of the
87 distributions of tax revenue under s. 212.20, the department
88 shall disregard any tax credits allowed under this section to
89 ensure that any reduction in tax revenue received which is
90 attributable to the tax credits results only in a reduction in
91 distributions to the General Revenue Fund. Section 402.62
92 applies to the credit authorized by this section. A dealer who
93 claims a tax credit under this section must file his or her tax
94 returns and pay his or her taxes by electronic means under s.
95 213.755.

96 Section 3. Subsection (8) of section 220.02, Florida
97 Statutes, is amended to read:

98 220.02 Legislative intent.—

99 (8) It is the intent of the Legislature that credits
100 against either the corporate income tax or the franchise tax be

101 applied in the following order: those enumerated in s. 631.828,
102 those enumerated in s. 220.191, those enumerated in s. 220.181,
103 those enumerated in s. 220.183, those enumerated in s. 220.182,
104 those enumerated in s. 220.1895, those enumerated in s. 220.195,
105 those enumerated in s. 220.184, those enumerated in s. 220.186,
106 those enumerated in s. 220.1845, those enumerated in s. 220.19,
107 those enumerated in s. 220.185, those enumerated in s. 220.1875,
108 those enumerated in s. 220.1876, those enumerated in s. 220.193,
109 those enumerated in s. 288.9916, those enumerated in s.
110 220.1899, those enumerated in s. 220.194, and those enumerated
111 in s. 220.196.

112 Section 4. Paragraph (a) of subsection (1) of section
113 220.13, Florida Statutes, is amended to read:

114 220.13 "Adjusted federal income" defined.—

115 (1) The term "adjusted federal income" means an amount
116 equal to the taxpayer's taxable income as defined in subsection
117 (2), or such taxable income of more than one taxpayer as
118 provided in s. 220.131, for the taxable year, adjusted as
119 follows:

120 (a) *Additions.*—There shall be added to such taxable
121 income:

122 1.a. The amount of any tax upon or measured by income,
123 excluding taxes based on gross receipts or revenues, paid or
124 accrued as a liability to the District of Columbia or any state
125 of the United States which is deductible from gross income in

126 the computation of taxable income for the taxable year.

127 b. Notwithstanding sub-subparagraph a., if a credit taken
128 under s. 220.1875 or s. 220.1876 is added to taxable income in a
129 previous taxable year under subparagraph 11. and is taken as a
130 deduction for federal tax purposes in the current taxable year,
131 the amount of the deduction allowed shall not be added to
132 taxable income in the current year. The exception in this sub-
133 subparagraph is intended to ensure that the credit under s.
134 220.1875 or s. 220.1876 is added in the applicable taxable year
135 and does not result in a duplicate addition in a subsequent
136 year.

137 2. The amount of interest which is excluded from taxable
138 income under s. 103(a) of the Internal Revenue Code or any other
139 federal law, less the associated expenses disallowed in the
140 computation of taxable income under s. 265 of the Internal
141 Revenue Code or any other law, excluding 60 percent of any
142 amounts included in alternative minimum taxable income, as
143 defined in s. 55(b)(2) of the Internal Revenue Code, if the
144 taxpayer pays tax under s. 220.11(3).

145 3. In the case of a regulated investment company or real
146 estate investment trust, an amount equal to the excess of the
147 net long-term capital gain for the taxable year over the amount
148 of the capital gain dividends attributable to the taxable year.

149 4. That portion of the wages or salaries paid or incurred
150 for the taxable year which is equal to the amount of the credit

allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any ~~The~~ amount taken as a credit for the taxable year

176 under s. 220.1875 or s. 220.1876. The addition in this
177 subparagraph is intended to ensure that the same amount is not
178 allowed for the tax purposes of this state as both a deduction
179 from income and a credit against the tax. This addition is not
180 intended to result in adding the same expense back to income
181 more than once.

182 12. The amount taken as a credit for the taxable year
183 under s. 220.193.

184 13. Any portion of a qualified investment, as defined in
185 s. 288.9913, which is claimed as a deduction by the taxpayer and
186 taken as a credit against income tax pursuant to s. 288.9916.

187 14. The costs to acquire a tax credit pursuant to s.
188 288.1254(5) that are deducted from or otherwise reduce federal
189 taxable income for the taxable year.

190 15. The amount taken as a credit for the taxable year
191 pursuant to s. 220.194.

192 16. The amount taken as a credit for the taxable year
193 under s. 220.196. The addition in this subparagraph is intended
194 to ensure that the same amount is not allowed for the tax
195 purposes of this state as both a deduction from income and a
196 credit against the tax. The addition is not intended to result
197 in adding the same expense back to income more than once.

198 Section 5. Subsection (2) of section 220.186, Florida
199 Statutes, is amended to read:

200 220.186 Credit for Florida alternative minimum tax.—

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit without application of any credit under s. 220.1875 or s. 220.1876.

Section 6. Section 220.1876, Florida Statutes, is created to read:

220.1876 Credit for contributions to eligible charitable organizations.—

(1) For taxable years beginning on or after January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

(2) A taxpayer who files a Florida consolidated return as

226 a member of an affiliated group pursuant to s. 220.131(1) may be
227 allowed the credit on a consolidated return basis; however, the
228 total credit taken by the affiliated group is subject to the
229 limitation established under subsection (1).

230 (3) Section 402.62 applies to the credit authorized by
231 this section.

232 (4) If a taxpayer applies and is approved for a credit
233 under s. 402.62 after timely requesting an extension to file
234 under s. 220.222(2):

235 (a) The credit does not reduce the amount of tax due for
236 purposes of the department's determination as to whether the
237 taxpayer was in compliance with the requirement to pay tentative
238 taxes under ss. 220.222 and 220.32.

239 (b) The taxpayer's noncompliance with the requirement to
240 pay tentative taxes shall result in the revocation and
241 rescindment of any such credit.

242 (c) The taxpayer shall be assessed for any taxes,
243 penalties, or interest due from the taxpayer's noncompliance
244 with the requirement to pay tentative taxes.

245 Section 7. Section 402.62, Florida Statutes, is created to
246 read:

247 402.62 Strong Families Tax Credit.—

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

249 (a) "Annual tax credit amount" means, for any state fiscal
250 year, the sum of the amount of tax credits approved under

251 paragraph (5) (b), including tax credits to be taken under s.
252 211.0252, s. 212.1833, s. 220.1876, s. 561.1212, or s.
253 624.51056, which are approved for taxpayers whose taxable years
254 begin on or after January 1 of the calendar year preceding the
255 start of the applicable state fiscal year.

256 (b) "Division" means the Division of Alcoholic Beverages
257 and Tobacco of the Department of Business and Professional
258 Regulation.

259 (c) "Eligible charitable organization" means an
260 organization designated by the Department of Children and
261 Families to be eligible to receive funding under this section.

262 (d) "Eligible contribution" means a monetary contribution
263 from a taxpayer, subject to the restrictions provided in this
264 section, to an eligible charitable organization. The taxpayer
265 making the contribution may not designate a specific child
266 assisted by the eligible charitable organization as the
267 beneficiary of the contribution.

268 (e) "Tax credit cap amount" means the maximum annual tax
269 credit amount that the Department of Revenue may approve for a
270 state fiscal year.

271 (2) STRONG FAMILIES TAX CREDITS; ELIGIBILITY.—

272 (a) The Department of Children and Families shall
273 designate as an eligible charitable organization an organization
274 that meets all of the following requirements:

275 1. Is exempt from federal income taxation under s.

276 501(c)(3) of the Internal Revenue Code.

277 2. Is a Florida entity formed under chapter 605, chapter
278 607, or chapter 617 and whose principal office is located in
279 this state.

280 3. Provides services to:

281 a. Prevent child abuse, neglect, abandonment, or
282 exploitation;

283 b. Assist fathers in learning and improving parenting
284 skills or to engage absent fathers in being more engaged in
285 their children's lives;

286 c. Provide books to the homes of children eligible for a
287 free or reduced-price meal program or those testing below grade
288 level in kindergarten through grade 5;

289 d. Assist families with children who have a chronic
290 illness or a physical, intellectual, developmental, or emotional
291 disability; or

292 e. Provide workforce development services to families of
293 children eligible for a free or reduced-price meal program.

294 4. Provides to the Department of Children and Families
295 accurate information, including, at a minimum, a description of
296 the services provided by the organization which are eligible for
297 funding under this section; the total number of individuals
298 served through those services during the last calendar year and
299 the number served during the last calendar year using funding
300 under this section; basic financial information regarding the

organization and services eligible for funding under this section; outcomes for such services; and contact information for the organization.

5. Annually submits a statement signed, under penalty of perjury, by a current officer of the organization, that the organization meets all of the criteria to qualify as an eligible charitable organization, has fulfilled responsibilities under this section for the previous fiscal year if the organization received any funding through this credit during the previous year, and intends to fulfill its responsibilities during the upcoming year.

6. Provides any documentation requested by the Department of Children and Families to verify eligibility as an eligible charitable organization or compliance with this section.

(b) The Department of Children and Families may not designate as an eligible charitable organization an organization that:

1. Provides, pays for, or provides coverage for abortions, or financially supports any other entity that provides, pays for, or provides coverage for abortions; or

2. Has received more than 50 percent of its total annual revenue from the Department of Children and Families, either directly or via a contractor of the department, in the most recently ended fiscal year.

(3) RESPONSIBILITIES OF ELIGIBLE CHARITABLE

326 ORGANIZATIONS.—An eligible charitable organization that receives
327 a contribution under this section must do all of the following:

328 (a) Conduct background screenings on all volunteers and
329 staff working directly with children in any program funded under
330 this section. The background screening shall use level 2
331 screening standards pursuant to s. 435.04. The Department of
332 Children and Families shall specify requirements for background
333 screening in rule.

334 (b) Expend 100 percent of any contributions received under
335 this section for direct services to state residents for the
336 purposes specified in subparagraph (2)(a)3.

337 (c) Annually submit to the Department of Children and
338 Families:

339 1. An audit of the eligible charitable organization
340 conducted by an independent certified public accountant in
341 accordance with auditing standards generally accepted in the
342 United States, government auditing standards, and rules adopted
343 by the Auditor General. The audit must include a report on
344 financial statements presented in accordance with generally
345 accepted accounting principles. The audit must be provided to
346 the Department of Children and Families within 180 days after
347 completion of the eligible charitable organization's fiscal
348 year; and

349 2. A copy of the eligible charitable organization's most
350 recent federal Internal Revenue Service Return of Organization

351 Exempt from Income Tax form (Form 990).

352 (d) Notify the Department of Children and Families within
353 5 business days after the eligible charitable organization
354 ceases to meet eligibility requirements or fails to fulfill its
355 responsibilities under this section.

356 (e) Upon receipt of a contribution, provide the taxpayer
357 that made the contribution with a certificate of contribution. A
358 certificate of contribution must include the taxpayer's name
359 and, if available, its federal employer identification number,
360 the amount contributed, the date of contribution, and the name
361 of the eligible charitable organization.

362 (4) RESPONSIBILITIES OF THE DEPARTMENT.—The Department of
363 Children and Families shall do all of the following:

364 (a) Annually redesignate eligible charitable organizations
365 that have complied with all of the requirements of this section.

366 (b) Remove the designation of organizations that fail to
367 meet all of the requirements of this section. An organization
368 that has had its designation removed by the department may
369 reapply for designation as an eligible charitable organization,
370 and the department shall redesignate such organization if it
371 meets all of the requirements of this section and demonstrates
372 through its application that all factors leading to its removal
373 as an eligible charitable organization have been sufficiently
374 addressed.

375 (c) Publish information about the tax credit program and

376 eligible charitable organizations on a Department of Children
377 and Families website. The website shall, at a minimum, provide
378 all of the following:

379 1. The requirements and process for becoming designated or
380 redesignated as an eligible charitable organization.

381 2. A list of the eligible charitable organizations that
382 are currently designated by the department and the information
383 provided under subparagraph (2)(a)5. regarding each eligible
384 charitable organization.

385 3. The process for a taxpayer to select an eligible
386 charitable organization as the recipient of funding through a
387 tax credit.

388 (d) Compel the return of funds that are provided to an
389 eligible charitable organization that fails to comply with the
390 requirements of this section. Eligible charitable organizations
391 that are subject to return of funds are ineligible to receive
392 funding under this section for a period 10 years after final
393 agency action to compel the return of funding.

394 (5) STRONG FAMILIES TAX CREDITS; APPLICATIONS, TRANSFERS,
395 AND LIMITATIONS.—

396 (a) The tax credit cap amount is \$5 million in each state
397 fiscal year.

398 (b) Beginning October 1, 2021, a taxpayer may submit an
399 application to the Department of Revenue for a tax credit or
400 credits to be taken under one or more of s. 211.0252, s.

401 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056.

402 1. The taxpayer shall specify in the application each tax
403 for which the taxpayer requests a credit and the applicable
404 taxable year for a credit under s. 220.1876 or s. 624.51056 or
405 the applicable state fiscal year for a credit under s. 211.0252,
406 s. 212.1833, or s. 561.1212. For purposes of s. 220.1876, a
407 taxpayer may apply for a credit to be used for a prior taxable
408 year before the date the taxpayer is required to file a return
409 for that year pursuant to s. 220.222. For purposes of s.
410 624.51056, a taxpayer may apply for a credit to be used for a
411 prior taxable year before the date the taxpayer is required to
412 file a return for that prior taxable year pursuant to ss.
413 624.509 and 624.5092. The application must specify the eligible
414 charitable organization to which the proposed contribution will
415 be made. The Department of Revenue shall approve tax credits on
416 a first-come, first-served basis and must obtain the division's
417 approval before approving a tax credit under s. 561.1212.

418 2. Within 10 days after approving or denying an
419 application, the Department of Revenue shall provide a copy of
420 its approval or denial letter to the eligible charitable
421 organization specified by the taxpayer in the application.

422 (c) If a tax credit approved under paragraph (b) is not
423 fully used within the specified state fiscal year for credits
424 under s. 211.0252, s. 212.1833, or s. 561.1212 or against taxes
425 due for the specified taxable year for credits under s. 220.1876

426 or s. 624.51056 because of insufficient tax liability on the
427 part of the taxpayer, the unused amount must be carried forward
428 for a period not to exceed 10 years. For purposes of s.
429 220.1876, a credit carried forward may be used in a subsequent
430 year after applying the other credits and unused carryovers in
431 the order provided in s. 220.02(8).

432 (d) A taxpayer may not convey, transfer, or assign an
433 approved tax credit or a carryforward tax credit to another
434 entity unless all of the assets of the taxpayer are conveyed,
435 assigned, or transferred in the same transaction. However, a tax
436 credit under s. 211.0252, s. 212.1833, s. 220.1876, s. 561.1212,
437 or s. 624.51056 may be conveyed, transferred, or assigned
438 between members of an affiliated group of corporations if the
439 type of tax credit under s. 211.0252, s. 212.1833, s. 220.1876,
440 s. 561.1212, or s. 624.51056 remains the same. A taxpayer shall
441 notify the Department of Revenue of its intent to convey,
442 transfer, or assign a tax credit to another member within an
443 affiliated group of corporations. The amount conveyed,
444 transferred, or assigned is available to another member of the
445 affiliated group of corporations upon approval by the Department
446 of Revenue. The Department of Revenue shall obtain the
447 division's approval before approving a conveyance, transfer, or
448 assignment of a tax credit under s. 561.1212.

449 (e) Within any state fiscal year, a taxpayer may rescind
450 all or part of a tax credit approved under paragraph (b). The

451 amount rescinded shall become available for that state fiscal
452 year to another eligible taxpayer approved by the Department of
453 Revenue if the taxpayer receives notice from the Department of
454 Revenue that the rescindment has been accepted by the Department
455 of Revenue. The Department of Revenue must obtain the division's
456 approval before accepting the rescindment of a tax credit under
457 s. 561.1212. Any amount rescinded under this paragraph must
458 become available to an eligible taxpayer on a first-come, first-
459 served basis based on tax credit applications received after the
460 date the rescindment is accepted by the Department of Revenue.

461 (f) Within 10 days after approving or denying the
462 conveyance, transfer, or assignment of a tax credit under
463 paragraph (d), or the rescindment of a tax credit under
464 paragraph (e), the Department of Revenue shall provide a copy of
465 its approval or denial letter to the eligible charitable
466 organization specified by the taxpayer. The Department of
467 Revenue shall also include the eligible charitable organization
468 specified by the taxpayer on all letters or correspondence of
469 acknowledgment for tax credits under s. 212.1833.

470 (g) For purposes of calculating the underpayment of
471 estimated corporate income taxes under s. 220.34 and tax
472 installment payments for taxes on insurance premiums or
473 assessments under s. 624.5092, the final amount due is the
474 amount after credits earned under s. 220.1876 or s. 624.51056
475 for contributions to eligible charitable organizations are

476 deducted.

477 1. For purposes of determining if a penalty or interest
478 under s. 220.34(2)(d)1. will be imposed for underpayment of
479 estimated corporate income tax, a taxpayer may, after earning a
480 credit under s. 220.1876, reduce any estimated payment in that
481 taxable year by the amount of the credit.

482 2. For purposes of determining if a penalty under s.
483 624.5092 will be imposed, an insurer, after earning a credit
484 under s. 624.51056 for a taxable year, may reduce any
485 installment payment for such taxable year of 27 percent of the
486 amount of the net tax due as reported on the return for the
487 preceding year under s. 624.5092(2)(b) by the amount of the
488 credit.

489 (6) PRESERVATION OF CREDIT.—If any provision or portion of
490 this section, s. 211.0252, s. 212.1833, s. 220.1876, s.
491 561.1212, or s. 624.51056 or the application thereof to any
492 person or circumstance is held unconstitutional by any court or
493 is otherwise declared invalid, the unconstitutionality or
494 invalidity shall not affect any credit earned under s. 211.0252,
495 s. 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056 by any
496 taxpayer with respect to any contribution paid to an eligible
497 charitable organization before the date of a determination of
498 unconstitutionality or invalidity. The credit shall be allowed
499 at such time and in such a manner as if a determination of
500 unconstitutionality or invalidity had not been made, provided

501 that nothing in this subsection by itself or in combination with
502 any other provision of law may result in the allowance of any
503 credit to any taxpayer in excess of one dollar of credit for
504 each dollar paid to an eligible charitable organization.

505 (7) ADMINISTRATION; RULES.—

506 (a) The Department of Revenue, the division, and the
507 Department of Children and Families may develop a cooperative
508 agreement to assist in the administration of this section, as
509 needed.

510 (b) The Department of Revenue may adopt rules necessary to
511 administer this section and ss. 211.0252, 212.1833, 220.1876,
512 561.1212, and 624.51056, including rules establishing
513 application forms, procedures governing the approval of tax
514 credits and carryforward tax credits under subsection (5), and
515 procedures to be followed by taxpayers when claiming approved
516 tax credits on their returns.

517 (c) The division may adopt rules necessary to administer
518 its responsibilities under this section and s. 561.1212.

519 (d) The Department of Children and Families may adopt
520 rules necessary to administer this section, including, but not
521 limited to, rules establishing application forms for
522 organizations seeking designation as eligible charitable
523 organizations under this act.

524 (e) Notwithstanding any provision of s. 213.053 to the
525 contrary, sharing information with the division related to this

526 tax credit is considered the conduct of the Department of
527 Revenue's official duties as contemplated in s. 213.053(8)(c),
528 and the Department of Revenue and the division are specifically
529 authorized to share information as needed to administer this
530 section.

531 Section 8. Section 561.1212, Florida Statutes, is created
532 to read:

533 561.1212 Credit for contributions to eligible charitable
534 organizations.—Beginning January 1, 2022, there is allowed a
535 credit of 100 percent of an eligible contribution made to an
536 eligible charitable organization under s. 402.62 against any tax
537 due under s. 563.05, s. 564.06, or s. 565.12, except excise
538 taxes imposed on wine produced by manufacturers in this state
539 from products grown in this state. However, a credit allowed
540 under this section may not exceed 90 percent of the tax due on
541 the return on which the credit is taken. For purposes of the
542 distributions of tax revenue under ss. 561.121 and 564.06(10),
543 the division shall disregard any tax credits allowed under this
544 section to ensure that any reduction in tax revenue received
545 which is attributable to the tax credits results only in a
546 reduction in distributions to the General Revenue Fund. The
547 provisions of s. 402.62 apply to the credit authorized by this
548 section.

549 Section 9. Section 624.51056, Florida Statutes, is created
550 to read:

551 624.51056 Credit for contributions to eligible charitable
552 organizations.—

553 (1) For taxable years beginning on or after January 1,
554 2022, there is allowed a credit of 100 percent of an eligible
555 contribution made to an eligible charitable organization under
556 s. 402.62 against any tax due for a taxable year under s.
557 624.509(1) after deducting from such tax deductions for
558 assessments made pursuant to s. 440.51; credits for taxes paid
559 under ss. 175.101 and 185.08; credits for income taxes paid
560 under chapter 220; and the credit allowed under s. 624.509(5),
561 as such credit is limited by s. 624.509(6). An eligible
562 contribution must be made to an eligible charitable organization
563 on or before the date the taxpayer is required to file a return
564 pursuant to ss. 624.509 and 624.5092. An insurer claiming a
565 credit against premium tax liability under this section is not
566 required to pay any additional retaliatory tax levied under s.
567 624.5091 as a result of claiming such credit. Section 624.5091
568 does not limit such credit in any manner.

569 (2) Section 402.62 applies to the credit authorized by
570 this section.

571 Section 10. The Department of Revenue is authorized, and
572 all conditions are deemed met, to adopt emergency rules under s.
573 120.54(4), Florida Statutes, for the purpose of implementing
574 provisions related to the Strong Families Tax Credit created by
575 this act. Notwithstanding any other law, emergency rules adopted

576 under this section are effective for 6 months after adoption and
577 may be renewed during the pendency of procedures to adopt
578 permanent rules addressing the subject of the emergency rules.

579 Section 11. For the 2021-2022 fiscal year, the sum of
580 \$208,000 in nonrecurring funds is appropriated from the General
581 Revenue Fund to the Department of Revenue for the purpose of
582 implementing the provisions related to the Strong Families Tax
583 Credit created by this act.

584 Section 12. The Florida Institute for Child Welfare shall
585 analyze the use of funding provided by the tax credit authorized
586 under s. 402.62, Florida Statutes, and submit a report to the
587 Governor, the President of the Senate, and the Speaker of the
588 House of Representatives by October 31, 2025. The report must,
589 at a minimum, include the total funding amount and categorize
590 the funding by type of program, describe the programs that were
591 funded, and assess the outcomes that were achieved using the
592 funding.

593 Section 13. This act shall take effect July 1, 2021.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 897 (2021)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

Committee/Subcommittee hearing bill: Children, Families &
Seniors Subcommittee

Representative Koster offered the following:

Amendment

Remove lines 328-333 and insert:

(a) Apply for admittance into the Department of Law
Enforcement's Volunteer and Employee Criminal History System
and, if accepted, conduct background screening on all volunteers
and staff working directly with children in any program funded
under this section, pursuant to s. 943.0542. Background
screening shall use level 2 screening standards pursuant to s.
435.04 and additionally include, but need not be limited to, a
check of the Dru Sjodin National Sex Offender Public Website.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1287 Child Care Facility Transportation
SPONSOR(S): Diamond
TIED BILLS: **IDEN./SIM. BILLS:** SB 252

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee		Rahming	Brazzell
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Heatstroke is exposure to high temperatures for an extended period of time. Vehicular heatstroke involves being trapped in a vehicle under these conditions. Young children, pets, and the elderly are at a higher risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles. The national average of child heatstroke deaths per year since 1998 is 38. Since 1998, Florida has had the second largest number of child heatstroke deaths in vehicles: 96; second only to Texas: 132. Child care facilities were responsible for seven of the 96 Florida deaths.

HB 1287 creates the "Child Safety Alarm Act" and requires that after January 1, 2022, vehicles used by child care facilities and large child care homes to transport children be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the Department of Children and Families to adopt rules to implement the bill.

The bill is expected to have a significant, negative fiscal impact on private entities and certain local governments and an insignificant, negative fiscal impact on state government. See Fiscal Comments.

The bill has an effective date of October 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

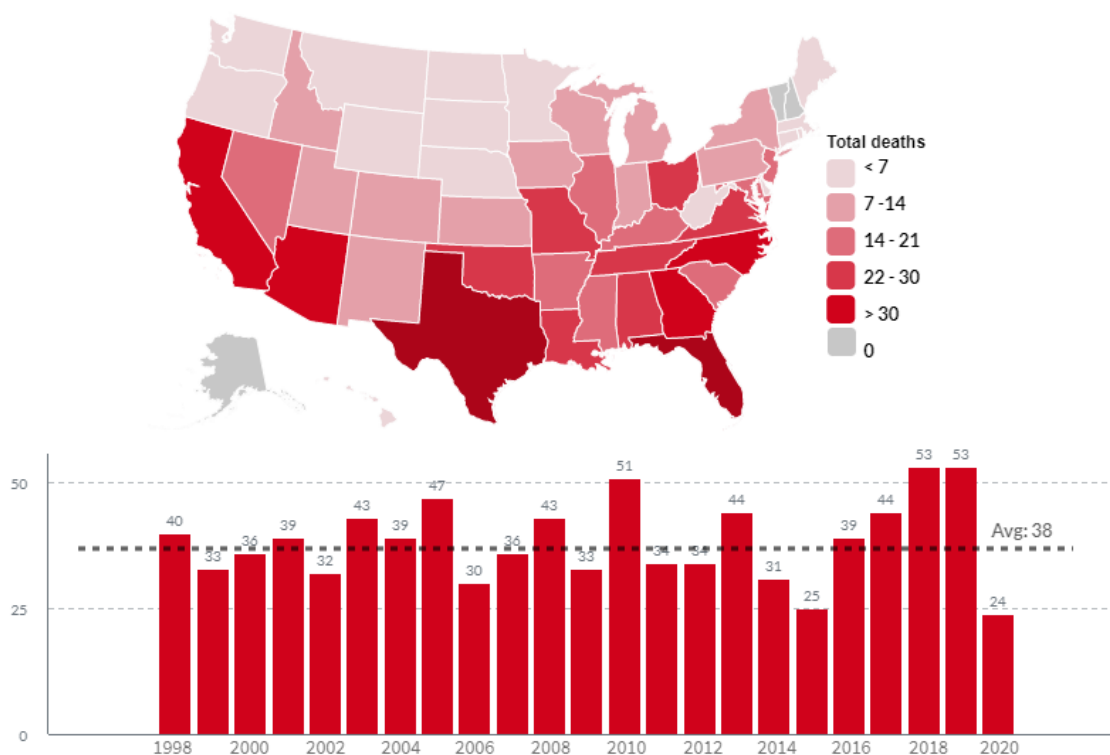
A. EFFECT OF PROPOSED CHANGES:

Present Situation

Heatstroke is exposure to high temperatures for an extended period of time. Vehicular heatstroke involves being trapped in a vehicle under these conditions. Vehicular heatstroke can become fatal when the internal body core temperature reaches 107 degrees at which point the body is unable to cool itself down through normal processes such as perspiration.¹ Young children, pets, and the elderly are at a higher risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles. Since 1998, 882 children have died nationwide due to vehicular heatstroke.² The national average of child heatstroke deaths per year since 1998 is 38. Fifty-five percent of these deaths involve children under the age of one.³

Since 1998, Florida has had the second largest number of child heatstroke deaths in vehicles, 96, second only to Texas, with 132.⁴

Child heatstroke deaths in vehicles, United States, 1998 - current



¹ Seattle Children's Hospital Research Foundation, Hot Cars and Kids- a Deadly Combination, available at <https://pulse.seattlechildrens.org/hot-cars-and-kids-a-deadly-combination/> (last visited Mar. 10, 2021).

² U.S. Department of Transportation (USDOT), Traffic Safety Marketing, *Child Safety: Heatstroke Prevention*, See Kids and Cars.org, Children Vehicular Heatstroke Deaths by Year, https://www.trafficsafetymarketing.gov/get-materials/child-safety/heatstroke-prevention?_ga=2.56158690.870054613.1615229487-1650636428.1615229487 (last visited Mar. 10, 2021).

³ Kids and Cars.org, Fact Sheet, <https://www.kidsandcars.org/wp-content/uploads/2020/01/Heatstroke-fact-sheet.pdf> (last visited Mar. 10, 2021).

⁴ National Safety Council, Hot Car Deaths, <https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/hotcars/> (last visited Mar. 10, 2021).

Forty-six of the 432 child vehicular heatstroke deaths from 2010-2020 in the U.S. occurred in Florida, with child care providers responsible for seven of the 46 deaths (15%):⁵

Florida Child Vehicular Heatstroke Deaths Profile: 2010-2020

Year	Total Deaths	Responsible Party			
		Parents	Child Care Providers	Others ⁶	Unknown
2020	3	2		1	
2019	5	2	2		1
2018	5	5			
2017	6	1	2	3	
2016	5	2	1	1	1
2015	4	3		1	
2014	2	2			
2013	5	4		1	
2012	3	2	1		
2011	2	2			
2010	6	4	1	1	

Technology Based Prevention

Automobile Manufacturers

The auto industry has attempted to address child heatstroke deaths in vehicles for years. At the 2002 New York Auto Show, General Motors (GM) unveiled a system that would be able to detect the heartbeat of a child left in a car and then measure the vehicle's temperature. If it was becoming dangerously hot, it would sound the horn to alert a parent or passersby. GM later reported that the system was abandoned after it was found "not reliable enough to put into production."⁷

However, in 2020, Consumer Reports determined several reminder systems reliably worked, including:⁸

- GM's Rear Seat Reminder, which notes whether a rear door was opened up to 10 minutes before the vehicle is turned on or any time after the vehicle is turned on.
- Kia's Rear Occupant Alert, which incorporates motion detection and rear-door logic.
- Hyundai's Rear Occupant Alert, which incorporates motion detection and rear-door logic.
- Nissan's Rear Door Alert, which shows a warning in the instrument cluster and makes a single-tone chime if the rear door was opened before the trip, before the driver's door was opened; and
- Toyota's Rear Seat Reminder, which notes whether a rear door was opened within 10 minutes of the vehicle being turned on, or at any time after the vehicle has been turned on.

Currently, these systems are not widely available as standard equipment. However, the auto industry has committed to introducing rear-seat reminders that include a combination of auditory and visual alerts in essentially all cars and trucks by the 2025 model year.⁹

⁵ Email from Prof. Jan Null, Certified Consulting Meteorologist, Department of Meteorology & Climate Services, San Jose State University, RE: Updated spreadsheet on Child Vehicle Heat Stroke Deaths (Mar. 11, 2021). See also, Kids and Cars, 2018-2020 Child Hot Car Deaths, available at <https://www.kidsandcars.org/2018-u-s-child-hot-car-fatalities/>, <https://www.kidsandcars.org/2019-child-hot-car-deaths/>, and <https://www.kidsandcars.org/2020-child-hot-car-deaths/> (last visited Mar. 11, 2021).

⁶ Others as used in this chart includes other relatives, such as cousins, a babysitter, and a girlfriend.

⁷ Paul Eisenstein, *Death in Hot Cars: Why Can't the Automakers Prevent the Danger?* July 11, 2014, available at: <http://www.nbcnews.com/storyline/hot-cars-and-kids/death-hot-cars-why-cant-automakers-prevent-danger-n152911> (last visited Mar. 10, 2021).

⁸ Emily A. Thomas, Pd.D., Guide to Rear-Seat Reminder Systems: These built-in systems can help prevent heatstroke tragedies in cars and SUVs, Consumer Reports (July 29, 2020), <https://www.consumerreports.org/car-safety/guide-to-rear-seat-reminder-systems/> (last visited Mar. 12, 2021).

⁹ *Id.*

It is unclear how many of these systems, if any, currently are or will be available as standard equipment on the type of vehicles that child care facilities use.

Currently, the National Highway Traffic Safety Administration (NHTSA) does not require automakers to add in-vehicle technology that would alert those who leave young children behind in hot cars.

Aftermarket Rear-Seat Reminder Systems

There are numerous warning systems that alert a parent to a child left in a safety seat, shopping cart, or elsewhere, but federal regulators have questioned their efficacy.

According to a 2012 study by NHTSA and the Children's Hospital of Philadelphia, a preliminary assessment performed on technology devices aimed at helping to prevent a child from being unintentionally left in a hot car concluded that the devices were unreliable and limited in their effectiveness.¹⁰

The study also found several limitations in these products after conducting tests, including inconsistencies in arming sensitivity, variations in warning signal distance, potential interference from other electronic devices, children inadvertently disarming the device by slumping over or sleeping out of position, and limitations in the products' susceptibility to misuse or other common scenarios, such as a beverage spill. Many of the products tested require extensive setup work by caregivers and parents, potentially giving them a false sense of security. Moreover, since the devices are restraint-based, they wouldn't address the 20 to 40 percent of children who are killed in hot cars when they enter a vehicle without adult permission.¹¹

Additional aftermarket products have been introduced since the 2012 NHTSA/Children's Hospital study, but the NHTSA has not studied them to determine their effectiveness.

Licensing Standards for Child Care Facilities and Large Family Child Care Homes

The DCF licenses and regulates 62 of the 67 counties in Florida, establishing licensing standards that each licensed child care facility in the state must meet.¹² Five counties have local licensing authority and must meet or exceed the DCF standards:¹³ Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.

As of March 10, 2021, the DCF licenses:¹⁴

- 4,723 child care facilities. Child care facilities are child care centers or child care arrangements that:
 - Provide child care for more than five children unrelated to the operator; and
 - Receive payment, fee, or grant funds for the children receiving care, whether or not operated for profit;¹⁵
- 799 family day care homes. Family day care homes are occupied residences which:
 - Regularly provide children from at least two unrelated families child care; and
 - Receive payments, fees, or grants for the children receiving care, whether or not operated for profit;¹⁶ and

¹⁰ Consumer Reports, *Heatstroke Death a Risk to Children in Hot Cars* (July 24, 2019), available at <https://www.consumerreports.org/cro/news/2012/08/warning-systems-to-detect-children-left-in-hot-cars-found-unreliable-study-finds/index.htm>. (last visited Mar. 10, 2021).

¹¹ Ryan Jaslow, *Gov't study: Devices that alert parents they left a child in a car deemed unreliable*, CBS News, July 31, 2012, available at <https://www.cbsnews.com/news/govt-study-devices-that-alert-parents-they-left-a-child-in-car-deemed-unreliable/> (last visited Mar. 10, 2021).

¹² S. 402.305, F.S.

¹³ S. 402.306, F.S.

¹⁴ Email from John Paul Fiore, Legislative Specialist, Florida Department of Children and Families, RE: HB 1287, regarding the number of facilities the DCF currently licenses (Mar. 11, 2021).

¹⁵ S. 402.305(2), F.S.

¹⁶ S. 402.305(8), F.S.

- 250 large family child care homes. Large family child care homes are occupied residences that:
 - Regularly provide children from at least two unrelated families child care;
 - Receive payments, fees, or grants for the children receiving care, whether or not operated for profit; and
 - Have at least two full-time child care personnel on the premises during the hours of operation.¹⁷

In addition, there are homes that are only registered by the agency and facilities that are exempt from licensure due to a religious affiliation.¹⁸ As of December 2020, approximately 1,566 child care providers reported to the DCF that they transport children.¹⁹

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.²⁰ The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.²¹

Providers are required to maintain a driver's log for all children being transported. This log must include:

- Each child's name;
- The date, time of departure;
- Time of arrival at the destination; and
- The signature of driver or in the case of travelling on foot, the signature of the child care personnel); and
- The signature of a second staff member to verify the driver's log and that all children have arrived safely and have left the vehicle.

Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.²²

Current DCF licensing standards for child care facilities and large family child care homes do not address alarm systems in vehicles.

Currently, Palm Beach and Broward Counties have requirements similar to those proposed in the bill.²³ In 2019, however, a 2-year-old child died from vehicular heatstroke after a Broward County daycare van's driver disabled the required child safety alarm device and left the child in the van for approximately five hours.²⁴

¹⁷ S. 402.302(11), F.S.

¹⁸ S. 402.316, F.S.

¹⁹ Florida Department of Children and Families, Agency Analysis of 2021 House Bill 1287, p. 6 (Dec. 14, 2020).

²⁰ S. 402.305, F.S.

²¹ See rr. 65C-22.001(6) and 65C-20.13(8), F.A.C.

²² *Id.*

²³ See Palm Beach County, Code of Ordinances ch. 1, art. XVII, § D (2011) and Broward County, Florida, Code of Ordinances ch. 7, art. 1, § 7-9 (2012).

²⁴ Lisa J. Huriash, *Driver turned off safety alarm on day care van where boy died, records show*, South Florida Sun Sentinel (Aug. 7, 2019), <https://www.sun-sentinel.com/local/broward/oakland-park/fl-ne-daycare-center-permanent-closing-noah-20190807-titbnfjhinct7dzvoxzwao53ya-story.html> (last visited Mar. 11, 2021).

Arkansas,²⁵ California,²⁶ Tennessee,²⁷ Texas,²⁸ and Wisconsin²⁹ also have alarm system requirements similar to those proposed in the bill.³⁰

Effect of Proposed Changes

HB 1287 creates the “Child Safety Alarm Act,” which amends s. 402.305, F.S., to require that on or after January 1, 2022, vehicles used by child care facilities and large family child care homes to transport children must have an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area.

The bill requires the DCF to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill also modifies existing minimum safety standards in statute pertaining to transportation for child care facilities. Under the bill, these standards must include:

- The required use of seat belts in all vehicles used by child care facilities and large family child care homes to transport children;
- Annual inspections for all such vehicles;
- Limitations on the number of children that may be transported within each vehicle;
- Procedures to ensure that children are not inadvertently left in vehicles when transported by the facility or home and that systems are in place to ensure accountability for children the facilities and homes transport.

HB 1287 specifies that child care facilities and large family child care homes are not responsible for the safe transport of children when they are being transported by a parent or guardian.

The bill provides an effective date of October 1, 2021.

B. SECTION DIRECTORY:

Section 1: Provides a short title.

Section 2: Amends s. 402.305, F.S., relating to licensing standards; child care facilities.

Section 3: Provides an effective date of October 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DCF’s workload will increase to establish and maintain a list of approved alarm manufacturers.³¹ The DCF will also spend approximately \$6,500 for rule promulgation to adopt minimum safety standards for the alarm systems, however, this minimal fiscal impact can be

²⁵ Ark. Code Ann. § 20-78-225.

²⁶ Cal. Vehicle Code § 28160.

²⁷ Tenn. Code Ann. § 71-3-502.

²⁸ Tex. Human Resources Code Ann. § 42.0424.

²⁹ Wis. Stat. § 48.658.

³⁰ Kids and Cars.org, State Laws Requiring Alarm Systems in Daycare Vehicle or School Buses, available at <https://www.kidsandcars.org/wp-content/uploads/2019/11/Daycare-Van-Alarm-State-Laws-11-8-19.pdf> (last visited Mar. 12, 2021).

³¹ Florida Department of Children and Families, Agency Analysis of 2021 House Bill 1287, p. 6 (Dec. 14, 2020).

absorbed through existing resources.³² The costs associated with creating a new inspection template that includes new standards pertaining to this bill can also be absorbed by the DCF through normal business operations.³³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Pinellas, Hillsborough, and Sarasota Counties would be required to adopt standards that address the minimum standards in the bill. On or before January 1, 2022, all vehicles used by child care facilities and large family child care homes would have to be equipped with a reliable alarm system, approved by the DOR, that prompts the driver to inspect the vehicle before exiting vehicle.

The fiscal impact on individual providers will vary based on unit cost, installation costs, and possible future warranty fees. The DCF anticipates the unit costs to vary from \$130 to \$156. Installation costs may range from \$100 to \$450 depending on the unit and installer.³⁴ The bill will have an indeterminate, negative fiscal impact on these counties.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The DCF reported approximately 1,566 child care providers currently offer a transportation service. These programs would be required to purchase, at a minimum, one of the alarm systems required by this bill.³⁵

The fiscal impact on individual providers will vary based on unit cost, installation costs, and possible future warranty fees. The DCF anticipates the unit costs to vary from \$130 to \$156. Installation costs may range from \$100 to \$450 depending on the unit and installer.³⁶

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides sufficient rulemaking authority to the DCF to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 1287

2021

1 A bill to be entitled
2 An act relating to child care facility transportation;
3 providing a short title; amending s. 402.305, F.S.;
4 requiring certain vehicles, by a specified date, to be
5 equipped with a reliable alarm system that meets
6 specified criteria; requiring the Department of
7 Children and Families to adopt by rule minimum safety
8 standards for such systems and to maintain a list of
9 approved alarm manufacturers and alarm systems; making
10 technical changes; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. This act may be cited as the "Child Safety
15 Alarm Act."

16 Section 2. Subsection (10) of section 402.305, Florida
17 Statutes, is amended to read:

18 402.305 Licensing standards; child care facilities.—

19 (10) TRANSPORTATION SAFETY.—

20 (a) Minimum standards shall include all of the following:

21 1. Requirements for child restraints or seat belts in
22 vehicles used by child care facilities and large family child
23 care homes to transport children.7

24 2. Requirements for annual inspections of such ~~the~~
25 vehicles.7

26 3. Limitations on the number of children that may be
27 transported in such ~~the~~ vehicles.

28 4. Procedures to ensure that ~~avoid leaving~~ children are
29 not inadvertently left in vehicles when transported by the
30 facility or home, and that systems are in place to ensure
31 accountability for children transported by such facilities and
32 homes ~~the child care facility.~~

33 (b) By January 1, 2022, all vehicles used by child care
34 facilities and large family child care homes to transport
35 children must be equipped with a reliable alarm system approved
36 by the department which prompts the driver to inspect the
37 vehicle for children before exiting the vehicle. The department
38 shall adopt by rule minimum safety standards for such systems
39 and shall maintain a list of approved alarm manufacturers and
40 alarm systems that meet or exceed those standards.

41 (c) A child care facility or large family child care home
42 is not responsible for the safe transport of children when they
43 are being transported by a parent or guardian.

44 Section 3. This act shall take effect October 1, 2021.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CFS 21-01 Child Welfare
SPONSOR(S): Children, Families & Seniors Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Children, Families & Seniors Subcommittee		Woodruff	Brazzell

SUMMARY ANALYSIS

The Department of Children and Families (DCF) mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency. DCF must also deliver services by contract through private providers, including community-based care lead agencies (CBCs) delivering child welfare services and managing entities (MEs) delivering behavioral health services.

Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline (hotline) and child protective investigations. DCF and CBCs work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children. Current law requires everyone to report known or suspected child abuse or neglect and subjects a person to penalties for failing to report. Except as provided in ch. 39, F.S., DCF must keep confidential all records relating to any reports of child abuse, abandonment, or neglect, including any report made to the hotline and all records generated because of such report.

The PCB makes several changes related to DCF contracts with CBCs and MEs to increase transparency regarding salaries and use of funding and address conflicts of interest. The bill also creates a process for an alternative plan for providing community-based services if DCF cannot competitively contract with a CBC in a service area.

The bill reorganizes, relocates, and amends current law related to the hotline by separating provisions on the hotline's operation and maintenance from those related to reporting requirements, adding an animal control officer or agent to those who must disclose his or her name when making a report, and requiring DCF to comply with new requirements relating to reports of juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior. The bill also includes the Agency for Health Care Administration as an agency permitted to receive reports of abuse and neglect and requires DCF to grant access to confidential and exempt records to a legislative committee within seven days, upon request.

The bill increases supports for foster parents and kinship caregivers by requiring DCF to establish a Foster Information Center. It also allows the Office of Criminal Conflict and Civil Regional Counsels to establish a multidisciplinary legal representation model program to serve families who are in the dependency system as long as the program meets certain requirements.

The bill includes in statute a description of children's advocacy center services and specifies that critical incident rapid response teams can include an expert in sexual abuse for certain cases.

The bill also makes changes to statute to align with federal requirements regarding Title IV-E funding.

The bill has an indeterminate fiscal impact on state government and no impact on local government. The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of Children and Families

The Department of Children and Families (DCF) mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.¹ DCF must develop a strategic plan to fulfill its mission and establish measureable goals, objectives, performance standards, and quality assurance requirements to ensure the department is accountable to taxpayers.²

Under s. 20.19(4), F.S., DCF must provide services relating to:

- Adult protection.
- Child care regulation.
- Child welfare.
- Domestic violence.
- Economic self-sufficiency.
- Homelessness.
- Mental health.
- Refugees.
- Substance abuse.

DCF must also deliver services by contract through private providers to the extent allowed by law and funding.³ These private providers include community-based care lead agencies (CBCs) delivering child welfare services and managing entities (MEs) delivering behavioral health services.

Florida's Child Welfare System

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. DCF and CBCs work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.

DCF's practice model is based on the safety of the child within the home by using in-home services, such as parenting coaching and counseling, to maintain and strengthen that child's natural supports in his or her environment.

DCF contracts for case management, out-of-home services, and related services with CBCs. The outsourced provision of child welfare services is intended to increase local community ownership of service delivery and design. CBCs contract with a number of subcontractors for case management and direct care services to children and their families. There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.

¹ S. 20.19(1), F.S.

² *Id.*

³ *Id.*

DCF remains responsible for a number of child welfare functions, including operating the central abuse hotline.⁴ Ultimately, DCF is responsible for program oversight and the overall performance of the child welfare system.⁵

Dependency System Process

When a child is in danger of, or has suffered from, abuse, abandonment or neglect, the dependency system is set up to protect the child's welfare. The dependency process includes, among other things:

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning to address the problems resulting in the child's dependency.
- Reunification with the child's parent or another option to establish permanency, such as adoption.

Central Abuse Hotline

DCF operates the Florida central abuse hotline (hotline), which accepts reports 24 hours a day, seven days a week, of known or suspected child abuse, abandonment or neglect.⁶ Statute mandates any person who knows or suspects that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the hotline.⁷ A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse, abandonment or neglect.⁸ A child protective investigator either verifies,⁹ does not substantiate,¹⁰ or finds no indicators of abuse or neglect after a child protective investigation.¹¹ When a report made to the hotline does not allege abuse, neglect, or abandonment, DCF refers the reporter to other organizations that may better resolve the reporter's concerns. The following graphic displays the total number of hotline reports, how many reports were accepted for an investigation and how many children were served, either in-home or out-of-home, after an investigation during FY 2019-20.¹²

⁴ OPPAGA, report 06-50.

⁵ *Id.*

⁶ S. 39.201(5), F.S.

⁷ S. 39.201(1)(a), F.S.

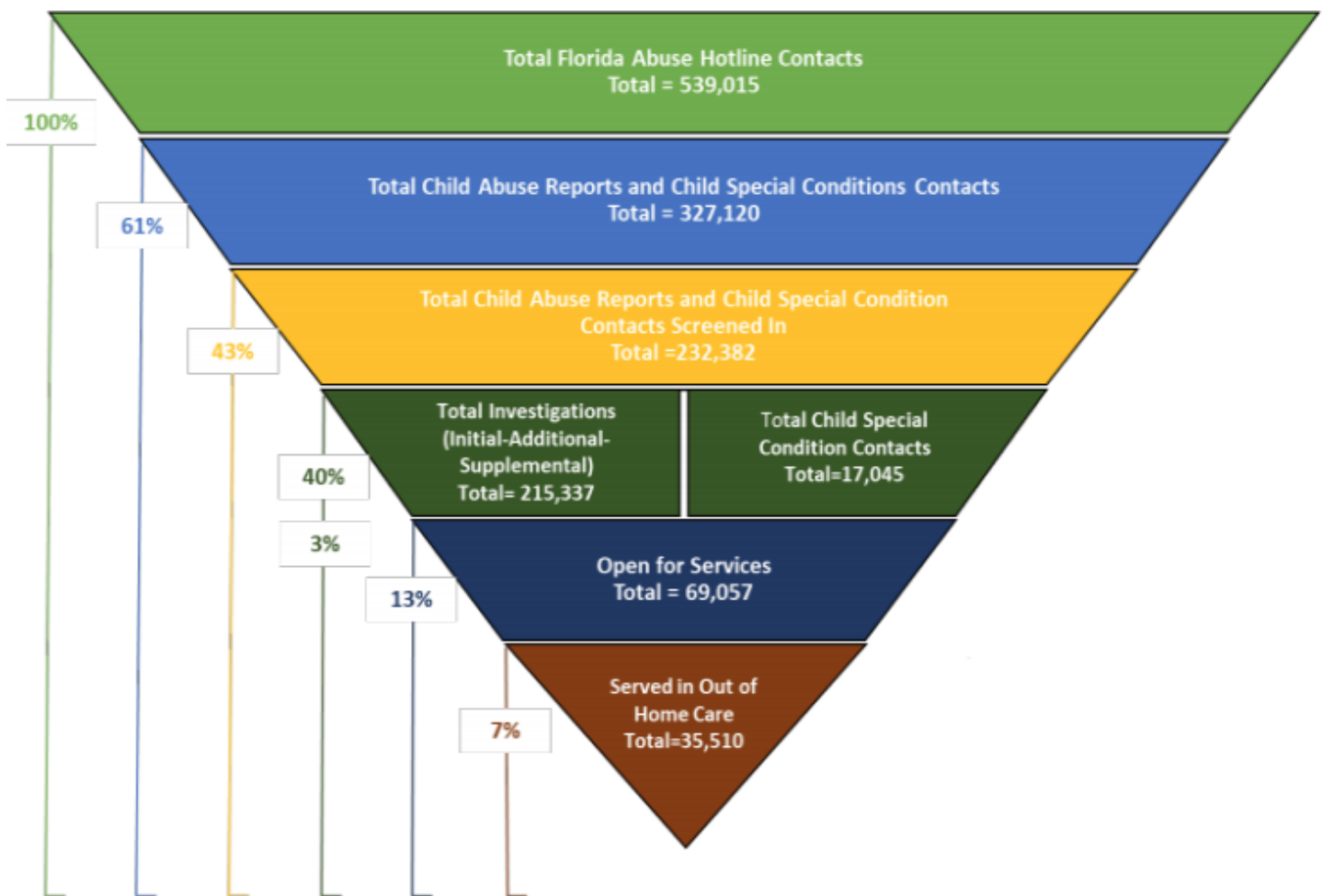
⁸ S. 39.201(2)(a), F.S.

⁹ "Verified" findings are when a preponderance the evidence results in a determination the specific harm or threat of harm was the result of abuse, abandonment or neglect. These findings require the investigator to take action to protect the child. See Florida Department of Children and Families, CF Operating Procedure No. 170-5.

¹⁰ "Not substantiated" findings result from an investigation when there is credible evidence which does not meet the standard or being a preponderance to support that the specific harm was the result of abuse, abandonment, or neglect. See Florida Department of Children and Families, CF Operating Procedure No. 170-5.

¹¹ "No indicators" findings result when there is no credible evidence to support the allegations of abuse, abandonment, or neglect. See Florida Department of Children and Families, CF Operating Procedure No. 170-5.

¹² Florida Department of Children and Families, *Child Welfare Key Indicators Monthly Report* (Feb. 2021), http://centerforchildwelfare.fmhi.usf.edu/qa/cwkeyindicator/KI_Monthly_Report_Feb%202021.pdf (last visited Mar. 11, 2021).



The hotline must operate in a manner that will allow DCF to:

- Immediately identify prior cases or reports through utilizing a tracking system.
- Monitor and evaluate the effectiveness of DCF's reporting and investigation program through the development and use of statistical and other information.
- Track critical steps in the investigative process to ensure compliance with all reporting requirements.
- Collect, analyze, and produce statistical reports, including an aggregate report on patterns of child abuse, abandonment, and neglect, including child-on-child sexual abuse.
- Prepare separate reports, as required under s. 39.201(4)(d), F.S., of child abuse and sexual abuse which are reported from or occurred on the campus of any Florida College System institution,¹³ state university,¹⁴ or nonpublic college, university, or school, as defined in ss. 1000.21 and 1005.02, F.S.
- Provide resources for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.
- Initiate and enter into agreements with other states to gather and share information contained in reports on child maltreatment.¹⁵

¹³ S. 1000.21(3), F.S., provides "Florida College System institution" except as otherwise specifically provided, includes a list of specified public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution, including, for instance, Eastern Florida State College, which serves Brevard County, and Broward College, which serves Broward County.

¹⁴ S. 1000.21(6), F.S., provides "State University", except as otherwise specifically provided, includes a list of specified institutions and any branch campuses, centers, or other affiliates of the institution, including, for instance, The University of Florida, The Florida State University and The Florida Agricultural and Mechanical University.

¹⁵ S. 39.201(4)(a) to (f), F.S.

Information received by the hotline may not be used for employment screening except in specified instances.¹⁶ As part of DCF's quality assurance program, it must review hotline reports to analyze when there are three or more unaccepted reports to identify patterns and initiate a case for investigation, if warranted.¹⁷

Current law requires an individual to make a report to the hotline if he or she knows or has reasonable cause to suspect that:

- A child has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care;¹⁸
- A child has been abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare;¹⁹ or
- A child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender.²⁰

Florida law provides exceptions to reporting requirement in specified circumstances:²¹

- Professionals who are hired or contracted with DCF to provide treatment or counseling services to a child that are the subject of the abuse, abandonment, or neglect;²²
- An officer or employee of the judicial branch when the child is currently being investigated, is the subject of an existing dependency case, or the matter has previously been reported to the DCF;²³ or
- An officer or employee of law enforcement when the incident under investigation was reported to the law enforcement by the hotline.²⁴

Chapter 39, F.S., does not require a reporter to disclose his or her identity to the hotline, but hotline personnel receive training in encouraging them to do so.²⁵ However, there are specified reporters that must disclose his or her name, including:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons.
- Health or mental health professional other than those listed above.
- Practitioner who relies solely on spiritual means for healing.
- School teacher or other school official or personnel.
- Social worker, day care center worker, or other professional childcare, foster care, residential, or institutional worker.
- Law enforcement officer.
- Judge.²⁶

DCF is required to have technology, which allows it to obtain the number from which the reporter calls or faxes the report, or the internet protocol address from which the report is made.²⁷ Reporter names

¹⁶ S. 39.201(6), F.S.

¹⁷ S. 39.201(7), F.S.

¹⁸ S. 39.201(1)(a), F.S.

¹⁹ S. 39.201(1)(b), F.S.

²⁰ S. 39.201(1)(c), F.S.

²¹ S. 39.201(1)(g), F.S., provides that nothing in ch. 39, F.S., may be construed to remove or reduce any person's reporting requirement, including any employee of a community-based care provider.

²² S. 39.201(1)(e), F.S.

²³ S. 39.201(1)(g), F.S.

²⁴ S. 39.201(1)(h), F.S.

²⁵ S. 39.201(2)(h), F.S.

²⁶ S. 39.201(1)(d), F.S.

²⁷ S. 39.201(2)(h), F.S.

and numbers are entered into the record of the report, but are held confidential.²⁸ Hotline counselors must inform reporters about these confidentiality provisions.²⁹

Any person who is required to report or investigate child abuse, abandonment or neglect cases and who has reasonable cause to suspect that a child died as a result of such treatment must report his or her suspicion to the medical examiner, who must accept the report for investigation and report his or her findings to designated agencies.³⁰ Autopsy reports are not subject to confidentiality requirements provided for in s. 39.202, F.S.³¹

A report to the hotline is the first step in the safety assessment and investigation process.³² The type of alleged abuse and whether the allegation is against a parent, legal custodian, caregiver, or other person responsible for the child's welfare will determine the steps that DCF is required to take.³³

When allegations are made against a parent, legal custodian, caregiver,³⁴ or other person responsible for the child's welfare,³⁵ the hotline counselor must assess whether the report meets the statutory definition of abuse, abandonment, or neglect.³⁶ If they do, the report is accepted for a protective investigation.³⁷ All reports made by an emergency room physician must be investigated.³⁸ At the same time, DCF makes a determination regarding the timeline for which a protective investigation must be initiated. An investigation must be commenced within 24 hours in all child abuse, abandonment, or neglect cases, unless it requires an immediate investigation.³⁹ An immediate investigation is required if:

- It appears the child's immediate safety or well-being is endangered;
- The family may flee or the child will be unavailable for purposes of conducting a child protective investigation; or
- The facts otherwise so warrant.⁴⁰

There are instances when DCF is required to immediately refer the report to local law enforcement,⁴¹ and other instances when DCF is required to offer voluntary community services.⁴² DCF has other specific requirements with respect to reports including:

- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior, including to:
 - Immediately electronically transfer the report to the appropriate county sheriff's office.
 - Conduct an assessment and assist the family with receiving appropriate services.

²⁸ *Id.* See also s. 39.202, F.S., which is discussed in more detail below. Section 39.201(2)(i), F.S., provides that the DCF must record all incoming and outgoing calls to the hotline, and must keep an electronic copy which must only be disclosed to law enforcement, state attorney, or the DCF for purposes of conducting investigations pursuant to s. 39.205, F.S., or s. 39.206, F.S., respectively.

²⁹ *Id.*

³⁰ S. 39.201(3), F.S.

³¹ *Id.*

³² S. 39.201(4), F.S.

³³ See S. 39.201(2)(a) and (b), F.S.

³⁴ S. 39.01(10), F.S., defines "caregiver" as the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (54).

³⁵ S. 39.01(54), F.S., defines "other person responsible for a child's welfare" to include the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice, with exceptions of specified personnel working in their official capacity. Section 39.201(2)(f), F.S., requires reports of known or suspected institutional child abuse or neglect to be made in the same manner as other reports under s. 39.201, F.S.

³⁶ S. 39.201(2)(a), F.S.

³⁷ *Id.*

³⁸ S. 39.201(2)(i), F.S.

³⁹ S. 39.201(5), F.S.

⁴⁰ *Id.*

⁴¹ See s. 39.201(2)(b) and (e), F.S., which provides that reports of abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, and reports involving impregnation of a child under 16 years old by a person 21 years of age or older, must be immediately reported to the appropriate county sheriff.

⁴² See s. 39.201(2)(a), F.S., which permits the hotline to accept a call from a parent or legal custodian seeking assistance which does not meet one of these statutory definitions to prevent a future risk of harm to a child and the DCF may provide voluntary community services if a need for them exists.

- Submit a written report within 48 hours to county sheriff's office.
- Inform the court of the allegations if the child is in the custody or under the protective supervision of the DCF.
- Reports of abuse, abandonment, or neglect which occur out-of-state and the alleged perpetrator and victim child are out of state.⁴³
- Reports of a surrendered newborn infant.^{44, 45}

Confidentiality of Reports

Except as provided in ch. 39, F.S., DCF must keep confidential all records relating to any reports of child abuse, abandonment, or neglect, including any report made to the hotline and all records generated as a result of such report.⁴⁶ DCF and any entity granted access to such records are exempt from the public disclosure requirements in s. 119.07(1), F.S.

Section 39.202(2), F.S., provides that copies of reports and records, except for the reporter's name and other identifying information, may be disclosed, to the following entities or individuals:

- Employees, authorized agents, or contract providers of DCF, the Department of Health, the Agency for Persons with Disabilities, the Office of Early Learning, or county agencies responsible for carrying out certain functions.
- Criminal justice agencies of appropriate jurisdictions.
- The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.
- The parent or legal custodian of any child and their attorneys, including any attorney representing a child in a civil or criminal proceedings.
- Any person alleged to have caused the child's abuse, abandonment, or neglect.
- An appropriate official of DCF or the Agency for Persons with Disabilities who is responsible for carrying out certain functions.

Chapter 39, F.S., does not address whether the legislative committees may have access to the confidential reports or records. Section 11.143(2), F.S., however, provides that each committee has the right and authority to inspect and investigate the books, records, papers, documents, data, and operation of any public agency in Florida, including confidential information, to carry out its duty.

Penalties for Failing to Report

Current law subjects a person to penalties for failing to report known or suspected child abuse, abandonment, or neglect, or for willfully preventing another person from making such report.⁴⁷ Any person who violates this law commits a third degree felony.⁴⁸

Florida law also provides that a person who is 18 years of age or older and lives in the same house as a child who is known or suspected to be a victim of child abuse, neglect, or aggravated child abuse,

⁴³ S. 39.201(2)(d), F.S., provides that unless the child is currently being evaluated in a medical facility in Florida, the hotline must not accept the report but is required to transfer the information to the appropriate state or country. If the child is being currently evaluated in a medical facility in Florida, the hotline must accept the report or call for an investigation and transfer the information to the appropriate state or country.

⁴⁴ S. 383.50, F.S., provides that "newborn infant" means a child who a licensed physician reasonably believes is approximately 7 days old or younger at the time the child is left at a hospital, emergency medical services station, or fire station.

⁴⁵ S. 39.201(2)(g), F.S., provides that the DCF must make and receive reports of surrendered newborn infants, refer the caller to a licensed child-placing agency on a rotating basis, and comply with the requirements under s. 39.395, F.S., including, in part, immediately beginning an investigation if there is evidence of any abuse or neglect beyond the child being left at one of the designated facilities; if there is no other evidence, the report will not be considered abuse, abandonment or neglect under ch. 39, F.S.

⁴⁶ S. 39.202(1), F.S.

⁴⁷ S. 39.205(1), F.S.

⁴⁸ S. 39.205(1), F.S. A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

and knowingly and willfully fails to report the child abuse commits a third degree felony, unless the court finds that the person is a victim of domestic violence or that other mitigating circumstances exist.⁴⁹

Educational entities, including Florida College System institutions, state universities, or nonpublic colleges, universities or schools, and their administrators, are also subject to penalties for failing to report child abuse, neglect or abandonment.⁵⁰ These schools or their administrators who knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the school or during an event sponsored by the school, or who knowingly and willfully prevents another person from doing so, are subject to fines of \$1 million for each such failure.⁵¹

Current law provides the Education Practices Commission (EPC) with authority to discipline specified instructional personnel⁵² and school administrators⁵³ in various circumstances.⁵⁴ The EPC may, for instance, suspend the educator certificate for up to 5 years which would deny him or her the right to teach or be employed in any capacity by a district school board or public school that would require direct contact with students for that time period.⁵⁵ There are a number of circumstances that are grounds for suspending an educator certificate.⁵⁶

Florida law is currently silent on whether the EPC must suspend an instructional personnel's or school administrator's educator certificate for failing to report child abuse, abandonment, or neglect as required under s. 39.201, F.S.

Child Protective Investigations

DCF conduct a child protective investigation if a hotline report meets the statutory definition of child abuse, abandonment, or neglect. An investigation must be commenced immediately or within 24 hours after the report is received, depending on the nature of the allegation.⁵⁷ The child protective investigator assesses the safety and perceived needs of the child and family, and if services are needed, whether the child should receive in-home or out-of-home services.

Institutional Child Abuse, Abandonment, or Neglect

Institutional child abuse or neglect includes situations of known or suspected child abuse in which the person allegedly perpetrating the child abuse or neglect is an employee of a public or private school, public or private day care center, residential home, institution, facilitator, or agency or any other person at such institution responsible for the child's welfare.⁵⁸ Under current law, DCF must conduct a child protective investigation of any report of institutional child abuse, abandonment, or neglect.⁵⁹ Upon receipt of such report, DCF must initiate an investigation within the time provided in s. 39.201(5), F.S.,

⁴⁹ S. 39.205(2), F.S.

⁵⁰ S. 39.205(3), F.S.

⁵¹ *Id.* Current law also provides that any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose law enforcement agency fails to report known or suspected child abuse, abandonment, or neglect committed on the property of such schools or during an event sponsored by such schools are subject to fines of \$1 million for each such failure to report. Section 39.205(4), F.S.

⁵² S. 1012.01(2), F.S., defines "instructional personnel" as any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Instructional personnel include a specified list of personnel of K-12.

⁵³ S. 1012.01(3)(c), F.S., provides that "school administrators" include 1. school principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes career center directors and assistance principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

⁵⁴ S. 1012.795(1), F.S.

⁵⁵ *Id.*

⁵⁶ See s. 1012.795(1), F.S., for a list of circumstances.

⁵⁷ S. 39.301(1), F.S.

⁵⁸ S. 39.01(37), F.S.

⁵⁹ S. 39.302(1), F.S.

and must notify the state attorney, law enforcement agency, and licensing agency that must conduct a joint investigation, unless independent investigations are more feasible.⁶⁰

DCF must give each agency who is conducting a joint investigation full access to the information it has gathered and provide an oral and written report to the state attorney.⁶¹ The state attorney must also provide DCF with a copy of its report and conclusion on whether prosecution is justified and appropriate within 15 days after the investigation is completed.⁶²

If the person who is the subject of the report constitutes a threatened harm to the welfare of children by continued contact with them, DCF may restrict his or her access by the least restrictive means necessary to ensure the children's safety which may be effective, for no more than 90 days without a judicial review.⁶³ The subject may petition the court for a judicial review, and the court would be required to make specified findings.⁶⁴ Upon completion of its protective investigation, DCF may motion the court to continue the restrictive action against the subject to ensure the children's safety.⁶⁵

Critical Incident Rapid Response Team

In 2014, the Legislature created critical incident rapid response teams (CIRRT) to identify root causes and to quickly determine any necessary changes needed to existing policies and practices related to child protection and welfare.⁶⁶ The CIRRT must immediately investigate certain child deaths or other serious incidents.⁶⁷ The CIRRT is required to immediately respond to conduct an onsite investigation for any child deaths reported to DCF if the child or another child in the family was the subject of a verified report of suspected abuse or neglect during the previous 12 months.⁶⁸ DCF's secretary has the discretion to direct an immediate investigation for other cases involving death or serious injury to a child.⁶⁹

Florida law outlines the duties and composition of the teams, which require cooperative agreements with other entities and organizations to facilitate the teams' work.⁷⁰ DCF is required to develop guidelines and provide training to the CIRRT, and direct them to conduct a root-cause analysis for each incident.⁷¹ In addition, DCF's secretary is directed to appoint an advisory committee to conduct an independent review of the CIRRT reports and submit quarterly reports to DCF's secretary, who is required to provide the reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives.⁷²

This section also requires that the reports of the team be published on the DCF website.⁷³ In 2021, the CIRRT has begun investigations of four deaths of children who have verified prior reports of the child or family in the past 12 months.⁷⁴ Of the four investigations, a 1 ½ year old child's cause of death was

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² S. 39.302(1), F.S.

⁶³ S. 39.302(2)(b), F.S.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ S. 39.2015(1), F.S.

⁶⁷ *Id.*

⁶⁸ S. 39.2015(2), F.S.

⁶⁹ *Id.*

⁷⁰ S. 39.2015(7), F.S.

⁷¹ S. 39.2015(10), F.S.

⁷² S. 39.2015(11), F.S.

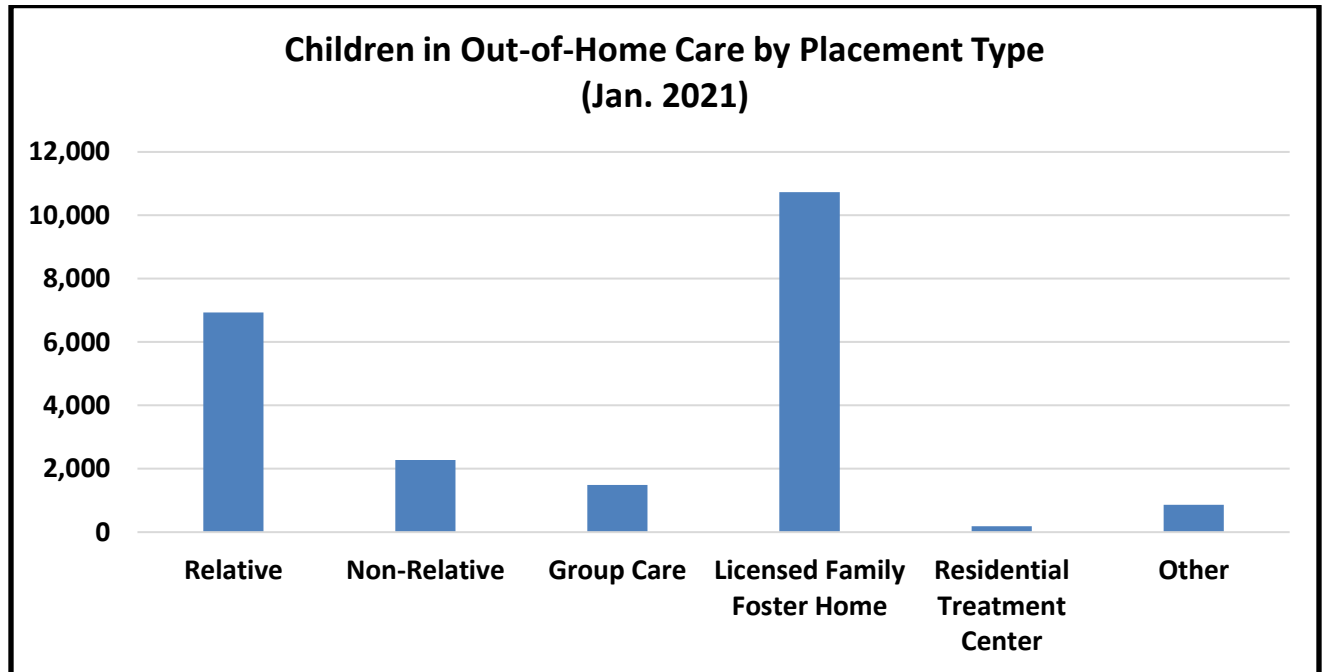
⁷³ S. 39.2015(9), F.S.

⁷⁴ Florida Department of Children and Families, *Total Child Fatalities with a Critical Incident Rapid Response Team Response in 2021*: 4, <https://www.myflfamilies.com/childfatality/cirrtresults.shtml?minage=0&maxage=18&year=2021&cause=&prior12=&verified> (last visited Mar. 10, 2021).

determined to be drowning but the report is pending,⁷⁵ The other three children's death remain under investigation.⁷⁶

Out-of-Home Placements

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for children. As of January 21, 2021, there were 22,473 children in out-of-home care.⁷⁷ After a placement assessment to determine the most appropriate out-of-home placement, a child may be placed with a relative, fictive kin, licensed foster parent, in a group home or residential setting.⁷⁸ The graph below provides information on the out-of-home placements of children in the child welfare system.⁷⁹



Licensed Family Foster Homes

Children who are receiving care out-of-home can be placed in a foster home with foster parents licensed by CBCs or its subcontractors. As part of the licensure process, all prospective caregivers must complete criminal background checks before a child is placed in their care.⁸⁰ As of January 2021, there were 8,493 licensed foster homes in Florida.⁸¹

Foster parents care for the children placed in their home and serve as role models for the biological parents working to reunify with their children. To qualify as a potential foster parent, applications must go through a rigorous interview process, complete a training program, and participate in a home inspection and background check.⁸²

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Supra* note 12, p. 31.

⁷⁸ R. 65C-28.004, F.A.C.

⁷⁹ *Id.*

⁸⁰ S. 39.0138, F.S.

⁸¹ Florida Department of Children and Families, *Child Welfare, Placement in Out-of-Home Care Data*, <https://www.myflfamilies.com/programs/childwelfare/placement.shtml#2> (last visited Mar. 11, 2021).

⁸² Florida Department of Children and Families, *How Do I Become a Foster Parent*, <https://www.myflfamilies.com/service-programs/foster-care/how-do-i.shtml>

Section 409.1415, F.S., provides for parenting partnerships among caregivers and birth or legal parents when children are in out-of-home care to provide quality support and encourage reunification. DCF and CBCs are required to support parenting partnerships when it is safe and in the child's best interest by taking specific steps to facilitate, develop plans, and support contact between caregivers and birth or legal parents.⁸³ Section 409.1415(2)(b), F.S., requires DCF, CBCs, caregivers, and birth or legal parents to work cooperatively and comply with specified requirements.

Section 409.1453, F.S., requires DCF in collaboration with the Florida Foster and Adoptive Parent Association (FAPA)⁸⁴ and the Quality Parenting Initiative (QPI)⁸⁵ to design training for caregivers on life skills necessary for youth in out-of-home care. This section of law was enacted in 2013 as part of the bill establishing extended foster care and postsecondary services and supports programs.

In September 2020, DCF launched Florida's Foster Information Center. It is staffed by current or former foster parents to answer questions and provide guidance to individuals interested in becoming foster parents. By the end of October 2020, 747 individuals inquired about fostering, and of those, 413 prospective foster parents were connected with their local licensing specialist to discuss next steps.⁸⁶

Section 409.175, F.S., limits the total number of children that can be placed in each licensed family foster home. The total number of children placed in each home is based on the recommendation of DCF or CBC based on the:

- Needs of each child in care.
- Ability of the foster family to meet the individual needs of each child, including any adoptive or biological children or young adults remaining in foster care living in the home.
- Amount of safe physical plant space.
- Ratio of active and appropriate adult supervision.
- Background, experience, and skills of the family foster parents.⁸⁷

If the total number of children in a family foster home will exceed five, including the family's own children, an assessment of each child to be placed in the home must be completed and approved prior to placement of any additional children in the home.⁸⁸ Federal language allows for six children to be placed in a family foster home excluding the foster parents own children, prior to being considered for an over-capacity assessment.⁸⁹ Federal law only allows a home to exceed its capacity to allow:

- A parenting youth in foster care to remain with the child of the parenting you.
- Siblings to remain together.
- A child with an established meaningful relationship with the family to remain with the family.
- A family with special training or skills to provide care to a child who has a severe disability.⁹⁰

⁸³ S. 409.1415(2)(a), F.S.

⁸⁴ FAPA is a membership organization for foster, adoptive, and other caregivers in Florida. Its aim is to educate caregivers and parents, and promote a spirit of cooperation of all entities involved in the child welfare system. FAPA provides support and resources to caregivers to help develop healthy families. Florida Department of Children and Families, *Foster Care*, <https://www.myflfamilies.com/service-programs/foster-care/support-fostering.shtml>. Florida FAPA, About Florida FAPA, <http://floridafapa.org/about-us/> (all sites last visited Mar. 10, 2021).

⁸⁵ The QPI is a national movement for foster care change which focuses on creating a system that gives parents the tools to provide excellent parenting every day. The QPI system requires the support and involvement of birth families, relative caregivers, foster families, young people, and others in the child welfare system. It consists of a network of states, including Florida, as well as counties and private agencies that are committed to ensuring all children in care have excellent parenting and lasting relationships so they can thrive and grow. Florida implement this program as a pilot in 2008. The QPI, *What is QPI*, Jan. 2021, <https://www.qpi4kids.org/what-is-qpi/>; The QPI Florida, *No Place Like Home*, October 22, 2010, <http://centerforchildwelfare.fmhi.usf.edu/qpi1/docs/ReviewOfQPI2011.pdf>. Florida Department of Children and Families, *Independent Living, The Quality Parenting Initiative, Frequently Asked Questions*, <https://www.myflfamilies.com/service-programs/independent-living/myfuturemychoice-fp-faqs.shtml> (all sites last visited Mar. 10, 2021).

⁸⁶ Email from Florida Department of Children and Families, *DCF Secretary Chad Poppell Outlines Transformative Successes Achieved Under Governor Ron DeSantis' Leadership in 2020* (Dec, 23, 2020)(on file with the Children, Families, Seniors Subcommittee staff).

⁸⁷ S. 409.175(3)(a), F.S.

⁸⁸ S. 409.175(3)(b), F.S.

⁸⁹ 42 U.S.C. §672(c)(1)(A)(III)

⁹⁰ 42 U.S.C. §(c)(1)(B)

Residential Group Care

DCF licenses residential group care (RGC) placements as residential child-caring agencies⁹¹ that provide staffed 24-hour care for children in facilities maintained for that purpose.⁹² These include maternity homes, runaway shelters, group homes, and emergency shelters.⁹³ As of January 2021, 1,406 children were in a RGC placement.⁹⁴

An employee of a residential group home must meet the same background screening requirements under 39.0138, F.S., and the level 2 screening standards for screening under ch. 435, F.S.⁹⁵ An employee of a residential group home who works directly with a child as a caregiver must meet, at minimum, the same education, training, background, and other screening requirements as caregivers in family foster homes.⁹⁶

The Children's Bureau within the United States Department of Health and Human Services conducted a technical assistance review of DCF in November 2018, showing that several cases failed the review due to a lack of complete background screenings of employees in group homes.⁹⁷ If the review would have been an actual audit, the assessed penalties would have been approximately \$2 million.⁹⁸ In response, DCF developed a corrective action plan.⁹⁹ One requirement for foster parents' background screening entails "911 calls to service" (report on the number of times law enforcement responds to a call) to a foster parent's home. Children in group care settings are not located at the employee's home; therefore, their home is not a safety factor like it would be in a foster home.

A decrease in workload for law enforcement and delays in completing the requested checks could result by eliminating the "911 calls to service" for group care providers. In addition, DCF could increase compliance with employee screening of group homes.

Residential Treatment Centers

Residential Treatment Centers (RTCs) are licensed by the Agency for Health Care Administration (AHCA) under s. 394.875, F.S., and include hospitals licensed under ch. 395, F.S., that provide residential mental health treatment.

Section 39.407(6), F.S., authorizes DCF to place a child who is in its custody in an RTC or a hospital for residential mental health treatment under certain circumstances and allows the court to place the child in an RTC or a hospital for residential mental health treatment. Before admittance, the child must be assessed for suitability for residential treatment by a qualified evaluator appointed by AHCA. The qualified evaluator must do personal examination and assessment. As of January 2021, 189 children were in a RTC placement.

Section 409.202(2), F.S., does not provide AHCA the capability to complete child abuse and neglect record checks for employees who work in direct contact with children placed by DCF in facilities licensed by AHCA.

⁹¹ S. 409.175, F.S.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Supra* note 12, p. 31.

⁹⁵ S. 409.1415(2)(c), F.S.

⁹⁶ *Id.*

⁹⁷ Florida Department of Children and Families, *2021 Agency Bill Analysis* (July 17, 2020)(on file with the Children, Families, and Seniors Subcommittee).

⁹⁸ *Id.*

⁹⁹ *Id.*

Extended Foster Care

Young adults who turn 18 years of age while in foster care have the option to enter the extended foster care program (EFC) and receive foster care services until turning 21, or 22 with a disability.¹⁰⁰ One requirement of the EFC is that the young adult must be living in a supervised living arrangement approved by DCF.¹⁰¹

Current law allows young adults who are incarcerated to enter or continue in the EFC program. States are not reimbursed by the federal government for involuntary placements because they are not considered a supervised living arrangement. DCF is required to use state funding for children who are in the EFC program with a living arrangement of incarceration if current laws are in place.

Currently, there are 62 children, age 17, under the care and supervision of the Department who are in a correctional placement.¹⁰² Upon turning 18, the young adult may be eligible for the EFC program and if enrolled, would have to be paid with general revenue funds. Young adults can receive other services offered by DCF in lieu of EFC to cover such things as tutoring, parenting, job and career skills training and temporary financial assistance for necessities while in an involuntary placement along with case management services. Young adults have the option of re-entering EFC upon release or discharge from their involuntary placement if they meet the criteria.

Title IV-E Funding for Child Welfare

While states bear primary responsibility for child welfare, Congress appropriates funds to states through a variety of funding streams for services to children who have suffered maltreatment. One of these funding streams is established in Title IV-E of the Social Security Act. Title IV-E provides federal reimbursement to states for a portion of the cost of foster care, adoption assistance, and (in states electing to provide this kind of support) kinship guardianship assistance on behalf of each child who meets federal eligibility criteria. Title IV-E also authorizes funding to support services to youth who “age-out” of foster care, or are expected to age out without placement in a permanent family.

Family First Prevention Services Act

The Family First Prevention Services Act (FFPSA) was passed into law as part of the Bipartisan Budget Act on February 9, 2018.¹⁰³ The FFPSA reformed the federal child welfare funding streams. Unlike the previous Title IV-E provisions which primarily funded out-of-home care for families with very low incomes, the FFPSA gives states the ability to earn federal Title IV-E matching funds in support of certain prevention services provided on a time-limited basis that avoid an out-of-home placement for children without regard to family income. The services that states can be reimbursed for providing to children and their families meeting eligibility requirements address mental health, substance abuse, family counseling, and parent skills training. The FFPSA also introduces new limits on federal funding for placements in group homes. The FFPSA also provides federal funding for legal representation and advocacy for eligible children in foster care and their parents.¹⁰⁴

FFPSA gave states the opportunity to delay implementation of select provisions of the law. Florida has opted to delay the effective date until October 2021.

¹⁰⁰ S. 39.6251, F.S.

¹⁰¹ *Id.*

¹⁰² *Supra* note 97.

¹⁰³ H.R. 1862 of 2018. P.L. 115-123.

¹⁰⁴ U.S. Department of Health and Human Services, Administration for Children and Families, *High Quality Memo*, p. 10-11, Jan. 14, 2021, https://www.courts.ca.gov/documents/ffdrp_acf2021_high_quality_memo.pdf (last visited Mar. 10, 2021).

Multidisciplinary Legal Representation

Other states have adopted multidisciplinary legal representation models (MLRM), including Vermont, New York, and Michigan.¹⁰⁵ While the traditional legal practice in the United States is to have a solo attorney represent a client, the MLRM promotes a team of individuals, including social workers and parent advocates.¹⁰⁶ A study by the Bronx Defenders that examined more than 28,000 New York dependency cases between 2007 and 2014 suggests that representation that utilized the multidisciplinary model were able to safely reunify children to their families 43% more often in their first year than solo practitioners, and 25% more often in the second year.¹⁰⁷

The Office of Criminal Conflict and Civil Regional Counsel (OCCCRC) represents indigent parents in dependency cases. The OCCCRC in the Fourth District of Florida currently has a Social Services Unit (SSU) it employs to enhance the legal representation to indigent parents in dependency cases.¹⁰⁸ The SSU includes a forensic social worker or forensic family advocate who are on the legal team to engage parents and guide them through the reunification process.¹⁰⁹ The OCCCRC reports the SSU assists clients with tasks such as providing information to and interacting with providers, and overall describes the SSU's inclusion in the legal team as beneficial.¹¹⁰

Community-Based Care Organizations and Services

DCF remains responsible for providing child welfare and support services in accordance with federal and state law.¹¹¹ However, DCF contracts for the delivery, administration, or management of care for child welfare services. DCF must ensure contracts with CBCs:

- Provide for the services as required under s. 409.988, F.S.
- Provide relevant information to DCF related to the quality assurance program and the child welfare results-oriented accountability system.
- Include tiered interventions and graduated penalties for failure to comply with the contract or performance deficiencies.
- Require CBCs to provide current and accurate information about their activities related to case records in the statewide automated child welfare information system.
- Specify the procedures to resolve differences in interpreting the contract or to resolve a disagreement amongst the parties regarding compliance with the contract.¹¹²

DCF must develop and maintain written policies and procedures for monitoring compliance with the services CBCs provide under their contracts. DCF is required to evaluate CBCs programmatic, operations, and fiscal operations at least once annually.¹¹³

¹⁰⁵ The Children's Bureau Express, *Collaborating to Build Multidisciplinary, Family-Centered, Strengths-Based Courts*, May 2020, <https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=216&sectionid=17&articleid=5558> (last visited Mar. 10, 2021).

¹⁰⁶ See *Id.* Children's Bureau Express, *New Study Shows Providing Parents with Multidisciplinary Legal Representation in Child Welfare Cases Furthers Everyone's Interests*, July/August 2019, <https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=208&sectionid=2&articleid=5378> (last visited March 1, 2021).

¹⁰⁷ NYU Law, *Providing Parents with the Right Kind of Legal Representation in Child Welfare Cases Significantly Reduces the Time Children Stay in Foster Care, New Study Finds*, May 7, 2009, [Providing Parents with the Right Kind of Legal Representation in Child Welfare Cases Significantly Reduces the Time Children Stay in Foster Care, New Study Finds | NYU School of Law](https://www.nyu.edu/school-of-law/news-events/news-releases/2009/05/07/Providing-Parents-with-the-Right-Kind-of-Legal-Representation-in-Child-Welfare-Cases-Significantly-Reduces-the-Time-Children-Stay-in-Foster-Care-New-Study-Finds) (last visited Mar. 1, 2021).

¹⁰⁸ The OCCCRC Fourth District of Florida, *Social Services Unit*, <http://www.rc-4.com/social-services.shtml> (last visited Mar. 1, 2021).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ S. 409.996, F.S.

¹¹² S. 409.996(1)(a), F.S.

¹¹³ S. 409.996(19)(a), F.S.

DCF contracts for case management, out-of-home care, and related services with CBCs. Using CBCs to provide child welfare services is designed to increase local community ownership of service delivery and design.¹¹⁴ DCF, through CBCs, administers a system of care for children with the goals of:

- Prevention of separation of children from their families.
- Intervention to allow children to remain safely in their own homes.
- Reunification of families who have had children removed from their care.
- Safety for children who are separated from their families.
- Well-being of children through emphasis on educational stability and timely health care.
- Achievement of permanency.
- Effective transition to independence and self-sufficiency.

CBCs provide foster care and related services, including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.¹¹⁵ CBCs contract with a number of subcontractors for case management and direct care services to children and their families.¹¹⁶ There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.¹¹⁷

DCF enters into 5-year contracts with CBCs for the procurement of services.¹¹⁸ There are minimum requirements with which CBC's must comply to be eligible to contract with DCF, including:

- Being organized as a Florida corporation or a governmental entity.¹¹⁹
- Having a board of directors or board committee with authority to approve CBCs budget and hire a CBC executive director.¹²⁰
- Demonstrating financial responsibility by having a plan for regular fiscal audits and securing a performance bond.¹²¹

DCF's procurement team for CBC contracts must include individuals from the community alliance in the area to be served under the contract.¹²²

CBCs are obligated to perform several duties including to:

- Serve the children who are referred as a result of abuse, neglect, or abandonment reports to DCF's central abuse hotline.
- Provide DCF with accurate and timely information necessary for oversight by DCF pursuant to the child welfare results-oriented accountability system.
- Follow financial guidelines developed by DCF and provide for regular independent audits.
- Post its current budget, including the salaries, bonuses and other compensation paid to the agency's chief executive officer, chief financial officer, and chief operating officer, or their equivalents, on the CBC's website.
- Prepare and file all necessary court documents and attend dependency court proceedings.
- Ensure all individuals providing care to dependent children receive training and specified information and meet employment requirements.
- Maintain eligibility to receive all available federal child welfare funds.
- Maintain written agreements with Healthy Families Florida entities in its service area.
- Comply with federal and state statutory requirements and agency rules in the provision of contractual rules.

¹¹⁴ Florida Department of Children and Families, *Community-Based Care*, <https://www.myflfamilies.com/service-programs/community-based-care/> (last visited Mar. 9, 2021).

¹¹⁵ S. 409.145(1), F.S.

¹¹⁶ *Id.*

¹¹⁷ Florida Department of Children and Families, *Community-Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Mar. 10, 2020).

¹¹⁸ S. 409.987(3), F.S.

¹¹⁹ S. 409.987(4)(a), F.S.

¹²⁰ S. 409.987(4)(b), F.S.

¹²¹ S. 409.987(4)(c), F.S.

¹²² S. 409.987(5), F.S.

- Use authority to subcontract for the provision of services provided CBCs contribute to services and meet specified criteria.
- Post information regarding case management services on its website by a specified date.¹²³

DCF contracts with the following CBCs as illustrated in the table and map below:¹²⁴

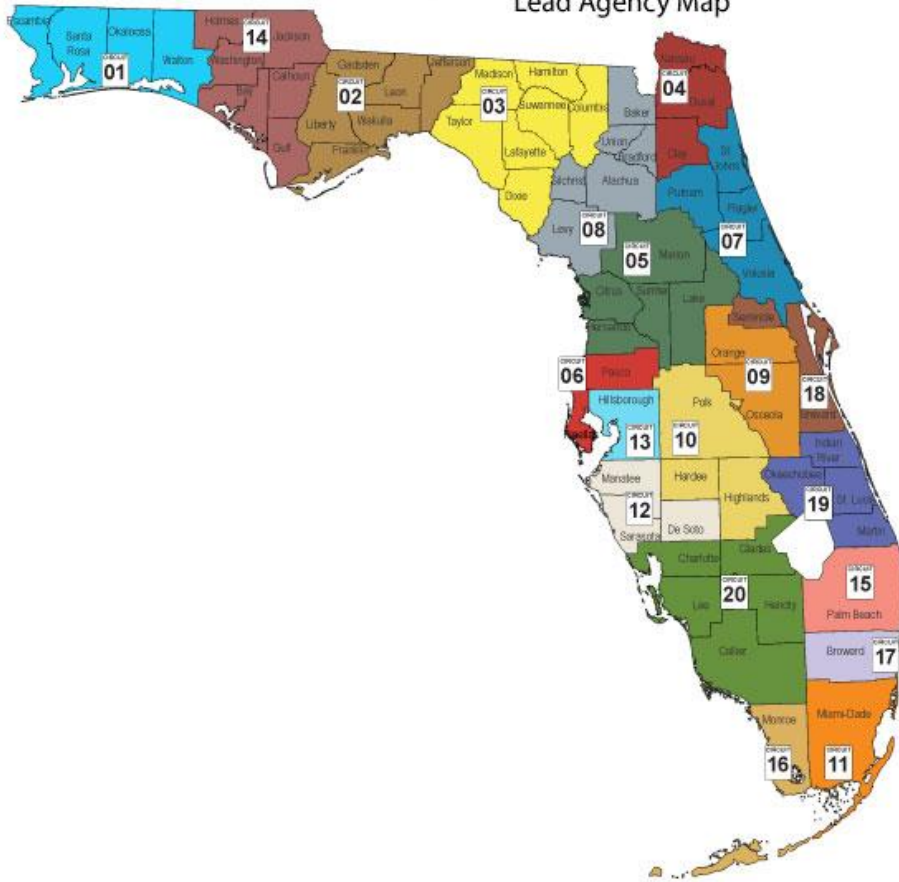
<u>Lead Agency</u>	<u>Circuit(s)</u>
Lakeview Center, Families First Network	1
Big Bend Community Based Care, Inc.	2 & 14
Partnership for Strong Families	3 & 8
Family Support Services of North Florida, Inc.	4 (Duval and Nassau)
Kids First of Florida, Inc.	4 (Clay)
Kids Central, Inc.	5
Eckerd Community Alternatives	6 and 13
St Johns County Board of County Commissioners	7 (St Johns)
Community Partnership for Children, Inc.	7 (Flagler, Volusia, Putnam)
Embrace Families	9 and 18 (Seminole)
Heartland for Children	10
Citrus Family Care Network	11 and 16
Safe Children Coalition	12
ChildNet Inc.	15 and 17
Brevard Family Partnership	18 (Brevard)
Communities Connected for Kids	19
Children's Network of SW Florida	20

¹²³ S. 409.988(1), F.S. Further, s. 409.988(1)(k), F.S., provides that CBCs and subcontracted case management providers must disclose the average caseload of case managers for filled positions, the turnover rate for case managers and their supervisors for the previous 12 months, the percentage of required home visits completed, and performance on outcome measures required under s. 409.997, F.S., for the previous 12 months.

¹²⁴ Florida Department of Children and Families, *Lead Agency Map, Community-Based Care*, <https://www.myflfamilies.com/service-programs/community-based-care/lead-agency-map.shtml> (last visited Mar. 10, 2021).

Community-Based Care

Lead Agency Map



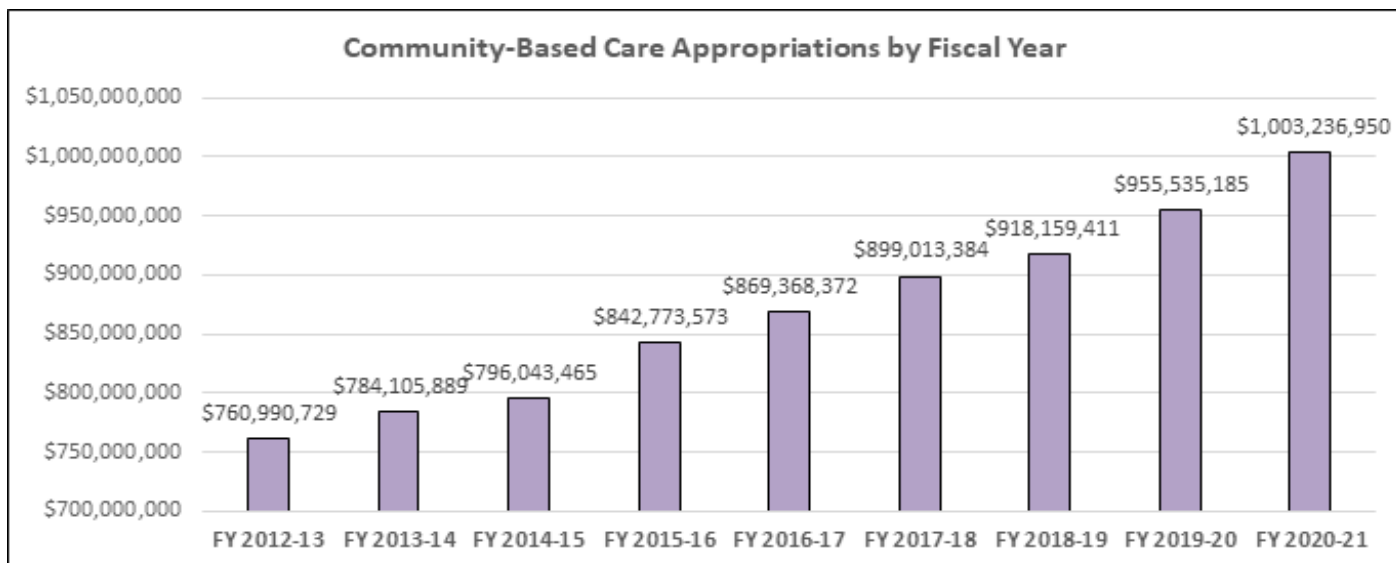
Funding

Section 409.990, F.S., requires that a contract between DCF and CBC be funded through general revenue, or other applicable state or federal funding sources.¹²⁵ DCF allocates funding to CBCs according to a statutory formula, which considers the proportion of child population, child abuse hotline workload, and children in care.¹²⁶

The following graph provides information on total CBC funding by fiscal year.

¹²⁵ S. 409.990, F.S.

¹²⁶ S. 409.991(2), F.S., provides that core services funds are calculated based on the proportion of the (a) child population weighted as 5 percent of the total; (b) child abuse hotline workload weighted as 35 percent of the total; and (c) children in care weighted as 60 percent of the total. Section 409.991(3), F.S., provides that beginning in the 2015-2016 FY, 100 percent of the recurring core services funding must be based on the prior year recurring base core services funds, and any new funding be allocated as: (a) seventy percent of new funding amongst all lead agencies and (b) thirty percent of new funding to lead agencies that are funded below their equitable share.



Some CBCs have operated at a deficit and accessed special risk pool funding appropriate by the Legislature. CBCs can apply to DCF for risk pool funding. A committee made up of DCF's secretary and three nonapplicant CBCs reviews the CBC risk pool applications.¹²⁷ DCF may authorize risk pool funding to address:

- Significant changes in the number or composition of clients eligible to receive services.
- Significant changes in the services that are eligible for reimbursement.
- Continuity of care in the event of failure, discontinuance of service, or financial misconduct by a CBC.
- Significant changes in the mix of available funds.

Once DCF's secretary approves a risk pool application, it can request funds from the risk pool from the Legislative Budget Commission.¹²⁸

Compensation

CBC expenditures must comply with financial guidelines developed by DCF, comply with federal and state law, and follow good business practices.¹²⁹ The Internal Revenue Code sets the rules governing compensation at public nonprofits, including those known as 501(c)(3) organizations, and specifies that no part of the net earnings of a section 501(c)(3) organization may inure to the benefit of any private shareholder or individual.¹³⁰ However, the Internal Revenue Service (IRS) gives each nonprofit's board of directors latitude in determining how much to pay top employees. The IRS requires a nonprofit board to have an objective process for setting executives' salaries, including use of comparisons with salaries paid by similar organizations for similar service. However, a nonprofit that normally pays no taxes may be taxed for paying excess benefits to an insider.¹³¹

In 2015, during an operational audit of CBCs, the Florida Auditor General found instances where salary payments, including bonuses, and leave balances, did not appear to be properly supported or calculated in accordance with established CBC policy or state law.¹³² During the 2017, CS/CS/HB 1121 was passed and signed into law, which limited the CBCs' administrative employees' salaries to 150

¹²⁷ S. 409.990(7)(a), F.S.

¹²⁸ S. 216.181(1), F.S.

¹²⁹ S. 409.992(1), F.S.

¹³⁰ 26 U.S.C. §501. Exemption from tax on corporations, certain trusts, etc. Subject to some exemptions, corporations and other eligible entities that are organized and operate exclusively for religious, charitable, scientific and other specified purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise conducting exempted activities, are exempt from taxation.

¹³¹ *Id.*

¹³² The Office of the Auditor General, *Department of Children and Families and Selected Community-Based Care Lead Agencies Oversight of Foster Care and Related Service*, Report No. 2015-156, p. 1 (Mar. 2015) https://flauditor.gov/pages/pdf_files/2015-156.pdf (last visited Mar. 10, 2021).

percent of the annual salary paid to DCF's Secretary from state-appropriated funds.¹³³ Administrative employees is not defined in s. 409.992(3), F.S.

In a January 2019 operational audit, the Florida Auditor General conducted a new independent audit and followed up on the findings noted in the 2015 report related to CBCs. The 2019 report stated that as of March 31, 2017, which is prior to the implementation of CS/CS/HB 1121 (2017), CBCs' executive officer annual salaries, before bonuses, averaged \$210,863, and the average allocated to DCF contracts with CBCs was \$160,000.¹³⁴ The only finding related to CBCs on compensation benefits stated that two of the DCF's subcontracted entities did not require salaried employees to record annual leave used in increments of less than 8 hours.¹³⁵

Managing Entities

DCF administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment and recovery for children and adults who are otherwise unable to obtain these services. SAMH programs include a range of prevention, acute interventions (e.g. crisis stabilization), residential treatment, transitional housing, outpatient treatment, and recovery support services. Services are provided based upon state and federally-established priority populations.¹³⁶

In 2001, the Legislature authorized DCF to implement behavioral health managing entities (MEs) as the management structure for the delivery of local mental health and substance abuse services.¹³⁷ The implementation of the ME system initially began on a pilot basis and, in 2008, the Legislature authorized DCF to implement MEs statewide.¹³⁸ Full implementation of the statewide ME system occurred in 2013 and all geographic regions are now served by a ME.¹³⁹

DCF must comply with duties with respect to the MEs, including to:

- Contract and conduct readiness reviews before any new MEs assume responsibilities.
- Specify data reporting requirements and use of shared data systems.
- Define the priority populations that will benefit from receiving care coordination.
- Support the development and implementation of a coordinated system of care.
- Contract to support efficient and effective administration and ensure accountability for performance.¹⁴⁰
- Periodically review contract and reporting requirements and reduce costly, duplicative, and unnecessary administrative requirements.¹⁴¹

The MEs are required to comply with various statutory duties, including to:

- Maintain a governing board.
- Promote and support care coordination.¹⁴²
- Develop a comprehensive list of qualified providers.
- Monitor network providers' performances.
- Manage and allocate funds for services in accordance with federal and state laws, rules, regulations and grant requirements.

¹³³ Ch. 2017-151, s. 31, L.O.F. (amending s. 409.992, F.S., effective July 1, 2017).

¹³⁴ The Office of the Auditor General, *Department of Children and Families Oversight and Administration of Community-Based Care Lead Agencies and Behavioral Health Managing Entities and Selected Department Administrative Activities*, Report No. 2019-111, p. 6 and 54-55 (Jan. 2019) https://flauditor.gov/pages/pdf_files/2019-111.pdf (last visited Mar. 10, 2021).

¹³⁵ *Id.* at p. 3.

¹³⁶ See chs. 394 and 397, F.S.

¹³⁷ Ch. 2001-191, L.O.F.

¹³⁸ Ch. 2008-243, L.O.F.

¹³⁹ Florida Tax Watch, *Analysis of Florida's Behavioral Health Managing Entity Models*, p. 4 (Mar. 2015) <https://floridataxwatch.org/Research/Full-Library/ArtMID/34407/ArticleID/15758/Analysis-of-Floridas-Behavioral-Health-Managing-Entities-Model> (last visited Mar. 9, 2021).

¹⁴⁰ S. 394.9082(7), F.S., details the performance measurements and accountability requirements of MEs.

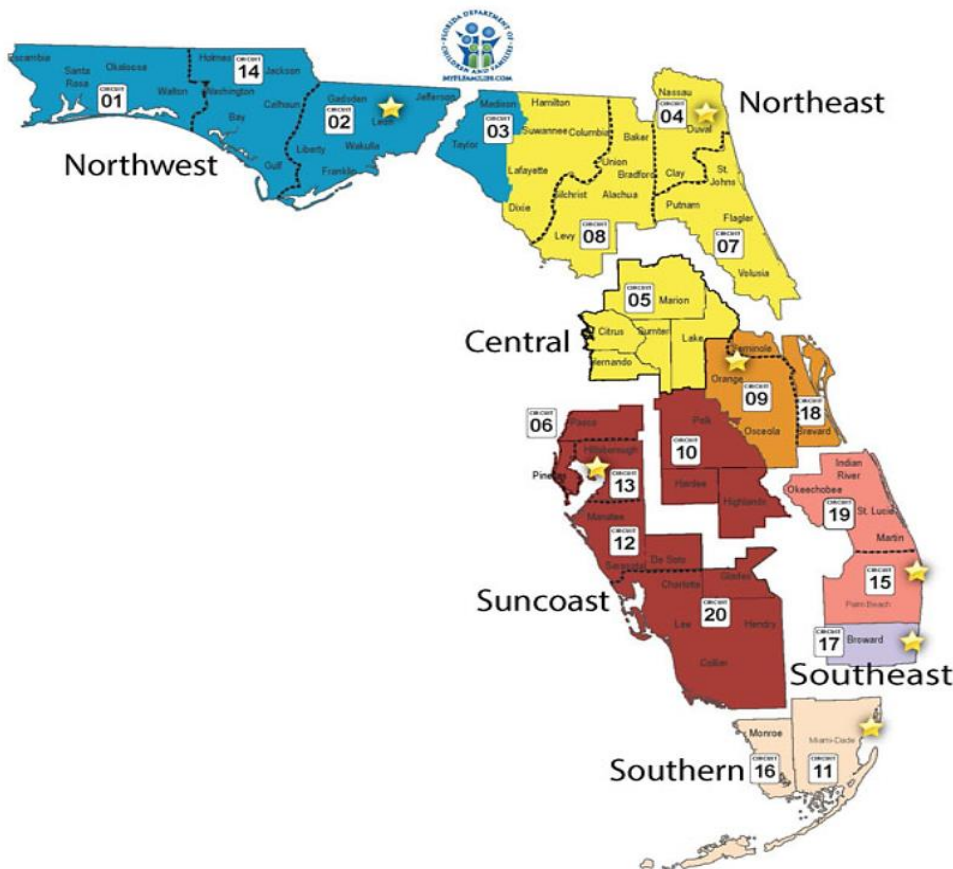
¹⁴¹ S.394.9082(3), F.S.

¹⁴² S. 394.9082(6), F.S., sets out the network accreditation and systems coordination agreement requirements.

- Operate in a transparent manner, providing access to information, notice of meetings, and opportunities for public participation in ME decision making.¹⁴³

DCF contracts with seven MEs as shown in the map below and summarized as follows:

- North West Florida Health Network (blue).
- Lutheran Services Florida (yellow).
- Central Florida Cares Health System (orange).
- Central Florida Behavioral Health Network, Inc. (red).
- Southeast Florida Behavioral Health (pink).
- Broward Behavioral Health Network, Inc. (purple).
- South Florida Behavioral Health Network, Inc. (beige).¹⁴⁴



The MEs in turn contract with local service providers for the delivery of mental health and substance abuse services.¹⁴⁵ In FY 2018-19, the network service providers under contract with the MEs served 339,093 individuals.¹⁴⁶

¹⁴³ S. 394.9082(5), F.S.

¹⁴⁴ Florida Department of Children and Families, *Managing Entities*, <https://www.myflfamilies.com/service-programs/samh/managing-entities/> (last visited Mar. 10, 2021).

¹⁴⁵ MEs create and manage provider networks by contracting with service providers for the delivery of substance abuse and mental health services.

¹⁴⁶ Florida Department of Children and Families, *Substance Abuse and Mental Health Triennial Plan Update for Fiscal Year*, (Dec. 6, 2019) <https://www.myflfamilies.com/service-programs/samh/publications/docs/SAMH%20Services%20Plan%202018%20Update.pdf> (last visited Mar. 10, 2021).

Coordinated System of Care

MEs are required to promote the development and implementation of a coordinated system of care.¹⁴⁷ Coordinated system of care is a full array of behavioral and related services in a region or community offered by all service providers, participating either under contract with a ME or by another method of community partnership or mutual agreement.¹⁴⁸ A community or region provides a coordinated system of care for those suffering from mental illness or substance abuse disorder through a no-wrong-door model, to the extent allowed by available resources. If funding is provided by the Legislature, DCF may award system improvement grants to MEs.¹⁴⁹ MEs must submit detailed plans to enhance crisis services based on the no-wrong-door model or to meet specific needs identified in DCF's assessment of behavioral health services in this state.¹⁵⁰ DCF must use performance-based contracts to award grants.¹⁵¹

There are several essential elements that make up a coordinated system of care, including:

- Community interventions.
- Case management.
- Care coordination.
- Outpatient services.
- Residential services.
- Hospital inpatient care.
- Aftercare and post-discharge services.
- Medication assisted treatment and medication management.
- Recovery support.¹⁵²

A coordinated system of care must include, but is not limited to, the following array of services:

- Prevention services.
- Home-based services.
- School-based services.
- Family therapy.
- Family support.
- Respite services.
- Outpatient treatment.
- Crisis stabilization.
- Therapeutic foster care.
- Residential treatment.
- Inpatient hospitalization.
- Case management.
- Services for victims of sex offenses.
- Transitional services.
- Trauma-informed services for children who have suffered sexual exploitation.¹⁵³

Current law requires DCF to define the priority populations that would benefit from receiving care coordination, including considerations when defining such population.¹⁵⁴ Considerations include the number and duration of involuntary admissions, the degree of involvement with the criminal justice system, the risk to public safety posed by the individual, the utilization of a treatment facility by the individual, the degree of utilization of behavioral health services, and whether the individual is a parent or caregiver who is involved with the child welfare system.

¹⁴⁷ S. 394.9082(5)(d), F.S.

¹⁴⁸ S. 394.4573(1)(c), F.S.

¹⁴⁹ S. 394.4573(3), F.S. The Legislature has not funded system improvement grants.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² S. 394.4573(2), F.S.

¹⁵³ S. 394.495(4), F.S.

¹⁵⁴ S. 394.9082(3)(c), F.S.

MEs provide specialty services to families involved in the child welfare system, including:

- Community Act Treatment Team, which are multidisciplinary clinical teams that provide comprehensive, intensive community-based treatment to families with youth and young adults, ages 11 up to 21, who are at risk of out-of-home placement due to a mental or co-occurring disorder and related complex issues for whom traditional services are not or have not been adequate.
- Family Intensive Treatment (FIT), which is a program that provides intensive team-based, family-focused, comprehensive services to families where there is parental substance abuse. The program serves families that have been determined to be unsafe with children under the age of ten. Referrals for services can be made by the child welfare professional, including the child protective investigator, child welfare case manager, or CBC.

Funding and Expenses

Contracts with MEs are funded with general revenue, other qualifying state funds, or applicable federal funding.¹⁵⁵ The MEs are required to develop and implement standards for collecting and reporting data related to crisis stabilization and detoxification and addictions receiving services.¹⁵⁶ The data is collected from entities who have received funds and operate under s. 394.875, F.S.¹⁵⁷ MEs are required to reconcile the data on a monthly basis, and submit the data to DCF on a monthly and annual basis. DCF is required to post data on its website regarding each ME's utilization of funds.¹⁵⁸

In 2015, during an operational audit of the MEs, the Florida Auditor General found instances where some salary payments for leave used and ME employee leave balances did not appear to be supported or calculated accurately.¹⁵⁹

In the January 2019 operational audit by the Florida Auditor General described above, as of March 31, 2017, the MEs' chief executive officer annual salaries, before bonuses, averaged \$226,216, and the average allocated to DCF contracts with the MEs was \$170,905.¹⁶⁰ The 2019 report also found that bonus payments of one ME did not appear reasonable and necessary to the performance of the ME's duties.¹⁶¹ The Florida Auditor General recommended DCF amend ME contracts to require compliance with statutory provisions restricting state-funded bonus payments under the contract.¹⁶²

Florida law does not currently require MEs to publish salary information of administrative employees.

Child Advocacy Centers

A children's advocacy center (CAC) is a community-based, child-focused facility where children alleged to be victims of abuse or neglect are interviewed, receive medical exams, if necessary, therapy, and other critical services in a non-threatening and child-friendly environment. A CAC uses a multidisciplinary team model that brings together an array of professionals to confer and conduct investigations, treatment, and prosecution of child abuse cases. The primary goal of a CAC is to minimize the level of trauma experienced by child victims, improve prosecution, and provide efficient and thorough provision of necessary services to the child victim and the child's family.¹⁶³

¹⁵⁵ S. 394.9082(9), F.S.

¹⁵⁶ S. 394.9082(10), F.S.

¹⁵⁷ *Id.*

¹⁵⁸ S. 394.9082(10)(e) and (f), F.S.

¹⁵⁹ The Office of the Auditor General, *Department of Children and Families and Selected Behavioral Health Managing Entities*, Report No. 2015-155, p. 1-2 (Mar. 2015) https://flauditor.gov/pages/pdf_files/2015-155.pdf (last visited Mar. 10, 2021).

¹⁶⁰ 2019 Audit Report, at p. 6 and 57.

¹⁶¹ *Id.* at p. 3.

¹⁶² *Id.* at p. 28.

¹⁶³ The FNCAC, *What is a CAC*, available at <https://www.fncac.org/what-cac> (last visited Mar. 10, 2021).

Florida's CACs provide services, including, but not limited to:

- Forensic interviews.
- Crisis intervention and support services.
- Medical evaluations.
- Multidisciplinary review of cases.
- Evidence-based prevention and intervention programs.
- Professional training and community education.¹⁶⁴

CACs must meet specified statutory criteria to become eligible for membership in the Florida Network of Children's Advocacy Centers, Inc. (FNCAC),¹⁶⁵ a statewide nonprofit membership organization.¹⁶⁶ A CAC must:

- Be a private, nonprofit incorporated agency or a governmental entity.
- Be a child protection team,¹⁶⁷ or by written agreement incorporate the participation and services of a child protection team, with established community protocols which meet all of the requirements of the National Network of Children's Advocacy Centers, Inc.
- Have a neutral, child-focused facility where joint DCF and law enforcement interviews take place with children in appropriate cases of suspected child sexual abuse or physical abuse.
- Have a minimum designated staff that is supervised and approved by the local board of directors or governmental entity.
- Have a multidisciplinary case review team that meets on a regular scheduled basis or as the caseload of the community requires. The team must consist of representatives from the Office of the State Attorney, DCF, the child protection team, mental health services providers, law enforcement, and the CAC staff.
- Track child abuse cases and collect relevant information on children served.
- Provide referrals for medical exams and mental health therapy.
- Provide child abuse training in the community.
- Have an interagency commitment covering those aspects of agency participation in a multidisciplinary approach to the handling of child sexual abuse and serious physical abuse cases.¹⁶⁸

In addition, CAC's staff must be trained and meet background screening requirements in accordance with s. 39.001(1), F.S.,¹⁶⁹ which the FNCAC is responsible for ensuring compliance.¹⁷⁰ State and federal funding of these centers is contingent on their meeting the eligibility criteria and the staff receiving the necessary training and screening, and Florida law includes provisions on allocation of funds and how they should be distributed to the centers.¹⁷¹ CACs are required to prepare annual reports with specified information and submit them to the FNCAC, which is then required to compile reports from the centers and provide a report to the President of the Senate and the Speaker of the House of Representatives in August of each year.¹⁷²

The FNCAC is an Accredited State Chapter of the National Children's Alliance and represents all local CACs in Florida.¹⁷³ It reports that there are 27 CACs that serve 85 percent of the children and families in Florida.¹⁷⁴ The 27 CACs are shown in the map below and summarized as follows:¹⁷⁵

¹⁶⁴ *Id.*

¹⁶⁵ S. 39.3035(1), F.S.

¹⁶⁶ The FNCAC, *About Us*, <https://www.fncac.org/about-us> (last visited Mar. 10, 2021).

¹⁶⁷ The Children's Medical Services Program in the Department of Health (DOH) coordinates Child Protection Teams (CPTs). DCF and DOH oversee CPTs through an interagency agreement. CPTs supplement the assessment and protective supervision activities of DCF in child abuse cases. CACs contract with DOH because a CAC must be a CPT or incorporate the participation and services of a CPT.

¹⁶⁸ S. 39.3035(1), F.S.

¹⁶⁹ Employees must complete a level 2 background screening pursuant to ch. 435, F.S.

¹⁷⁰ S. 39.3035(2), F.S.

¹⁷¹ S. 39.3035(3)(a) and (b), F.S.

¹⁷² S. 39.3035(3)(c), F.S.

¹⁷³ *Supra* note 166.

¹⁷⁴ *Id.*

¹⁷⁵ FNCAC, *County Coverage Map*, <https://www.fncac.org/county-coverage-map> (last visited Mar. 10, 2021).

- Nancy J. Cotterman Center and Embrace Families Solutions (blue).
 - Children's Advocacy Center of Southwest Florida, Lake/Sumter Children's Advocacy Center, and Gulf Coast Children's Advocacy Center (light blue).
 - Suncoast Center, Inc. and Children's Home Society of Florida North Central Division (maroon).
 - University of Florida Child Advocacy Center, Children's Advocacy Center of Hernando County, and Santa Rosa Kids' Home, Inc. (purple).
 - Children's Home Society of Florida's Greater Lakeland, Children's Advocacy Center of Brevard County, Gulf Coast Kid's House, Inc., and Children's Home Society of Florida Children's Advocacy Center (green).
 - Pasco Kids First, Inc., Children's Advocacy Center of Collier County, and Emerald Coast Children's Advocacy Center, Inc. (pink).
 - Kristi House, Inc., Kimberly's Center for Child Protection, and Manatee Children's Services, Inc. (red).
 - Mary Lee's House, Child Advocacy Center, Inc., and Howard Phillips Center for Children & Families (orange).
 - Jessie's Place, First Coast Child Protection Team, and Child Protection Center, Inc. (yellow).
- There is currently no child advocacy center serving a county if that county is shaded white in the map.



In 2018, Florida's CACs served over 34,000 children who were victims of child abuse and neglect as follows:

- 20,259 received therapy services;
- 17,297 received crisis intervention services;
- 11,120 medical evaluations; and

- 10,675 forensic/specialized interviews.¹⁷⁶

An analysis conducted by the National Children's Advocacy Center in 2015 suggests that the children's advocacy center model saves approximately \$1,000 per case in services during the course of a child abuse investigation.¹⁷⁷

Community Alliances

DCF is required to establish community alliances, which include local stakeholders and representatives in each county to encourage and maintain community participation, and governance of CBCs.¹⁷⁸ Each community alliance may encompass more than one county when such arrangement is determined to provide for more effective representation.¹⁷⁹ Community alliances have a duty, among other obligations, to serve as a catalyst for community resource development and promote prevention and early intervention.¹⁸⁰

Community alliances are composed of representatives from:

- DCF.
- the county government.
- the school district.
- the county United Way.
- the county sheriff's office.
- the circuit court corresponding to the county.
- the county children's board, if one exists.
- a faith-based organization involved in efforts to prevent child maltreatment, strengthen families, and promote adoption.¹⁸¹

The community alliance must adopt bylaws and may increase the membership of the alliance if such increase is necessary to adequately represent the diversity.¹⁸² The additional members may include state attorneys, public defenders, their designees, or individuals from funding organizations, community leaders or individuals who have knowledge of community-based serve issues.¹⁸³

Prior to 2014, s. 409.1671(1)(d), F.S., allowed DCF to develop an alternative plan to outsource services in an area if it was impossible or not feasible to competitively contract with a CBC.¹⁸⁴ DCF was required to develop a plan in collaboration with the local community alliance.¹⁸⁵ It was required to detail how the community would implement community-based care through local providers, and to ensure control over management and administration of services.¹⁸⁶ A plan developed under this former provision had to include best business practices, including some form of public and private partnerships.¹⁸⁷

¹⁷⁶ FNCAC, *Impact of Children's Advocacy Centers on Child Abuse and Neglect*, <https://www.fncac.org/impact-childrens-advocacy-centers-child-abuse-and-neglect> (last visited Mar. 10, 2021).

¹⁷⁷ *Id.*

¹⁷⁸ S. 20.19(5)(a), F.S.

¹⁷⁹ *Id.*

¹⁸⁰ S. 20.19(5)(b), F.S.

¹⁸¹ S. 20.19(5)(d), F.S.

¹⁸² S. 20.19(5)(e), F.S.

¹⁸³ *Id.*

¹⁸⁴ Ch. 2014-224, s. 46, L.O.F.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

Conflicts of Interest

There are several Florida statutes which address transactions or other situations in which a conflict of interest exists or may exist,¹⁸⁸ and define the term “conflict of interest” in context of the statute with which it relates.¹⁸⁹

Corporations

Florida laws on corporations define “director’s conflict of interest transaction” as a transaction between a corporation and one or more of its directors, or another entity in which one or more of the corporation’s directors is directly or indirectly a party to the transaction, other than being an indirect party as a result of being a shareholder of the corporation, and has a direct or indirect material financial interest or other material interest.¹⁹⁰ If a director’s conflict of interest transaction is fair to the corporation at the time it is authorized, approved, effectuated, or ratified:

- Such transaction is not void or voidable.
- The fact that the transaction is a director’s conflict of interest transaction is not grounds for any equitable relief, an award, or other sanctions.¹⁹¹

If proceedings challenging the validity of a director’s conflict of interest transaction or proceedings seeking equitable relief, damages, or other sanction are brought, the person challenging the director’s conflict of interest transaction has the burden to prove the lack of fairness of the transaction in specified situations.¹⁹²

Nonprofit Organizations

Chapter 617, F.S., governs corporations not for profit and does not define conflict of interest. It provides, however, that no contract or other transaction between a corporation and one of its directors or other corporation in which one or more directors have an interest shall be void or voidable because of the relationship or interest, or because the interested director is present at the meeting which authorizes or ratifies such contract if:

- The relationship is disclosed or known to the other directors which authorizes or ratifies the transaction by a vote which is sufficient to approve the transaction without the interested director’s vote;¹⁹³
- The relationship is known or disclosed and the members entitled to vote authorize or ratify it by vote or written consent;¹⁹⁴ or
- The contract or transaction is fair and reasonable to the operation at the time it is authorized by the board, a committee, or the members.¹⁹⁵

The transactions must be approved by a majority vote of the members.¹⁹⁶

¹⁸⁸ See ss. 112.312, 605.04092, 607.0832, and 617.0832, F.S.

¹⁸⁹ See ss. 112.312, and 605.0492, F.S.

¹⁹⁰ S. 607.0832, F.S.; see also s. 605.0492(1)(g), F.S., with respect to limited liability companies which defines “member’s conflict of interest” as a transaction between a limited liability company and one or more of its members, or another entity in which one or more of the limited liability company’s members is directly or indirectly a party to the transaction, other than being an indirect party as a result of being a member of the limited liability company, and has a direct or indirect material financial interest or other material interest.

¹⁹¹ S. 607.0832(2), F.S. This is the case when because of the relationship or interest, because such director is present at the meeting in which the transaction was authorized, or because his or her votes are counted for such purpose.

¹⁹² S. 607.0832(3), F.S. The presence of or a vote cast by a director with an interest does not affect the validity of an action if specified conditions are met.

¹⁹³ S. 617.0832(1)(a), F.S. The presence of a vote cast by a director having a relationship or interest does not affect the validity of any action taken under paragraph (1)(a) if the transaction is otherwise authorized or ratified in this paragraph.

¹⁹⁴ S. 617.0832(1)(b), F.S.

¹⁹⁵ S. 617.0832(1)(c), F.S.

¹⁹⁶ S. 617.0832(2) and (3), F.S.

Public Officers and Employees

Public officers and employees must comply with standards of conduct provided for in s. 112.313, F.S. Chapter 112, F.S., restricts the type of business transactions that public officers and employees of an agency may have with a business entity in which the officer, employee, or the officer's or employee's specified family has a material interest.¹⁹⁷ Public officers and employees of agencies are also prohibited from having conflicting employment or contractual relationships with any business entity or regulation.¹⁹⁸ Section 112.312(8), F.S., defines "conflict" or "conflict of interest" as a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Effect of Proposed Changes

Community-Based Care Organizations

The bill amends s. 409.988, F.S., to require CBCs to adhere to all best child welfare practices pursuant to:

- s. 39.4087, F.S., related to treating caregivers with respect and ensuring delivery of child welfare services is focused on the child's best interest.
- s. 39.523, F.S., related to the placement of children in out-of-home care. Such placement must be in the least restrictive, most family-like setting available in close proximity to the child's home and the placement must meet the child's needs.
- s. 409.1415, F.S., related to providing supports to caregivers and birth or legal parents in order for them to build strong relationships that lead to more successful reunifications and stability for children.
s. 409.145, F.S., related to empowering caregivers for children placed in foster care so children receive quality parenting while in out-of-home placement.

Further, s. 409.996, F.S., requires CBC contracts with DCF to include information that specifies how the CBC will adhere to this requirement.

The bill amends s. 409.996, F.S., to require DCF to annually conduct a comprehensive, multi-year review of the revenues, expenditures, and financial position of all CBC agencies that covers the most recent two consecutive fiscal years. The review must include a comprehensive system-of-care analysis. The bill requires all CBCs to develop and maintain a plan to achieve financial viability to accompany DCF's submission. The bill requires DCF to submit its review to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year. This report is currently required in the 2020-2021 General Appropriations Act.

The bill amends s. 409.988, F.S., removing the requirement for CBCs to post specified budget information. Section 409.996, F.S., is amended to instead require DCF to collect and publish on its website, and annually update, all of the following information for each CBC under contract with DCF:

- Current salaries, bonuses, and other compensation paid, by position, for any employee who receives a salary from state-appropriated funds, including state-appropriated federal funds, whether base pay or base pay combined with any bonus or incentive payments, in excess of 150 percent of the annual salary of DCF's secretary. Under this paragraph, "employee" has the same meaning in s. 448.095.¹⁹⁹
- All findings from the annual review of the CBCs by DCF.

¹⁹⁷ S. 112.313(3), F.S.

¹⁹⁸ S. 112.313(7), F.S.

¹⁹⁹ S. 448.095(d), F.S., defines "employee" as any person filing an authorized and establish position who performs labor or services for a public or private employer in exchange for salary, wages, or other remuneration.

The bill amends s. 409.987, F.S., to allow DCF to collaborate with the local community alliance to establish an alternative approach to providing community-based child welfare services in communities where conditions make it infeasible to competitively contract with a CBC. The bill requires DCF and the local community alliance to develop a plan that details how the community will continue to implement community-based care. The plan must ensure local control over the management and administration of service provision. The bill requires the plan to, at a minimum:

- Describe the reason for DCF's inability to competitively contract for CBC services.
- The proposed alternative approach to providing CBC services
- The entities that will be involved in service provision.
- How local control will be maintained.
- How services will be managed to ensure that federal and state requirements are met and child welfare outcome goals under s. 409.986, F.S., are achieved.
- Recommendations for increasing the ability of DCF to contract with a CBC in that area.

DCF must provide the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to implementation. DCF must provide quarterly updates about the plan's implementation to the Governor, the President of the Senate, and the Speaker of the House of Representatives until two years after full implementation of the plan.

The bill amends s. 409.988(1)(k), F.S., to include the number and percent of case managers who have 25 or more cases on their caseloads in the information CBCs are required to publish on their websites by the 15th day of each month.

The bill amends s. 409.990, F.S., to require a CBC to fund the increased costs incurred by subcontracted providers if the subcontracted providers must provide services that are beyond the contract limits due to increased client need or caseload.

The bill amends s. 409.992(3)(b), F.S., to prohibit a CBC employee from receiving a salary from state-appropriated funds, including state-appropriated federal funds, whether base pay or base pay combined with any bonus or incentive payments, including the base pay or base pay combined with any bonus or incentive payments received as a result of employment with more than one CBC or ME, in excess of 150 percent of the DCF secretary's salary.

Managing Entities

The bill amends s. 394.9082, F.S., to require DCF to collect and publish all of the following information on its website, updated annually, for each ME under contract with DCF:

- Current salaries, bonuses, and other compensation paid, by position, for any employee of the ME or an affiliated entity, who receives a salary from state-appropriated funds, including state-appropriated federal funds, whether base pay or base pay combined with any bonus or incentive payments, in excess of 150 percent of the annual salary paid to DCF's secretary. Under this paragraph, "employee" has the same meaning in s. 448.095.²⁰⁰
- Form 990 and related documents filed with the IRS, auditor reports, and annual reports from the last three years for each ME.

Conflicts of Interest

The bill addresses conflicts of interest with MEs and CBCs. The bill creates ss. 394.90825 and 409.987(7), F.S., establishing a process for disclosing and eliminating any transaction or activity that could reasonably be construed to be a conflict of interest for a member, officer, or relative of an ME or CBC. The bill defines the following terms:

- "Activity" includes, but is not limited to, a contract for goods and services, a contract for the purchase of any real or tangible property, or an agreement to engage with the CBC or ME for

²⁰⁰ *Id.*

the benefit of a third party in exchange for an interest in real or tangible property, a monetary benefit, or an in-kind contribution.

- “Conflict of interest” means when a board member or an officer, or a relative of a member of an officer, of the CBC or ME does any of the following:
 - Enters into a contract or other transaction for goods or services with the CBC or ME.
 - Holds a direct or indirect interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the CBC or ME or proposes to enter into a contract or other transaction with the CBC or ME. For purposes of this subparagraph “indirect interest” has the same meaning as provided in s. 112.312, F.S.
 - Knowingly obtains a direct or indirect personal, financial, professional, or other benefit as a result of the relationship of such member or officer, or relative of the member or officer, with the CBC or ME.
- “Relative” means a relative within the third degree of consanguinity by blood or marriage.

For any activity that is presented to the board of the CBC or ME for initial consideration and approval on or after July 1, 2021, or any contract being considered for renewal between July 1, 2021, and January 1, 2022, a board member or officer must disclose to the board any activity that may reasonably be construed to be a conflict of interest before such activity is initially considered and approved or renewed by the board. A rebuttal presumption of a conflict of interest exists if the activity was acted upon by the board without prior notice.

If a contract is not subject to renewal before January 1, 2022, the board member or officer must disclose any information that could reasonably be construed to be a conflict of interest by December 31, 2021.

Any proposed activity or existing contract which does give rise to a disclosure obligation must be listed on the meeting agenda for the next general or special meeting of the members, and copies of all contracts and relevant documents related to the transaction must be included. The meeting agenda must clearly state the potential conflict of interest. The board must be given an opportunity to approve or disapprove the conflict of interest by a vote of two-thirds of all other members present.

If the board votes against the proposed activity, the board member or officer must notify the board in writing of his or her intention, or the relative’s intention, not to pursue the proposed activity or the board member or officer must resign. If the board finds an officer or member has violated this provision, the officer or member will be deemed removed from the office before the next scheduled board meeting. If the board votes against the renewal of an existing contract, which gives rise to a conflict of interest, the parties to the activity may opt to cancel the activity, or in the alternative, the member or officer must resign from the board before the next scheduled meeting. The bill provides for limitations on damages under existing contracts.

A board member, officer, or relative who has an interest in an activity that entails a possible conflict of interest may attend the meeting at which the activity is considered by the board, make a presentation, and then leave the meeting during any relevant discussion by the other board members. A member or officer who is a party to, or has an interest in, the activity must recuse himself or herself from the vote.

A contract entered into between a member, officer, or relative of a member or an officer in which there is a conflict of interest or potential conflict of interest, is voidable and terminates upon the filing of a written notice to the board, which involves at least 20 percent of the voting interest of the CBC or ME.

Central Abuse Hotline

The bill reorganizes and relocates current s. 39.201, F.S., by:

- Creating s. 39.101, F.S., to contain provisions related to the hotline's operation and maintenance, timelines for initiating an investigation, use of information received by the hotline, and quality assurance.
- Amending current s. 39.201, F.S., to only contain provisions related to reporting requirements, including required reporting; exceptions to reporting; additional circumstances in relating to reporting; reports of child abuse, neglect, or abandonment by a parent or caregiver; reports of sexual abuse of a child, juvenile sexual abuse, or a child who has exhibited inappropriate sexual behavior; and mandatory reports of a child death.

In addition to incidents that occur at a Florida College System institution or a state university, the bill adds to the list of schools or school events regarding which DCF must collect and analyze data, and include in separate statistical reports, as follows:

- On school premises;
- On school transportation;
- At school-sponsored off-campus events;
- At any school readiness program provider determined to be eligible under s. 1002.88, F.S.;
- At a private prekindergarten provider or a public school prekindergarten provider;
- At a public K-12 school;
- At a private school; or
- At any school.

The bill amends s. 39.201(2)(c), F.S., relating to reports of juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior and relocates the law to a new s. 39.201(5), F.S., and requires DCF to comply with new requirements, including:

- Providing services in the least restrictive environment possible and must include, but are not limited to, child advocacy center services pursuant to s. 39.3035, F.S., and sexual abuse treatment programs developed and coordinated by the Children's Medical Services Program pursuant to s. 39.303, F.S.
- Conducting a protective investigation for allegations of childhood sexual abuse or juvenile sexual abuse which occur on or at the schools or school events listed in the newly created s. 39.101(3)(f)2., F.S., and requires that the investigation include an interview with the child's parent or legal guardian.
- Notifying the Department of Education, the law enforcement agency having jurisdiction over the municipality or county in which the school is located and, as appropriate, the superintendent of the school district where the school is located, the administrative officer of the private school, or the owner of the private school readiness or pre-kindergarten provider.
- Preparing written report to the law enforcement agency within 3 working days after making the oral report. Any criminal investigation must be coordinated with DCF's child protective investigation, whenever possible. Any interested person who has relevant information relating to the abuse may forward a statement to DCF.

Section 39.201(1)(b)2.h., F.S., is created and adds an animal control officer defined in s. 828.27, F.S., or agent appointed under s. 828.03, F.S., to those who must disclose his or her name when making a report to the hotline.

Confidentiality of Reports

The bill amends s. 39.202(2), F.S., to include the Agency for Health Care Administration (AHCA) as an agency permitted to receive reports of abuse and neglect. This will allow AHCA to complete child abuse and neglect record checks for employees who work in direct contact with children placed by DCF in

facilities licensed by AHCA. This brings the state in compliance with FFPSA provisions requiring such checks.

The bill creates 39.202(7), F.S., to grant access to confidential and exempt records to a legislative committee pursuant to s. 11.143, F.S., within seven business days if requested within that timeframe.

Penalties for Non-Reporting

The bill amends s. 1012.795, F.S., requiring the Education Practices Commission (EPC) to suspend for not less than one year the educator certificate of instructional personnel or school administrator if DCF finds that he or she knowingly failed to report child abuse pursuant to s. 39.201, F.S., and the EPC has issued a final order in accordance with ch. 120, F.S., for a previous instance of failure to report by the individual.

Child Protective Investigations

Institutional Child Abuse

The bill amends s. 39.202, F.S., to provide that an alleged perpetrator may be represented by an attorney or accompanied by another person if specified conditions are met. It further provides the absence of such person does not prevent DCF from proceeding with other aspects of the investigation. If the institution is not operational and the child is unable to be located, the bill requires the investigation to be commence immediately upon the institution reopening. The bill requires DCF to provide copies of all investigative reports to a state attorney or law enforcement agency upon request. This is current law that the bill relocates to this section under the revision of s. 39.201.

CIRRT

The bill amends s. 39.2015, F.S., to include as an example of a situation where a CIRRT investigation could be conducted to include allegations of sexual abuse of a child. Further, it requires CIRRT teams to include a representative from a child advocacy center who has specialized training in sexual abuse, if sexual abuse is alleged, or a combination of specialists from a child advocacy center, if appropriate.

Child Advocacy Centers

The bill amends s. 39.3035(1), F.S., to specify that:

- CAC's are facilities that offer multidisciplinary services in a community-based, child-focused environment to children who are alleged to be victims of abuse or neglect;
- the child served by such centers may have experienced a variety of types of abuse or neglect, including, but not limited to, sexual abuse or severe physical abuse; and that
- the centers bring together, often in one location, child protective investigators, law enforcement, prosecutors, and medical and mental health professionals to provide a coordinated, comprehensive response to victims and their caregivers.

This is consistent with how CAC's currently operate.

Out-of-Home Placements

Family Foster Homes

The bill amends s. 409.175, F.S., to increase the number of foster children who may be placed in a licensed foster home before a DCF must conduct an assessment and over-capacity waiver. The bill increases the number from five or more children, including the foster parents' own children, to eight or more, including the foster parents' own children. If the total number of children in a family foster home is eight or more, including the foster parents' own children, the bill requires DCF to grant an over-

capacity waiver before placing another child in the home. Before granting a capacity waiver, the bill requires DCF to conduct an assessment of each child to be placed in the home and whether the child's needs will be met by the placement. This change gives DCF more flexibility when placing children in family foster homes and is within the requirements set by the FFPSA, which allows a child welfare agency to place six children in a licensed family foster home, excluding the foster parents' own children, prior to being considered over-capacity.

The bill amends s. 39.4087, F.S., to relocate language that a caregiver must maintain the confidentiality of any information required by law from s. 39.4087(1)(c), F.S., to new s. 39.4087(c)2., F.S. The bill also amends s. 39.4087(1)(l), F.S., to consider a caregiver as a placement option if a child who was formerly placed with the caregiver renters out-of-home only if the caregiver agrees to such placement.

The bill repeals s. 409.1453, F.S., which requires DCF to design and disseminate training for caregivers on life skills, and relocates it to s. 409.1415(2)(b)15., F.S.

Extended Foster Care

The bill amends s. 39.6251(4)(a), F.S., to specify that young adults participating in EFC must reside in *voluntary*, supervised living environments. The bill requires that a supervised living arrangement may not include a detention facility, a forestry camp, a training school, or any other facility operated primarily for the detention of delinquent children. Further, the bill states that a young adult may not reside in any setting in which the young adult is involuntarily placed, unless the placement is through a court-appointed guardian. This ensures federal reimbursement to the state for all youth participating in EFC. Young adults will still have their needs met while incarcerated through other available services.

Foster Information Center

The bill amends s. 409.1415(2)(b)6., F.S., to specify that the services and supports provided to caregivers are addressed in a new subsection created in s. 409.1415(3), F.S. The new subsection requires DCF to establish the Foster Information Center to connect current and former foster parents, known as foster parent advocates, to prospective and current foster parents in order to provide information and services, including, but not limited to:

- Navigating the application and approval process, including timelines for each, preparing for transitioning from approval for placement to accepting a child into the home, and learning about and connecting with any available resources in the prospective foster parent's community.
- Accessing available resources and services, including but not limited to, those from the Florida Foster and Adoptive Parent Association, for any current foster parents who need additional assistance.
- Providing information specific to a foster parent's individual needs.

This expands the purpose of the Foster Information Center that DCF currently operates by adding responsibilities related to current foster parents, not just prospective foster parents.

The bill also addresses supports to relative and non-relative caregivers, known as kinship caregivers, by requiring CBCs to provide a kinship caregiver with resources and supports that are available and discuss whether the caregiver meets any eligibility criteria. If the caregiver is unable to access resources and supports beneficial to the well-being of the child, the CBC or case management agency must assist the caregiver in initiating access to resources by:

- Providing referrals to kinship navigation services, if available.
- Assisting with linkages to community resources and completion of program applications.
- Scheduling appointments.
- Initiating contact with community service providers.

The CBC must provide each caregiver with a telephone number to call during normal working hours whenever immediate assistance is needed and the child's case manager is unavailable. The telephone number must be staffed and answered by individuals possessing knowledge and authority to assist

caregivers. This may provide kinship caregivers greater access to resources, which will enable them to better care for the children living with them.

Multidisciplinary Legal Representation

The bill creates s. 39.4092, F.S., to allow each Office of Criminal Conflict and Civil Regional Counsel (OCCCRC) to establish a multidisciplinary legal representation model program to serve families who are in the dependency system. DCF may collaborate with the OCCCRC to implement a program for eligible families involved in the dependency system, within available resources. The bill provides requirements if an OCCCRC establishes a multidisciplinary legal representation model program, including:

- Using a team that consists of a lawyer, a forensic social worker, and a parent-peer specialist. For purposes of the section, a “parent-peer” specialist means a person who has:
 - Previously had his or her child involved in the dependency system and the child was placed in out-of-home care.
 - Been successfully reunified with the child for more than 2 years.
 - Received specialized training to become a parent-peer specialist.
- Providing any necessary agreements to maximize financial resources and enable access to available federal matching funds.
- Providing specialized training and support for attorneys, social workers, and parent-peer specialists involved in the model program.
- Collecting sufficient, uniform data for purposes of quality improvement and program evaluation.
- Developing consistent operational program policies and procedures throughout each region that establishes the model program.
- Obtaining agreements with universities relating to approved placements for social work students to ensure the placement of social workers in the program.
- Executing conflict of interest agreements with each team member.

Each OCCCRC that establishes a multidisciplinary legal representation model program must provide an annual report to the Office of Program Policy Analysis and Government Accountability (OPPAGA). The annual report must use the uniform data collected on each individual child whose parents are served by the program and must detail, at a minimum, all of the following:

- Reasons for the original involvement of the family in the dependency system.
- Length of time it takes to achieve a permanency goal for the children whose parents are served by the program.
- Frequency of each type of permanency goal achieved by children whose parents are served by the program.
- Rate of re-abuse or re-removal of children whose parents are served by the program.
- Any other relevant factors that tend to show the impact of the program on the outcomes for children in the dependency system, provided each region that has established such a program agrees to uniform additional factors and how to collect data on such additional factors in the annual report.

By October 1, 2022, and annually thereafter through October 1, 2025, each OCCCRC must submit its annual report to OPPAGA. The bill requires OPPAGA to compile the results of such reports and conduct an analysis comparing the reported outcomes from the multidisciplinary legal representation model to known outcomes of children in the dependency system whose parents are not served by the program. OCCCRC's must provide any additional information or data requested by OPPAGA for its analysis. By December 1, 2022, and annually thereafter through December 1, 2025, OPPAGA must submit its analysis in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

B. SECTION DIRECTORY:

- Section 1:** Creating s. 39.101, F.S., relating to the central abuse hotline.
- Section 2:** Amending s. 39.201, F.S., relating to required reports of child abuse, abandonment, neglect, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.
- Section 3:** Amending s. 39.2015, F.S., relating to critical incident rapid response teams.
- Section 4:** Amending s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse and neglect.
- Section 5:** Amending s. 39.205, F.S., relating to penalties relating to reporting of child abuse, abandonment, or neglect.
- Section 6:** Amending s. 39.302, F.S., relating to protective investigations of institutional child abuse, abandonment, or neglect.
- Section 7:** Amending s. 39.3035, F.S., relating to child advocacy centers; standards; state funding.
- Section 8:** Amending s. 39.4087, F.S., relating to department goals and requirements relating to caregivers; dispute resolution.
- Section 9:** Creating s. 39.4092, F.S., relating to multidisciplinary legal representation model program for parents of children in the dependency system.
- Section 10:** Amending s. 39.6251, F.S., relating to continuing care for young adults.
- Section 11:** Amending s. 394.9082, F.S., relating to behavioral health entities.
- Section 12:** Creating s. 394.90825, F.S., relating to boards of managing entities; conflicts of interest.
- Section 13:** Amending s. 409.1415, F.S., relating to parenting partnerships for children in out-of-home care; resources.
- Section 14:** Repealing s. 409.1453, F.S., relating to design and dissemination of training for foster care caregiver.
- Section 15:** Amending s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.
- Section 16:** Repealing s. 409.1753, F.S., relating to foster care; duties.
- Section 17:** Amending s. 409.987, F.S., relating to lead agency procurement; boards; conflicts of interest.
- Section 18:** Amending s. 409.988, F.S., relating to lead agency duties; general provisions.
- Section 19:** Amending s. 409.990, F.S., relating to funding for lead agencies.
- Section 20:** Amending s. 409.992, F.S., relating to lead agency expenditures.
- Section 21:** Amending s. 409.996, F.S., relating to duties of the Department of Children and Families.
- Section 22:** Amending s. 1012.795, F.S., relating to education practices commission; authority to discipline.
- Section 23:** Amending s. 39.6225, F.S., relating to guardianship assistance program.
- Section 24:** Amending s. 39.301, F.S., relating to initiation of protective investigations.
- Section 25:** Amending s. 119.071, F.S., relating to general exemptions from inspection or copying of public records.
- Section 26:** Amending s. 322.09, F.S., relating to application of minors; responsibility for negligence or misconduct of minor.
- Section 27:** Amending s. 934.03, F.S., relating to interception and disclosure of wire, oral, or electronic communications prohibited.
- Section 28:** Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate fiscal impact on DCF. There is likely a significant, positive fiscal impact on DCF by prohibiting young adults from participating in the extended foster care program if the young adult is incarcerated.

DCF may have a workload increase to implement the bill's provisions related to the collection and publication of information on CBCs and MEs, expanding the functions of the Foster Information Center, and providing records to legislative committees within seven days upon request.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is an indeterminate fiscal impact on CBCs to implement the bill's provisions to provide services and supports to kinship caregivers.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DCF has sufficient rulemaking authority to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
2 An act relating to child welfare; creating s. 39.101,
3 F.S.; transferring existing provisions relating to the
4 central abuse hotline of the Department of Children
5 and Families; providing additional requirements
6 relating to the hotline; revising requirements for
7 certain statistical reports that the department is
8 required to collect and analyze; amending s. 39.201,
9 F.S.; revising when a person is required to report to
10 the central abuse hotline; requiring animal control
11 officers and certain agents to provide their names to
12 hotline staff; requiring central abuse hotline
13 counselors to advise reporters of certain information;
14 requiring counselors to receive specified periodic
15 training; revising requirements relating to reports of
16 abuse involving impregnation of children; providing
17 requirements for the department when handling reports
18 of child abuse, neglect, or abandonment by a parent or
19 caregiver and reports of child-on-child sexual abuse;
20 amending s. 39.2015, F.S.; specifying serious
21 incidents for which the department is required to
22 provide an immediate multiagency investigation;
23 revising membership of multiagency teams; amending s.
24 39.202, F.S.; expanding the list of entities that have
25 access to child abuse records; requiring access to

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26 certain confidential records by legislative
27 committees, upon request, within a specified
28 timeframe; amending s. 39.205, F.S.; providing
29 construction; specifying that certain persons are not
30 relieved from the duty to report by notifying a
31 supervisor; amending s. 39.302, F.S.; conforming
32 cross-references; authorizing certain persons to be
33 represented by an attorney or accompanied by another
34 person under certain circumstances during
35 institutional investigations; providing requirements
36 relating to institutional investigations; amending s.
37 39.3035, F.S.; providing a description of child
38 advocacy centers; amending s. 39.4087, F.S.; requiring
39 the department to provide certain information to and
40 training for caregivers of children in foster care;
41 expanding certain information that is required to be
42 fully disclosed to the caregivers to include the
43 child's issues related to behavioral health; making
44 technical changes; creating s. 39.4092, F.S.;
45 providing legislative findings; authorizing offices of
46 criminal conflict and civil regional counsel to
47 establish a multidisciplinary legal representation
48 model program to serve parents of children in the
49 dependency system; authorizing the department to
50 collaborate with the office to implement a program and

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51 provide funding; specifying program requirements;
52 defining the term "parent-peer specialist"; requiring
53 each region that establishes a multidisciplinary legal
54 representation model program to submit an annual
55 report by a certain date to the Office of Program
56 Policy Analysis and Government Accountability;
57 requiring the office to compile the reports and
58 include such information in a specified report sent to
59 the Governor and the Legislature by a specified date;
60 amending s. 39.6251, F.S.; providing that licensed
61 foster homes are the preferred supervised living
62 arrangements for young adults; prohibiting supervised
63 living arrangements from including specified
64 facilities; prohibiting young adults from being
65 involuntarily placed in any setting unless such
66 placement is through a court-appointed guardian;
67 amending s. 394.9082, F.S.; requiring the department
68 to collect and publish specified information on its
69 website for each managing entity under contract with
70 the department; defining the term "employee"; creating
71 s. 394.90825, F.S.; defining terms; requiring a board
72 member or an officer of a managing entity to disclose
73 specified activity that may reasonably be construed as
74 a conflict of interest; creating a rebuttable
75 presumption of a conflict of interest if the activity

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76 was acted upon by the board without prior notice;
77 establishing a process for the managing entity's board
78 of directors to address the activity under certain
79 timelines; providing for certain consequences for
80 failure to obtain a board's approval or failure to
81 properly disclose a contract as a conflict of
82 interest; amending s. 409.1415, F.S.; requiring the
83 department to make available specified training for
84 caregivers on the life skills necessary for children
85 in out-of-home care; requiring the department to
86 establish the Foster Information Center for specified
87 purposes; requiring community-based care lead agencies
88 to provide certain information and resources to
89 kinship caregivers and to provide specified assistance
90 to such caregivers; requiring lead agencies to provide
91 caregivers with a certain telephone number; revising
92 requirements for certain employees of residential
93 group homes; repealing s. 409.1453, F.S., relating to
94 the design and dissemination of training for foster
95 care caregivers; amending s. 409.175, F.S.; requiring
96 assessments to be completed if the total number of
97 children in a family foster home will exceed eight,
98 including the family's own children, before placement
99 of a child in a family foster home; specifying
100 requirements for granting a capacity waiver;

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101 authorizing the department to adopt rules; repealing
102 s. 409.1753, F.S.; relating to duties of the
103 department relating to foster care; amending s.
104 409.987, F.S.; requiring the department to develop an
105 alternative plan to contracting with a lead agency in
106 a community under certain circumstances; providing
107 requirements for the alternative plan; requiring the
108 department to submit the plan and quarterly reports to
109 the Governor and Legislature; defining terms;
110 requiring a board member or an officer of a lead
111 agency to disclose activity that may reasonably be
112 construed as a conflict of interest; creating a
113 rebuttable presumption of a conflict of interest if
114 the activity was acted upon by the board without prior
115 notice; establishing a process for the lead agency's
116 board of directors to address the activity under
117 certain timelines; providing for certain consequences
118 for failure to obtain a board's approval or failure to
119 properly disclose a contract as a conflict of
120 interest; amending s. 409.988, F.S.; deleting a
121 requirement that lead agencies publish their current
122 budgets on their websites; specifying additional data
123 lead agencies must publish on their websites;
124 requiring a lead agency to demonstrate the ability to
125 adhere to all best child welfare practices; amending

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s. 409.990, F.S.; requiring that lead agencies fund the cost of increased care under certain circumstances; amending s. 409.992, F.S.; defining the term "employee"; revising a limitation on salaries of community-based care lead agency employees; amending s. 409.996, F.S.; requiring that contracts between the department and lead agencies provide information to the department which specifies how the lead agency will adhere to all best child welfare practices; requiring the department to compile and submit to the Governor and Legislature an annual report on the revenues, expenditures, and financial position of lead agencies; requiring the department to collect and publish on its website specified information relating to contracts between lead agencies and the department; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend the educator certificate of instructional personnel and school administrators for failing to report known or suspected child abuse under certain circumstances; amending section 39.6225, F.S.; deleting an obsolete report; amending ss. 39.301, 119.071, 322.09, and 934.03, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 39.101, Florida Statutes, is created to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(1) ESTABLISHMENT AND OPERATION.—

(a) The department shall operate and maintain a central abuse hotline capable of receiving all reports of known or suspected child abuse, abandonment, or neglect and reports that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care. The hotline must accept reports 24 hours a day, 7 days a week, and such reports must be made in accordance with s. 39.201. The central abuse hotline must be capable of accepting reports made in accordance with s. 39.201 in writing, through a single statewide toll-free telephone number, or through electronic reporting. Any person may use any of these methods to make a report to the central abuse hotline.

(b) The central abuse hotline must be operated in such a manner as to enable the department to:

1. Accept reports for investigation when there is a reasonable cause to suspect that a child has been or is being

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176 abused or neglected or has been abandoned.

177 2. Determine whether the allegations made by the reporter
178 require an immediate or a 24-hour response priority in
179 accordance with subsection (2).

180 3. Immediately identify and locate prior reports or cases
181 of child abuse, abandonment, or neglect through the use of the
182 department's automated tracking system.

183 4. Track critical steps in the investigative process to
184 ensure compliance with all requirements for any report of abuse,
185 abandonment, or neglect.

186 5. When appropriate, refer calls that do not allege the
187 abuse, neglect, or abandonment of a child to other organizations
188 that may better resolve the reporter's concerns.

189 6. Serve as a resource for the evaluation, management, and
190 planning of preventive and remedial services for children who
191 have been subjected to abuse, abandonment, or neglect.

192 7. Initiate and enter into agreements with other states
193 for the purposes of gathering and sharing information contained
194 in reports on child maltreatment to further enhance programs for
195 the protection of children.

196 8. Promote public awareness of the central abuse hotline
197 through community-based partner organizations and public service
198 campaigns.

199 (2) TIMELINES FOR INITIATING INVESTIGATION.—Upon receiving
200 a report to the central abuse hotline, the department must

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determine the timeframe in which to initiate an investigation pursuant to chapter 39. Except as provided under s. 39.302 regarding institutional investigations, an investigation must be commenced:

(a) Immediately, regardless of the time of day or night, if it appears that:

1. The immediate safety or well-being of a child is endangered;

2. The family may flee or the child may be unavailable for purposes of conducting a child protective investigation; or

3. The facts reported to the central abuse hotline otherwise so warrant.

(b) Within 24 hours after receipt of a report that does not involve the criteria specified in paragraph (a).

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(a)1. Voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment and maintain an electronic copy of each report made to the hotline, whether through a call or the electronic system.

2. Make the recording or electronic copy of the report made to the central abuse hotline a part of the record.

Notwithstanding s. 39.202, the recording must be released in full only to law enforcement agencies and state attorneys for

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the purposes of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purposes of investigating and seeking administrative penalties pursuant to s. 39.206.

This paragraph does not prohibit hotline staff from using the recordings or the electronic reports for quality assurance or training purposes.

(b)1. Secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed or the Internet protocol address from which the report is received.

2. Enter the number or Internet protocol address into the report of abuse, abandonment, or neglect for it to become a part of the record of the report.

3. Maintain the confidentiality of such information in the same manner as given to the identity of the reporter pursuant to s. 39.202.

(c)1. Update the web form used for reporting child abuse, abandonment, or neglect to include qualifying questions in order to obtain necessary information required to assess need and the timelines necessary for initiating an investigation under subsection (2).

2. Make the report available in its entirety to the counselors as needed to update the Florida Safe Families Network

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251 or other similar systems.

252 (d) Monitor and evaluate the effectiveness of the
253 reporting and investigating of suspected child abuse,
254 abandonment, or neglect through the development and analysis of
255 statistical and other information.

256 (e) Maintain and produce aggregate statistical reports
257 monitoring patterns of child abuse, abandonment, and neglect.

258 (f)1. Collect and analyze child-on-child sexual abuse
259 reports and include such information in the aggregate
260 statistical reports.

261 2. Collect and analyze, in separate statistical reports,
262 those reports of child abuse and sexual abuse which are reported
263 from or which occurred:

264 a. On school premises;

265 b. On school transportation;

266 c. At school-sponsored off-campus events;

267 d. At any school readiness program provider determined to
268 be eligible under s. 1002.88;

269 e. At a private prekindergarten provider or a public
270 school prekindergarten provider, as those terms are defined in
271 s. 1002.51;

272 f. At a public K-12 school as described in s. 1000.04;

273 g. At a private school as defined in s. 1002.01;

274 h. At a Florida College System institution or a state
275 university, as those terms are defined in s. 1000.21; or

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276 i. At any school, as defined in s. 1005.02.

277 (4) USE OF INFORMATION RECEIVED BY HOTLINE.—

278 (a) Information received by the central abuse hotline may
279 not be used for employment screening, except as provided in s.
280 39.202(2)(a) or (h) or s. 402.302(15).

281 (b) Information in the central abuse hotline and the
282 department's automated abuse information system may be used by
283 the department, its authorized agents or contract providers, the
284 Department of Health, or county agencies as part of the
285 licensure or registration process pursuant to ss. 402.301-
286 402.319 and ss. 409.175-409.176.

287 (c) Information in the central abuse hotline also may be
288 used by the Department of Education for purposes of educator
289 certification discipline and review pursuant to s. 39.202(2)(q).

290 (5) QUALITY ASSURANCE.—On an ongoing basis, the
291 department's quality assurance program shall review screened-out
292 reports involving three or more unaccepted reports on a single
293 child, when jurisdiction applies, in order to detect such things
294 as harassment and situations that warrant an investigation
295 because of the frequency of the reports or the variety of the
296 sources of the reports. A component of the quality assurance
297 program must analyze unaccepted reports to the hotline by
298 identified relatives as a part of the review of screened-out
299 calls. The Assistant Secretary for Child Welfare may refer a
300 case for investigation when it is determined, as a result of

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301 such review, that an investigation may be warranted.

302 Section 2. Section 39.201, Florida Statutes, is amended to
303 read:

304 (Substantial rewording of section. See

305 s. 39.201, F.S., for present text.)

306 39.201 Required reports of child abuse, abandonment,
307 neglect, and juvenile sexual abuse; required reports of death;
308 reports involving a child who has exhibited inappropriate sexual
309 behavior.—

310 (1) REQUIRED REPORTING.—

311 (a)1. A person is required to report immediately to the
312 central abuse hotline established in s. 39.101, by a call to the
313 toll-free number or by electronic report, if he or she knows, or
314 has reasonable cause to suspect, that any of the following has
315 occurred:

316 a. Child abuse, neglect, or abandonment by a parent or
317 caregiver, which includes, but is not limited to, when a child
318 is abused, neglected, or abandoned by a parent, legal custodian,
319 caregiver, or other person responsible for the child's welfare
320 or when a child is in need of supervision and care and has no
321 parent, legal custodian, or responsible adult relative
322 immediately known and available to provide supervision and care.

323 b. Child abuse by a noncaregiver, which includes, but is
324 not limited to, when a child is abused by an adult other than a
325 parent, legal custodian, caregiver, or other person responsible

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326 for the child's welfare. Such reports must be immediately
327 electronically transferred to the appropriate county sheriff's
328 office by the central abuse hotline.

329 2. Any person who knows, or has reasonable cause to
330 suspect, that a child is the victim of childhood sexual abuse or
331 of juvenile sexual abuse shall report such knowledge or
332 suspicion to the department. This includes any alleged incident
333 involving a child who is in the custody of or under the
334 protective supervision of the department.

335
336 Such reports may be made on the single statewide toll-free
337 telephone number or by fax, web-based chat, or web-based report.

338 (b)1. A person from the general public may make a report
339 to the central abuse hotline anonymously if he or she chooses to
340 do so.

341 2. A person making a report to the central abuse hotline
342 under this section who is part of any of the following
343 occupational categories is required to provide his or her name
344 to the central abuse hotline staff:

345 a. Physician, osteopathic physician, medical examiner,
346 chiropractic physician, nurse, or hospital personnel engaged in
347 the admission, examination, care, or treatment of persons;

348 b. Health professional or mental health professional other
349 than a category listed in sub-subparagraph a.;

350 c. Practitioner who relies solely on spiritual means for

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351 healing;

352 d. School teacher or other school official or personnel;

353 e. Social worker, day care center worker, or other
354 professional child care worker, foster care worker, residential
355 worker, or institutional worker;

356 f. Law enforcement officer;

357 g. Judge; or

358 h. Animal control officer as defined in s. 828.27 or agent
359 appointed under s. 828.03.

360 (c) Central abuse hotline counselors shall advise persons
361 who are making a report to the central abuse hotline that, while
362 their names must be entered into the record of the report, the
363 names of reporters are held confidential and exempt as provided
364 in s. 39.202. Counselors must receive periodic training in
365 encouraging all reporters to provide their names when making a
366 report.

367 (2) EXCEPTIONS TO REPORTING.—

368 (a) An additional report of child abuse, abandonment, or
369 neglect does not have to be made by:

370 1. A professional who is hired by or who enters into a
371 contract with the department for the purpose of treating or
372 counseling any person as a result of a report of child abuse,
373 abandonment, or neglect if such person was the subject of the
374 referral for treatment.

375 2. An officer or employee of the judicial branch when the

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376 child is currently being investigated by the department, when
377 there is an existing dependency case, or when the matter has
378 previously been reported to the department, if there is
379 reasonable cause to believe that the information is already
380 known to the department. This subparagraph applies only when the
381 information has been provided to the officer or employee in the
382 course of carrying out his or her official duties.

383 3. An officer or employee of a law enforcement agency when
384 the incident under investigation by the law enforcement agency
385 was reported to law enforcement by the central abuse hotline
386 through the electronic transfer of the report or call. The
387 department's central abuse hotline is not required to
388 electronically transfer calls and reports received pursuant to
389 paragraph (1)(b) to the county sheriff's office if the matter
390 was initially reported to the department by the county sheriff's
391 office or by another law enforcement agency. This subparagraph
392 applies only when the information related to the alleged child
393 abuse has been provided to the officer or employee of a law
394 enforcement agency or central abuse hotline employee in the
395 course of carrying out his or her official duties.

396 (b) Nothing in this chapter or in the contract with
397 community-based care providers for foster care and related
398 services as specified in s. 409.987 may be construed to remove
399 or reduce the duty and responsibility of any person, including
400 any employee of the community-based care provider, to report a

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401 suspected or actual case of child abuse, abandonment, or neglect
402 or the sexual abuse of a child to the department's central abuse
403 hotline.

404 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

405 (a) Abuse occurring out of state.—

406 1. Except as provided in subparagraph 2., the central
407 abuse hotline is prohibited from taking a report of known or
408 suspected child abuse, abandonment, or neglect when the report
409 is related to abuse, abandonment, or neglect that occurred out
410 of state and the alleged perpetrator and the child alleged to be
411 a victim do not live in this state.

412 2. If the child is currently being evaluated in a medical
413 facility in this state, the central abuse hotline must accept
414 the report or call for investigation and must transfer the
415 information on the report or call to the appropriate state or
416 country.

417 3. If the child is not currently being evaluated in a
418 medical facility in this state, the central abuse hotline must
419 transfer the information on the report or call to the
420 appropriate state or county.

421 (b) Abuse reports received from emergency room
422 physicians.—The department must initiate an investigation when
423 it receives a report from an emergency room physician.

424 (c) Abuse involving impregnation of a child.—A report must
425 be immediately electronically transferred to the appropriate

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426 county sheriff's office or other appropriate law enforcement
427 agency by the central abuse hotline if the report is of an
428 instance of known or suspected child abuse involving
429 impregnation of a child younger than 16 years of age by a person
430 21 years of age or older solely under s. 827.04(3). If the
431 report is of known or suspected child abuse solely under s.
432 827.04(3), the reporting provisions of subsection (1) do not
433 apply to health care professionals or other persons who provide
434 medical or counseling services to pregnant children when such
435 reporting would interfere with the provision of medical
436 services.

437 (d) Institutional child abuse or neglect.—Reports
438 involving known or suspected institutional child abuse or
439 neglect, as defined in s. 39.01, must be made and received in
440 the same manner as all other reports made pursuant to this
441 section.

442 (e) Surrendered newborn infants.—

443 1. The department must receive reports involving
444 surrendered newborn infants as described in s. 383.50.

445 2.a. A report may not be considered a report of abuse,
446 neglect, or abandonment solely because the infant has been left
447 at a hospital, emergency medical services station, or fire
448 station pursuant to s. 383.50.

449 b. If the report involving a surrendered newborn infant
450 does not include indications of abuse, neglect, or abandonment

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other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department must provide to the caller making the report the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place surrendered newborn infants.

3. If the report includes indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report must be considered as a report of abuse, neglect, or abandonment and, notwithstanding chapter 383, is subject to the requirements of s. 39.395 and all other relevant provisions of this chapter.

(4) REPORTS OF CHILD ABUSE, NEGLECT, OR ABANDONMENT BY A PARENT OR CAREGIVER.—

(a)1. Upon receiving a report made to the department's central abuse hotline, personnel of the department shall determine if the received report meets the statutory definition of child abuse, abandonment, or neglect.

2. Any report meeting one of these definitions must be accepted for protective investigation pursuant to part III of this chapter.

(b)1. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet

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476 the criteria for being a report of child abuse, abandonment, or
477 neglect may be accepted by the hotline for response to
478 ameliorate a potential future risk of harm to a child.

479 2. The department must refer the parent or legal custodian
480 for appropriate voluntary community services if it is determined
481 by personnel of the department that a need for community
482 services exists.

483 (5) REPORTS OF SEXUAL ABUSE OF A CHILD, JUVENILE SEXUAL
484 ABUSE, OR A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL
485 BEHAVIOR.—

486 (a) Reports involving sexual abuse of a child or juvenile
487 sexual abuse shall be made immediately to the department's
488 central abuse hotline. Such reports may be made on the single
489 statewide toll-free telephone number or by fax, web-based chat,
490 or web-based report. This includes any alleged incident
491 involving a child who is in the custody of or under the
492 protective supervision of the department.

493 (b)1. Within 48 hours after receiving a report required
494 under subparagraph (1)(a)2. made to the department's central
495 abuse hotline, personnel of the department shall conduct an
496 assessment, assist the family in receiving appropriate services
497 pursuant to s. 39.307, and send a written report of the
498 allegation to the appropriate county sheriff's office.

499 2. Reports involving a child who has exhibited
500 inappropriate sexual behavior must be made and received by the

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department. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307 and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

(c) The services identified in the assessment should be provided in the least restrictive environment possible and must include, but need not be limited to, child advocacy center services pursuant to s. 39.3035 and sexual abuse treatment programs developed and coordinated by the Children's Medical Services Program in the Department of Health pursuant to s. 39.303.

(d) The department shall ensure that the facts and results of any investigation of such abuse involving a child in the custody of, or under the protective supervision of, the department are made known to the court at the next hearing and are included in the next report to the court concerning the child.

(e)1. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation under subparagraph (1)(a)2. which occurs on school premises; on school transportation; at school-sponsored off-campus events; at a public or private school readiness or prekindergarten program; at a public K-12 school; or at a private school. The protective

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526 investigation must include an interview with the child's parent
527 or legal guardian.

528 2. Further, the department shall notify the Department of
529 Education; the law enforcement agency having jurisdiction over
530 the municipality or county in which the school is located; and,
531 as appropriate, the superintendent of the school district where
532 the school is located, the administrative officer of the private
533 school, or the owner of the private school readiness or
534 prekindergarten provider.

535 3. The department shall make a full written report to the
536 law enforcement agency within 3 working days after making the
537 oral report. Whenever possible, any criminal investigation must
538 be coordinated with the department's child protective
539 investigation. Any interested person who has information
540 regarding such abuse may forward a statement to the department.

541 (6) MANDATORY REPORTS OF A CHILD DEATH.—Any person
542 required to report or investigate cases of suspected child
543 abuse, abandonment, or neglect who has reasonable cause to
544 suspect that a child died as a result of child abuse,
545 abandonment, or neglect shall report his or her suspicion to the
546 appropriate medical examiner. The medical examiner shall accept
547 the report for investigation and shall report his or her
548 findings, in writing, to the local law enforcement agency, the
549 appropriate state attorney, and the department. Autopsy reports
550 maintained by the medical examiner are not subject to the

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551 confidentiality requirements provided for in s. 39.202.

552 Section 3. Subsections (1) and (3) of section 39.2015,
553 Florida Statutes, are amended, to read:

554 39.2015 Critical incident rapid response team.—

555 (1) As part of the department's quality assurance program,
556 the department shall provide an immediate multiagency
557 investigation of certain child deaths or other serious
558 incidents, including, but not limited to, allegations of sexual
559 abuse of a child as described in this chapter. The purpose of
560 such investigation is to identify root causes and rapidly
561 determine the need to change policies and practices related to
562 child protection and child welfare.

563 (3) Each investigation shall be conducted by a multiagency
564 team of at least five professionals with expertise in child
565 protection, child welfare, and organizational management. The
566 team may consist of employees of the department, community-based
567 care lead agencies, Children's Medical Services, and community-
568 based care provider organizations; faculty from the institute
569 consisting of public and private universities offering degrees
570 in social work established pursuant to s. 1004.615; or any other
571 person with the required expertise. The team shall include, at a
572 minimum, a Child Protection Team medical director, a
573 representative from a child advocacy center pursuant to s.
574 39.3035 who has specialized training in sexual abuse if sexual
575 abuse is alleged, or a combination of such specialists if deemed

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appropriate. The majority of the team must reside in judicial circuits outside the location of the incident. The secretary shall appoint a team leader for each group assigned to an investigation.

Section 4. Paragraphs (a), (h), and (t) of subsection (2) of section 39.202, Florida Statutes, are amended, subsections (7) through (9) are renumbered as subsections (8) through (10), respectively, and a new subsection (7) is added to that section, to read:

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

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

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, the office of Early Learning, or county agencies responsible for carrying out:

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

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5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapters 393 and 394 ~~chapter 393~~, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;

6. Employment screening for caregivers in residential group homes and facilities licensed under chapters 393, 394, and 409; or

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

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

(h) Any appropriate official of the department, the Agency for Health Care Administration, or the Agency for Persons with Disabilities who is responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an

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employee of the department or the agency who is alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department or the agency.

(t) Persons with whom the department is seeking to place the child or to whom placement has been granted, including foster parents for whom an approved home study has been conducted, the designee of a licensed child-caring agency as defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or nonrelative with whom a child is placed pursuant to s. 39.402, preadoptive parents for whom a favorable preliminary adoptive home study has been conducted, adoptive parents, or an adoption entity acting on behalf of preadoptive or adoptive parents.

(7) Custodians of records made confidential and exempt under this section shall grant access to any such records requested by a legislative committee under s. 11.143 within seven business days if requested within that timeframe.

Section 5. Subsections (1), (3), and (4) of section 39.205, Florida Statutes, are amended, and a new subsection (11) is added to that section, to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(1) A person ~~who is required to report known or suspected child abuse, abandonment, or neglect and~~ who knowingly and

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651 willfully fails to report to the central abuse hotline, pursuant
652 to this chapter, known or suspected child abuse, abandonment, or
653 neglect ~~do so~~, or who knowingly and willfully prevents another
654 person from doing so, commits a felony of the third degree,
655 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
656 A judge subject to discipline pursuant to s. 12, Art. V of the
657 Florida Constitution shall not be subject to criminal
658 prosecution when the information was received in the course of
659 official duties.

660 (3) Any Florida College System institution, state
661 university, or nonpublic college, university, or school, as
662 defined in s. 1000.21 or s. 1005.02, whose administrators
663 ~~knowingly and willfully~~, upon receiving information from
664 faculty, staff, or other institution employees, knowingly and
665 willfully fail to report to the central abuse hotline pursuant
666 to this chapter known or suspected child abuse, abandonment, or
667 neglect committed on the property of the university, college, or
668 school, or during an event or function sponsored by the
669 university, college, or school, or who knowingly and willfully
670 prevent another person from doing so, shall be subject to fines
671 of \$1 million for each such failure.

672 (a) A Florida College System institution subject to a fine
673 shall be assessed by the State Board of Education.

674 (b) A state university subject to a fine shall be assessed
675 by the Board of Governors.

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676 (c) A nonpublic college, university, or school subject to
677 a fine shall be assessed by the Commission for Independent
678 Education.

679 (4) Any Florida College System institution, state
680 university, or nonpublic college, university, or school, as
681 defined in s. 1000.21 or s. 1005.02, whose law enforcement
682 agency fails to report to the central abuse hotline pursuant to
683 this chapter known or suspected child abuse, abandonment, or
684 neglect committed on the property of the university, college, or
685 school, ~~or during an event or function sponsored by the~~
686 university, college, or school, shall be subject to fines of \$1
687 million for each such failure, assessed in the same manner as
688 specified in subsection (3).

689 (11) This section may not be construed to remove or reduce
690 the requirement of any person, including but not limited to any
691 employee of a school readiness program provider determined to be
692 eligible under s. 1002.88; a private prekindergarten provider or
693 a public school prekindergarten provider, as those terms are
694 defined in s. 1002.51; a public K-12 school as described in s.
695 1000.04; a home education program or a private school, as those
696 terms are defined in s. 1002.01; a Florida College System
697 institution or a state university, as those terms are defined in
698 s. 1000.21; a college as defined in s. 1005.02; or a school as
699 defined in s. 1005.02, to directly report a suspected or actual
700 case of child abuse, abandonment, or neglect or the sexual abuse

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701 of a child to the department's central abuse hotline pursuant to
702 this chapter. A person required to report to the central abuse
703 hotline is not relieved of the obligation by notifying his or
704 her supervisor.

705 Section 6. Subsections (1) and (2) of section 39.302,
706 Florida Statutes, are amended to read:

707 39.302 Protective investigations of institutional child
708 abuse, abandonment, or neglect.—

709 (1) The department shall conduct a child protective
710 investigation of each report of institutional child abuse,
711 abandonment, or neglect. Upon receipt of a report that alleges
712 that an employee or agent of the department, or any other entity
713 or person covered by s. 39.01(37) or (54), acting in an official
714 capacity, has committed an act of child abuse, abandonment, or
715 neglect, the department shall initiate a child protective
716 investigation within the timeframe established under s.
717 39.101(2) ~~s. 39.201(5)~~ and notify the appropriate state
718 attorney, law enforcement agency, and licensing agency, which
719 shall immediately conduct a joint investigation, unless
720 independent investigations are more feasible. When conducting
721 investigations or having face-to-face interviews with the child,
722 investigation visits shall be unannounced unless it is
723 determined by the department or its agent that unannounced
724 visits threaten the safety of the child. If a facility is exempt
725 from licensing, the department shall inform the owner or

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operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health,

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751 and welfare of the children in care. This authority shall apply
752 only to child protective investigations in which there is some
753 evidence that child abuse, abandonment, or neglect has occurred.
754 A subject of a report whose access to children in care has been
755 restricted is entitled to petition the circuit court for
756 judicial review. The court shall enter written findings of fact
757 based upon the preponderance of evidence that child abuse,
758 abandonment, or neglect did occur and that the department's
759 restrictive action against a subject of the report was justified
760 in order to safeguard the physical health, mental health, and
761 welfare of the children in care. The restrictive action of the
762 department shall be effective for no more than 90 days without a
763 judicial finding supporting the actions of the department.

764 (b) In an institutional investigation, the alleged
765 perpetrator may be represented by an attorney, at his or her own
766 expense, or may be accompanied by another person, if the
767 attorney or the person executes an affidavit of understanding
768 with the department and agrees to comply with the
769 confidentiality requirements under s. 39.202. The absence of an
770 attorney or an accompanying person does not prevent the
771 department from proceeding with other aspects of the
772 investigation, including interviews with other persons. In
773 institutional child abuse cases when the institution is not
774 operational and the child cannot otherwise be located, the
775 investigation must commence immediately upon the resumption of

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776 operation. If requested by a state attorney or local law
777 enforcement agency, the department shall furnish all
778 investigative reports to such state attorney or agency.

779 (c)~~(b)~~ Upon completion of the department's child
780 protective investigation, the department may make application to
781 the circuit court for continued restrictive action against any
782 person necessary to safeguard the physical health, mental
783 health, and welfare of the children in care.

784 Section 7. Present subsections (1), (2), and (3) of
785 section 39.3035, Florida Statutes, are redesignated as
786 subsections (2), (3), and (4), respectively, a new subsection
787 (1) is added to that section, and present subsection (3) is
788 amended, to read:

789 39.3035 Child advocacy centers; standards; state funding.—

790 (1) Child advocacy centers are facilities that offer
791 multidisciplinary services in a community-based, child-focused
792 environment to children who are alleged to be victims of abuse
793 or neglect. The children served by such centers may have
794 experienced a variety of types of abuse or neglect, including,
795 but not limited to, sexual abuse or severe physical abuse. The
796 centers bring together, often in one location, child protective
797 investigators, law enforcement, prosecutors, and medical and
798 mental health professionals to provide a coordinated,
799 comprehensive response to victims and their caregivers.

800 (4)~~(3)~~ A child advocacy center within this state may not

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801 receive the funds generated pursuant to s. 938.10, state or
802 federal funds administered by a state agency, or any other funds
803 appropriated by the Legislature unless all of the standards of
804 subsection (2) ~~(1)~~ are met and the screening requirement of
805 subsection (3) ~~(2)~~ is met. The Florida Network of Children's
806 Advocacy Centers, Inc., shall be responsible for tracking and
807 documenting compliance with subsections (2) and (3) ~~(1) and (2)~~
808 for any of the funds it administers to member child advocacy
809 centers.

810 (a) Funds for the specific purpose of funding children's
811 advocacy centers shall be appropriated to the Department of
812 Children and Families from funds collected from the additional
813 court cost imposed in cases of certain crimes against minors
814 under s. 938.10. Funds shall be disbursed to the Florida Network
815 of Children's Advocacy Centers, Inc., as established under this
816 section, for the purpose of providing community-based services
817 that augment, but do not duplicate, services provided by state
818 agencies.

819 (b) The board of directors of the Florida Network of
820 Children's Advocacy Centers, Inc., shall retain 10 percent of
821 all revenues collected to be used to match local contributions,
822 at a rate not to exceed an equal match, in communities
823 establishing children's advocacy centers. The board of directors
824 may use up to 5 percent of the remaining funds to support the
825 activities of the network office and must develop funding

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criteria and an allocation methodology that ensures an equitable distribution of remaining funds among network participants. The criteria and methodologies must take into account factors that include, but need not be limited to, the center's accreditation status with respect to the National Children's Alliance, the number of clients served, and the population of the area being served by the children's advocacy center.

(c) At the end of each fiscal year, each children's advocacy center receiving revenue as provided in this section must provide a report to the board of directors of the Florida Network of Children's Advocacy Centers, Inc., which reflects center expenditures, all sources of revenue received, and outputs that have been standardized and agreed upon by network members and the board of directors, such as the number of clients served, client demographic information, and number and types of services provided. The Florida Network of Children's Advocacy Centers, Inc., must compile reports from the centers and provide a report to the President of the Senate and the Speaker of the House of Representatives in August of each year.

Section 8. Paragraphs (c), (k), and (l) of subsection (1) of section 39.4087, Florida Statutes, are amended to read:

39.4087 Department goals and requirements relating to caregivers; dispute resolution.—

(1) To provide the best care to children, the Legislature establishes as goals for the department to treat foster parents,

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kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring delivery of child welfare services is focused on the best interest of the child. To that end, regarding foster parents, kinship caregivers, and nonrelative caregivers caring for dependent children in their home, to the extent not otherwise prohibited by state or federal law and to the extent of current resources, the department will strive to:

(c)1. Fully disclose all relevant information regarding the child and the background of his or her biological family. ~~A caregiver must maintain the confidentiality of any information as required by law.~~ Such disclosure includes, but is not limited to:

~~a.1.~~ Any issues relative to the child that may jeopardize the health and safety of the caregiver or other individuals residing in the household or alter the manner in which the caregiver would normally provide care.

~~b.2.~~ Any delinquency or criminal record of the child, including, but not limited to, any pending petitions or adjudications of delinquency when the conduct constituting the delinquent act, if committed by an adult, would constitute murder in the first degree, murder in the second degree, rape, robbery, or kidnapping.

~~c.3.~~ Information about any physical or sexual abuse the child has experienced.

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876 ~~d.4.~~ Any behavioral issues that may affect the care and
877 supervision of the child.

878 ~~e.5.~~ With parental consent to the extent required by law,
879 any known health history and medical, psychological, or
880 behavioral ~~mental~~ health issues or needs of the child,
881 including, but not limited to, current infectious diseases the
882 child has or any episodes of hospitalization due to mental or
883 physical illness.

884 2. A caregiver must maintain the confidentiality of any
885 information as required by law.

886 (k) Give at least 7 days' notice to a caregiver, to the
887 extent possible, of any meeting or court hearing related to a
888 child in his or her care. The notice must ~~shall~~ include, at
889 minimum, ~~but is not limited to~~, the name of the judge or hearing
890 officer, the docket number, and the purpose and location of the
891 hearing or meeting. If the department is providing such
892 information to a child's biological parent, the department shall
893 provide notice to the caregiver at the same time as the
894 biological parent.

895 ~~(l) If the caregiver agrees,~~ Consider the caregiver as a
896 placement option for a child if such child, who was formerly
897 placed with the caregiver, reenters out-of-home care and the
898 caregiver agrees to the child being placed with the caregiver
899 upon reentry and reenters out-of-home care.

900 Section 9. Section 39.4092, Florida Statutes, is created

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to read:

39.4092 Multidisciplinary legal representation model program for parents of children in the dependency system.-

(1) ESTABLISHMENT.-Each office of criminal conflict and civil regional counsel established under s. 27.511 may establish a multidisciplinary legal representation model program to serve families who are in the dependency system. The department may collaborate with the office of criminal conflict and civil regional counsel to implement a program for eligible families involved in the dependency system, within available resources.

(2) PROGRAM REQUIREMENTS.-Any multidisciplinary legal representation model program established must, at a minimum:

(a) Use a team that consists of a lawyer, a forensic social worker, and a parent-peer specialist. For purposes of this section, a "parent-peer specialist" means a person who has:

1. Previously had his or her child involved in the dependency system and removed from his or her care to be placed in out-of-home care;

2. Been successfully reunified with the child for more than 2 years; and

3. Received specialized training to become a parent-peer specialist.

(b) Provide any necessary agreements to maximize financial resources and enable access to available federal Title IV-E matching funding.

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926 (c) Provide specialized training and support for
927 attorneys, social workers, and parent-peer specialists involved
928 in the model program.

929 (d) Collect sufficient, uniform data for purposes of
930 quality improvement and program evaluation.

931 (e) Develop consistent operational program policies and
932 procedures throughout each region that establishes the model
933 program.

934 (f) Obtain agreements with universities relating to
935 approved placements for social work students to ensure the
936 placement of social workers in the program.

937 (g) Execute conflict of interest agreements with each team
938 member.

939 (4) REPORTING.—

940 (a) Each regional office of the office of criminal
941 conflict and civil regional counsel which establishes a
942 multidisciplinary legal representation model program that meets
943 the requirements of this section must provide an annual report
944 to the Office of Program Policy Analysis and Government
945 Accountability. The annual report must use the uniform data
946 collected on each unique child whose parents are served by the
947 program and must detail, at a minimum, all of the following:

948 1. Reasons for the original involvement of the family in
949 the dependency system.

950 2. Length of time it takes to achieve a permanency goal

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951 for the children whose parents are served by the program.

952 3. Frequency of each type of permanency goal achieved by
953 children whose parents are served by the program.

954 4. Rate of re-abuse or re-removal of children whose
955 parents are served by the program.

956 5. Any other relevant factors that tend to show the impact
957 of the use of such multidisciplinary legal representation model
958 programs on the outcomes for children in the dependency system,
959 provided each region that has established such a program agrees
960 to uniform additional factors and how to collect data on such
961 additional factors in the annual report.

962 (b) By October 1, 2022, and annually thereafter through
963 October 1, 2025, each regional counsel office must submit its
964 annual report to the Office of Program Policy Analysis and
965 Government Accountability. The Office of Program Policy
966 Analysis and Government Accountability shall compile the results
967 of such reports and conduct an analysis comparing the reported
968 outcomes from the multidisciplinary legal representation model
969 program to known outcomes of children in the dependency system
970 whose parents are not served by a multidisciplinary legal
971 representation model program. Each regional counsel office
972 shall provide any additional information or data requested by
973 the Office of Program Policy Analysis and Government
974 Accountability for its analysis. By December 1, 2022, and
975 annually thereafter through December 1, 2025, the Office of

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976 Program Policy Analysis and Government Accountability must
977 submit its analysis in a report to the Governor, the President
978 of the Senate, and the Speaker of the House of Representatives.

979 Section 10. Subsection (4) of section 39.6251, Florida
980 Statutes, is amended to read:

981 39.6251 Continuing care for young adults.—

982 (4) (a) The young adult must reside in a supervised living
983 environment that is approved by the department or a community-
984 based care lead agency. The young adult shall live
985 independently, but in an environment in which he or she is
986 provided supervision, case management, and supportive services
987 by the department or lead agency. Such an environment must offer
988 developmentally appropriate freedom and responsibility to
989 prepare the young adult for adulthood.

990 1. For the purposes of this subsection:

991 a. A supervised living arrangement may include a licensed
992 foster home, licensed group home, college dormitory, shared
993 housing, apartment, or another housing arrangement if the
994 arrangement is approved by the community-based care lead agency
995 and is acceptable to the young adult; however, a licensed foster
996 home is the preferred arrangement.

997 b. A supervised living arrangement may not include a
998 detention facility, a forestry camp, a training school, or any
999 other facility operated primarily for the detention of children
1000 who are determined to be delinquent.

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1001 2. A young adult may continue to reside with the same
1002 licensed foster family or group care provider with whom he or
1003 she was residing at the time he or she reached the age of 18
1004 years. A young adult may not reside in any setting in which the
1005 young adult is involuntarily placed, unless the placement is
1006 through a court-appointed guardian.

1007 (b) Before approving the residential setting in which the
1008 young adult will voluntarily live, the department or community-
1009 based care lead agency must ensure that:

1010 1. The young adult will be provided with a level of
1011 supervision consistent with his or her individual education,
1012 health care needs, permanency plan, and independent living goals
1013 as assessed by the department or lead agency with input from the
1014 young adult. Twenty-four hour onsite supervision is not
1015 required; however, 24-hour crisis intervention and support must
1016 be available.

1017 2. The young adult will live in an independent living
1018 environment that offers, at a minimum, life skills instruction,
1019 counseling, educational support, employment preparation and
1020 placement, and development of support networks. The
1021 determination of the type and duration of services shall be
1022 based on the young adult's assessed needs, interests, and input
1023 and must be consistent with the goals set in the young adult's
1024 case plan.

1025 Section 11. Paragraph (m) is added to subsection (3) of

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subsection 394.9082, Florida Statutes, to read:

394.9082 Behavioral health managing entities.—

(3) DEPARTMENT DUTIES.—The department shall:

(m) Collect and publish all of the following information on its website, updated annually, for each managing entity under contract with the department:

1. Current salaries, bonuses, and other compensation paid, by position, for any employee of the managing entity or an affiliated entity, who receives a salary from state-appropriated funds, including state-appropriated federal funds, whether base pay or base pay combined with any bonus or incentive payments, in excess of 150 percent of the annual salary paid to the secretary of the Department of Children and Families. For purposes of this paragraph, "employee" has the same meaning as in s. 448.095.

2. Form 990 and related documents filed with the Internal Revenue Service, auditor reports, and annual reports from the last three years for each managing entity.

Section 12. Section 394.90825, Florida Statutes, is created to read:

394.90825 Boards of managing entities; conflicts of interest.—

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

(a) "Activity" includes, but is not limited to, a contract for goods and services, a contract for the purchase of any real

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1051 or tangible property, or an agreement to engage with the
1052 managing entity for the benefit of a third party in exchange for
1053 an interest in real or tangible property, a monetary benefit, or
1054 an in-kind contribution.

1055 (b) "Conflict of interest" means when a board member or an
1056 officer, or a relative of a board member or an officer, of the
1057 managing entity does any of the following:

1058 1. Enters into a contract or other transaction for goods
1059 or services with the managing entity.

1060 2. Holds a direct or indirect interest in a corporation,
1061 limited liability corporation, partnership, limited liability
1062 partnership, or other business entity that conducts business
1063 with the managing entity or proposes to enter into a contract or
1064 other transaction with the managing entity. For purposes of this
1065 paragraph, "indirect interest" has the same meaning as provided
1066 in s. 112.312.

1067 3. Knowingly obtains a direct or indirect personal,
1068 financial, professional, or other benefit as a result of the
1069 relationship of such member or officer, or relative of the
1070 member or officer, with the managing entity. For purposes of
1071 this paragraph, the term "benefit" does not include per diem and
1072 travel expenses paid or reimbursed to board members in
1073 connection with their service on the board.

1074 (c) "Managing entity" has the same meaning as in s.
1075 394.9082.

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1076 (d) "Relative" means a relative within the third degree of
1077 consanguinity by blood or marriage.

1078 (2) (a) For any activity that is presented to the board of
1079 a managing entity for its initial consideration and approval
1080 after July 1, 2021, or any activity that involves a contract
1081 that is being considered for renewal on or after July 1, 2021,
1082 and before January 1, 2022, a board member or an officer of a
1083 managing entity shall disclose to the board any activity that
1084 may reasonably be construed to be a conflict of interest before
1085 such activity is initially considered and approved or renewed by
1086 the board. A rebuttable presumption of a conflict of interest
1087 exists if the activity was acted upon by the board without prior
1088 notice as required under subsection (3).

1089 (b) For contracts with a managing entity which are in
1090 existence on July 1, 2021, and are not subject to renewal before
1091 January 1, 2022, a board member or an officer shall disclose to
1092 the board any activity that may reasonably be construed to be a
1093 conflict of interest under this section by December 31, 2021.

1094 (3) (a) If a board member or an officer, or a relative of a
1095 member or an officer, proposes to engage in an activity as
1096 described in (2) (a), the proposed activity must be listed on the
1097 meeting agenda for the next general or special meeting of the
1098 members, and copies of all contracts and transactional documents
1099 related to the proposed activity must be included in the agenda.
1100 The meeting agenda must clearly identify the existence of a

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1101 potential conflict of interest for the proposed activity. Before
1102 a member or an officer, or a relative of a member or an officer,
1103 engages in the proposed activity, the activity and contract or
1104 other transaction documents must be approved by an affirmative
1105 vote of two-thirds of all other members present.

1106 (b) If a member or an officer notifies the board of a
1107 potential conflict of interest with the member or officer, or a
1108 relative of the member or officer, under an existing contract as
1109 described in paragraph (2) (b), the board must notice the
1110 activity on a meeting agenda for the next general or special
1111 meeting of the members, and copies of all contracts and
1112 transactional documents related to the activity must be
1113 attached. The meeting agenda must clearly identify the existence
1114 of a potential conflict of interest. The board must be given the
1115 opportunity to approve or disapprove the conflict of interest by
1116 a vote of two-thirds of all other members present.

1117 (4) (a) If the board votes against the proposed activity
1118 pursuant to paragraph (3) (a), the board member or officer, or
1119 the relative of the member or officer, must notify the board in
1120 writing of his or her intention, or his or her relative's
1121 intention, not to pursue the proposed activity, or the member or
1122 officer shall withdraw from office before the next scheduled
1123 board meeting. If the board finds that an officer or a member
1124 has violated this paragraph, the officer or member shall be
1125 deemed removed from office before the next scheduled board

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1126 meeting.

1127 (b) In the event that the board does not approve of a
1128 conflict of interest as required in paragraph (3)(b), the
1129 parties to the activity may opt to cancel the activity or, in
1130 the alternative, the member or officer must resign from the
1131 board before the next scheduled board meeting. If the activity
1132 canceled is a contract, the managing entity is only liable for
1133 the reasonable value of the goods and services provided up to
1134 the time of cancellation and is not liable for any termination
1135 fee, liquidated damages, or other form of penalty for such
1136 cancellation.

1137 (5) A board member or an officer, or a relative of a
1138 member or an officer, who is a party to, or has an interest in,
1139 an activity that is a possible conflict of interest may attend
1140 the meeting at which the activity is considered by the board and
1141 is authorized to make a presentation to the board regarding the
1142 activity. After the presentation, the member or officer, or the
1143 relative of the member or officer, shall leave the meeting
1144 during the discussion of, and the vote on, the activity. A
1145 member or an officer who is a party to, or has an interest in,
1146 the activity shall recuse himself or herself from the vote.

1147 (6) A contract entered into between a board member or an
1148 officer, or a relative of a member or an officer, and the
1149 managing entity which has not been properly disclosed as a
1150 conflict of interest or potential conflict of interest under

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this section is voidable and terminates upon the filing of a
written notice terminating the contract with the board of
directors which contains the consent of at least 20 percent of
the voting interests of the managing entity.

Section 13. Section 409.1415, Florida Statutes, is amended to read:

409.1415 Parenting partnerships for children in out-of-home care; resources.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that reunification is the most common outcome for children in out-of-home care and that caregivers are one of the most important resources to help children reunify with their families.

(b) The Legislature further finds that the most successful caregivers understand that their role goes beyond supporting the children in their care to supporting the children's families, as a whole, and that children and their families benefit when caregivers and birth or legal parents are supported by an agency culture that encourages a meaningful partnership between them and provides quality support.

(c) Therefore, in keeping with national trends, it is the intent of the Legislature to bring caregivers and birth or legal parents together in order to build strong relationships that lead to more successful reunifications and more stability for children being fostered in out-of-home care.

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1176 (2) PARENTING PARTNERSHIPS.—

1177 (a) In order to ensure that children in out-of-home care
1178 achieve legal permanency as soon as possible, to reduce the
1179 likelihood that they will reenter care or that other children in
1180 the family are abused or neglected or enter out-of-home care,
1181 and to ensure that families are fully prepared to resume custody
1182 of their children, the department and community-based care lead
1183 agencies shall develop and support relationships between
1184 caregivers and birth or legal parents of children in out-of-home
1185 care, to the extent that it is safe and in the child's best
1186 interest, by:

1187 1. Facilitating telephone communication between the
1188 caregiver and the birth or legal parent as soon as possible
1189 after the child is placed in the home of the caregiver.

1190 2. Facilitating and attending an in-person meeting between
1191 the caregiver and the birth or legal parent as soon as possible
1192 after the child is placed in the home of the caregiver.

1193 3. Developing and supporting a plan for the birth or legal
1194 parent to participate in medical appointments, educational and
1195 extracurricular activities, and other events involving the
1196 child.

1197 4. Facilitating participation by the caregiver in
1198 visitation between the birth or legal parent and the child.

1199 5. Involving the caregiver in planning meetings with the
1200 birth or legal parent.

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6. Developing and implementing effective transition plans for the child's return home or placement in any other living environment.

7. Supporting continued contact between the caregiver and the child after the child returns home or moves to another permanent living arrangement.

(b) To ensure that a child in out-of-home care receives support for healthy development which gives the child the best possible opportunity for success, caregivers, birth or legal parents, the department, and the community-based care lead agency shall work cooperatively in a respectful partnership by adhering to the following requirements:

1. All members of the partnership must interact and communicate professionally with one another, must share all relevant information promptly, and must respect the confidentiality of all information related to the child and his or her family.

2. The caregiver; the birth or legal parent; the child, if appropriate; the department; and the community-based care lead agency must participate in developing a case plan for the child and the birth or legal parent. All members of the team must work together to implement the case plan. The caregiver must have the opportunity to participate in all team meetings or court hearings related to the child's care and future plans. The department and community-based care lead agency must support and

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1226 facilitate caregiver participation through timely notification
1227 of such meetings and hearings and provide alternative methods
1228 for participation for a caregiver who cannot be physically
1229 present at a meeting or hearing.

1230 3. A caregiver must strive to provide, and the department
1231 and community-based care lead agency must support, excellent
1232 parenting, which includes:

1233 a. A loving commitment to the child and the child's safety
1234 and well-being.

1235 b. Appropriate supervision and positive methods of
1236 discipline.

1237 c. Encouragement of the child's strengths.

1238 d. Respect for the child's individuality and likes and
1239 dislikes.

1240 e. Providing opportunities to develop the child's
1241 interests and skills.

1242 f. Being aware of the impact of trauma on behavior.

1243 g. Facilitating equal participation of the child in family
1244 life.

1245 h. Involving the child within his or her community.

1246 i. A commitment to enable the child to lead a normal life.

1247 4. A child in out-of-home care must be placed with a
1248 caregiver who has the ability to care for the child, is willing
1249 to accept responsibility for providing care, and is willing and
1250 able to learn about and be respectful of the child's culture,

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religion, and ethnicity; special physical or psychological needs; circumstances unique to the child; and family relationships. The department, the community-based care lead agency, and other agencies must provide a caregiver with all available information necessary to assist the caregiver in determining whether he or she is able to appropriately care for a particular child.

5. A caregiver must have access to and take advantage of all training that he or she needs to improve his or her skills in parenting a child who has experienced trauma due to neglect, abuse, or separation from home; to meet the child's special needs; and to work effectively with child welfare agencies, the courts, the schools, and other community and governmental agencies.

6. The department and community-based care lead agency must provide a caregiver with the services and support they need to enable them to provide quality care for the child pursuant to subsection (3).

7. Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only if:

- a. The caregiver is clearly unable to safely or legally care for the child;
- b. The child and the birth or legal parent are reunified;
- c. The child is being placed in a legally permanent home

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1276 | in accordance with a case plan or court order; or

1277 | d. The removal is demonstrably in the best interests of
1278 | the child.

1279 | 8. If a child must leave the caregiver's home for one of
1280 | the reasons stated in subparagraph 7., and in the absence of an
1281 | unforeseeable emergency, the transition must be accomplished
1282 | according to a plan that involves cooperation and sharing of
1283 | information among all persons involved, respects the child's
1284 | developmental stage and psychological needs, ensures the child
1285 | has all of his or her belongings, allows for a gradual
1286 | transition from the caregiver's home, and, if possible, allows
1287 | for continued contact with the caregiver after the child leaves.

1288 | 9. When the case plan for a child includes reunification,
1289 | the caregiver, the department, and the community-based care lead
1290 | agency must work together to assist the birth or legal parent in
1291 | improving his or her ability to care for and protect the child
1292 | and to provide continuity for the child.

1293 | 10. A caregiver must respect and support the child's ties
1294 | to his or her birth or legal family, including parents,
1295 | siblings, and extended family members, and must assist the child
1296 | in maintaining allowable visitation and other forms of
1297 | communication. The department and community-based care lead
1298 | agency must provide a caregiver with the information, guidance,
1299 | training, and support necessary for fulfilling this
1300 | responsibility.

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11. A caregiver must work in partnership with the department and community-based care lead agency to obtain and maintain records that are important to the child's well-being, including, but not limited to, child resource records, medical records, school records, photographs, and records of special events and achievements.

12. A caregiver must advocate for a child in his or her care with the child welfare system, the court, and community agencies, including schools, child care providers, health and mental health providers, and employers. The department and community-based care lead agency must support a caregiver in advocating for a child and may not retaliate against the caregiver as a result of this advocacy.

13. A caregiver must be as fully involved in the child's medical, psychological, and dental care as he or she would be for his or her biological child. The department and community-based care lead agency must support and facilitate such participation. The caregiver, the department, and the community-based care lead agency must share information with each other about the child's health and well-being.

14. A caregiver must support a child's school success, including, when possible, maintaining school stability by participating in school activities and meetings. The department and community-based care lead agency must facilitate this participation and be informed of the child's progress and needs.

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1326 15. A caregiver must ensure that a child in his or her
1327 care who is between 13 and 17 years of age learns and masters
1328 independent living skills. The department shall make available
1329 the training for caregivers developed in collaboration with the
1330 Florida Foster and Adoptive Parent Association and the Quality
1331 Parenting Initiative on the life skills necessary for children
1332 in out-of-home care.

1333 16. The case manager and case manager supervisor must
1334 mediate disagreements that occur between a caregiver and the
1335 birth or legal parent.

1336 (c) An employee of a residential group home must meet the
1337 background screening requirements under s. 39.0138 and the level
1338 2 screening standards for screening under chapter 435. An
1339 employee of a residential group home who works directly with a
1340 child as a caregiver must meet, at a minimum, the same
1341 education, and training, ~~background, and other screening~~
1342 requirements as caregivers in family foster homes licensed as
1343 level II under s. 409.175(5).

1344 (3) RESOURCES AND SUPPORT FOR CAREGIVERS.—

1345 (a) Foster parents.—The department shall establish the
1346 Foster Information Center to connect current and former foster
1347 parents, known as foster parent advocates, to prospective and
1348 current foster parents in order to provide information and
1349 services, including, but not limited to:

1350 1. Navigating the application and approval process,

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1351 including timelines for each, preparing for transitioning from
1352 approval for placement to accepting a child into the home, and
1353 learning about and connecting with any available resources in
1354 the prospective foster parent's community.

1355 2. Accessing available resources and services, including
1356 but not limited to those from the Florida Foster and Adoptive
1357 Parent Association, for any current foster parents who need
1358 additional assistance.

1359 3. Providing information specific to a foster parent's
1360 individual needs.

1361 4. Providing immediate assistance when needed.

1362 (b) Kinship caregivers.—

1363 1. A community-based care lead agency shall provide a
1364 caregiver with resources and supports that are available and
1365 discuss whether the caregiver meets any eligibility criteria. If
1366 the caregiver is unable to access resources and supports
1367 beneficial to the well-being of the child, the community-based
1368 care lead agency or case management agency must assist the
1369 caregiver in initiating access to resources by:

1370 a. Providing referrals to kinship navigation services, if
1371 available.

1372 b. Assisting with linkages to community resources and
1373 completion of program applications.

1374 c. Scheduling appointments.

1375 d. Initiating contact with community service providers.

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1376 2. The community-based care lead agency shall provide each
1377 caregiver with a telephone number to call during normal working
1378 hours whenever immediate assistance is needed and the child's
1379 caseworker is unavailable. The telephone number must be staffed
1380 and answered by individuals possessing the knowledge and
1381 authority necessary to assist caregivers.

1382 (4)~~(3)~~ RULEMAKING.—The department shall adopt rules
1383 necessary to administer this section.

1384 Section 14. Section 409.1453, Florida Statutes, is
1385 repealed.

1386 Section 15. Subsection (3) of section 409.175, Florida
1387 Statutes, is amended to read:

1388 409.175 Licensure of family foster homes, residential
1389 child-caring agencies, and child-placing agencies; public
1390 records exemption.—

1391 (3)(a) The total number of children placed in a each
1392 family foster home shall be based on ~~the recommendation of the~~
1393 ~~department, or the community-based care lead agency where one is~~
1394 ~~providing foster care and related services, based on~~ the needs
1395 of each child in care, the ability of the foster family to meet
1396 the individual needs of each child, including any adoptive or
1397 biological children or young adults remaining in foster care
1398 living in the home, the amount of safe physical plant space, the
1399 ratio of active and appropriate adult supervision, and the
1400 background, experience, and skill of the family foster parents.

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1401 (b) If the total number of children in a family foster
1402 home is ~~will exceed~~ 8 or more, five, including the family's own
1403 children, the department must grant a capacity waiver before
1404 another child may be placed in the home.

1405 (c) Before granting a capacity waiver, the department must
1406 conduct an assessment of each child to be placed in the home.
1407 ~~must be completed by a family services counselor and approved in~~
1408 ~~writing by the counselor's supervisor prior to placement of any~~
1409 ~~additional children in the home, except that,~~ If the placement
1410 involves a child whose sibling is already in the home or a child
1411 who has been in placement in the home previously, the assessment
1412 must be completed within 72 hours after placement. The
1413 assessment must assess and document the mental, physical, and
1414 psychosocial needs of the child and whether those needs will be
1415 met by placement in the home ~~and recommend the maximum number of~~
1416 ~~children in a family foster home that will allow the child's~~
1417 ~~needs to be met.~~

1418 (d)(e) For any licensed family foster home, the
1419 appropriateness of the number of children in the home must be
1420 reassessed annually as part of the relicensure process. For a
1421 home with more than eight ~~five~~ children, including the family's
1422 own children, if it is determined by the licensure study at the
1423 time of relicensure that the total number of children in the
1424 home is appropriate and that there have been no substantive
1425 licensure violations and no indications of child maltreatment or

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child-on-child sexual abuse within the past 12 months, the relicensure of the home may ~~shall~~ not be denied based on the total number of children in the home.

(e) The department may adopt rules to implement this subsection.

Section 16. Section 409.1753, Florida Statutes, is repealed.

Section 17. Section 409.987, Florida Statutes, is amended to read:

409.987 Lead agency procurement; boards; conflicts of interest.—

(1) Community-based care lead agencies shall be procured by the department through a competitive process as required under chapter 287.

(2) The department shall produce a schedule for the procurement of community-based care lead agencies and provide the schedule to the community alliances established pursuant to s. 20.19(5) and post the schedule on the department's website.

(3) Notwithstanding s. 287.057, the department shall use 5-year contracts with lead agencies.

(4) In order to serve as a lead agency, an entity must:

(a) Be organized as a Florida corporation or a governmental entity.

(b) Be governed by a board of directors or a board committee composed of board members. The membership of the board

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of directors or board committee must be described in the bylaws or articles of incorporation of each lead agency, which must provide that at least 75 percent of the membership of the board of directors or board committee must consist of persons residing in this state, and at least 51 percent of the state residents on the board of directors must reside within the service area of the lead agency. However, for procurements of lead agency contracts initiated on or after July 1, 2014:

1. At least 75 percent of the membership of the board of directors must consist of persons residing in this state, and at least 51 percent of the membership of the board of directors must consist of persons residing within the service area of the lead agency. If a board committee governs the lead agency, 100 percent of its membership must consist of persons residing within the service area of the lead agency.

2. The powers of the board of directors or board committee include, but are not limited to, approving the lead agency's budget and setting the lead agency's operational policy and procedures. A board of directors must additionally have the power to hire the lead agency's executive director, unless a board committee governs the lead agency, in which case the board committee must have the power to confirm the selection of the lead agency's executive director.

(c) Demonstrate financial responsibility through an organized plan for regular fiscal audits and the posting of a

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1476 performance bond.

1477 (5) The department's procurement team procuring any lead
1478 agencies' contracts must include individuals from the community
1479 alliance in the area to be served under the contract. All
1480 meetings at which vendors make presentations to or negotiate
1481 with the procurement team shall be held in the area to be served
1482 by the contract.

1483 (6) In communities where conditions make it infeasible to
1484 competitively contract with a lead agency, the department may
1485 collaborate with the local community alliance to establish an
1486 alternative approach to providing community-based child welfare
1487 services in the service area that would otherwise be served by a
1488 lead agency.

1489 (a) The department and community alliance shall develop a
1490 plan that must detail how the community will continue to
1491 implement community-based care through competitively procuring
1492 either the specific components of foster care and related
1493 services or comprehensive services for defined eligible
1494 populations of children and families from qualified entities as
1495 part of the community's efforts to develop the local capacity
1496 for a community-based system of coordinated care. The plan must
1497 ensure local control over the management and administration of
1498 service provision. At a minimum, the plan shall describe the
1499 reasons for the department's inability to competitively contract
1500 for lead agency services, the proposed alternative approach to

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1501 providing lead agency services, the entities that will be
1502 involved in service provision, how local control will
1503 maintained, how services will be managed to ensure that federal
1504 and state requirements are met and outcome goals under s.
1505 409.986 are achieved, and recommendations for increasing the
1506 ability of the department to contract with a lead agency in that
1507 area.

1508 (b) The department shall provide the plan to the Governor,
1509 President of the Senate, and Speaker of the House of
1510 Representatives prior to implementation. The department shall
1511 provide quarterly updates about the plan's implementation to the
1512 Governor, President of the Senate, and the Speaker of the House
1513 of Representatives until two years after full implementation of
1514 the plan.

1515 (7)(a) As used in this subsection, the term:

1516 1. "Activity" includes, but is not limited to, a contract
1517 for goods and services, a contract for the purchase of any real
1518 or tangible property, or an agreement to engage with the lead
1519 agency for the benefit of a third party in exchange for an
1520 interest in real or tangible property, a monetary benefit, or an
1521 in-kind contribution.

1522 2. "Conflict of interest" means when a board member or an
1523 officer, or a relative of a member or an officer, of the lead
1524 agency does any of the following:

1525 a. Enters into a contract or other transaction for goods

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1526 or services with the lead agency.

1527 b. Holds a direct or indirect interest in a corporation,
1528 limited liability corporation, partnership, limited liability
1529 partnership, or other business entity that conducts business
1530 with the lead agency or proposes to enter into a contract or
1531 other transaction with the lead agency. For purposes of this
1532 subparagraph, "indirect interest" has the same meaning as
1533 provided in s. 112.312.

1534 c. Knowingly obtains a direct or indirect personal,
1535 financial, professional, or other benefit as a result of the
1536 relationship of such member or officer, or relative of the
1537 member or officer, with the lead agency. For purposes of this
1538 subparagraph, the term "benefits" does not include per diem and
1539 travel expenses paid or reimbursed to board members in
1540 connection with their service on the board.

1541 3. "Relative" means a relative within the third degree of
1542 consanguinity by blood or marriage.

1543 (b)1. For any activity that is presented to the board for
1544 its initial consideration and approval on or after July 1, 2021,
1545 or any activity that involves a contract which is being
1546 considered for renewal on or after July 1, 2021, and before
1547 January 1, 2022, a board member or an officer of a lead agency
1548 must disclose to the board any activity that may reasonably be
1549 construed to be a conflict of interest before such activity is
1550 initially considered and approved or renewed by the board. A

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1551 rebuttable presumption of a conflict of interest exists if the
1552 activity was acted upon by the board without prior notice, as
1553 required in paragraph (c).

1554 2. For contracts with a lead agency which are in existence
1555 on July 1, 2021, and are not subject to renewal before January
1556 1, 2022, a board member or officer shall disclose to the board
1557 any activity that may reasonably be construed to be a conflict
1558 of interest under this section by December 31, 2021.

1559 (c)1. If a member or an officer, or a relative of a member
1560 or an officer, proposes to engage in an activity that is covered
1561 by subparagraph (b)1., the proposed activity must be listed on
1562 the meeting agenda for the next general or special meeting of
1563 the members, and copies of all contracts and transactional
1564 documents related to the proposed activity must be included in
1565 the agenda. The meeting agenda must clearly identify the
1566 existence of a potential conflict of interest for the proposed
1567 activity. Before a member or an officer, or a relative of a
1568 member or an officer, engages in the proposed activity, the
1569 activity and contract or other transaction documents must be
1570 approved by an affirmative vote of two-thirds of all other
1571 members present.

1572 2. If a member or an officer notifies the board of a
1573 potential conflict of interest with the member or officer, or a
1574 relative of the member or officer, under an existing contract as
1575 described in subparagraph (b)2., the board must notice the

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1576 activity on a meeting agenda for the next general or special
1577 meeting of the members, and copies of all contracts and
1578 transactional documents related to the activity must be
1579 attached. The meeting agenda must clearly identify the existence
1580 of a potential conflict of interest. The board must be given the
1581 opportunity to approve or disapprove of the conflict of interest
1582 by a vote of two-thirds of all other members present.

1583 (d)1. If the board votes against the proposed activity
1584 pursuant to subparagraph (c)1., the member or officer, or the
1585 relative of the member or officer, must notify the board in
1586 writing of his or her intention, or his or her relative's
1587 intention, not to pursue the proposed activity, or the member or
1588 officer shall withdraw from office before the next scheduled
1589 board meeting. If the board finds that an officer or a member
1590 has violated this subparagraph, the officer or member shall be
1591 deemed removed from office before the next scheduled board
1592 meeting.

1593 2. In the event that the board does not approve of a
1594 conflict as required in subparagraph (c)2., the parties to the
1595 activity may opt to cancel the activity or, in the alternative,
1596 the member or officer must resign from the board before the next
1597 scheduled board meeting. If the activity canceled is a contract,
1598 the lead agency is only liable for the reasonable value of the
1599 goods and services provided up to the time of cancellation and
1600 is not liable for any termination fee, liquidated damages, or

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1601 other form of penalty for such cancellation.

1602 (e) A member or an officer, or a relative of a member or
1603 an officer, who is a party to, or has an interest in, an
1604 activity that is a possible conflict of interest may attend the
1605 meeting at which the activity is considered by the board and is
1606 authorized to make a presentation to the board regarding the
1607 activity. After the presentation, the member or officer, or the
1608 relative of the member or officer, must leave the meeting during
1609 the discussion of, and the vote on, the activity. A member or an
1610 officer who is a party to, or has an interest in, the activity
1611 must recuse himself or herself from the vote.

1612 (f) A contract entered into between a member or an
1613 officer, or a relative of a member or an officer, and the lead
1614 agency which has not been properly disclosed as a conflict of
1615 interest or potential conflict of interest under this subsection
1616 is voidable and terminates upon the filing of a written notice
1617 terminating the contract with the board of directors which
1618 contains the consent of at least 20 percent of the voting
1619 interests of the lead agency.

1620 Section 18. Subsection (1) of section 409.988, Florida
1621 Statutes, is amended to read:

1622 409.988 Lead agency duties; general provisions.—

1623 (1) DUTIES.—A lead agency:

1624 (a) Shall serve all children referred as a result of a
1625 report of abuse, neglect, or abandonment to the department's

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central abuse hotline, including, but not limited to, children who are the subject of verified reports and children who are not the subject of verified reports but who are at moderate to extremely high risk of abuse, neglect, or abandonment, as determined using the department's risk assessment instrument, regardless of the level of funding allocated to the lead agency by the state if all related funding is transferred. The lead agency may also serve children who have not been the subject of reports of abuse, neglect, or abandonment, but who are at risk of abuse, neglect, or abandonment, to prevent their entry into the child protection and child welfare system.

(b) Shall provide accurate and timely information necessary for oversight by the department pursuant to the child welfare results-oriented accountability system required by s. 409.997.

(c) Shall follow the financial guidelines developed by the department and provide for a regular independent auditing of its financial activities. Such financial information shall be provided to the community alliance established under s. 20.19(5).

~~(d) Shall post on its website the current budget for the lead agency, including the salaries, bonuses, and other compensation paid, by position, for the agency's chief executive officer, chief financial officer, and chief operating officer, or their equivalents.~~

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~~(e)~~ Shall prepare all judicial reviews, case plans, and other reports necessary for court hearings for dependent children, except those related to the investigation of a referral from the department's child abuse hotline, and shall submit these documents timely to the department's attorneys for review, any necessary revision, and filing with the court. The lead agency shall make the necessary staff available to department attorneys for preparation for dependency proceedings, and shall provide testimony and other evidence required for dependency court proceedings in coordination with the department's attorneys. This duty does not include the preparation of legal pleadings or other legal documents, which remain the responsibility of the department.

(e)~~(f)~~ Shall ensure that all individuals providing care for dependent children receive:

1. Appropriate training and meet the minimum employment standards established by the department. Appropriate training shall include, but is not limited to, training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age developed by the Child Protection Team Program within the Department of Health.

2. Contact information for the local mobile response team established under s. 394.495.

(f)~~(g)~~ Shall maintain eligibility to receive all available federal child welfare funds.

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1676 (g) Shall adhere to all best child welfare practices
 1677 pursuant to ss. 39.4087, 39.523, 409.1415, and 409.145.
 1678 (h) Shall maintain written agreements with Healthy
 1679 Families Florida lead entities in its service area pursuant to
 1680 s. 409.153 to promote cooperative planning for the provision of
 1681 prevention and intervention services.
 1682 (i) Shall comply with federal and state statutory
 1683 requirements and agency rules in the provision of contractual
 1684 services.
 1685 (j) May subcontract for the provision of services required
 1686 by the contract with the lead agency and the department;
 1687 however, the subcontracts must specify how the provider will
 1688 contribute to the lead agency meeting the performance standards
 1689 established pursuant to the child welfare results-oriented
 1690 accountability system required by s. 409.997. The lead agency
 1691 shall directly provide no more than 35 percent of all child
 1692 welfare services provided unless it can demonstrate a need,
 1693 within the lead agency's geographic service area, to exceed this
 1694 threshold. The local community alliance in the geographic
 1695 service area in which the lead agency is seeking to exceed the
 1696 threshold shall review the lead agency's justification for need
 1697 and recommend to the department whether the department should
 1698 approve or deny the lead agency's request for an exemption from
 1699 the services threshold. If there is not a community alliance
 1700 operating in the geographic service area in which the lead

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agency is seeking to exceed the threshold, such review and recommendation shall be made by representatives of local stakeholders, including at least one representative from each of the following:

1. The department.
2. The county government.
3. The school district.
4. The county United Way.
5. The county sheriff's office.
6. The circuit court corresponding to the county.
7. The county children's board, if one exists.

(k) Shall publish ~~post~~ on its website by the 15th day of each month at a minimum the information contained in subparagraphs 1.-4. for the preceding calendar month regarding its case management services. The following information shall be reported by each individual subcontracted case management provider, by the lead agency, if the lead agency provides case management services, and in total for all case management services subcontracted or directly provided by the lead agency:

1. The average caseload of case managers, including only filled positions;
2. The number and percent of case managers who have 25 or more cases on their caseloads;
3. ~~2.~~ The turnover rate for case managers and case management supervisors for the previous 12 months;

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~~4. 3.~~ The percentage of required home visits completed;
and

~~5. 4.~~ Performance on outcome measures required pursuant to
s. 409.997 for the previous 12 months.

(1) Shall identify an employee to serve as a liaison with
the community alliance and community-based and faith-based
organizations interested in collaborating with the lead agency
or offering services or other assistance on a volunteer basis to
the children and families served by the lead agency. The lead
agency shall ensure that appropriate lead agency staff and
subcontractors, including, but not limited to, case managers,
are informed of the specific services or assistance available
from community-based and faith-based organizations.

Section 19. Subsection (7) of section 409.990, Florida
Statutes, is renumbered as subsection (8), and a new subsection
(7) is created to read:

409.990 Funding for lead agencies.—A contract established
between the department and a lead agency must be funded by a
grant of general revenue, other applicable state funds, or
applicable federal funding sources.

(7) If subcontracted service providers must provide
services that are beyond the contract limits due to increased
client need or caseload, the lead agencies shall fund the cost
of increased care.

Section 20. Subsection (3) of section 409.992, Florida

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Statutes, is amended, and subsection (5) is added to that section, to read:

409.992 Lead agency expenditures.—

(3)(a) For purposes of this paragraph, "employee" has the same meaning as in s. 448.095.

(b) Notwithstanding any other ~~provision of~~ law, a community-based care lead agency ~~administrative~~ employee may not receive a salary from state-appropriated funds, including state-appropriated federal funds, whether base pay or base pay combined with any bonus or incentive payments, including the base pay or base pay combined with any bonus or incentive payments received as a result of employment with more than one community-based care lead agency or managing entity, in excess of 150 percent of the annual salary paid to the secretary of the Department of Children and Families ~~from state-appropriated funds, including state-appropriated federal funds.~~

(c) This subsection does not prohibit any party from providing cash that is not from appropriated state funds to a community-based care lead agency ~~administrative~~ employee.

Section 21. Present subsections (3) through (25) of section 409.996, Florida Statutes, are redesignated as subsections (5) through (27), respectively, new subsections (3) and (4) are added to that section, and subsections (1) and (2) and paragraph (d) of present subsection (25) are amended, to read:

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1776 409.996 Duties of the Department of Children and
1777 Families.—The department shall contract for the delivery,
1778 administration, or management of care for children in the child
1779 protection and child welfare system. In doing so, the department
1780 retains responsibility for the quality of contracted services
1781 and programs and shall ensure that, at a minimum, services are
1782 delivered in accordance with applicable federal and state
1783 statutes and regulations and the performance standards and
1784 metrics specified in the strategic plan created under s.
1785 20.19(1).

1786 (1) The department shall enter into contracts with lead
1787 agencies for the performance of the duties by the lead agencies
1788 established in s. 409.988. At a minimum, the contracts must do
1789 all of the following:

1790 (a) Provide for the services needed to accomplish the
1791 duties established in s. 409.988. ~~and~~

1792 (b) Provide information to the department which specifies
1793 how the lead agency will adhere to all best child welfare
1794 practices pursuant to ss. 39.4087, 39.523, 409.1415, and
1795 409.145.

1796 (c) Provide information to the department which is
1797 necessary to meet the requirements for a quality assurance
1798 program under subsection (21) ~~(19)~~ and the child welfare
1799 results-oriented accountability system under s. 409.997.

1800 (d) ~~(b)~~ Provide for tiered interventions and graduated

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penalties for failure to comply with contract terms or in the event of performance deficiencies. Such interventions and penalties shall include, but are not limited to:

1. Enhanced monitoring and reporting.

2. Corrective action plans.

3. Requirements to accept technical assistance and consultation from the department under subsection (5) ~~(4)~~.

4. Financial penalties, which shall require a lead agency to reallocate funds from administrative costs to direct care for children.

5. Early termination of contracts, as provided in s. 402.1705(3)(f).

(e) ~~(e)~~ Ensure that the lead agency shall furnish current and accurate information on its activities in all cases in client case records in the state's statewide automated child welfare information system.

(f) ~~(d)~~ Specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(2) The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead agencies which must be posted on the department's website. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program

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operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely ~~follow-up~~ ~~followup~~ of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead agencies are communicated to the director of the provider agency and the community alliance as expeditiously as possible.

(3) The department shall annually conduct a comprehensive, multi-year review of the revenues, expenditures, and financial position of all community-based care lead agencies and shall cover the most recent two consecutive fiscal years. The review must include a comprehensive system-of-care analysis. All lead agencies must develop and maintain a plan to achieve financial viability which shall accompany the department's submission. The department's review shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year.

(4) (a) The department shall collect and publish on its website, and annually update, all of the following information for each lead agency under contract with the department:

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1851 1. Current salaries, bonuses, and other compensation paid,
1852 by position, for any employee who receives a salary from state-
1853 appropriated funds, including state-appropriated federal funds,
1854 whether base pay or base pay combined with any bonus or
1855 incentive payments, in excess of 150 percent of the annual
1856 salary paid to the secretary of the Department of Children and
1857 Families. For purposes of this paragraph, "employee" has the
1858 same meaning as in s. 448.095.

1859 2. All findings of the review under subsection (3).

1860 (b) The department shall collect and publish on its
1861 website, and update monthly, the information required under s.
1862 409.988(1)(k).

1863 (27)-(25) Subject to an appropriation, for the 2020-2021
1864 and 2021-2022 fiscal years, the department shall implement a
1865 pilot project in the Sixth and Thirteenth Judicial Circuits,
1866 respectively, aimed at improving child welfare outcomes.

1867 (d) The department shall include the results of the pilot
1868 projects in the report required in subsection (26) ~~(24)~~ of this
1869 section. The report must include the department's findings and
1870 recommendations relating to the pilot projects.

1871 Section 22. Paragraph (c) is added to subsection (6) of s.
1872 1012.795, Florida Statutes, to read:

1873 1012.795 Education Practices Commission; authority to
1874 discipline.—

1875 (6)

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(c) If the Department of Education determines that any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), respectively, has knowingly failed to report known or suspected child abuse as required pursuant to s. 39.201, and the Education Practices Commission has issued a final order for a previous instance of failure to report by the individual, the Education Practices Commission shall, at a minimum, suspend the educator certificate of the instructional personnel or school administrator for a period of not less than 1 year.

Section 23. Subsection (13) of section 39.6225, Florida Statutes, is repealed.

Section 24. Subsection (6) of section 39.301, Florida Statutes, is amended to read:

39.301 Initiation of protective investigations.—

(6) Upon commencing an investigation under this part, if a report was received from a reporter under s. 39.201(1)(a)2. ~~s. 39.201(1)(b)~~, the protective investigator must provide his or her contact information to the reporter within 24 hours after being assigned to the investigation. The investigator must also advise the reporter that he or she may provide a written summary of the report made to the central abuse hotline to the investigator which shall become a part of the electronic child welfare case file.

Section 25. Paragraph (d) of subsection (4) of section

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1901 | 119.071, Florida Statutes, is amended to read:
 1902 | 119.071 General exemptions from inspection or copying of
 1903 | public records.—
 1904 | (4) AGENCY PERSONNEL INFORMATION.—
 1905 | (d)1. For purposes of this paragraph, the term:
 1906 | a. "Home addresses" means the dwelling location at which
 1907 | an individual resides and includes the physical address, mailing
 1908 | address, street address, parcel identification number, plot
 1909 | identification number, legal property description, neighborhood
 1910 | name and lot number, GPS coordinates, and any other descriptive
 1911 | property information that may reveal the home address.
 1912 | b. "Telephone numbers" includes home telephone numbers,
 1913 | personal cellular telephone numbers, personal pager telephone
 1914 | numbers, and telephone numbers associated with personal
 1915 | communications devices.
 1916 | 2.a. The home addresses, telephone numbers, dates of
 1917 | birth, and photographs of active or former sworn law enforcement
 1918 | personnel or of active or former civilian personnel employed by
 1919 | a law enforcement agency, including correctional and
 1920 | correctional probation officers, personnel of the Department of
 1921 | Children and Families whose duties include the investigation of
 1922 | abuse, neglect, exploitation, fraud, theft, or other criminal
 1923 | activities, personnel of the Department of Health whose duties
 1924 | are to support the investigation of child abuse or neglect, and
 1925 | personnel of the Department of Revenue or local governments

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1926 whose responsibilities include revenue collection and
 1927 enforcement or child support enforcement; the names, home
 1928 addresses, telephone numbers, photographs, dates of birth, and
 1929 places of employment of the spouses and children of such
 1930 personnel; and the names and locations of schools and day care
 1931 facilities attended by the children of such personnel are exempt
 1932 from s. 119.07(1) and s. 24(a), Art. I of the State
 1933 Constitution.

1934 b. The home addresses, telephone numbers, dates of birth,
 1935 and photographs of current or former nonsworn investigative
 1936 personnel of the Department of Financial Services whose duties
 1937 include the investigation of fraud, theft, workers' compensation
 1938 coverage requirements and compliance, other related criminal
 1939 activities, or state regulatory requirement violations; the
 1940 names, home addresses, telephone numbers, dates of birth, and
 1941 places of employment of the spouses and children of such
 1942 personnel; and the names and locations of schools and day care
 1943 facilities attended by the children of such personnel are exempt
 1944 from s. 119.07(1) and s. 24(a), Art. I of the State
 1945 Constitution.

1946 c. The home addresses, telephone numbers, dates of birth,
 1947 and photographs of current or former nonsworn investigative
 1948 personnel of the Office of Financial Regulation's Bureau of
 1949 Financial Investigations whose duties include the investigation
 1950 of fraud, theft, other related criminal activities, or state

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1951 regulatory requirement violations; the names, home addresses,
1952 telephone numbers, dates of birth, and places of employment of
1953 the spouses and children of such personnel; and the names and
1954 locations of schools and day care facilities attended by the
1955 children of such personnel are exempt from s. 119.07(1) and s.
1956 24(a), Art. I of the State Constitution.

1957 d. The home addresses, telephone numbers, dates of birth,
1958 and photographs of current or former firefighters certified in
1959 compliance with s. 633.408; the names, home addresses, telephone
1960 numbers, photographs, dates of birth, and places of employment
1961 of the spouses and children of such firefighters; and the names
1962 and locations of schools and day care facilities attended by the
1963 children of such firefighters are exempt from s. 119.07(1) and
1964 s. 24(a), Art. I of the State Constitution.

1965 e. The home addresses, dates of birth, and telephone
1966 numbers of current or former justices of the Supreme Court,
1967 district court of appeal judges, circuit court judges, and
1968 county court judges; the names, home addresses, telephone
1969 numbers, dates of birth, and places of employment of the spouses
1970 and children of current or former justices and judges; and the
1971 names and locations of schools and day care facilities attended
1972 by the children of current or former justices and judges are
1973 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1974 Constitution.

1975 f. The home addresses, telephone numbers, dates of birth,

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1976 and photographs of current or former state attorneys, assistant
 1977 state attorneys, statewide prosecutors, or assistant statewide
 1978 prosecutors; the names, home addresses, telephone numbers,
 1979 photographs, dates of birth, and places of employment of the
 1980 spouses and children of current or former state attorneys,
 1981 assistant state attorneys, statewide prosecutors, or assistant
 1982 statewide prosecutors; and the names and locations of schools
 1983 and day care facilities attended by the children of current or
 1984 former state attorneys, assistant state attorneys, statewide
 1985 prosecutors, or assistant statewide prosecutors are exempt from
 1986 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 1987 g. The home addresses, dates of birth, and telephone
 1988 numbers of general magistrates, special magistrates, judges of
 1989 compensation claims, administrative law judges of the Division
 1990 of Administrative Hearings, and child support enforcement
 1991 hearing officers; the names, home addresses, telephone numbers,
 1992 dates of birth, and places of employment of the spouses and
 1993 children of general magistrates, special magistrates, judges of
 1994 compensation claims, administrative law judges of the Division
 1995 of Administrative Hearings, and child support enforcement
 1996 hearing officers; and the names and locations of schools and day
 1997 care facilities attended by the children of general magistrates,
 1998 special magistrates, judges of compensation claims,
 1999 administrative law judges of the Division of Administrative
 2000 Hearings, and child support enforcement hearing officers are

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2001 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 2002 Constitution.

2003 h. The home addresses, telephone numbers, dates of birth,
 2004 and photographs of current or former human resource, labor
 2005 relations, or employee relations directors, assistant directors,
 2006 managers, or assistant managers of any local government agency
 2007 or water management district whose duties include hiring and
 2008 firing employees, labor contract negotiation, administration, or
 2009 other personnel-related duties; the names, home addresses,
 2010 telephone numbers, dates of birth, and places of employment of
 2011 the spouses and children of such personnel; and the names and
 2012 locations of schools and day care facilities attended by the
 2013 children of such personnel are exempt from s. 119.07(1) and s.
 2014 24(a), Art. I of the State Constitution.

2015 i. The home addresses, telephone numbers, dates of birth,
 2016 and photographs of current or former code enforcement officers;
 2017 the names, home addresses, telephone numbers, dates of birth,
 2018 and places of employment of the spouses and children of such
 2019 personnel; and the names and locations of schools and day care
 2020 facilities attended by the children of such personnel are exempt
 2021 from s. 119.07(1) and s. 24(a), Art. I of the State
 2022 Constitution.

2023 j. The home addresses, telephone numbers, places of
 2024 employment, dates of birth, and photographs of current or former
 2025 guardians ad litem, as defined in s. 39.820; the names, home

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2026 addresses, telephone numbers, dates of birth, and places of
2027 employment of the spouses and children of such persons; and the
2028 names and locations of schools and day care facilities attended
2029 by the children of such persons are exempt from s. 119.07(1) and
2030 s. 24(a), Art. I of the State Constitution.

2031 k. The home addresses, telephone numbers, dates of birth,
2032 and photographs of current or former juvenile probation
2033 officers, juvenile probation supervisors, detention
2034 superintendents, assistant detention superintendents, juvenile
2035 justice detention officers I and II, juvenile justice detention
2036 officer supervisors, juvenile justice residential officers,
2037 juvenile justice residential officer supervisors I and II,
2038 juvenile justice counselors, juvenile justice counselor
2039 supervisors, human services counselor administrators, senior
2040 human services counselor administrators, rehabilitation
2041 therapists, and social services counselors of the Department of
2042 Juvenile Justice; the names, home addresses, telephone numbers,
2043 dates of birth, and places of employment of spouses and children
2044 of such personnel; and the names and locations of schools and
2045 day care facilities attended by the children of such personnel
2046 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2047 Constitution.

2048 l. The home addresses, telephone numbers, dates of birth,
2049 and photographs of current or former public defenders, assistant
2050 public defenders, criminal conflict and civil regional counsel,

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2051 and assistant criminal conflict and civil regional counsel; the
2052 names, home addresses, telephone numbers, dates of birth, and
2053 places of employment of the spouses and children of current or
2054 former public defenders, assistant public defenders, criminal
2055 conflict and civil regional counsel, and assistant criminal
2056 conflict and civil regional counsel; and the names and locations
2057 of schools and day care facilities attended by the children of
2058 current or former public defenders, assistant public defenders,
2059 criminal conflict and civil regional counsel, and assistant
2060 criminal conflict and civil regional counsel are exempt from s.
2061 119.07(1) and s. 24(a), Art. I of the State Constitution.

2062 m. The home addresses, telephone numbers, dates of birth,
2063 and photographs of current or former investigators or inspectors
2064 of the Department of Business and Professional Regulation; the
2065 names, home addresses, telephone numbers, dates of birth, and
2066 places of employment of the spouses and children of such current
2067 or former investigators and inspectors; and the names and
2068 locations of schools and day care facilities attended by the
2069 children of such current or former investigators and inspectors
2070 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2071 Constitution.

2072 n. The home addresses, telephone numbers, and dates of
2073 birth of county tax collectors; the names, home addresses,
2074 telephone numbers, dates of birth, and places of employment of
2075 the spouses and children of such tax collectors; and the names

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and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities

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attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) ~~s. 39.3035(1)~~ and fulfills the screening requirement of s. 39.3035(3) ~~s. 39.3035(2)~~, and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and

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2151 places of employment of the spouses and children of such
2152 personnel and members; and the names and locations of schools
2153 and day care facilities attended by the children of such
2154 personnel and members are exempt from s. 119.07(1) and s. 24(a),
2155 Art. I of the State Constitution.

2156 3. An agency that is the custodian of the information
2157 specified in subparagraph 2. and that is not the employer of the
2158 officer, employee, justice, judge, or other person specified in
2159 subparagraph 2. shall maintain the exempt status of that
2160 information only if the officer, employee, justice, judge, other
2161 person, or employing agency of the designated employee submits a
2162 written request for maintenance of the exemption to the
2163 custodial agency.

2164 4. An officer, an employee, a justice, a judge, or other
2165 person specified in subparagraph 2. may submit a written request
2166 for the release of his or her exempt information to the
2167 custodial agency. The written request must be notarized and must
2168 specify the information to be released and the party that is
2169 authorized to receive the information. Upon receipt of the
2170 written request, the custodial agency shall release the
2171 specified information to the party authorized to receive such
2172 information.

2173 5. The exemptions in this paragraph apply to information
2174 held by an agency before, on, or after the effective date of the
2175 exemption.

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2176 6. This paragraph is subject to the Open Government Sunset
2177 Review Act in accordance with s. 119.15 and shall stand repealed
2178 on October 2, 2024, unless reviewed and saved from repeal
2179 through reenactment by the Legislature.

2180 Section 26. Subsection (4) of section 322.09, Florida
2181 Statutes, is amended to read:

2182 322.09 Application of minors; responsibility for
2183 negligence or misconduct of minor.—

2184 (4) Notwithstanding subsections (1) and (2), if a
2185 caregiver of a minor who is under the age of 18 years and is in
2186 out-of-home care as defined in s. 39.01 ~~s. 39.01(55)~~, an
2187 authorized representative of a residential group home at which
2188 such a minor resides, the caseworker at the agency at which the
2189 state has placed the minor, or a guardian ad litem specifically
2190 authorized by the minor's caregiver to sign for a learner's
2191 driver license signs the minor's application for a learner's
2192 driver license, that caregiver, group home representative,
2193 caseworker, or guardian ad litem does not assume any obligation
2194 or become liable for any damages caused by the negligence or
2195 willful misconduct of the minor by reason of having signed the
2196 application. Before signing the application, the caseworker,
2197 authorized group home representative, or guardian ad litem shall
2198 notify the caregiver or other responsible party of his or her
2199 intent to sign and verify the application.

2200 Section 27. Paragraph (g) of subsection (2) of section

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2201 934.03, Florida Statutes, is amended to read:
 2202 934.03 Interception and disclosure of wire, oral, or
 2203 electronic communications prohibited.—
 2204 (2)
 2205 (g) It is lawful under this section and ss. 934.04-934.09
 2206 for an employee of:
 2207 1. An ambulance service licensed pursuant to s. 401.25, a
 2208 fire station employing firefighters as defined by s. 633.102, a
 2209 public utility, a law enforcement agency as defined by s.
 2210 934.02(10), or any other entity with published emergency
 2211 telephone numbers;
 2212 2. An agency operating an emergency telephone number "911"
 2213 system established pursuant to s. 365.171; or
 2214 3. The central abuse hotline operated pursuant to s.
 2215 39.101 ~~s. 39.201~~
 2216
 2217 to intercept and record incoming wire communications; however,
 2218 such employee may intercept and record incoming wire
 2219 communications on designated "911" telephone numbers and
 2220 published nonemergency telephone numbers staffed by trained
 2221 dispatchers at public safety answering points only. It is also
 2222 lawful for such employee to intercept and record outgoing wire
 2223 communications to the numbers from which such incoming wire
 2224 communications were placed when necessary to obtain information
 2225 required to provide the emergency services being requested. For

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2226 | the purpose of this paragraph, the term "public utility" has the
2227 | same meaning as provided in s. 366.02 and includes a person,
2228 | partnership, association, or corporation now or hereafter owning
2229 | or operating equipment or facilities in the state for conveying
2230 | or transmitting messages or communications by telephone or
2231 | telegraph to the public for compensation.

2232 | Section 28. This act shall take effect July 1, 2021.

2233 |