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# **Education Committee**

**Thursday, February 20, 2014**

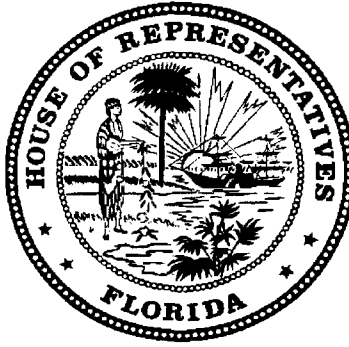
**9:00 AM – 11:00 AM**

**102 HOB**

**Meeting Packet**

**Will Weatherford  
Speaker**

**H. Marlene O'Toole  
Chair**



## AGENDA

Education Committee

Thursday, February 20, 2014

9:00 a.m. – 11:00 a.m.

102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
  - CS/HB 277 - Joint Use of Public School Facilities by Civil Justice Subcommittee, Spano
- IV. Consideration of the following proposed committee bill:
  - PCB EDC 14-01 - Early Learning
- V. Presentation by Commissioner Pam Stewart regarding accountability system recommendations
- VI. Closing Remarks and Adjournment





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WITHDRAWN	___	(Y/N)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	_____	

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Spano offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.072, Florida Statutes, is created  
7 to read:

8 768.072 Limitation on public school premises liability.-

9 (1) A district school board is not liable for civil  
 10 damages for personal injury, property damage, or death that  
 11 occurs on a public school property that the district school  
 12 board has opened to the public through joint-use agreements or  
 13 public access policies unless gross negligence or intentional  
 14 misconduct on the part of the district school board is a  
 15 proximate cause of the injury, damage, or death.

16 (2) A district school board may, at its discretion, enter  
 17 into a joint use agreement with a local government or a private



Amendment No. 1

18 organization or develop public access policies to enable public  
19 access to indoor or outdoor recreation and sports facilities on  
20 public school property. A joint use agreement or public access  
21 policy should specify the facilities to be used, dates and times  
22 of use, and terms and conditions governing use of such  
23 facilities and may include provisions regarding liability  
24 insurance coverage and indemnification of the school district.

25 (3) This section does not affect liability for injury,  
26 damage, or death that occurs during school hours or during a  
27 school-sponsored activity.

28 (4) This section does not waive sovereign immunity beyond  
29 the limited waiver in s. 768.28.

30 Section 2. This act shall take effect July 1, 2014.

31

32

33

34

-----  
**T I T L E   A M E N D M E N T**

35

Remove everything before the enacting clause and insert:

36

37

38

An act relating to the joint use of public school  
39 facilities; creating s. 768.072, F.S.; authorizing  
40 district school boards to enter into joint use  
41 agreements or public access policies; providing  
42 immunity from liability for a district school board  
43 that enters into a joint-use agreement or adopts

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Amendment No. 1

44 public access policies except in instances of gross  
45 negligence or intentional misconduct; providing  
46 application; providing an effective date.  
47

1                   A bill to be entitled  
 2           An act relating to the joint use of public school  
 3           facilities; creating s. 1013.105, F.S.; providing  
 4           legislative findings; encouraging each district school  
 5           board to adopt written policies to promote public  
 6           access to outdoor recreation and sports facilities on  
 7           school property and to increase the number of joint-  
 8           use agreements; providing duties of district school  
 9           boards and the Department of Education; creating s.  
 10          768.072, F.S.; providing immunity from liability for a  
 11          district school board that adopts public access  
 12          policies or enters into a joint-use agreement except  
 13          in instances of gross negligence or intentional  
 14          misconduct; providing application; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1.   Section 1013.105, Florida Statutes is created  
 20 to read:

21           1013.105 Joint use of public school facilities.-  
 22           (1) The Legislature finds that greater access to  
 23 recreation and sports facilities is needed to reduce the impact  
 24 of obesity on personal health and health care expenditures. The  
 25 Legislature further finds that public schools are equipped with  
 26 taxpayer-funded playgrounds, fields, tracks, courts, and other

27 outdoor recreation and sports facilities that offer easily  
 28 accessible opportunities for physical activity for residents of  
 29 the community.

30 (2) Each district school board is encouraged to:

31 (a) Adopt written policies to promote public access to the  
 32 outdoor recreation and sports facilities on public school  
 33 property during nonschool hours when a school-sponsored or  
 34 school-related activity is not occurring. A public access policy  
 35 should outline the outdoor recreation and sports facilities that  
 36 are open to the public and the hours the facilities are open.

37 (b) Increase the number of joint-use agreements entered  
 38 into with a local government or a private organization. A joint-  
 39 use agreement should specify the terms and conditions for the  
 40 shared use of outdoor recreation and sports facilities on public  
 41 school property and may include provisions regarding liability  
 42 insurance coverage and indemnification of the school district.

43  
 44 Within 30 days after adopting a public access policy or entering  
 45 into a joint-use agreement, a district school board shall submit  
 46 a copy of the policy or agreement to the Department of  
 47 Education.

48 (3) The Department of Education shall develop a model  
 49 joint-use agreement and post on its website the model agreement  
 50 and links to or copies of all public access policies and joint-  
 51 use agreements submitted to the department by a district school  
 52 board.



53 Section 2. Section 768.072, Florida Statutes, is created  
 54 to read:

55 768.072 Limitation on public school premises liability.-

56 (1) A district school board is not liable for civil  
 57 damages for personal injury, property damage, or death that  
 58 occurs on a public school property that the district school  
 59 board has opened to the public through public access policies  
 60 under s. 1013.105(2) (a) or joint-use agreements under s.  
 61 1013.105(2) (b) unless gross negligence or intentional misconduct  
 62 on the part of the district school board is a proximate cause of  
 63 the injury, damage, or death.

64 (2) This section does not affect liability for injury,  
 65 damage, or death that occurs during school hours or during a  
 66 school-related or school-sponsored activity.

67 (3) This section does not waive sovereign immunity beyond  
 68 the limited waiver in s. 768.28.

69 Section 3. This act shall take effect July 1, 2014.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 277 Joint Use of Public School Facilities  
**SPONSOR(S):** Civil Justice Subcommittee; Spano  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N	Beagle	Fudge
2) Civil Justice Subcommittee	12 Y, 0 N, As CS	Bond	Bond
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>[Signature]</i>

### SUMMARY ANALYSIS

While obesity flourishes due in part to inactivity, many of the state's playgrounds and athletic facilities on the grounds of public schools are closed to the public due in part to concerns over liability. The bill:

- Encourages each district school board to adopt public access policies that allow public access to outdoor recreation and sports facilities on public school property.
- Encourages each district school board to enter into joint-use agreements with local governments or private organizations regarding outdoor recreation and sports facilities.
- Requires the Florida Department of Education to create a model joint-use agreement and to post on the internet public access policies and joint-use agreements.
- Provides that a district school board that enacts a public access policy or enters into a joint-use agreement is only liable for civil damages for personal injury, property damage, or death occurring on public school property if the district school board is found to have committed gross negligence or intentional misconduct.

This bill does not appear to have a fiscal impact on state government. A district school board may have a negative fiscal impact related to maintenance expenses, but only if it elects to enact a policy or enter into an agreement.

The bill has an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Overweight Children and Adults**

The Centers for Disease Control and Prevention (CDC) estimates that 35.9% of American adults are obese and another 33.3% are overweight, and approximately 17% (or 12.5 million) of children and adolescents aged 2-19 are obese. The prevalence of obesity among children and adolescents has almost tripled since 1980.<sup>1</sup> The Surgeon General estimates 300,000 deaths per year may be attributed to obesity and reports that individuals who are obese have a 50-100% increased risk of premature death from all causes, when compared to individuals with a healthy weight.<sup>2</sup>

According to the CDC, youth who have access to opportunities for physical activity during non-school hours have higher overall levels of physical activity and are less likely to be overweight or obese. CDC cites increasing access to safe and appealing places to play and be active as one strategy communities can employ to combat youth obesity. CDC's research indicates that less than half of Florida's youth have access to parks and community centers in their neighborhood.<sup>3</sup>

##### **Public Access to Public School Facilities**

Florida law broadly authorizes district school boards and the boards of trustees of Florida College System institutions, state universities, and the Florida School for the Deaf and the Blind to allow the public access to educational facilities and grounds for any legal assembly, as a community use center, or a polling location.<sup>4</sup> Additionally, the law specifically requires each county and municipality located within the geographic area of a school district to enter into an interlocal agreement with the district school board to coordinate their respective growth and development plans and processes. Among other things, the interlocal agreement must include a process for determining where and how the school boards and local governments can share facilities for mutual benefit and efficiency.<sup>5</sup> Some district school boards currently authorize, through their interlocal agreements, public access to sports and recreational facilities on school campuses. The specific details related to such access, such as the hours the facility will be open and which party is liable for any damages or injuries sustained on the property, are contained in a separate "joint-use" agreement.<sup>6</sup>

According to the state Department of Education (DOE), school district facilities personnel have informally expressed support for providing public access to recreation and sports facilities. However, such personnel indicate that reaching a joint-use agreement to provide such access is highly dependent on variables related to individual facilities. Thus, agreements are typically considered on a

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<sup>1</sup> Centers for Disease Control and Prevention, *Obesity and Overweight*, <http://www.cdc.gov/nchs/fastats/overwt.htm> (last visited Jan. 2, 2014); Centers for Disease Control and Prevention, Data and Statistics, *Obesity rates among all children in the United States*, <http://www.cdc.gov/obesity/childhood/data.html> (last visited Jan. 2, 2014).

<sup>2</sup> Office of the Surgeon General, *Overweight and Obesity: Health Consequences*, [http://www.surgeongeneral.gov/library/calls/obesity/fact\\_consequences.html](http://www.surgeongeneral.gov/library/calls/obesity/fact_consequences.html) (last visited Jan. 2, 2014).

<sup>3</sup> Centers for Disease Control and Prevention, *Overweight and Obesity: A Growing Problem*, <http://www.cdc.gov/obesity/childhood/problem.html> (last visited Jan. 2, 2014); Centers for Disease Control and Prevention, *State Indicator Report on Physical Activity, 2010*, at 3 and 13, available at [http://www.cdc.gov/physicalactivity/downloads/PA\\_State\\_Indicator\\_Report\\_2010.pdf](http://www.cdc.gov/physicalactivity/downloads/PA_State_Indicator_Report_2010.pdf) (last visited Feb. 6, 2014).

<sup>4</sup> Section 1013.10, F.S.; see also s. 1013.01(3), F.S. (defines "Board").

<sup>5</sup> Sections 163.31777(1) and (2)(g) and 1013.33(2) F.S.

<sup>6</sup> See, e.g., *Interlocal Agreement between Pinellas County, Florida, et al. and the School Board of Pinellas County, Florida*, at 4 (2012), available at [www.pinellascounty.org/Plan/pdf\\_files/1906\\_IA.pdf](http://www.pinellascounty.org/Plan/pdf_files/1906_IA.pdf) [hereinafter *Pinellas County Agreement*] (last visited Feb. 6, 2014).

facility-by-facility basis. Such personnel indicate that one barrier to expanding joint-use of, and public access to, school facilities is premises liability concerns.<sup>7</sup>

District school boards are not limited to partnering with governmental entities in joint-use agreements. If authorized by the school board's interlocal agreements, boards may establish joint-use agreements with private entities. For example, in 2003, a Best Financial Management Practices Review of the Duval County School District indicated that the school district had established 47 joint-use agreements with the City of Jacksonville, the YMCA, and various community groups for the use of school facilities.<sup>8</sup>

## School District Liability

### *Landowner Liability*

A plaintiff who is injured on another person's land may sue the landowner in tort if the landowner breached a duty of care owed to the plaintiff and the plaintiff suffered damages as a result of the landowner's breach.<sup>9</sup> A landowner's duty to persons on his or her land is governed by the status of the injured person. A person who is lawfully on school grounds, including persons there pursuant to permission of the school board under some form of public access agreement or joint-use agreement is an invitee.

An invitee is a person who was invited to enter the land.<sup>10</sup> Florida law defines "invitation" to mean "that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs."<sup>11</sup> The duties owed to most invitees are the duty to keep property in reasonably safe condition; the duty to warn of concealed dangers which are known or should be known to the property holder, and which the invitee cannot discover through the exercise of due care; and the duty to refrain from wanton negligence or willful misconduct.<sup>12</sup>

### *Sovereign Immunity Limit*

When a government may be liable in tort, such as for landowner liability, current law limits such liability. Article X, s. 13 of the Florida Constitution recognizes the concept of sovereign immunity and gives the Legislature the right to waive the state's immunity in part or in full by general law. The Legislature has established a limited waiver of sovereign immunity for tort liability for state agencies or subdivisions.<sup>13</sup> School districts are a state agency or subdivision for purposes of sovereign immunity.<sup>14</sup> The statutory

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<sup>7</sup> Florida Department of Education, *Legislative Bill Analysis for HB 431* (2012). For example, the Pinellas County interlocal agreement with the School Board of Pinellas County, among others, authorizes the parties to establish an agreement "for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use." *Pinellas County Agreement*, *supra* note 6, at 4.

<sup>8</sup> Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices Review of the Duval County School District*, Report No. 03-41, ch. 7 Facilities Construction, at 18-19 (Aug. 2003), available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=03-41> (last visited Feb. 6, 2014).

<sup>9</sup> 74 Am.Jur 2d Torts s. 7 (2013).

<sup>10</sup> *Post*, 261 So.2d at 147-48.

<sup>11</sup> Section 768.075(3)(a)1., F.S.

<sup>12</sup> See, e.g., *Dampier v. Morgan Tire & Auto, LLC*, 82 So.3d 204, 205 (Fla. 5th DCA 2012).

<sup>13</sup> Sections 768.28(1) and (2), F.S.; see Op. Att'y Gen. Fla. 78-145 (1978); see also *Wallace v. Dean*, 3 So.3d 1035, 1045 (Fla. 2009), citing *Hutchins v. Mills*, 363 So.2d 818, 821 (Fla. 1st DCA 1978). "Prior to the effective date of s. 768.28(6), F.S., courts did not have subject matter jurisdiction of tort suits against the State and its agencies because they enjoyed sovereign immunity pursuant to Article X, section 13, Florida Constitution. However, by enacting s. 768.28 the Legislature provided for waiver of sovereign immunity in tort actions. Therefore, pursuant to that statute, courts now have subject matter jurisdiction to consider suits that fall within the parameters of the statute."

<sup>14</sup> The term "state agencies or subdivisions" includes the executive departments, the Legislature, the judicial branch, and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and

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waiver of sovereign immunity limits the recovery in a tort action against the state or subdivision to \$200,000 for any one person or one incident and limits all recovery related to one incident to a total of \$300,000.<sup>15</sup> When the state's sovereign immunity applies, the officers, employees, and agents of the state that were involved in the commission of the tort are not personally liable to an injured party.<sup>16</sup>

### *Standards of Liability*

In general, a landowner liability suit is judged based on the ordinary negligence standard. A plaintiff seeking damages for ordinary negligence need only show that the defendant failed to exercise reasonable care to protect persons on his or her land.<sup>17</sup>

Where the law applies a gross negligence standard, that standard requires a plaintiff to show that the defendant acted or failed to act with conscious indifference to the potential harm that may befall others. It is a course of conduct that a reasonable, prudent person would know is very likely to result in injury to another.<sup>18</sup>

## **Effect of Proposed Changes**

### **Public Use Policies and Joint-Use Agreements**

The bill creates s. 1013.105, F.S., to provide legislative findings that greater public access to recreation and sports facilities is necessary to reduce the impact of obesity on personal health and health care expenditures and that tax-payer funded public school playgrounds, fields, tracks, courts, and other outdoor recreation and sports facilities should be used to provide the public with accessible opportunities for physical activity.

The bill encourages each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on public school property during non-school hours when a school-sponsored or school-related activity is not occurring. The bill also encourages joint-use agreements between district school boards and local governments or private organizations for the same purpose. A school board must submit a copy of a public access policy or joint-use agreement to the DOE within 30 days of adopting such policy or agreement.

The bill requires the DOE to develop a model joint-use agreement to be posted on its website. The bill also requires the DOE to post on its website either links to, or copies of, all public access policies and joint-use agreements submitted to DOE by district school boards.

### **School Board Liability**

The bill creates s. 768.072, F.S., to limit the liability of a district school board that has enacted a public use policy or entered into joint-use agreement. Where such policy or agreement is in place, the school board will only be liable for gross negligence or intentional misconduct.

The bill also specifies that this section does not affect liability of a school board for injuries that occur during school hours or during school-related or school-sponsored activities, nor does this section otherwise waive sovereign immunity.

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corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities. Section 768.28(2), F.S.

<sup>15</sup> Section 768.28(5), F.S.

<sup>16</sup> Section 768.28(9), F.S.

<sup>17</sup> 38 Fla.Jur.2d Negligence s. 4 (2013).

<sup>18</sup> 38 Fla.Jur.2d Negligence s. 35 (2013).

B. SECTION DIRECTORY:

Section 1 creates s. 1013.105, F.S., relating to joint use of public school facilities.

Section 2 creates s. 768.072, F.S., relating to limitation on public school premises liability.

Section 3 provides an effective date of July 1, 2014.

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

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill may have a minimal indeterminate fiscal impact on local government expenditures, but only where a school district elects to utilize the provisions created by this bill. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Damages received by an injured party may be limited due to a school district's immunity from liability created by this bill. A plaintiff will only receive damages from the school board if the injury, damage, or death was caused by gross negligence or intentional misconduct, and those damages would be limited by the sovereign immunity limits.

D. FISCAL COMMENTS:

The bill encourages, but does not require, district school boards to adopt public access policies and enter into joint-use agreements to increase public access to outdoor recreation and sports facilities on public school property. Opening more school recreational facilities to the public may enable cities and counties to reduce spending on the development and maintenance of public parks and recreation areas; however, increased public use may increase "wear and tear" on school recreational facilities, thereby increasing a board's oversight, repair, and maintenance costs.<sup>19</sup>

The bill limits a district school board's liability for civil damages for personal injury, property damage, or death occurring on public school property it opens to the public through a public access policy or joint-use agreement. A plaintiff will only receive damages if the injury, damage, or death was caused by gross negligence or intentional misconduct on the part of the school board. Therefore, an injured party will not be able to recover damages for an injury sustained due to ordinary negligence. The bill does not change the cap on damages for recovery in a tort action against the state or a subdivision, which is \$200,000 for any one person or one incident and with all recovery related to one incident limited to a total of \$300,000.

While the bill provides school boards immunity from liability except in the case of gross negligence or intentional misconduct, the existence of gross negligence or intentional misconduct is usually a determination made by the jury in a particular case. If a suit is filed a school board may still incur litigation costs.

The bill requires DOE to develop a model joint-use agreement and criteria for the acceptance of grants for implementing joint-use agreements submitted to DOE by district school boards and post on its website the model agreement, links to or copies of all public access policies and joint-use agreements, and the grant criteria. These requirements are anticipated to be accomplished within departmental resources. Accordingly, no impact on state expenditures is expected.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

Many bills affecting recovery in tort cases must be considered in light of the constitutional right of access to courts at art. I, s. 21, Fla. Const. The courts have found that this provision limits the ability of the Legislature to amend tort law in certain circumstances. However, these limits do not appear to apply to this bill under three separate theories:

- The Legislature may limit the liability of any owner of real property who provides the public with a park area for outdoor recreational purposes.<sup>20</sup>
- In general, sovereign immunity provides that the state government and its instrumentalities (including a school board) may not be sued for negligence. That the legislature has provided a limited waiver of sovereign immunity is a matter of legislative grace that the legislature may, at any time, take back.
- The right of access to courts only protects rights which existed at common law or by statute prior to the enactment of the Declaration of Rights in 1968.<sup>21</sup> The state's waiver of sovereign immunity was first passed in 1973.<sup>22</sup>

#### B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 5, 2014, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed a provision that would have provided for an appeal of a decision to not enter into a joint-use agreement, and removed a provision requiring that local

<sup>20</sup> *Abdin v. Fischer*, 374 So.2d 1379 (Fla. 1979).

<sup>21</sup> *Kluger v. White*, 281 So.2d 1, 4-5 (Fla.1973)(Article I, s. 21 "protects only rights at common law or by statute prior to the enactment of the Declaration of Rights of the Florida Constitution.").

<sup>22</sup> Chapter 73-313, L.O.F.

school boards pursue grants related to joint-use agreements. This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.







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	_____	

1 Committee/Subcommittee hearing PCB: Education Committee  
 2 Representative O'Toole offered the following:

**Amendment**

5 Remove line 1678 and insert:  
 6 requirement. A provider shall be denied initial eligibility to  
 7 offer the program if it has been cited for a class I violation  
 8 in the 12 months prior to seeking eligibility. An existing  
 9 provider that is cited for a class I violation may not have its  
 10 eligibility renewed for a period of 12 months. A provider that  
 11 is cited for a class I violation may remain eligible to deliver  
 12 the program if the Office of Early Learning determines that the  
 13 violation was reported by the provider and the employee  
 14 responsible for the violation was terminated. A faith-based  
 15 child care provider, an informal  
 16



Amendment No. 2

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	_____	

1 Committee/Subcommittee hearing PCB: Education Committee  
 2 Representative Torres offered the following:

**Amendment (with directory amendment)**

Between lines 1922 and 1923, insert:

6 (9) By July 1, 2016, develop and implement, in  
 7 consultation with early learning coalitions and providers of the  
 8 school readiness program and Voluntary Prekindergarten Education  
 9 Program, best practices for providing parental notifications in  
 10 the parent's native language to a parent whose native language  
 11 is a language other than English.

15 -----  
 16 **D I R E C T O R Y A M E N D M E N T**

17 Remove line 1910 and insert:



Amendment No. 2

18 Section 29. Subsections (7), (8), and (9) of section 1001.213,

19



Amendment No.3

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	_____	

1 Committee/Subcommittee hearing PCB: Education Committee  
 2 Representative Saunders offered the following:

**Amendment**

Between lines 1922 and 1923, insert:

6 Section 30. The Office of Early Learning shall conduct a 2-year  
 7 pilot project to study the impact of assessing the early  
 8 literacy skills of Voluntary Prekindergarten Education Program  
 9 participants who are English Language Learners, in both English  
 10 and Spanish. The assessments must include, at a minimum, the  
 11 first administration of the Florida Assessments for Instruction  
 12 in Reading in kindergarten and an appropriate alternative  
 13 assessment in Spanish. The study must include a review of the  
 14 kindergarten screening results for 2009-2010 and 2010-2011  
 15 program participants and their subsequent Florida Comprehensive  
 16 Assessment Test scores. The office shall annually report its  
 17 findings to the Governor, the President of the Senate, and the

PCB EDC 14-01 a3

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Amendment No.3

18 Speaker of the House of Representatives by July 1, 2015 and July  
19 1, 2016.

20

1                                   A bill to be entitled  
 2           An act relating to early learning and child care  
 3           regulation; providing an effective date.

4  
 5 Be It Enacted by the Legislature of the State of Florida:

6  
 7           Section 1. The Division of Law Revision and Information is  
 8 requested to prepare a reviser's bill for the 2015 Regular  
 9 Session of the Legislature to change the term "School Readiness  
 10 Program" to "Child Care and Development Program" and the term  
 11 "family day care home" to "family child care home" wherever the  
 12 term appears in the Florida Statutes.

13           Section 2. Subsection (3) of section 39.604, Florida  
 14 Statutes, is amended to read:

15           39.604 Rilya Wilson Act; short title; legislative intent;  
 16 requirements; attendance and reporting responsibilities.-

17           (3) REQUIREMENTS.-A child who is age birth 3 years to  
 18 school entry, under court ordered protective supervision or in  
 19 the custody of the Family Safety Program Office of the  
 20 Department of Children and Family Services or a community-based  
 21 lead agency, and enrolled in an licensed early education or  
 22 child care program regulated by the department must be enrolled  
 23 to participate in the program 5 days a week. Notwithstanding the  
 24 requirements of s. 39.202, the Department of Children and Family  
 25 Services must notify operators of the licensed early education  
 26 or child care program regulated by the department, subject to

PCB EDC 14-01

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27 | the reporting requirements of this act, of the enrollment of any  
 28 | child age birth 3 years to school entry, under court ordered  
 29 | protective supervision or in the custody of the Family Safety  
 30 | Program Office of the Department of Children and Family Services  
 31 | or a community-based lead agency. A child's attendance in an  
 32 | early education or child care program regulated by the  
 33 | department is required if it is a required action in the The  
 34 | case plan developed for the a child pursuant to this chapter ~~who~~  
 35 | ~~is enrolled in a licensed early education or child care program~~  
 36 | ~~must contain the participation in this program as a required~~  
 37 | ~~action.~~ An exemption to participating in the licensed early  
 38 | education or child care program 5 days a week may be granted by  
 39 | the court.

40 | Section 3. Section 125.0109, Florida Statutes, is amended  
 41 | to read:

42 | 125.0109 Family day care homes and large family child care  
 43 | homes; local zoning regulation.—The operation of a residence as  
 44 | a family day care home or large family child care home, as  
 45 | defined in s. 402.302 and licensed or registered pursuant to ss.  
 46 | 402.313 or 402.3131, as applicable, as defined by law,  
 47 | ~~registered or licensed with the Department of Children and~~  
 48 | ~~Family Services~~ shall constitute a valid residential use for  
 49 | purposes of any local zoning regulations, and no such regulation  
 50 | shall require the owner or operator of such family day care home  
 51 | or large family child care home to obtain any special exemption  
 52 | or use permit or waiver, or to pay any special fee in excess of

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



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53 \$50, to operate in an area zoned for residential use.

54 Section 4. Section 166.0445, Florida Statutes, is amended  
55 to read:

56 166.0445 Family day care homes and large family child care  
57 homes; local zoning regulation.—The operation of a residence as  
58 a family day care home or large family child care home, as  
59 defined in s. 402.302 and licensed or registered pursuant to ss.  
60 402.313 or 402.3131, as applicable, as defined by law,  
61 ~~registered or licensed with the Department of Children and~~  
62 ~~Family Services~~ shall constitute a valid residential use for  
63 purposes of any local zoning regulations, and no such regulation  
64 shall require the owner or operator of such family day care home  
65 or large family child care home to obtain any special exemption  
66 or use permit or waiver, or to pay any special fee in excess of  
67 \$50, to operate in an area zoned for residential use.

68 Section 5. Subsection (17) of section 402.302, Florida  
69 Statutes, is amended to read:

70 402.302 Definitions.—As used in this chapter, the term:

71 (17) "Substantial compliance" means, for purposes of  
72 programs operating under ss. 1002.55, 1002.61, or 1002.88, that  
73 ~~level of adherence to adopted standards~~ which is sufficient to  
74 safeguard the health, safety, and well-being of all children  
75 under care. The standards must address requirements found in s.  
76 402.305 and are limited to supervision, transportation, access,  
77 health related requirements, food and nutrition, personnel  
78 screening, records and enforcement of these standards. The

79 standards must not limit or exclude the curriculum provided by a  
 80 faith-based provider or nonpublic school. Substantial compliancee  
 81 ~~is greater than minimal adherence but not to the level of~~  
 82 ~~absolute adherence. Where a violation or variation is identified~~  
 83 ~~as the type which impacts, or can be reasonably expected within~~  
 84 ~~90 days to impact, the health, safety, or well being of a child,~~  
 85 ~~there is no substantial compliance.~~

86 Section 6. Paragraphs (d) and (e) of subsection (2) of  
 87 section 402.3025, Florida Statutes, are amended to read:

88 402.3025 Public and nonpublic schools.—For the purposes of  
 89 ss. 402.301-402.319, the following shall apply:

90 (2) NONPUBLIC SCHOOLS.—

91 (d)1. Nonpublic schools delivering programs under ss.  
 92 1002.55, 1002.61, or 1002.88~~Programs for children who are at~~  
 93 ~~least 3 years of age, but under 5 years of age, which are not~~  
 94 licensed under ss. 402.301-402.319 shall substantially comply  
 95 with the minimum child care standards promulgated pursuant to  
 96 ss. 402.305-402.3057.

97 2. The department or local licensing agency shall enforce  
 98 compliance with such standards, where possible, to eliminate or  
 99 minimize duplicative inspections or visits by staff enforcing  
 100 the minimum child care standards and staff enforcing other  
 101 standards under the jurisdiction of the department or the  
 102 Department of Health.

103 3. The department or local licensing agency may inspect  
 104 programs operating under this subsection and pursue

105 administrative or judicial action under ss. 402.310-402.312  
 106 against nonpublic schools operating under this paragraph  
 107 ~~commence and maintain all proper and necessary actions and~~  
 108 ~~proceedings for any or all of the following purposes:~~

109 a. ~~To~~ to protect the health, sanitation, safety, and well-  
 110 being of all children under care. b. ~~To enforce its rules and~~  
 111 ~~regulations.~~

112 c. ~~To use corrective action plans, whenever possible, to~~  
 113 ~~attain compliance prior to the use of more restrictive~~  
 114 ~~enforcement measures.~~

115 d. ~~To make application for injunction to the proper~~  
 116 ~~circuit court, and the judge of that court shall have~~  
 117 ~~jurisdiction upon hearing and for cause shown to grant a~~  
 118 ~~temporary or permanent injunction, or both, restraining any~~  
 119 ~~person from violating or continuing to violate any of the~~  
 120 ~~provisions of ss. 402.301-402.319. Any violation of this section~~  
 121 ~~or of the standards applied under ss. 402.305-402.3057 which~~  
 122 ~~threatens harm to any child in the school's programs for~~  
 123 ~~children who are at least 3 years of age, but are under 5 years~~  
 124 ~~of age, or repeated violations of this section or the standards~~  
 125 ~~under ss. 402.305-402.3057, shall be grounds to seek an~~  
 126 ~~injunction to close a program in a school.~~

127 e. ~~To impose an administrative fine, not to exceed \$100,~~  
 128 ~~for each violation of the minimum child care standards~~  
 129 ~~promulgated pursuant to ss. 402.305-402.3057.~~

130 4. It is a misdemeanor of the first degree, punishable as

131 provided in s. 775.082 or s. 775.083, for any person willfully,  
 132 knowingly, or intentionally to:

133 a. Fail, by false statement, misrepresentation,  
 134 impersonation, or other fraudulent means, to disclose in any  
 135 required written documentation for exclusion from licensure  
 136 pursuant to this section a material fact used in making a  
 137 determination as to such exclusion; or

138 b. Use information from the criminal records obtained  
 139 under s. 402.305 or s. 402.3055 for any purpose other than  
 140 screening that person for employment as specified in those  
 141 sections or release such information to any other person for any  
 142 purpose other than screening for employment as specified in  
 143 those sections.

144 5. It is a felony of the third degree, punishable as  
 145 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
 146 person willfully, knowingly, or intentionally to use information  
 147 from the juvenile records of any person obtained under s.  
 148 402.305 or s. 402.3055 for any purpose other than screening for  
 149 employment as specified in those sections or to release  
 150 information from such records to any other person for any  
 151 purpose other than screening for employment as specified in  
 152 those sections.

153 6. The inclusion of nonpublic schools within options  
 154 available under s. 1002.55, 1002.61, and 1002.88, does not  
 155 expand the regulatory authority of the state, its officers, or  
 156 any early learning coalition to impose any additional regulation

157 of nonpublic schools beyond those reasonably necessary to  
 158 enforce requirements expressly set forth in this paragraph.

159 ~~(e) The department and the nonpublic school accrediting~~  
 160 ~~agencies are encouraged to develop agreements to facilitate the~~  
 161 ~~enforcement of the minimum child care standards as they relate~~  
 162 ~~to the schools which the agencies accredit.~~

163 Section 7. Paragraph (a) of subsection (2) and subsections  
 164 (10), and (18) of section 402.305, Florida Statutes, are amended  
 165 to read:

166 402.305 Licensing standards; child care facilities.—

167 (2) PERSONNEL.—Minimum standards for child care personnel  
 168 shall include minimum requirements as to:

169 (a) Good moral character based upon screening, according  
 170 to the level 2 screening requirements of. ~~This screening shall~~  
 171 ~~be conducted as provided in chapter 435, using the level 2~~  
 172 ~~standards for screening set forth in that chapter.~~ In addition  
 173 to the offenses listed in s. 435.04, all persons required to  
 174 undergo background screening pursuant to this section must not  
 175 have an arrest awaiting final disposition for, must not have  
 176 been found guilty of, regardless of adjudication, or entered a  
 177 plea of nolo contendere or guilty to, and must not have been  
 178 adjudicated delinquent and the record not have been sealed or  
 179 expunged for, an offense specified in s. 39.205. Before  
 180 employing personnel subject to the requirements of this section,  
 181 the employer must conduct employment history checks of each of  
 182 the personnel's previous employers and document the findings. If

183 unable to contact a previous employer, the employer must  
 184 document efforts to contact the employer.

185 ~~During the months of August and September of each~~  
 186 ~~year, each~~ Each child care facility shall provide parents of  
 187 children enrolling ~~enrolled~~ in the facility detailed information  
 188 regarding the causes, symptoms, and transmission of the  
 189 influenza virus in an effort to educate those parents regarding  
 190 the importance of immunizing their children against influenza as  
 191 recommended by the Advisory Committee on Immunization Practices  
 192 of the Centers for Disease Control and Prevention.

193 (10) TRANSPORTATION SAFETY.—Minimum standards shall  
 194 include requirements for child restraints or seat belts in  
 195 vehicles used by child care facilities, ~~and~~ large family child  
 196 care homes, and family day care homes to transport children,  
 197 requirements for annual inspections of the vehicles, limitations  
 198 on the number of children in the vehicles, and accountability  
 199 for children being transported.

200 (18) TRANSFER OF OWNERSHIP.—

201 (a) One week prior to the transfer of ownership of a child  
 202 care facility, ~~or~~ family day care home, or large family child  
 203 care home the transferor shall notify the parent or caretaker of  
 204 each child of the impending transfer.

205 (b) The owner of a child care facility, family day care  
 206 home, or large family child care home may not transfer ownership  
 207 to a relative of the operator if the operator has had his or her  
 208 license suspended or revoked by the department pursuant to s.

209 402.310, has received notice from the department that reasonable  
 210 cause exists to suspend or revoke the license, or has been  
 211 placed on the United States Department of Agriculture National  
 212 Disqualified list. For purposes of this subsection, "relative"  
 213 means father, mother, son, daughter, grandfather, grandmother, brother, sister,  
 214 uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-  
 215 in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,  
 216 stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

217 (c) ~~(b)~~ The department shall, by rule, establish methods by  
 218 which notice will be achieved and minimum standards by which to  
 219 implement this subsection.

220 (19) The department may adopt rules to define and enforce  
 221 substantial compliance with minimum standards for child care  
 222 facilities for programs operating under ss. 1002.55, 1002.61,  
 223 and 1002.88, which are regulated, but not licensed by the  
 224 department.

225 Section 8. Section 402.311, Florida Statutes, is amended  
 226 to read:

227 402.311 Inspection.—A licensed child care facility or  
 228 program regulated by the department shall accord to the  
 229 department or the local licensing agency, whichever is  
 230 applicable, the privilege of inspection, including access to  
 231 facilities and personnel and to those records required in s.  
 232 402.305, at reasonable times during regular business hours, to  
 233 ensure compliance with the provisions of ss. 402.301-402.319.  
 234 The right of entry and inspection shall also extend to any

235 premises which the department or local licensing agency has  
 236 reason to believe are being operated or maintained as a child  
 237 care facility or program~~without a license~~, but no such entry or  
 238 inspection of any premises shall be made without the permission  
 239 of the person in charge thereof unless a warrant is first  
 240 obtained from the circuit court authorizing same. Any  
 241 application for a license or application for authorization to  
 242 operate a child care program which must maintain substantial  
 243 compliance with child care standards promulgated under this  
 244 chapter, renewal of such license or authorization ~~made pursuant~~  
 245 ~~to this act~~ or the advertisement to the public for the provision  
 246 of child care as defined in s. 402.302 shall constitute  
 247 permission for any entry or inspection of the subject premises  
 248 ~~for which the license is sought in order~~ to facilitate  
 249 verification of the information submitted on or in connection  
 250 with the application. In the event a ~~licensed~~ facility or  
 251 program refuses permission for entry or inspection to the  
 252 department or local licensing agency, a warrant shall be  
 253 obtained from the circuit court authorizing same prior to such  
 254 entry or inspection. The department or local licensing agency  
 255 may institute disciplinary proceedings pursuant to s. 402.310,  
 256 for such refusal.

257 Section 9. Section 402.3115, Florida Statutes, is amended  
 258 to read:

259 402.3115 Elimination of duplicative and unnecessary  
 260 inspections; abbreviated inspections.-



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261           (1) ~~The Department of Children and Family Services and~~  
 262 ~~local governmental agencies that license child care facilities~~  
 263 ~~shall develop and implement a plan to eliminate duplicative and~~  
 264 ~~unnecessary inspections of child care facilities. In addition,~~  
 265 The department and the local licensing governmental agencies  
 266 ~~shall develop and implement an~~ shall conduct abbreviated  
 267 inspections of plan for child care facilities licensed under s.  
 268 402.305, family day care homes licensed under s. 402.313, and  
 269 large family child care homes licensed under s. 402.3131 that  
 270 have had no Class I<sup>1</sup> or Class II<sup>2</sup> violations deficiencies, as  
 271 defined by rule, for at least 2 consecutive years. The  
 272 abbreviated inspection must include those elements identified by  
 273 the department and the local licensing governmental agencies as  
 274 being key indicators of whether the child care facility  
 275 continues to provide quality care and programming. The  
 276 department shall adopt rules under ss. 120.536(1) and 120.54,  
 277 establishing criteria and procedures for abbreviated inspections  
 278 and inspection schedules which provide for both announced and  
 279 unannounced inspections.

280           Section 10. Present subsections (8), (9), (10), (11),  
 281 (12), (13), and (14) are renumbered as subsections (6), (7),  
 282 (8), (9), (10), (11), and (12), respectively, and subsections  
 283 (1), (4), and (5) of section 402.313, Florida Statutes, are  
 284 amended to read:

285           402.313 Family day care homes.—

286           (1) A family day care home must ~~homes shall~~ be licensed

287 under this section ~~act~~ if it is ~~they are~~ presently being  
 288 licensed under an existing county licensing ordinance, ~~or if the~~  
 289 board of county commissioners passes a resolution that requires  
 290 licensure of family day care homes, or the family day care home  
 291 is operating a program under ss. 1002.55, 1002.61 or s. 1002.88  
 292 ~~be licensed.~~ Each licensed or registered family day care home  
 293 must conspicuously display its license or registration in an  
 294 area viewable by all parents during hours of operation.

295 (a) If not subject to license, a family day care home must  
 296 ~~homes shall~~ comply with the requirements of this section and  
 297 register annually with the department, providing the following  
 298 information:

- 299 1. The name and address of the home.
- 300 2. The name of the operator.
- 301 3. The number of children served.
- 302 4. Proof of a written plan to identify a provide at least  
 303 ~~one other~~ competent adult who has met the screening and training  
 304 requirements of the department to serve as a designated  
 305 substitute to be available to substitute for the operator ~~in an~~  
 306 emergency. This plan must ~~shall~~ include the name, address, and  
 307 telephone number of the designated substitute that will serve in  
 308 the absence of the operator.

- 309 ~~5. Proof of screening and background checks.~~
- 310 ~~6. Proof of successful completion of the 30-hour training~~  
 311 ~~course, as evidenced by passage of a competency examination,~~  
 312 ~~which shall include:~~

313 ~~a. State and local rules and regulations that govern child~~  
 314 ~~care.~~

315 ~~b. Health, safety, and nutrition.~~

316 ~~c. Identifying and reporting child abuse and neglect.~~

317 ~~d. Child development, including typical and atypical~~  
 318 ~~language development; and cognitive, motor, social, and self-~~  
 319 ~~help skills development.~~

320 ~~e. Observation of developmental behaviors, including using~~  
 321 ~~a checklist or other similar observation tools and techniques to~~  
 322 ~~determine a child's developmental level.~~

323 ~~f. Specialized areas, including early literacy and~~  
 324 ~~language development of children from birth to 5 years of age,~~  
 325 ~~as determined by the department, for owner operators of family~~  
 326 ~~day care homes.~~

327 5.7. Proof that immunization records are kept current.

328 ~~8. Proof of completion of the required continuing~~  
 329 ~~education units or clock hours.~~

330 Upon receipt of registration information submitted by a family  
 331 day care home, the department shall verify that the home is in  
 332 compliance with the background screening requirements in  
 333 subsection (3) and that the operator and the designated  
 334 substitute have successfully completed the 30-hour training  
 335 course, as evidenced by passage of a competency examination, and  
 336 required continuing education units or clock hours.

337 (b) A family day care home may volunteer to be licensed  
 338 under this act.

339 (c) The department may provide technical assistance to  
 340 counties and operators of family day care homes ~~providers~~ to  
 341 enable counties and operators ~~family day care providers~~ to  
 342 achieve compliance with family day care homes standards.

343 (3) Child care personnel in family day care homes ~~shall be~~  
 344 are subject to the applicable screening provisions contained in  
 345 ss. 402.305(2) and 402.3055. For purposes of screening in family  
 346 day care homes, the term includes the operator, the designated  
 347 substitute, any member over the age of 12 years of a family day  
 348 care home operator's family, or persons over the age of 12 years  
 349 residing with the operator in the family day care home. Members  
 350 of the operator's family, or persons residing with the operator,  
 351 who are between the ages of 12 years and 18 years shall not be  
 352 required to be fingerprinted, but shall be screened for  
 353 delinquency records.

354 (4) Operators of family day care homes and any individual  
 355 -serving as a substitute for the operator must:

356 (a) Successfully complete an approved 30-clock-hour  
 357 introductory course in child care, as evidenced by passage of a  
 358 competency examination, before caring for children. The course  
 359 must include:

- 360 1. State and local rules and regulations that govern child  
 361 care.
- 362 2. Health, safety, and nutrition.
- 363 3. Identifying and reporting child abuse and neglect.
- 364 4. Child development, including typical and atypical

365 language development; and cognitive, motor, social, and  
 366 executive functioning skills development.

367 5. Observation of developmental behaviors, including using  
 368 a checklist or other similar observation tools and techniques to  
 369 determine a child's developmental level.

370 6. Specialized areas, including numeracy and early  
 371 literacy and language development of children from birth to 5  
 372 years of age, as determined by the department, for operators of  
 373 family day care homes.

374 ~~(b)(5) Annually In order to further develop their child~~  
 375 ~~care skills and, if appropriate, their administrative skills,~~  
 376 ~~operators of family day care homes shall be required to complete~~  
 377 ~~an additional 1 continuing education unit of approved training~~  
 378 ~~regarding child care and administrative skills or 10 clock hours~~  
 379 ~~of equivalent training, as determined by the department,~~  
 380 ~~annually.~~

381 ~~(c)(6) Operators of family day care homes shall be~~  
 382 ~~required to Complete 0.5 continuing education unit of approved~~  
 383 ~~training in numeracy and early literacy and language development~~  
 384 ~~of children from birth to 5 years of age one time. The year that~~  
 385 ~~this training is completed, it shall fulfill the 0.5 continuing~~  
 386 ~~education unit or 5 clock hours of the annual training required~~  
 387 ~~in paragraph (b) subsection (5).~~

388 ~~(5)(7) Operators of family day care homes must shall be~~  
 389 ~~required annually to complete a health and safety home~~  
 390 ~~inspection self-evaluation checklist developed by the department~~

391 in conjunction with the statewide resource and referral program.  
 392 The completed checklist shall be signed by the operator of the  
 393 family day care home and provided to parents as certification  
 394 that basic health and safety standards are being met.

395 ~~(6)-(8)~~ Operators of family Family day care homes operators  
 396 may avail themselves of supportive services offered by the  
 397 department.

398 ~~(7)-(9)~~ The department shall prepare a brochure on family  
 399 day care for distribution by the department and by local  
 400 licensing agencies, if appropriate, to family day care homes for  
 401 distribution to parents utilizing such child care, and to all  
 402 interested persons, including physicians and other health  
 403 professionals; mental health professionals; school teachers or  
 404 other school personnel; social workers or other professional  
 405 child care, foster care, residential, or institutional workers;  
 406 and law enforcement officers. The brochure shall, at a minimum,  
 407 contain the following information:

408 (a) A brief description of the requirements for family day  
 409 care registration, training, and background fingerprinting and  
 410 screening.

411 (b) A listing of those counties that require licensure of  
 412 family day care homes. Such counties shall provide an addendum  
 413 to the brochure that provides a brief description of the  
 414 licensure requirements or may provide a brochure in lieu of the  
 415 one described in this subsection, provided it contains all the  
 416 required information on licensure and the required information

417 in the subsequent paragraphs.

418 (c) A statement indicating that information about the  
 419 family day care home's compliance with applicable state or local  
 420 requirements can be obtained ~~by telephoning~~ from the department  
 421 ~~office or the office of~~ the local licensing agency, ~~if~~  
 422 ~~appropriate,~~ and the ~~at~~ a telephone number or numbers and  
 423 website address for the department or local licensing agency, as  
 424 applicable ~~which shall be affixed to the brochure.~~

425 (d) The statewide toll-free telephone number of the  
 426 central abuse hotline, together with a notice that reports of  
 427 suspected and actual child physical abuse, sexual abuse, and  
 428 neglect are received and referred for investigation by the  
 429 hotline.

430 (e) Any other information relating to competent child care  
 431 that the department or local licensing agency, if preparing a  
 432 separate brochure, ~~deems would be~~ considers helpful to parents  
 433 and other caretakers in their selection of a family day care  
 434 home.

435 ~~(8)~~ ~~(10)~~ On an annual basis, the department shall evaluate  
 436 the registration and licensure system for family day care homes.  
 437 Such evaluation shall, at a minimum, address the following:

438 (a) The number of family day care homes registered and  
 439 licensed and the dates of such registration and licensure.

440 (b) The number of children being served in both registered  
 441 and licensed family day care homes and any available slots in  
 442 such homes.

443 (c) The number of complaints received concerning family  
 444 day care, the nature of the complaints, and the resolution of  
 445 such complaints.

446 (d) The training activities utilized by child care  
 447 personnel in family day care homes for meeting the state or  
 448 local training requirements.

449  
 450 The evaluation shall be used ~~utilized~~ by the department in any  
 451 administrative modifications or adjustments to be made in the  
 452 registration of family day care homes or in any legislative  
 453 requests for modifications to the system of registration or to  
 454 other requirements for family day care homes.

455 ~~(11) In order to inform the public of the state~~  
 456 ~~requirement for registration of family day care homes as well as~~  
 457 ~~the other requirements for such homes to legally operate in the~~  
 458 ~~state, the department shall institute a media campaign to~~  
 459 ~~accomplish this end. Such a campaign shall include, at a~~  
 460 ~~minimum, flyers, newspaper advertisements, radio advertisements,~~  
 461 ~~and television advertisements.~~

462 (9) ~~(12)~~ Notwithstanding any other state or local law or  
 463 ordinance, any family day care home licensed pursuant to this  
 464 chapter or pursuant to a county ordinance shall be charged the  
 465 utility rates accorded to a residential home. A licensed family  
 466 day care home may not be charged commercial utility rates.

467 (10) ~~(13)~~ The department shall, by rule, establish minimum  
 468 standards for family day care homes that are required to be



469 licensed by county licensing ordinance or county licensing  
 470 resolution or that voluntarily choose to be licensed. The  
 471 standards should include requirements for staffing, training,  
 472 maintenance of immunization records, minimum health and safety  
 473 standards, reduced standards for the regulation of child care  
 474 during evening hours by municipalities and counties, and  
 475 enforcement of standards.

476 ~~(11)(14) During the months of August and September of each~~  
 477 ~~year, Each~~ family day care home shall provide parents of  
 478 children enrolling ~~enrolled~~ in the home detailed information  
 479 regarding the causes, symptoms, and transmission of the  
 480 influenza virus in an effort to educate those parents regarding  
 481 the importance of immunizing their children against influenza as  
 482 recommended by the Advisory Committee on Immunization Practices  
 483 of the Centers for Disease Control and Prevention.

484 Section 11. Subsections (3), (5), and (9) of section  
 485 402.3131, Florida Statutes, are amended to read:

486 402.3131 Large family child care homes.—

487 (3) Operators of large family child care homes must  
 488 successfully complete an approved 40-clock-hour introductory  
 489 course in group child care, including numeracy and early  
 490 literacy and language development of children from birth to 5  
 491 years of age, as evidenced by passage of a competency  
 492 examination. Successful completion of the 40-clock-hour  
 493 introductory course shall articulate into community college  
 494 credit in early childhood education, pursuant to ss. 1007.24 and

495 1007.25.

496 (5) Operators of large family child care homes shall be  
 497 required to complete 0.5 continuing education unit of approved  
 498 training or 5 clock hours of equivalent training, as determined  
 499 by the department, in numeracy and early literacy and language  
 500 development of children from birth to 5 years of age one time.  
 501 The year that this training is completed, it shall fulfill the  
 502 0.5 continuing education unit or 5 clock hours of the annual  
 503 training required in subsection (4).

504 (9) ~~During the months of August and September of each~~  
 505 ~~year, each~~ Each large family child care home shall provide  
 506 parents of children enrolling ~~enrolled~~ in the home detailed  
 507 information regarding the causes, symptoms, and transmission of  
 508 the influenza virus in an effort to educate those parents  
 509 regarding the importance of immunizing their children against  
 510 influenza as recommended by the Advisory Committee on  
 511 Immunization Practices of the Centers for Disease Control and  
 512 Prevention.

513 (10) Notwithstanding any other state or local law or ordinance, any large  
 514 family child care home licensed pursuant to this chapter or pursuant to a county  
 515 ordinance shall be charged the utility rates accorded to a residential home. Such a  
 516 home may not be charged commercial utility rates.

517 Section 12. Subsections (4) and (5) are added to section  
 518 402.316, Florida Statutes, to read:

519 402.316 Exemptions.—

520 (4) A child care facility operating under subsection (1),

521 applying to operate or operating as a provider of programs  
 522 described in ss. 1002.55, 1002.61, or s. 1002.88, must  
 523 substantially comply with the minimum standards for child care  
 524 facilities promulgated pursuant to ss. 402.305 - 402.3057; and  
 525 must allow the department or local licensing agency access to  
 526 monitor and enforce compliance with such standards.

527 (a) The department or local licensing agency may pursue  
 528 administrative or judicial action under ss. 402.310 - 402.312  
 529 and the rules promulgated under these sections against any child  
 530 care facility operating under this paragraph to enforce  
 531 substantial compliance with child care facility minimum  
 532 standards or to protect the health, safety, and well-being of  
 533 any children in the facility's care. A child care facility  
 534 operating under this paragraph shall be subject to ss. 402-310 -  
 535 402.312 and the rules adopted thereunder to the same extent as a  
 536 child care facility licensed under ss. 402.301 - 402.319.

537 (b) It is a misdemeanor of the first degree, punishable as  
 538 provided in s. 775.082 or s. 775.083, for any person willfully,  
 539 knowingly, or intentionally to:

540 1. Fail, by false statement, misrepresentation,  
 541 impersonation, or other fraudulent means, to disclose in any  
 542 required written documentation for exclusion from licensure  
 543 pursuant to this section a material fact used in making a  
 544 determination as to such exclusion; or

545 2. Use information from the criminal records obtained  
 546 under s. 402.305 or s. 402.3055 for any purpose other than

547 screening that person for employment as specified in those  
548 sections or release such information to any other person for any  
549 purpose other than screening for employment as specified in  
550 those sections.

551 (c) It is a felony of the third degree, punishable as  
552 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
553 person willfully, knowingly, or intentionally to use information  
554 from the juvenile records of any person obtained under s.  
555 402.305 or s. 402.3055 for any purpose other than screening for  
556 employment as specified in those sections or to release  
557 information from such records to any other person for any  
558 purpose other than screening for employment as specified in  
559 those sections.

560 (5) INSPECTION FEE.—The department shall establish a fee  
561 for inspection and compliance activities performed pursuant to  
562 this section, in an amount sufficient to cover costs. However,  
563 the amount of such fee for the inspection of a program shall not  
564 exceed the fee imposed for child care licensure pursuant to s.  
565 402.315.

566 (6) The inclusion of child care facilities operating under  
567 subsection (1) as a provider of programs described in ss.  
568 1002.55, 1002.61, or s. 1002.88, does not expand the regulatory  
569 authority of the state, its officers, or any early learning  
570 coalition to impose any additional regulation of child care  
571 facilities beyond those reasonably necessary to enforce  
572 requirements expressly set forth in this section.

573 Section 13. Section 627.70161, Florida Statutes, is  
 574 amended to read:

575 627.70161 Residential property insurance coverage; family  
 576 day care homes and large family child care homes insurance.—

577 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
 578 family day care homes and large family child care homes fulfill  
 579 a vital role in providing child care in Florida. It is the  
 580 intent of the Legislature that residential property insurance  
 581 coverage should not be canceled, denied, or nonrenewed solely ~~on~~  
 582 because the basis of the family day child care services are  
 583 provided at the residence. The Legislature also recognizes that  
 584 the potential liability of residential property insurers is  
 585 substantially increased by the rendition of child care services  
 586 on the premises. The Legislature therefore finds that there is a  
 587 public need to specify that contractual liabilities associated  
 588 ~~that arise in connection~~ with the operation of a ~~the~~ family day  
 589 care home or large family child care home are excluded from  
 590 residential property insurance policies unless they are  
 591 specifically included in such coverage.

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

593 (a) "Child care" means the care, protection, and  
 594 supervision of a child, for a period up to ~~of less than~~ 24 hours  
 595 a day on a regular basis, which supplements parental care,  
 596 enrichment, and health supervision for the child, in accordance  
 597 with his or her individual needs, and for which a payment, fee,  
 598 or grant is made for care.

599           (b) "Family day care home" has the same meaning as s.  
 600 402.302(8) ~~means an occupied residence in which child care is~~  
 601 ~~regularly provided for children from at least two unrelated~~  
 602 ~~families and which receives a payment, fee, or grant for any of~~  
 603 ~~the children receiving care, whether or not operated for a~~  
 604 ~~profit.~~

605           (c) "Large family child care home" has the same meaning as  
 606 s. 402.302(11).

607           (3) ~~FAMILY DAY CARE; COVERAGE.~~—A residential property  
 608 insurance policy shall not provide coverage for liability for  
 609 claims arising out of, or in connection with, the operation of a  
 610 family day care home or large family child care home, and the  
 611 insurer shall be under no obligation to defend against lawsuits  
 612 covering such claims, unless:

613           (a) Specifically covered in a policy; or

614           (b) Covered by a rider or endorsement for business  
 615 coverage attached to a policy.

616           (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An  
 617 insurer may not deny, cancel, or refuse to renew a policy for  
 618 residential property insurance solely on the basis that the  
 619 policyholder or applicant operates a family day care home or  
 620 large family child care home. In addition to other lawful  
 621 reasons for refusing to insure, an insurer may deny, cancel, or  
 622 refuse to renew a policy of a family day care home or large  
 623 family child care home provider if one or more of the following  
 624 conditions occur:

625 (a) The policyholder or applicant provides care for more  
 626 children than authorized for family day care homes or large  
 627 family child care homes by s. 402.302;

628 (b) The policyholder or applicant fails to maintain a  
 629 separate commercial liability policy or an endorsement providing  
 630 liability coverage for ~~the~~ family day care home or large family  
 631 child care home operations;

632 (c) The policyholder or applicant fails to comply with the  
 633 family day care home licensure and registration requirements  
 634 specified in s. 402.313 or the large family child care home  
 635 licensure requirements specified in s. 402.3131; or

636 (d) Discovery of willful or grossly negligent acts or  
 637 omissions or any violations of state laws or regulations  
 638 establishing safety standards for family day care homes and  
 639 large family child care homes by the named insured or his or her  
 640 representative which materially increase any of the risks  
 641 insured.

642 Section 14. Subsection (4) of section 1002.53, Florida  
 643 Statutes, are amended to read:

644 1002.53 Voluntary Prekindergarten Education Program;  
 645 eligibility and enrollment.-

646 (4)(a) Each parent enrolling a child in the Voluntary  
 647 Prekindergarten Education Program must complete and submit an  
 648 application to the early learning coalition through the single  
 649 point of entry established under s. 1002.82 or to the private  
 650 prekindergarten provider if the provider is authorized by the

651 early learning coalition to determine student eligibility for  
 652 enrollment in the program.

653 (b) The application must be submitted on forms prescribed  
 654 by the Office of Early Learning and must be accompanied by a  
 655 certified copy of the child's birth certificate. The forms must  
 656 include a certification, in substantially the form provided in  
 657 s. 1002.71(6)(b)2., that the parent chooses the private  
 658 prekindergarten provider or public school in accordance with  
 659 this section and directs that payments for the program be made  
 660 to the provider or school. The Office of Early Learning may  
 661 authorize alternative methods for submitting proof of the  
 662 child's age in lieu of a certified copy of the child's birth  
 663 certificate.

664 (c) If a private prekindergarten provider has been  
 665 authorized to determine child eligibility and enrollment, upon  
 666 receipt of an application, the provider must:

667 1. Determine the child's eligibility for the program and be  
 668 responsible for any errors in such determination.

669 2. Retain the original application and certified copy of  
 670 the child's birth certificate, or authorized alternative proof  
 671 of age on file for at least 5 years.

672  
 673 The early learning coalition may audit applications held by a  
 674 private prekindergarten provider in the coalition's service area  
 675 to determine whether children enrolled and reported for funding  
 676 by the provider have met the eligibility criteria in subsection



677 (2).

678 ~~(d)(e)~~ Each early learning coalition shall coordinate with  
 679 each of the school districts within the coalition's county or  
 680 multicounty region in the development of procedures for  
 681 enrolling children in prekindergarten programs delivered by  
 682 public schools, including procedures for making child  
 683 eligibility determinations and auditing enrollment records to  
 684 confirm that enrolled children have met eligibility  
 685 requirements.

686 Section 15. Subsections (3), (4), and (5) of section  
 687 1002.55, Florida Statutes, are amended, to read:

688 1002.55 School-year prekindergarten program delivered by  
 689 private prekindergarten providers.—

690 (1) Each early learning coalition shall administer the  
 691 Voluntary Prekindergarten Education Program at the county or  
 692 regional level for students enrolled under s. 1002.53(3)(a) in a  
 693 school-year prekindergarten program delivered by a private  
 694 prekindergarten provider. Each early learning coalition must  
 695 cooperate with the Office of Early Learning and the Child Care  
 696 Services Program Office of the Department of Children and  
 697 Families to reduce paperwork and to avoid duplicating  
 698 interagency activities, health and safety monitoring, and  
 699 acquiring and composing data pertaining to child care training  
 700 and credentialing.

701 (3) To be eligible to deliver the prekindergarten program,  
 702 a private prekindergarten provider must meet each of the

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703 following requirements:

704 ~~(a) The private prekindergarten provider must be a child~~  
 705 ~~care facility licensed under s. 402.305, family day care home~~  
 706 ~~licensed under s. 402.313, large family child care home licensed~~  
 707 ~~under s. 402.3131, nonpublic school exempt from licensure under~~  
 708 ~~s. 402.3025(2), or faith based child care provider exempt from~~  
 709 ~~licensure under s. 402.316.~~

710 (a) ~~(b)~~ The private prekindergarten provider must:

711 1. Be accredited by an accrediting association that is a  
 712 member of the National Council for Private School Accreditation,  
 713 or the Florida Association of Academic Nonpublic Schools, or be  
 714 accredited by the Southern Association of Colleges and Schools,  
 715 or Western Association of Colleges and Schools, or North Central  
 716 Association of Colleges and Schools, or Middle States  
 717 Association of Colleges and Schools, or New England Association  
 718 of Colleges and Schools; and have written accreditation  
 719 standards that meet or exceed the state's licensing requirements  
 720 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 721 least one onsite visit to the provider or school before  
 722 accreditation is granted;

723 2. Hold a current Gold Seal Quality Care designation under  
 724 s. 402.281; ~~or~~

725 3. Be licensed under s. 402.305, s. 402.313, or s.  
 726 402.3131 ~~and demonstrate, before delivering the Voluntary~~  
 727 ~~Prekindergarten Education Program, as verified by the early~~  
 728 ~~learning coalition, that the provider meets each of the~~

729 ~~requirements of the program under this part, including, but not~~  
 730 ~~limited to, the requirements for credentials and background~~  
 731 ~~screenings of prekindergarten instructors under paragraphs (c)~~  
 732 ~~and (d), minimum and maximum class sizes under paragraph (f),~~  
 733 ~~prekindergarten director credentials under paragraph (g), and a~~  
 734 ~~developmentally appropriate curriculum under s. 1002.67(2)(b);~~  
 735 or

736 4. Be a child development center located on a military  
 737 installation and certified by the United States Department of  
 738 Defense.

739 (b) Provide basic health and safety of its premises and  
 740 facilities. For a public school, compliance with ss. 1003.22 and  
 741 1013.12 satisfies this requirement. For a nonpublic school  
 742 compliance with 402.3025(2)(d) satisfies this requirement. For a  
 743 child care facility, a large family child care home, or a  
 744 licensed family day care home, compliance with s. 402.305,  
 745 402.3131, or 402.313 satisfies this requirement. For a facility  
 746 exempt from licensure, compliance with 402.316(4) satisfies this  
 747 requirement.

748 ~~(d)(e)~~ The private prekindergarten provider must have, for  
 749 each prekindergarten class of 11 children or fewer, at least one  
 750 prekindergarten instructor who meets each of the following  
 751 requirements:

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

754 a. A child development associate credential issued by the

755 National Credentialing Program of the Council for Professional  
 756 Recognition; ~~or~~.

757       b. A credential approved by the Department of Children and  
 758 Families, pursuant to s. 402.305.(3)(c), as being equivalent to  
 759 or greater than the credential described in sub-subparagraph a.

760       c. An associate's or higher degree in child development;

761       d. An associate's or higher degree in an unrelated field,  
 762 at least 6 credit hours in early childhood education or child  
 763 development, and at least 480 hours of experience in teaching or  
 764 providing child care services for children any age from birth  
 765 through 8 years of age; A bachelor's or higher degree in early  
 766 childhood education, prekindergarten or primary education,  
 767 preschool education, or family and consumer science;

768       e. A bachelor's or higher degree in family and child  
 769 science and at least 480 hours of experience in teaching or  
 770 providing child care services for children any age from birth  
 771 through 8 years of age;

772       f. A bachelor's or higher degree in elementary education,  
 773 if the prekindergarten instructor has been certified to teach  
 774 children any age from birth through 6th grade, regardless of  
 775 whether the instructor's educator certificate is current, and if  
 776 the instructor is not ineligible to teach in a public school  
 777 because his or her educator certificate is suspended or revoked;  
 778 or

779       g. A credential approved by the department as being  
 780 equivalent to or greater than an educational credential

781 described in sub-subparagraphs a. through f. The department may  
 782 adopt criteria and procedures for approving such equivalent  
 783 educational credentials.

784  
 785 ~~The Department of Children and Families may adopt rules under~~  
 786 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~  
 787 ~~for approving equivalent credentials under sub-subparagraph b.~~

788 2. The prekindergarten instructor must successfully  
 789 complete an emergent literacy training course and a student  
 790 performance standards training course approved by the office as  
 791 meeting or exceeding the minimum standards adopted under s.  
 792 1002.59. The requirement for completion of the standards  
 793 training course shall take effect July 1, 2014<sup>5</sup>, and the course  
 794 shall be available online.

795 3. Beginning January 1, 2015, each prekindergarten  
 796 instructor must be trained in first aid and infant and child  
 797 cardiopulmonary resuscitation, as evidenced by current  
 798 documentation of course completion. Instructors hired on or  
 799 after January 1, 2015, as a condition of employment, must  
 800 complete this training within 30 days of employment.

801 ~~(d) Each prekindergarten instructor employed by the~~  
 802 ~~private prekindergarten provider must be of good moral~~  
 803 ~~character, must be screened using the level 2 screening~~  
 804 ~~standards in s. 435.04 before employment and rescreened at least~~  
 805 ~~once every 5 years, must be denied employment or terminated if~~  
 806 ~~required under s. 435.06, and must not be ineligible to teach in~~

807 | ~~a public school because his or her educator certificate is~~  
 808 | ~~suspended or revoked.~~

809 | ~~(e) A private prekindergarten provider may assign a~~  
 810 | ~~substitute instructor to temporarily replace a credentialed~~  
 811 | ~~instructor if the credentialed instructor assigned to a~~  
 812 | ~~prekindergarten class is absent, as long as the substitute~~  
 813 | ~~instructor is of good moral character and has been screened~~  
 814 | ~~before employment in accordance with level 2 background~~  
 815 | ~~screening requirements in chapter 435. The Office of Early~~  
 816 | ~~Learning shall adopt rules to implement this paragraph which~~  
 817 | ~~shall include required qualifications of substitute instructors~~  
 818 | ~~and the circumstances and time limits for which a private~~  
 819 | ~~prekindergarten provider may assign a substitute instructor.~~

820 | (e) ~~(f)~~ Each of the private prekindergarten provider's  
 821 | prekindergarten classes must be composed of at least 4 students  
 822 | but may not exceed 20 students. In order to protect the health  
 823 | and safety of students, each private prekindergarten provider  
 824 | must also provide appropriate adult supervision for students at  
 825 | all times and, for each prekindergarten class composed of 12 or  
 826 | more students, must have, in addition to a prekindergarten  
 827 | instructor who meets the requirements of paragraph (c), at least  
 828 | one adult prekindergarten instructor who is not required to meet  
 829 | those requirements but who must meet each requirement of  
 830 | paragraph (d). This paragraph does not supersede any requirement  
 831 | imposed on a provider under ss. 402.301-402.319.

832 | (f) Beginning January 1, 2016, child care personnel

833 employed by a private prekindergarten provider must be at least  
 834 18 years of age, unless the personnel is not responsible for  
 835 supervising children in care or is under direct supervision and  
 836 is not counted for the purposes of computing the personnel to  
 837 child ratio.

838 (g) Child care personnel employed by a private  
 839 prekindergarten provider must hold a high school diploma or its  
 840 equivalent by January 1, 2016. This paragraph does not apply to  
 841 personnel who are not responsible for supervising children in  
 842 care or under direct supervision and not counted for the  
 843 purposes of computing the personnel to child ratio.

844 (h)~~(g)~~ The private prekindergarten provider must have a  
 845 prekindergarten director who has a prekindergarten director  
 846 credential that is approved by the office as meeting or  
 847 exceeding the minimum standards adopted under s. 1002.57.  
 848 Successful completion of a child care facility director  
 849 credential under s. 402.305(2)(f) before the establishment of  
 850 the prekindergarten director credential under s. 1002.57 or July  
 851 1, 2006, whichever occurs later, satisfies the requirement for a  
 852 prekindergarten director credential under this paragraph.

853 (i)~~(h)~~ The private prekindergarten provider must register  
 854 with the early learning coalition on forms prescribed by the  
 855 Office of Early Learning.

856 (j)~~(i)~~ The private prekindergarten provider must execute  
 857 the statewide provider contract prescribed under s. 1002.75,  
 858 except that an individual who owns or operates multiple private

859 | prekindergarten providers within a coalition's service area may  
 860 | execute a single agreement with the coalition on behalf of each  
 861 | provider.

862 |        (k) ~~(j)~~ The private prekindergarten provider must maintain  
 863 | general liability insurance and provide the coalition with  
 864 | written evidence of general liability insurance coverage,  
 865 | including coverage for transportation of children if  
 866 | prekindergarten students are transported by the provider. A  
 867 | provider must obtain and retain an insurance policy that  
 868 | provides a minimum of \$100,000 of coverage per occurrence and a  
 869 | minimum of \$300,000 general aggregate coverage. The office may  
 870 | authorize lower limits upon request, as appropriate. ~~A provider~~  
 871 | ~~must add the coalition as a named certificateholder and as an~~  
 872 | ~~additional insured.~~ A provider must provide the coalition with a  
 873 | minimum of 10 calendar days' advance written notice of  
 874 | cancellation of or changes to coverage. The general liability  
 875 | insurance required by this paragraph must remain in full force  
 876 | and effect for the entire period of the provider contract with  
 877 | the coalition.

878 |        (l) ~~(k)~~ The private prekindergarten provider must obtain  
 879 | and maintain any required workers' compensation insurance under  
 880 | chapter 440 and any required reemployment assistance or  
 881 | unemployment compensation coverage under chapter 443, unless  
 882 | exempt under state or federal law.

883 |        (m) ~~(l)~~ Notwithstanding paragraph (j), for a private  
 884 | prekindergarten provider that is a state agency or a subdivision



885 thereof, as defined in s. 768.28(2), the provider must agree to  
 886 notify the coalition of any additional liability coverage  
 887 maintained by the provider in addition to that otherwise  
 888 established under s. 768.28. The provider shall indemnify the  
 889 coalition to the extent permitted by s. 768.28.

890 (n) A private prekindergarten provider shall be denied  
 891 initial eligibility to offer the program if it has been cited  
 892 for a class I violation in the 12 months prior to seeking  
 893 eligibility. An existing provider that is cited for a class I  
 894 violation may not have its eligibility renewed for a period of  
 895 12 months. The requirements of this subsection do not apply if  
 896 the department determines that the violation was reported by the  
 897 provider and the employee responsible for the violation was  
 898 terminated.

899 (o) ~~(m)~~ The private prekindergarten provider must deliver  
 900 the Voluntary Prekindergarten Education Program in accordance  
 901 with this part and have child disciplinary policies that  
 902 prohibit children from being subjected to discipline that is  
 903 severe, humiliating, frightening, or associated with food, rest,  
 904 toileting, spanking, or any other form of physical punishment as  
 905 provided in s. 402.305(12).

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

909 ~~(a) A bachelor's or higher degree in early childhood~~  
 910 ~~education, prekindergarten or primary education, preschool~~

911 ~~education, or family and consumer science;~~  
 912 ~~(b) A bachelor's or higher degree in elementary education,~~  
 913 ~~if the prekindergarten instructor has been certified to teach~~  
 914 ~~children any age from birth through 6th grade, regardless of~~  
 915 ~~whether the instructor's educator certificate is current, and if~~  
 916 ~~the instructor is not ineligible to teach in a public school~~  
 917 ~~because his or her educator certificate is suspended or revoked;~~  
 918 ~~(c) An associate's or higher degree in child development;~~  
 919 ~~(d) An associate's or higher degree in an unrelated field,~~  
 920 ~~at least 6 credit hours in early childhood education or child~~  
 921 ~~development, and at least 480 hours of experience in teaching or~~  
 922 ~~providing child care services for children any age from birth~~  
 923 ~~through 8 years of age; or~~  
 924 ~~(e) An educational credential approved by the department~~  
 925 ~~as being equivalent to or greater than an educational credential~~  
 926 ~~described in this subsection. The department may adopt criteria~~  
 927 ~~and procedures for approving equivalent educational credentials~~  
 928 ~~under this paragraph.~~  
 929 ~~(5) Notwithstanding paragraph (3) (b), a private~~  
 930 ~~prekindergarten provider may not participate in the Voluntary~~  
 931 ~~Prekindergarten Education Program if the provider has child~~  
 932 ~~disciplinary policies that do not prohibit children from being~~  
 933 ~~subjected to discipline that is severe, humiliating,~~  
 934 ~~frightening, or associated with food, rest, toileting, spanking,~~  
 935 ~~or any other form of physical punishment as provided in s.~~  
 936 ~~402.305(12).~~

937 Section 16. Subsections (4), (5), and (6) of section  
 938 1002.61, Florida Statutes, are amended to read:

939 1002.61 Summer prekindergarten program delivered by public  
 940 schools and private prekindergarten providers.—

941 (3) (a) Each district school board shall determine which  
 942 public schools in the school district are eligible to deliver  
 943 the summer prekindergarten program. The school district shall  
 944 use educational facilities available in the public schools  
 945 during the summer term for the summer prekindergarten program.

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

951 (c) Except as provided in this section, to be eligible to  
 952 deliver the summer prekindergarten program, a private  
 953 prekindergarten provider must meet each requirement in s.  
 954 1002.55.

955 (d) Each charter school authorized to deliver the  
 956 prekindergarten program pursuant to its charter contract shall  
 957 be considered part of the sponsor's overall prekindergarten  
 958 program and must meet all requirements of this part applicable  
 959 to prekindergarten programs delivered by public schools. The  
 960 sponsor shall provide the same level of oversight over the  
 961 charter school's prekindergarten program as it provides for  
 962 other public schools in the school district. A charter school

963 not authorized to deliver the summer prekindergarten program  
 964 pursuant to its charter contract may deliver the program as a  
 965 private provider in accordance with the requirements of s.  
 966 1002.55 and this section.

967 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~  
 968 Each public school and private prekindergarten provider that  
 969 delivers the summer prekindergarten program must have, for each  
 970 prekindergarten class, at least one prekindergarten instructor  
 971 who is a certified teacher or holds one of the educational  
 972 credentials specified in s. 1002.53(3)(c)1.c.-d. ~~1002.55(4)(a)~~  
 973 ~~or (b).~~ As used in this subsection, the term "certified teacher"  
 974 means a teacher holding a valid Florida educator certificate  
 975 under s. 1012.56 who has the qualifications required by the  
 976 district school board to instruct students in the summer  
 977 prekindergarten program. In selecting instructional staff for  
 978 the summer prekindergarten program, each school district shall  
 979 give priority to teachers who have experience or coursework in  
 980 early childhood education.

981 (5) Each prekindergarten instructor employed by a public  
 982 school or private prekindergarten provider delivering the summer  
 983 prekindergarten program must be of good moral character, must  
 984 undergo background screening pursuant to s. 402.305(2)(a) ~~be~~  
 985 ~~screened using the level 2 screening standards in s. 435.04~~  
 986 before employment must be ~~and~~ rescreened at least once every 5  
 987 years, must be denied employment or terminated if required under  
 988 s. 435.06, and must not be ineligible to teach in a public

989 school because his or her educator certificate is suspended or  
 990 revoked. This subsection does not supersede employment  
 991 requirements for instructional personnel in public schools which  
 992 are more stringent than the requirements of this subsection.

993 (6) A public school or private prekindergarten provider  
 994 may assign a substitute instructor to temporarily replace a  
 995 credentialed instructor if the credentialed instructor assigned  
 996 to a prekindergarten class is absent, as long as the substitute  
 997 instructor meets the requirements of subsection (5)~~is of good~~  
 998 ~~moral character and has been screened before employment in~~  
 999 ~~accordance with level 2 background screening requirements in~~  
 1000 ~~chapter 435.~~ This subsection does not supersede employment  
 1001 requirements for instructional personnel in public schools which  
 1002 are more stringent than the requirements of this subsection. The  
 1003 Office of Early Learning shall adopt rules to implement this  
 1004 subsection which shall include required qualifications of  
 1005 substitute instructors and the circumstances and time limits for  
 1006 which a public school or private prekindergarten provider may  
 1007 assign a substitute instructor.

1008 Section 17. Section 1002.63, Florida Statutes, is amended  
 1009 to read:

1010 1002.63 School-year prekindergarten program delivered by  
 1011 public schools.-

1012 (3) (a) The district school board of each school district  
 1013 shall determine which public schools in the district may deliver  
 1014 the prekindergarten program during the school year.

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1015 (b) Each public school delivering the school-year  
 1016 prekindergarten program must execute the statewide provider  
 1017 contract prescribed under s. 1002.75, except that the school  
 1018 district may execute a single agreement with the early learning  
 1019 coalition on behalf of all district schools.

1020 (c) Each charter school authorized to deliver the  
 1021 prekindergarten program pursuant to its charter contract shall  
 1022 be considered part of the sponsor's overall prekindergarten  
 1023 program and must meet all requirements of this part applicable  
 1024 to prekindergarten programs delivered by public schools. The  
 1025 sponsor shall provide the same level of oversight over the  
 1026 charter school's prekindergarten program as it provides for  
 1027 other public schools in the school district. A charter school  
 1028 not authorized to deliver the prekindergarten program pursuant  
 1029 to its charter contract may deliver the program as a private  
 1030 provider in accordance with the requirements of s. 1002.55.

1031 (4) Each public school must have, for each prekindergarten  
 1032 class, at least one prekindergarten instructor who meets each  
 1033 requirement in s. 1002.55(3) ~~(d)(e)~~ for a prekindergarten  
 1034 instructor of a private prekindergarten provider.

1035 (5) Each prekindergarten instructor employed by a public  
 1036 school delivering the school-year prekindergarten program must  
 1037 ~~satisfy the~~ ~~of good moral character,~~ ~~must be screened using~~  
 1038 ~~the level 2 screening standards in s. 435.04 before employment~~  
 1039 ~~and rescreened at least once every 5 years, must be denied~~  
 1040 ~~employment or terminated if required under s. 435.06, and must~~

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

1041 ~~not be ineligible to teach in a public school because his or her~~  
 1042 ~~educator certificate is suspended or revoked. This subsection~~  
 1043 ~~does not supersede~~ employment requirements for instructional  
 1044 personnel in public schools as provided in s. 1012.32 ~~which are~~  
 1045 ~~more stringent than the requirements of this subsection.~~

1046 (6) A public school prekindergarten provider may assign a  
 1047 substitute instructor to temporarily replace a credentialed  
 1048 instructor if the credentialed instructor assigned to a  
 1049 prekindergarten class is absent, as long as the substitute  
 1050 instructor meets the requirements of subsection (5) ~~is of good~~  
 1051 ~~moral character and has been screened before employment in~~  
 1052 ~~accordance with level 2 background screening requirements in~~  
 1053 ~~chapter 435. This subsection does not supersede employment~~  
 1054 ~~requirements for instructional personnel in public schools which~~  
 1055 ~~are more stringent than the requirements of this subsection.~~ The  
 1056 Office of Early Learning shall adopt rules to implement this  
 1057 subsection which shall include required qualifications of  
 1058 substitute instructors and the circumstances and time limits for  
 1059 which a public school prekindergarten provider may assign a  
 1060 substitute instructor.

1061 (7) Each prekindergarten class in a public school  
 1062 delivering the school-year prekindergarten program must be  
 1063 composed of at least 4 students but may not exceed 20 students.  
 1064 In order to protect the health and safety of students, each  
 1065 school must also provide appropriate adult supervision for  
 1066 students at all times and, for each prekindergarten class

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1067 composed of 12 or more students, must have, in addition to a  
 1068 prekindergarten instructor who meets the requirements of s.  
 1069 1002.55(3) (d) ~~(e)~~, at least one adult prekindergarten instructor  
 1070 who is not required to meet those requirements but who must meet  
 1071 each requirement of subsection (5).

1072 (8) Each public school delivering the school-year  
 1073 prekindergarten program must register with the early learning  
 1074 coalition on forms prescribed by the Office of Early Learning  
 1075 and deliver the Voluntary Prekindergarten Education Program in  
 1076 accordance with this part.

1077 Section 18. Paragraph (a) of subsection (6) of section  
 1078 1002.71, Florida Statutes, is amended to read:

1079 1002.71 Funding; financial and attendance reporting.—

1080 (6) (a) Each parent enrolling his or her child in the  
 1081 Voluntary Prekindergarten Education Program must agree to comply  
 1082 with the attendance policy of the private prekindergarten  
 1083 provider or district school board, as applicable. Upon  
 1084 enrollment of the child, the private prekindergarten provider or  
 1085 public school, as applicable, must provide the child's parent  
 1086 with program information, including but not limited to, child  
 1087 development, expectations for parent engagement, daily schedule  
 1088 and a copy of the provider's or school district's the attendance  
 1089 policy~~policy~~, which must include procedures for contacting a  
 1090 parent on the second consecutive day a child is absent for which  
 1091 the reason is unknown as applicable.

1092 Section 19. Section 1002.75, Florida Statutes, is amended



1093 to read:

1094 1002.75 Office of Early Learning; powers and duties.—

1095 (1) The Office of Early Learning shall adopt by rule a  
 1096 standard statewide provider contract to be used with each  
 1097 Voluntary Prekindergarten Education Program provider, with  
 1098 standardized attachments by provider type. The office shall  
 1099 publish a copy of the standard statewide provider contract on  
 1100 its website. The standard statewide contract shall include, at a  
 1101 minimum, provisions ~~for~~:

1102 (a) Governing provider probation, termination for cause,  
 1103 and emergency termination for those actions or inactions of a  
 1104 provider that pose an immediate and serious danger to the  
 1105 health, safety, or welfare of children. The standard statewide  
 1106 contract shall also include appropriate due process procedures.  
 1107 During the pendency of an appeal of a termination, the provider  
 1108 may not continue to offer its services.

1109 (b) Requiring each private prekindergarten provider to  
 1110 notify the parent or guardian of each child in care if it is  
 1111 cited for a class I violation, as defined by rule of the  
 1112 Department of Children and Families. Such notice shall describe  
 1113 each violation with specificity, in simple language, and include  
 1114 a copy of the citation and the contact information of the  
 1115 department or local licensing agency where the parent or  
 1116 guardian may obtain additional information regarding the  
 1117 citation. Notice of class I violations by the provider must be  
 1118 provided electronically or in writing to the parent within 24

1119 hours of receipt of the citation. A private prekindergarten  
 1120 provider must conspicuously post each citation for a violation  
 1121 that results in disciplinary action on the premises in an area  
 1122 visible to parents pursuant to s. 402.3125(1)(b). Additionally,  
 1123 such a provider must post each inspection report on the premises  
 1124 in an area visible to parents, which report must remain posted  
 1125 until the next inspection report is available.

1126 (c) Specifying that child care personnel employed by the  
 1127 provider who are responsible for supervising children in care  
 1128 must be trained in developmentally appropriate practices aligned  
 1129 to the age and needs of children to which the personnel is  
 1130 assigned supervision duties. This requirement is met by  
 1131 completion of developmentally appropriate practice courses  
 1132 administered by the Department of Children and Families under s.  
 1133 402.305(2)(d)1. within 30 days after being assigned to children  
 1134 for which developmentally appropriate practice training has not  
 1135 been completed by the personnel.

1136  
 1137 Any provision imposed upon a provider that is inconsistent with,  
 1138 or prohibited by, law is void and unenforceable.

1139 Section 20. Section 1002.77, Florida Statutes, is amended  
 1140 to read:

1141 1002.77 Florida Early Learning Advisory Council.—

1142 (1) There is created the Florida Early Learning Advisory  
 1143 Council within the Office of Early Learning. The purpose of the  
 1144 advisory council is to provide written input ~~submit~~

1145 ~~recommendations to the Executive Director office on early~~  
 1146 ~~learning best practices, including recommendations relating to~~  
 1147 ~~the most effective program administration; of the Voluntary~~  
 1148 ~~Prekindergarten Education Program under this part and the school~~  
 1149 ~~readiness program under part VI of this chapter. The advisory~~  
 1150 ~~council shall periodically analyze and provide recommendations~~  
 1151 ~~to the office on the effective and efficient use of local,~~  
 1152 ~~state, and federal funds; the content of professional~~  
 1153 ~~development training programs; and best practices for the~~  
 1154 ~~development and implementation of coalition plans pursuant to s.~~  
 1155 1002.85.

1156 (2) The advisory council shall be composed of the  
 1157 following members:

1158 (a) The chair of the advisory council who shall be  
 1159 appointed by and serve at the pleasure of the Governor.

1160 (b) The chair of each early learning coalition.

1161 (c) One member who shall be appointed by and serve at the  
 1162 pleasure of the President of the Senate.

1163 (d) One member who shall be appointed by and serve at the  
 1164 pleasure of the Speaker of the House of Representatives.

1165  
 1166 The chair of the advisory council appointed by the Governor and  
 1167 the members appointed by the presiding officers of the  
 1168 Legislature must be from the business community and be in  
 1169 compliance with s. 1002.83(5).

1170 (3) The advisory council shall meet at least quarterly

1171 upon the call of the Executive Director ~~but may meet as often as~~  
 1172 ~~necessary to carry out its duties and responsibilities.~~ The  
 1173 Executive Director is encouraged to ~~advisory council may use~~  
 1174 communications media technology ~~any method of telecommunications~~  
 1175 to conduct meetings in accordance with the requirements of s.  
 1176 120.54(5)(b). ~~, including establishing a quorum through~~  
 1177 ~~telecommunications, only if the public is given proper notice of~~  
 1178 ~~a telecommunications meeting and reasonable access to observe~~  
 1179 ~~and, when appropriate, participate.~~

1180 (4) (a) Each member of the advisory council ~~shall~~ may serve  
 1181 without compensation but is entitled to receive reimbursement  
 1182 for per diem and travel expenses for attendance at council  
 1183 meetings as provided in s. 112.061.

1184 (b) Each member of the advisory council is subject to the  
 1185 ethics provisions in part III of chapter 112.

1186 (c) For purposes of tort liability, each member of the  
 1187 advisory council shall be governed by s. 768.28.

1188 (5) The Office of Early Learning shall provide staff and  
 1189 administrative support for the advisory council as determined by  
 1190 the Executive Director.

1191 Section 21. Section 1002.81, Florida Statutes, is amended  
 1192 to read:

1193 1002.81 Definitions.—Consistent with the requirements of  
 1194 45 C.F.R. parts 98 and 99 and as used in this part, the term:

1195 (1) "At-risk child" means:

1196 (a) A child from a family under investigation by the

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1197 Department of Children and Families or a designated sheriff's  
 1198 office for child abuse, neglect, abandonment, or exploitation.

1199 (b) A child who is in a diversion program provided by the  
 1200 Department of Children and Families or its contracted provider  
 1201 and who is from a family that is actively participating and  
 1202 complying in department-prescribed activities, including  
 1203 education, health services, or work.

1204 (c) A child from a family that is under supervision,  
 1205 whether judicial or non-judicial, by the Department of Children  
 1206 and Families or a contracted service provider for abuse,  
 1207 neglect, abandonment, or exploitation.

1208 (d) A child placed in court-ordered, long-term custody or  
 1209 under the guardianship of a relative or nonrelative after  
 1210 termination of supervision by the Department of Children and  
 1211 Families or its contracted provider.

1212 (e) A child in the custody of a parent who is a victim of  
 1213 domestic violence residing in a certified domestic violence  
 1214 center.

1215 (f) A child in the custody of a parent who is considered  
 1216 homeless as verified by a designated lead agency on the homeless  
 1217 assistance continuum of care established under ss. 420.622-624  
 1218 ~~Department of Children and Families certified homeless shelter.~~

1219 (2) "Authorized hours of care" means the hours of care  
 1220 that are necessary to provide protection, maintain employment,  
 1221 or complete work activities or eligible educational activities,  
 1222 including reasonable travel time.

1223 (3) "Average market rate" means the biennially determined  
 1224 average of the market rate by program care level and provider  
 1225 type in a predetermined geographic market.

1226 (4) "Direct enhancement services" means services for  
 1227 families and children that are in addition to payments for the  
 1228 placement of children in the school readiness program. Direct  
 1229 enhancement services for families and children may include  
 1230 supports for providers, parent training and involvement  
 1231 activities, and strategies to meet the needs of unique  
 1232 populations and local eligibility priorities. Direct enhancement  
 1233 services offered by an early learning coalition shall be  
 1234 consistent with the activities prescribed in s. 1002.89(6)(b).

1235 (5) "Disenrollment" means the removal, either temporary or  
 1236 permanent, of a child from participation in the school readiness  
 1237 program. Removal of a child from the school readiness program  
 1238 may be based on the following events: a reduction in available  
 1239 school readiness program funding, participant's failure to meet  
 1240 eligibility or program participation requirements, fraud, or a  
 1241 change in local service priorities.

1242 (6) "Earned income" means gross remuneration derived from  
 1243 work, professional service, or self-employment. The term  
 1244 includes commissions, bonuses, back pay awards, and the cash  
 1245 value of all remuneration paid in a medium other than cash.

1246 (7) "Economically disadvantaged" means having a family  
 1247 income that does not exceed 150 percent of the federal poverty  
 1248 level and includes being a child of a working migratory family

1249 as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural  
 1250 worker who is employed by more than one agricultural employer  
 1251 during the course of a year, and whose income varies according  
 1252 to weather conditions and market stability.

1253 (8) "Family income" means the combined gross income,  
 1254 whether earned or unearned, that is derived from any source by  
 1255 all family or household members who are 18 years of age or older  
 1256 who are currently residing together in the same dwelling unit.

1257 The term does not include:

1258 (a) Income earned by a currently enrolled high school  
 1259 student who, since attaining the age of 18 years, or a student  
 1260 with a disability who, since attaining the age of 22 years, has  
 1261 not terminated school enrollment or received a high school  
 1262 diploma, high school equivalency diploma, special diploma, or  
 1263 certificate of high school completion.

1264 (b) Income earned by a teen parent residing in the same  
 1265 residence as a separate family unit.

1266 (c)

1267 ~~The term also does not include~~ Selected items from the Child  
 1268 Care Development Fund state plan, such as food stamp benefits,  
 1269 documented child support and alimony payments paid out of the  
 1270 home, or federal housing assistance payments issued directly to  
 1271 a landlord or the associated utilities expenses.

1272 (9) "Family or household members" means spouses, former  
 1273 spouses, persons related by blood or marriage, persons who are  
 1274 parents of a child in common regardless of whether they have

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1275 been married, and other persons who are currently residing  
 1276 together in the same dwelling unit as if a family.

1277 (10) "Full-time care" means at least 6 hours, but not more  
 1278 than 11 hours, of child care or early childhood education  
 1279 services within a 24-hour period.

1280 (11) "Market rate" means the price that a child care or  
 1281 early childhood education provider charges for full-time or  
 1282 part-time daily, weekly, or monthly child care or early  
 1283 childhood education services.

1284 (12) "Office" means the Office of Early Learning of the  
 1285 Department of Education.

1286 (13) "Part-time care" means less than 6 hours of child  
 1287 care or early childhood education services within a 24-hour  
 1288 period.

1289 (14) "Single point of entry" means an integrated  
 1290 information system that allows a parent to enroll his or her  
 1291 child in the school readiness program or the Voluntary  
 1292 Prekindergarten Education Program at various locations  
 1293 throughout a county, that may allow a parent to enroll his or  
 1294 her child by telephone or through a website, and that uses a  
 1295 uniform waiting list to track eligible children waiting for  
 1296 enrollment in the school readiness program.

1297 (15) "Unearned income" means income other than earned  
 1298 income. The term includes, but is not limited to:

1299 (a) Documented alimony and child support received.

1300 (b) Social security benefits.



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- 1301 (c) Supplemental security income benefits.
- 1302 (d) Workers' compensation benefits.
- 1303 (e) Reemployment assistance or unemployment compensation
- 1304 benefits.
- 1305 (f) Veterans' benefits.
- 1306 (g) Retirement benefits.
- 1307 (h) Temporary cash assistance under chapter 414.
- 1308 (16) "Working family" means:
- 1309 (a) A single-parent family in which the parent with whom
- 1310 the child resides is employed or engaged in eligible work or
- 1311 education activities for at least 20 hours per week or is exempt
- 1312 from work requirements due to age or disability, as determined
- 1313 and documented by a physician licensed under chapters 458 or
- 1314 459;
- 1315 (b) A two-parent family in which both parents with whom
- 1316 the child resides are employed or engaged in eligible work or
- 1317 education activities for a combined total of at least 40 hours
- 1318 per week; ~~or~~
- 1319 (c) A two-parent family in which one of the parents with
- 1320 whom the child resides is exempt from work requirements due to
- 1321 age or disability, as determined and documented by a physician
- 1322 licensed under chapter 458 or chapter 459, and one parent is
- 1323 employed or engaged in eligible work or education activities at
- 1324 least 20 hours per week; or
- 1325 (d) A two-parent family in which both of the parents with
- 1326 whom the child resides are exempt from work requirements due to

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1327 age or disability, as determined and documented by a physician  
 1328 licensed under chapter 458 or 459.

1329 Section 22. Section 1002.82, Florida Statutes, is amended  
 1330 to read:

1331 1002.82 Office of Early Learning; powers and duties.—

1332 (2) The office shall:

1333 (a) Focus on improving the educational quality delivered  
 1334 by all providers participating in the school readiness program.

1335 (b) Preserve parental choice by permitting parents to  
 1336 choose from a variety of child care categories, as authorized in  
 1337 s. 1002.88(1) including center based care, family child care,  
 1338 ~~and informal child care to the extent authorized in the state's~~  
 1339 ~~Child Care and Development Fund Plan as approved by the United~~  
 1340 ~~States Department of Health and Human Services pursuant to 45~~  
 1341 ~~C.F.R. s. 98.18.~~ Care and curriculum by a faith-based provider  
 1342 may not be limited or excluded in any of these categories.

1343 (c) Be responsible for the prudent use of all public and  
 1344 private funds in accordance with all legal and contractual  
 1345 requirements, safeguarding the effective use of federal, state,  
 1346 and local resources to achieve the highest practicable level of  
 1347 school readiness for the children described in s. 1002.87,  
 1348 including:

1349 1. The adoption of a uniform chart of accounts for  
 1350 budgeting and financial reporting purposes that provides  
 1351 standardized definitions for expenditures and reporting,  
 1352 consistent with the requirements of 45 C.F.R. part 98 and s.

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1353 1002.89 for each of the following categories of expenditure:

1354 a. Direct services to children.

1355 b. Administrative costs.

1356 c. Quality activities.

1357 d. Nondirect services.

1358 2. Coordination with other state and federal agencies to  
 1359 perform data matches on children participating in the school  
 1360 readiness program and their families in order to verify the  
 1361 children's eligibility pursuant to s. 1002.87.

1362 (d) Establish procedures for the biennial calculation of  
 1363 the average market rate.

1364 (e) Review each early learning coalition's school  
 1365 readiness program plan every 2 years and provide final approval  
 1366 of the plan and any amendments submitted.

1367 (f) Establish a unified approach to the state's efforts to  
 1368 coordinate a comprehensive early learning program. In support of  
 1369 this effort, the office:

1370 1. Shall adopt specific program support services that  
 1371 address the state's school readiness program, including:

1372 a. Statewide data information program requirements that  
 1373 include:

1374 (I) Eligibility requirements.

1375 (II) Financial reports.

1376 (III) Program accountability measures.

1377 (IV) Child progress reports.

1378 b. Child care resource and referral services.

- 1379 c. A single point of entry and uniform waiting list.
- 1380 2. May provide technical assistance and guidance on
- 1381 additional support services to complement the school readiness
- 1382 program, including:
  - 1383 a. Rating and improvement systems.
  - 1384 b. Warm-Line services.
  - 1385 c. Anti-fraud plans.
  - 1386 d. School readiness program standards.
  - 1387 e. Child screening and assessments.
  - 1388 f. Training and support for parental involvement in
  - 1389 children's early education.
  - 1390 g. Family literacy activities and services.
  - 1391 (g) Provide technical assistance to early learning
  - 1392 coalitions.
  - 1393 (h) In cooperation with the early learning coalitions,
  - 1394 coordinate with the Child Care Services Program Office of the
  - 1395 Department of Children and Families to reduce paperwork and to
  - 1396 avoid duplicating interagency activities, health and safety
  - 1397 monitoring, and acquiring and composing data pertaining to child
  - 1398 care training and credentialing.
  - 1399 (i) Develop, in coordination with the Child Care Services
  - 1400 Program Office of the Department of Children and Families, and
  - 1401 adopt a health and safety checklist to be completed by license-
  - 1402 exempt providers that does not exceed the requirements of s.
  - 1403 402.305.
  - 1404 (j) Develop and adopt standards and benchmarks that

1405 address the age-appropriate progress of children in the  
 1406 development of school readiness skills. The standards for  
 1407 children from birth to 5 years of age in the school readiness  
 1408 program must be aligned with the performance standards adopted  
 1409 for children in the Voluntary Prekindergarten Education Program  
 1410 and must address the following domains:

- 1411 1. Approaches to learning.
- 1412 2. Cognitive development and general knowledge.
- 1413 3. Numeracy, language, and communication.
- 1414 4. Physical development.
- 1415 5. Self-regulation.

1416  
 1417 By July 1, 2015, the Office of Early Learning shall develop and  
 1418 implement an online training course on the performance standards  
 1419 for school readiness provider child care personnel.

1420 (k) Select assessments that are valid, reliable, and  
 1421 developmentally appropriate for use as preassessment and  
 1422 postassessment for the age ranges specified in the coalition  
 1423 plans. The assessments must be designed to measure progress in  
 1424 the domains of the performance standards adopted pursuant to  
 1425 paragraph (j), provide appropriate accommodations for children  
 1426 with disabilities and English language learners, and be  
 1427 administered by qualified individuals, consistent with the  
 1428 publisher's instructions.

1429 (l) Adopt a list of approved curricula that meet the  
 1430 performance standards for the school readiness program and

1431 establish a process for the review and approval of a provider's  
 1432 curriculum that meets the performance standards.

1433 (m) Adopt by rule a standard statewide provider contract  
 1434 to be used with each school readiness program provider, with  
 1435 standardized attachments by provider type. The office shall  
 1436 publish a copy of the standard statewide provider contract on  
 1437 its website. The standard statewide contract shall include, at a  
 1438 minimum, provisions ~~for~~:

1439 1. Governing provider probation, termination for cause,  
 1440 and emergency termination for those actions or inactions of a  
 1441 provider that pose an immediate and serious danger to the  
 1442 health, safety, or welfare of the children. The standard  
 1443 statewide provider contract shall also include appropriate due  
 1444 process procedures. During the pendency of an appeal of a  
 1445 termination, the provider may not continue to offer its  
 1446 services.

1447 2. Requiring each provider that is eligible to provide the  
 1448 program pursuant to s. 1002.88(1)(a)1. and 2. to notify the  
 1449 parent or guardian of each child in care if it is cited for a  
 1450 class I violation, as defined by rule of the Department of  
 1451 Children and Families. Such notice shall describe each violation  
 1452 with specificity, in simple language, and include a copy of the  
 1453 citation and the contact information of the department or local  
 1454 licensing agency where the parent or guardian may obtain  
 1455 additional information regarding the citation. Notice of class I  
 1456 violations by the provider must be provided electronically or in

1457 | writing to the parent within 24 hours of receipt of the  
 1458 | citation. A private prekindergarten provider must conspicuously  
 1459 | post each citation for a violation that results in disciplinary  
 1460 | action on the premises in an area visible to parents pursuant to  
 1461 | s. 402.3125(1)(b). Additionally, such a provider must post each  
 1462 | inspection report on the premises in an area visible to parents,  
 1463 | which report must remain posted until the next inspection report  
 1464 | is available.

1465 |         3. Specifying that child care personnel employed by the  
 1466 | provider who are responsible for supervising children in care  
 1467 | must be trained in developmentally appropriate practices aligned  
 1468 | to the age and needs of children to which the personnel is  
 1469 | assigned supervision duties. This requirement is met by  
 1470 | completion of developmentally appropriate practice courses  
 1471 | administered by the Department of Children and Families under s.  
 1472 | 402.305(2)(d)1. within 30 days after being assigned to children  
 1473 | for which developmentally appropriate practice training has not  
 1474 | been completed.

1475 |         4. Requiring child care personnel who are employed by the  
 1476 | provider to complete an online training course on the  
 1477 | performance standards adopted pursuant to paragraph (j).  
 1478 | Any provision imposed upon a provider that is inconsistent with,  
 1479 | or prohibited by, law is void and unenforceable.

1480 |         (n) Establish a single statewide information system that  
 1481 | each coalition must use for the purposes of managing the single  
 1482 | point of entry, tracking children's progress, coordinating

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1483 services among stakeholders, determining eligibility of  
 1484 children, tracking child attendance, and streamlining  
 1485 administrative processes for providers and early learning  
 1486 coalitions.

1487 (o) Adopt by rule standardized procedures for coalitions  
 1488 to use when monitoring the compliance of school readiness  
 1489 program providers with the terms of the standard statewide  
 1490 provider contract.

1491 (p) Monitor and evaluate the performance of each early  
 1492 learning coalition in administering the school readiness program  
 1493 and Voluntary Prekindergarten Education Program, ensuring proper  
 1494 payments for school readiness program and Voluntary  
 1495 Prekindergarten Education Program services, and implementing the  
 1496 coalition's school readiness program plan, ~~and administering the~~  
 1497 ~~Voluntary Prekindergarten Education Program~~. These monitoring  
 1498 and performance evaluations must include, at a minimum, onsite  
 1499 monitoring of each coalition's finances, management, operations,  
 1500 and programs.

1501 (q) Work in conjunction with the Bureau of Federal  
 1502 Education Programs within the Department of Education to  
 1503 coordinate readiness and voluntary prekindergarten services to  
 1504 the populations served by the bureau.

1505 (r) Administer a statewide toll-free Warm-Line to provide  
 1506 assistance and consultation to child care facilities and family  
 1507 day care homes regarding health, developmental, disability, and  
 1508 special needs issues of the children they are serving,



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1509 particularly children with disabilities and other special needs.

1510 The office shall:

1511 1. Annually inform child care facilities and family day  
 1512 care homes of the availability of this service through the child  
 1513 care resource and referral network under s. 1002.92.

1514 2. Expand or contract for the expansion of the Warm-Line  
 1515 to maintain at least one Warm-Line in each early learning  
 1516 coalition service area.

1517 Section 23. Subsections (8) of section 1002.84, Florida  
 1518 Statutes, is amended to read:

1519 1002.84 Early learning coalitions; school readiness powers  
 1520 and duties.—Each early learning coalition shall:

1521 (8) Establish a parent sliding fee scale that requires a  
 1522 parent copayment to participate in the school readiness program.  
 1523 Providers are required to collect the parent's copayment. A  
 1524 coalition may, on a case-by-case basis, waive the copayment for  
 1525 an at-risk child or temporarily waive the copayment for a child  
 1526 whose family's income is at or below the federal poverty level  
 1527 and experiences a natural disaster or an event that limits the  
 1528 parent's ability to pay, such as incarceration, placement in  
 1529 residential treatment, ~~or becoming homeless,~~ or an emergency  
 1530 situation such as a household fire or burglary, or while the  
 1531 parent is participating in parenting classes. A parent may not  
 1532 transfer school readiness program services to another school  
 1533 readiness program provider until the parent has submitted  
 1534 documentation from the current school readiness program provider

1535 to the early learning coalition stating that the parent has  
 1536 satisfactorily fulfilled the copayment obligation.

1537 (20) To increase transparency and accountability, comply  
 1538 with the requirements of this section before contracting with a  
 1539 member of the coalition, an employee of the coalition, or a  
 1540 relative, as defined in s. 112.3143(1)(b), of a coalition member  
 1541 or of an employee of the coalition. Such contracts may not be  
 1542 executed without the approval of the office. Such contracts, as  
 1543 well as documentation demonstrating adherence to this section by  
 1544 the coalition, must be approved by a two-thirds vote of the  
 1545 coalition, a quorum having been established; all conflicts of  
 1546 interest must be disclosed before the vote; and any member who  
 1547 may benefit from the contract, or whose relative may benefit  
 1548 from the contract, must abstain from the vote. A contract under  
 1549 \$25,000 between an early learning coalition and a member of that  
 1550 coalition or between a relative, as defined in s.  
 1551 112.3143(1)(b), of a coalition member or of an employee of the  
 1552 coalition is not required to have the prior approval of the  
 1553 office but must be approved by a two-thirds vote of the  
 1554 coalition, a quorum having been established, and must be  
 1555 reported to the office within 30 days after approval. If a  
 1556 contract cannot be approved by the office, a review of the  
 1557 decision to disapprove the contract may be requested by the  
 1558 early learning coalition or other parties to the disapproved  
 1559 contract.

1560 Section 24. Paragraph (c) of subsection (1) and

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1561 subsections (3), (6), and (7) of section 1002.87, Florida  
 1562 Statutes, are amended to read:

1563 1002.87 School readiness program; eligibility and  
 1564 enrollment.—

1565 (1) Effective August 1, 2013, or upon reevaluation of  
 1566 eligibility for children currently served, whichever is later,  
 1567 each early learning coalition shall give priority for  
 1568 participation in the school readiness program as follows:

1569 (c) Priority shall be given next to a child from birth to  
 1570 the beginning of the school year for which the child is eligible  
 1571 for admission to kindergarten in a public school under s.  
 1572 1003.21(1)(a)2. who is from a working family that is  
 1573 economically disadvantaged, and may include such child's  
 1574 eligible siblings, beginning with the school year in which the  
 1575 sibling is eligible for admission to kindergarten in a public  
 1576 school under s. 1003.21(1)(a)2. until the beginning of the  
 1577 school year in which the sibling enters ~~is eligible to begin~~ 6th  
 1578 grade, provided that the first priority for funding an eligible  
 1579 sibling is local revenues available to the coalition for funding  
 1580 direct services. However, a child eligible under this paragraph  
 1581 ceases to be eligible if his or her family income exceeds 200  
 1582 percent of the federal poverty level.

1583 (h) Priority shall be given next to a child who has  
 1584 special needs, has been determined eligible as an infant or  
 1585 toddler with an Individualized Family Support Plan birth to 3  
 1586 years of age receiving early intervention services; or a student

1587 with a disability, ~~has with~~ a current individual education plan  
 1588 with a Florida school district, ~~and is not younger than 3 years~~  
 1589 ~~of age~~. A child with special needs ~~child~~ eligible under this  
 1590 paragraph remains eligible until the child is eligible for  
 1591 admission to kindergarten in a public school under s.  
 1592 1003.21(1)(a)2.

1593 (3) Contingent upon the availability of funds, a coalition  
 1594 shall enroll eligible children, including those from its waiting  
 1595 list, according to the eligibility priorities in this section.

1596 (6) Eligibility for each child must be reevaluated  
 1597 annually. Upon reevaluation, a child may not continue to receive  
 1598 school readiness program services if he or she has ceased to be  
 1599 eligible under this section. If a child no longer meets  
 1600 eligibility or program requirements, the coalition must  
 1601 immediately notify the child's parent and the provider that  
 1602 funding will end 2 weeks after the date in which the child was  
 1603 determined to be ineligible or when the current child care  
 1604 authorization expires, whichever occurs first.

1605 (7) If a coalition disenrolls children from the school  
 1606 readiness program due to lack of funding or a change in  
 1607 eligibility priorities, the coalition must disenroll the  
 1608 children in reverse order of the eligibility priorities listed  
 1609 in subsection (1) beginning with children from families with the  
 1610 highest family incomes. A notice of disenrollment must be sent  
 1611 to the parent and school readiness program provider at least 2  
 1612 weeks before disenrollment or the expiration of the current

1613 child care authorization, whichever occurs first, to provide  
 1614 adequate time for the parent to arrange alternative care for the  
 1615 child. However, an at-risk child receiving services from the  
 1616 Department of Children and Families Office of Child Welfare may  
 1617 not be disenrolled from the program without the written approval  
 1618 of the ~~Child Welfare Program Office of the~~ Department of  
 1619 Children and Families Office of Child Welfare or the community-  
 1620 based lead agency.

1621 (8) If a child is absent from the program for two  
 1622 consecutive days without parental notification to the program of  
 1623 such absence, the provider shall contact the parent and  
 1624 determine the cause for absence and expected date of return. If  
 1625 a child is absent from the program for 5 consecutive days  
 1626 without parental notification to the program of such absence,  
 1627 the school readiness program provider shall report the absence  
 1628 to the early learning coalition for a determination of the need  
 1629 for continued care.

1630  
 1631 Section 25. Section 1002.88, Florida Statutes, is amended  
 1632 to read:

1633 1002.88 School readiness program provider standards;  
 1634 eligibility to deliver the school readiness program.-

1635 (1) To be eligible to deliver the school readiness  
 1636 program, a school readiness program provider must meet each of  
 1637 the following requirements:

1638 (a) The school readiness program provider must:

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1639           1.   Be a nonpublic school in substantial compliance with  
 1640 402.3025(2)(d), child care facility licensed under s. 402.305, a  
 1641 family day care home licensed ~~or registered~~ under s. 402.313, a  
 1642 large family child care home licensed under s. 402.3131, a child  
 1643 care facility exempt from licensure operating under 402.316(4);  
 1644 or

1645           2.   Be an entity that is part of Florida's education system  
 1646 under s. 1000.04(1) a public school or nonpublic school exempt  
 1647 from licensure under s. 402.3025, a faith based child care  
 1648 provider exempt from licensure under s. 402.316, a before school  
 1649 or after school program described in s. 402.305(1)(c), or an  
 1650 informal child care provider to the extent authorized in the  
 1651 state's Child Care and Development Fund Plan as approved by the  
 1652 United States Department of Health and Human Services pursuant  
 1653 to 45 C.F.R. s. 98.18.

1654           (b) Provide instruction and activities to enhance the age-  
 1655 appropriate progress of each child in attaining the child  
 1656 development standards adopted by the office pursuant to s.  
 1657 1002.82(2)(j). A provider should include activities to foster  
 1658 brain development in infants and toddlers; provide an  
 1659 environment that is rich in language and music and filled with  
 1660 objects of various colors, shapes, textures, and sizes to  
 1661 stimulate visual, tactile, auditory, and linguistic senses; and  
 1662 include 30 minutes of reading to children each day. Provide  
 1663 parents information on child development, expectations for  
 1664 parent engagement, daily schedule and the attendance policy.

1665 (c) Provide basic health and safety of its premises and  
 1666 facilities and ~~compliance with requirements for age appropriate~~  
 1667 ~~immunizations of children enrolled in the school readiness~~  
 1668 ~~program~~ in accordance with applicable licensing and inspection  
 1669 requirements. For a public school, compliance with ss. 1003.22  
 1670 and 1013.12 satisfies this requirement. For a child care  
 1671 facility, a large family child care home, or a licensed family  
 1672 day care home, compliance with s. 402.305, s. 402.3131, or s.  
 1673 402.313 satisfies this requirement. For a public ~~or nonpublic~~  
 1674 school, compliance with ~~s. 402.3025 or~~ ss. 1003.22 and 1013.12  
 1675 satisfies this requirement. For a nonpublic school compliance  
 1676 with 402.3025(2)(d) satisfies this requirement. For a facility  
 1677 exempt from licensure compliance with 402.316(4) satisfies this  
 1678 requirement. ~~A faith based child care provider, an informal~~  
 1679 ~~child care provider, or a nonpublic school, exempt from~~  
 1680 ~~licensure under s. 402.316 or s. 402.3025, shall annually~~  
 1681 ~~complete the health and safety checklist adopted by the office,~~  
 1682 ~~post the checklist prominently on its premises in plain sight~~  
 1683 ~~for visitors and parents, and submit it annually to its local~~  
 1684 ~~early learning coalition.~~

1685 (e) ~~(d)~~ Provide an appropriate staff-to-children ratio,  
 1686 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as  
 1687 applicable, and as verified pursuant to s. 402.311.

1688 (f) ~~(e)~~ Provide a healthy and safe environment pursuant to  
 1689 s. 402.305(5), (6), and (7), as applicable, and as verified  
 1690 pursuant to s. 402.311.

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1691            (g) ~~(f)~~ Implement one of the curricula approved by the  
 1692 office that meets the child development standards.

1693            (h) ~~(g)~~ Implement a character development program to  
 1694 develop basic values.

1695            (i) ~~(h)~~ Collaborate with the respective early learning  
 1696 coalition to complete initial screening for each child, aged 6  
 1697 weeks to kindergarten eligibility, within 45 days after the  
 1698 child's first or subsequent enrollment, to identify a child who  
 1699 may need individualized supports.

1700            (j) ~~(i)~~ Implement minimum standards for child discipline  
 1701 practices that are age-appropriate and consistent with the  
 1702 requirements in s. 402.305(12). Such standards must provide that  
 1703 children not be subjected to discipline that is severe,  
 1704 humiliating, or frightening or discipline that is associated  
 1705 with food, rest, or toileting. Spanking or any other form of  
 1706 physical punishment is prohibited.

1707            (k) ~~(j)~~ Obtain and keep on file record of the child's  
 1708 immunizations, physical development, and other health  
 1709 requirements as necessary, including appropriate vision and  
 1710 hearing screening and examination, within 30 days after  
 1711 enrollment.

1712            (l) ~~(k)~~ Implement before-school or after-school programs  
 1713 that meet or exceed the requirements of s. 402.305(5), (6), and  
 1714 (7).

1715            (m) ~~(l)~~ ~~For a provider that is not an informal provider,~~  
 1716 Maintain ~~maintain~~ general liability insurance and provide the



1717 coalition with written evidence of general liability insurance  
 1718 coverage, including coverage for transportation of children if  
 1719 school readiness program children are transported by the  
 1720 provider. A private provider must obtain and retain an insurance  
 1721 policy that provides a minimum of \$100,000 of coverage per  
 1722 occurrence and a minimum of \$300,000 general aggregate coverage.  
 1723 The office may authorize lower limits upon request, as  
 1724 appropriate. A ~~provider must add the coalition as a named~~  
 1725 ~~certificateholder and as an additional insured.~~ A private  
 1726 provider must provide the coalition with a minimum of 10  
 1727 calendar days' advance written notice of cancellation of or  
 1728 changes to coverage. The general liability insurance required by  
 1729 this paragraph must remain in full force and effect for the  
 1730 entire period of the provider contract with the coalition.

1731 ~~(m) For a provider that is an informal provider, comply~~  
 1732 ~~with the provisions of paragraph (l) or maintain homeowner's~~  
 1733 ~~liability insurance and, if applicable, a business rider. If an~~  
 1734 ~~informal provider chooses to maintain a homeowner's policy, the~~  
 1735 ~~provider must obtain and retain a homeowner's insurance policy~~  
 1736 ~~that provides a minimum of \$100,000 of coverage per occurrence~~  
 1737 ~~and a minimum of \$300,000 general aggregate coverage. The office~~  
 1738 ~~may authorize lower limits upon request, as appropriate. An~~  
 1739 ~~informal provider must add the coalition as a named~~  
 1740 ~~certificateholder and as an additional insured. An informal~~  
 1741 ~~provider must provide the coalition with a minimum of 10~~  
 1742 ~~calendar days' advance written notice of cancellation of or~~

1743 ~~changes to coverage. The general liability insurance required by~~  
 1744 ~~this paragraph must remain in full force and effect for the~~  
 1745 ~~entire period of the provider's contract with the coalition.~~

1746 (n) Obtain and maintain any required workers' compensation  
 1747 insurance under chapter 440 and any required reemployment  
 1748 assistance or unemployment compensation coverage under chapter  
 1749 443, unless exempt under state or federal law.

1750 (o) Notwithstanding paragraph (l), for a provider that is  
 1751 a state agency or a subdivision thereof, as defined in s.  
 1752 768.28(2), agree to notify the coalition of any additional  
 1753 liability coverage maintained by the provider in addition to  
 1754 that otherwise established under s. 768.28. The provider shall  
 1755 indemnify the coalition to the extent permitted by s. 768.28.

1756 (p) Execute the standard statewide provider contract  
 1757 adopted by the office.

1758 (q) Operate on a full-time and part-time basis and provide  
 1759 extended-day and extended-year services to the maximum extent  
 1760 possible without compromising the quality of the program to meet  
 1761 the needs of parents who work.

1762 (2) Beginning January 1, 2016, child care personnel  
 1763 employed by a school readiness provider must be at least 18  
 1764 years of age, unless the personnel is not responsible for  
 1765 supervising children in care or is under direct supervision and  
 1766 is not counted for the purposes of computing the personnel to  
 1767 child ratio.

1768 (3) Beginning January 1, 2016, child care personnel

1769 employed by a school readiness provider must hold a high school  
 1770 diploma or its equivalent unless the personnel is not  
 1771 responsible for supervising children in care or under direct  
 1772 supervision and not counted for the purposes of computing the  
 1773 personnel to child ratio.

1774 (4) Beginning January 1, 2015, child care personnel  
 1775 employed by a school readiness provider must be trained in first  
 1776 aid and infant and child cardiopulmonary resuscitation, as  
 1777 evidenced by current documentation of course completion, unless  
 1778 the personnel is not responsible for supervising children in  
 1779 care. Personnel hired on or after January 1, 2015, as a  
 1780 condition of employment, must complete this training within 30  
 1781 days of employment.

1782 (5)-(2) If a school readiness program provider fails or  
 1783 refuses to comply with this part or any contractual obligation  
 1784 of the statewide provider contract under s. 1002.82(2)(m), the  
 1785 coalition may revoke the provider's eligibility to deliver the  
 1786 school readiness program or receive state or federal funds under  
 1787 this chapter for a period of 5 years.

1788 (6)-(3) The office and the coalitions may not:

1789 (a) Impose any requirement on a child care provider or  
 1790 early childhood education provider that does not deliver  
 1791 services under the school readiness program or receive state or  
 1792 federal funds under this part;

1793 (b) Impose any requirement on a school readiness program  
 1794 provider that exceeds the authority provided under this part or

1795 part V of this chapter or rules adopted pursuant to this part or  
 1796 part V of this chapter; or

1797 (c) Require a provider to administer a preassessment or  
 1798 postassessment.

1799 Section 26. Subsections (6) and (7) of subsection 1002.89,  
 1800 Florida Statutes, are amended to read:

1801 1002.89 School readiness program; funding.—

1802 (6) Costs shall be kept to the minimum necessary for the  
 1803 efficient and effective administration of the school readiness  
 1804 program with the highest priority of expenditure being direct  
 1805 services for eligible children. However, no more than 5 percent  
 1806 of the funds described in subsection (5) may be used for  
 1807 administrative costs and no more than 22 percent of the funds  
 1808 described in subsection (5) may be used in any fiscal year for  
 1809 any combination of administrative costs, quality activities, and  
 1810 nondirect services as follows:

1811 (a) Administrative costs as described in 45 C.F.R. s.  
 1812 98.52, which shall include monitoring providers using the  
 1813 standard methodology adopted under s. 1002.82 to improve  
 1814 compliance with state and federal regulations and law pursuant  
 1815 to the requirements of the statewide provider contract adopted  
 1816 under s. 1002.82(2)(m).

1817 (b) Activities to improve the quality of child care as  
 1818 described in 45 C.F.R. s. 98.51, which shall be limited to the  
 1819 following:

1820 1. Developing, establishing, expanding, operating, and

1821 | coordinating resource and referral programs specifically related  
 1822 | to the provision of comprehensive consumer education to parents  
 1823 | and the public to promote informed child care choices specified  
 1824 | in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~  
 1825 | ~~readiness program and parental choicee.~~

1826 |         2. Awarding grants and providing financial support to  
 1827 | school readiness program providers and their staff to assist  
 1828 | them in meeting applicable state requirements for child care  
 1829 | performance standards, implementing developmentally appropriate  
 1830 | curricula and related classroom resources that support  
 1831 | curricula, providing literacy supports, obtaining a license or  
 1832 | accreditation, and providing professional development, including  
 1833 | scholarships and other incentives. Any grants awarded pursuant  
 1834 | to this subparagraph shall comply with the requirements of ss.  
 1835 | 215.971 and 287.058.

1836 |         3. Providing training, and technical assistance, and  
 1837 | financial support for school readiness program providers, staff,  
 1838 | and parents on standards, child screenings, child assessments,  
 1839 | developmentally appropriate curricula, character development,  
 1840 | teacher-child interactions, age-appropriate discipline  
 1841 | practices, health and safety, nutrition, first aid,  
 1842 | cardiopulmonary resuscitation, the recognition of communicable  
 1843 | diseases, and child abuse detection and prevention.

1844 |         4. Providing from among the funds provided for the  
 1845 | activities described in subparagraphs 1.-3., adequate funding  
 1846 | for infants and toddlers as necessary to meet federal

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1847 requirements related to expenditures for quality activities for  
 1848 infant and toddler care.

1849 5. Improving the monitoring of compliance with, and  
 1850 enforcement of, applicable state and local requirements as  
 1851 described in and limited by 45 C.F.R. s. 98.40.

1852 6. Responding to Warm-Line requests by providers and  
 1853 parents ~~related to school readiness program children~~, including  
 1854 providing developmental and health screenings to school  
 1855 readiness program children.

1856 (c) Nondirect services as described in applicable Office  
 1857 of Management and Budget instructions are those services not  
 1858 defined as administrative, direct, or quality services that are  
 1859 required to administer the school readiness program. Such  
 1860 services include, but are not limited to:

- 1861 1. Assisting families to complete the required application  
 1862 and eligibility documentation.
- 1863 2. Determining child and family eligibility.
- 1864 3. Recruiting eligible child care providers.
- 1865 4. Processing and tracking attendance records.
- 1866 5. Developing and maintaining a statewide child care  
 1867 information system.

1868  
 1869 As used in this paragraph, the term "nondirect services" does  
 1870 not include payments to school readiness program providers for  
 1871 direct services provided to children who are eligible under s.  
 1872 1002.87, administrative costs as described in paragraph (a), or

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

1873 quality activities as described in paragraph (b).

1874 (7) Funds appropriated for the school readiness program  
 1875 may not be expended for the purchase or improvement of land; for  
 1876 the purchase, construction, or permanent improvement of any  
 1877 building or facility; or for the purchase of buses. However,  
 1878 funds may be expended for minor remodeling necessary for the  
 1879 administration of the program and upgrading of child care  
 1880 facilities to ensure that providers meet state and local child  
 1881 care standards, including applicable health and safety  
 1882 requirements.

1883  
 1884 Section 27. Subsection (7) of section 1002.91, Florida  
 1885 Statutes, is amended to read:

1886 1002.91 Investigations of fraud or overpayment;  
 1887 penalties.—

1888 (7) The early learning coalition may not contract with a  
 1889 school readiness program provider or a Voluntary Prekindergarten  
 1890 Education Program provider or individual who is on the United  
 1891 States Department of Agriculture National Disqualified List. In  
 1892 addition, the coalition may not contract with any provider that  
 1893 shares an officer or director with a provider that is on the  
 1894 United States Department of Agriculture National Disqualified  
 1895 List.

1896 Section 28. Paragraph (d) of subsection (3) of section  
 1897 1002.94, Florida Statutes, is amended to read:

1898 1002.94 Child Care Executive Partnership Program.—

1899 (3)  
 1900 (d) Each early learning coalition shall establish a  
 1901 community child care task force ~~for each child care purchasing~~  
 1902 ~~pool~~. The task force must be composed of employers, parents,  
 1903 private child care providers, and one representative from the  
 1904 local children's services council, if one exists in the area of  
 1905 the purchasing pool. The early learning coalition is expected to  
 1906 recruit the task force members from existing child care  
 1907 councils, commissions, or task forces already operating in the  
 1908 area ~~of a purchasing pool~~. A majority of the task force shall  
 1909 consist of employers.

1910 Section 29. Subsections (7) and (8) of section 1001.213,  
 1911 Florida Statutes, are created to read:

1912 1001.213 Office of Early Learning.—There is created within  
 1913 the Office of Independent Education and Parental Choice the  
 1914 Office of Early Learning, as required under s. 20.15, which  
 1915 shall be administered by an executive director. The office shall  
 1916 be fully accountable to the Commissioner of Education but shall:

1917 (7) Hire a general counsel who reports directly to the  
 1918 executive director of the Office of Early Learning under s.  
 1919 20.15.

1920 (8) Hire an inspector general who reports directly to the  
 1921 executive director of the Office of Early Learning under s.  
 1922 20.15 and the Chief Inspector General under s. 14.32.

1923 Section 30. This act shall take effect July 1, 2014.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB EDC 14-01 Early Learning  
**SPONSOR(S):** Education Committee  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Beagle <i>GB</i>	Mizereck <i>YH</i>

**SUMMARY ANALYSIS**

Currently, the state-funded early learning programs, i.e., the School Readiness and Voluntary Prekindergarten Education (VPK) programs, are delivered by a diverse range of providers, including public schools, licensed child care providers, licensed-exempt child care providers, and nonpublic schools. The child health and safety standards applicable to each provider type and the degree to which minimum levels of health and safety are inspected and enforced vary widely. Among other things, the bill increases early learning provider health and safety requirements and personnel quality by requiring:

- Private providers to be licensed or, if the provider is a licensed-exempt faith-based provider or nonpublic school, agree to substantially comply with specified child care licensing standards and submit to inspections by the Department of Children and Families (DCF) or local licensing agency.
- Providers to notify parents of health and safety violations and prominently post citations that result in disciplinary action and inspection reports on the premises.
- That providers with class I violations in the previous year be denied program eligibility unless certain requirements are met.
- By January 1, 2016, personnel to be at least 18 years of age and hold a high school diploma (or equivalent), with exceptions.
- By January 1, 2015, personnel to be trained in first aid and CPR.
- Personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel.
- The Office of Early Learning (OEL) to develop online training on the School Readiness program performance standards and provider personnel to complete the training.

Several bill provisions effect child care regulation in general. Among other things, the bill adds failure to report child abuse as a disqualifying offense for child care employment and requires employment history checks; prohibits licensed child care providers who have been disciplined for serious licensing violations from transferring ownership to relatives in order to remain in business; requires family day care homes (FDCH) to conspicuously post their license or registration on the premises and substitutes for FDCH operators to meet the same training requirements as the operator.

The bill reduces regulatory burdens on state agencies and child care providers by authorizing Early Learning Coalitions (ELC) to allow private providers and public schools to determine child eligibility for the VPK program and requiring ELCs, OEL, and DCF to cooperate in reducing paperwork and duplicative regulations; expanding DCF's authority to conduct abbreviated inspections to include FDCHs and large family child care homes (LFCCH); clarifying that worker's and unemployment compensation requirements do not apply to providers who are exempt under state and federal law; and extending to LFCCHs certain protections regarding zoning, property insurance, and utility rates currently available to FDCHs. The bill also directs the Division of Law Revision and Information to change the name of the School Readiness Program to the Child Care and Development Program and the term FDCH to family child care home.

The bill has an indeterminate fiscal impact on state government. Nonpublic schools and license-exempt faith-based providers of state-funded early learning programs may experience increased costs associated with increased health and safety regulation. See Fiscal Comments.

The bill takes effect July 1, 2014

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Early Learning and Child Care Regulation

###### Present Situation

Florida's Office of Early Learning (OEL)<sup>1</sup> provides state-level administration for two state-funded early learning programs serving preschool age children – the School Readiness program and the VPK program. Both programs differ in purpose and utilize a variety of providers to deliver program services, such as licensed and unlicensed child care providers and public and nonpublic schools.<sup>2</sup> The Florida Department of Children and Families Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, regulates child care providers that provide early learning programs.<sup>3</sup>

###### School Readiness Program

The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities. The School Readiness Program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.<sup>4</sup> The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families (TANF) block grant, and general revenue and other state funds.<sup>5</sup> The program is administered at the county or regional level by early learning coalitions (ELC).<sup>6</sup>

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 child care home (LFCCH);
- A public school or nonpublic school exempt from licensure;
- 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.<sup>7</sup>

<sup>1</sup> In 2012, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). 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 Voluntary Prekindergarten Education Program. Section 1001.213, F.S.

<sup>2</sup> Parts V and VI, ch. 1002, F.S.

<sup>3</sup> See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

<sup>4</sup> Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q; U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet* (2014), available at [http://www.acf.hhs.gov/sites/default/files/assets/FS\\_OCC\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf).

<sup>5</sup> Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.

<sup>6</sup> Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Early Learning Coalition Directory* (Feb. 5, 2014), <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>.

<sup>7</sup> 1002.88(1)(a), F.S., See also Florida's Office of Early Learning, *Child Care and Development Fund State Plan, CCDF Plan FFY 2012/13 Part 3-Health and Safety and Quality Improvement Activities*, available at

## Voluntary Prekindergarten Education Program

The VPK program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.<sup>8</sup> Children enrolled in the VPK program receive instruction in emergent literacy and mathematics skills necessary for kindergarten readiness.<sup>9</sup> A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program. Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.<sup>10</sup> A parent enrolling a child in the VPK program must complete and submit an application to the ELC. Thus, public school and private prekindergarten providers do not determine child eligibility for the program.<sup>11</sup>

Local oversight of individual VPK program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.<sup>12</sup> Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.<sup>13</sup>

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 be a:

- Licensed child care facility;
- Licensed FDCH;
- Licensed LFCCH;
- License-exempt nonpublic school; or
- License-exempt faith-based child care provider.<sup>14</sup>

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 North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools; and has written accreditation standards that meet the state's licensing requirements and requires at least one onsite visit before accreditation is granted;<sup>15</sup>

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[http://www.floridaearlylearning.com/Documents/SysDev-CCDF/2011-2013/CCDF2012\\_2013Part3-HealthandSafetyandQualityImprovementActivities.pdf](http://www.floridaearlylearning.com/Documents/SysDev-CCDF/2011-2013/CCDF2012_2013Part3-HealthandSafetyandQualityImprovementActivities.pdf).

<sup>8</sup> 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. Voters approved the amendment by a total of 59 percent for to 41 percent against. Art. IX, s. 1(b)-(c), Fla. Const.; *see also* Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Feb. 9, 2014).

<sup>9</sup> Section 1002.67(1)(a), F.S.

<sup>10</sup> Section 1002.53(2)-(3), F.S.

<sup>11</sup> Section 1002.53

<sup>12</sup> Sections 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

<sup>13</sup> Sections 1002.61(3)(a) and (8)(a) and 1002.63(3) and (8)(a), F.S. 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. Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

<sup>14</sup> 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. (FDCH licensing); s. 402.3131, F.S. (LFCCH licensing); s. 402.316, F.S. (faith-based provider exempt from licensure).

<sup>15</sup> Section 1002.55(3)(b)1., F.S.

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- Hold a current Gold Seal Quality Care designation;<sup>16</sup> or
- Be licensed and demonstrate to the ELC that the provider meets the VPK program's statutory requirements.<sup>17</sup>

Unlicensed (registered) FDCHs and informal child care providers are not eligible to offer the VPK program.<sup>18</sup>

### Child Care Personnel and Instructor Qualifications

Child care personnel and instructors employed by licensed child care facilities, licensed and registered FDCHs, LFCCHs, public schools, and licensed-exempt child care providers and nonpublic schools must undergo Level 2 background screening and such employers must conduct employment history checks.<sup>19</sup> The law generally requires all employers of employees who are subject to background screening requirements to furnish copies of personnel records of employees and former employees, including records of termination or disciplinary actions, when requested by other employers.<sup>20</sup> The Level 2 screening requirement for public school VPK program instructors conflicts with that of other public school instructional personnel. Such personnel are screened against a distinct list of 59 disqualifying offenses.<sup>21</sup>

Currently, the minimum age for employment as child care personnel is 16 years of age.<sup>22</sup> Licensed child care facility personnel and FDCH and LFCCH operators must complete introductory child care training which, among other things, includes developmentally appropriate practices courses for serving infants and toddlers, preschoolers, school-age children, and special needs children. Such courses consist of 10 hours of training and there is no requirement that courses regarding a specific age group of children be completed before serving such children.<sup>23</sup> Licensed child care facility personnel and FDCH and LFCCH operators and their substitutes<sup>24</sup> must complete .5 unit of continuing education regarding early literacy and language development.<sup>25</sup> There is no specific requirement that these individuals be trained to teach numeracy skills.

A licensed child care facility must have at least one employee on site who is trained in first aid and cardiopulmonary resuscitation (CPR). Operators of FDCHs and LFCCH and their substitutes must also be trained in these techniques.<sup>26</sup>

<sup>16</sup> 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*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited April 19, 2012). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs 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.

<sup>17</sup> Section 1002.55(3)(b), F.S.

<sup>18</sup> Section 1002.55(3)(a), F.S..

<sup>19</sup> Sections 402.302(15)(definition of screening), 402.305(2)(child care facilities), 402.313(3)(FDCH), 402.3131(2)(LFCCH), 1002.55(3)(d)-(e)(private provider of VPK school year program), 1002.61(5)-(6)(public school and private providers of the VPK summer program), and 1002.63(5)-(6), F.S. (public school provider of school year VPK program). Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. See ss. 435.04, F.S. An application for a child care personnel position with a licensed child care facility, FDCH, or LFCCH must require the applicant to disclose, under penalty of perjury, whether he or she has ever worked for a provider that has had its license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while so employed. Section 402.3055(1)(b), F.S.

<sup>20</sup> Section 435.10, F.S.

<sup>21</sup> Sections 1012.315 and 1012.32, F.S.; rule 6A-5.056(8), F.A.C. (crimes involving moral turpitude).

<sup>22</sup> Section 402.305(2)(c), F.S.

<sup>23</sup> Rule 65C-22.003(2)(a)3., F.A.C.

<sup>24</sup> This requirement does not apply to substitutes who work less than 40 hours per month. Rule 65C-20.013, F.A.C.

<sup>25</sup> Sections 402.305(2)(d)5., 402.313(6), 402.3131(5), F.S.

<sup>26</sup> Section 402.305(7)(a), F.S.; rule 65C-20.009(3)(c), F.S.

The law specifies minimum allowable educational credentials for VPK program instructors, which vary depending on whether they work for a private or public school provider. Such credentials include the child development associate credential, various education and early childhood-related associates or bachelor's degrees, or a Florida professional teaching certificate.<sup>27</sup> There are no minimum educational requirements for other child care personnel employed by a VPK program provider and those employed by School Readiness program providers.

The law requires OEL to develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. These standards must be aligned with the performance standards adopted for children in the VPK program and must address:

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.<sup>28</sup>

Each ELC must provide professional development to School Readiness program teachers regarding the OEL-adopted performance standards.<sup>29</sup>

### Child Health and Safety

State-funded early learning programs are delivered by a diverse range of providers, including licensed child care providers, public schools, licensed-exempt child care providers, and nonpublic schools. The child health and safety standards applicable to each provider type and degree minimum levels of health and safety are inspected and enforced varies widely.

<b>Early Learning Providers by Classification<sup>30</sup></b>		
<b>Provider Classification</b>	<b>Eligible Providers</b>	
	<b>School Readiness Program</b>	<b>VPK Program</b>
Licensed Child Care Facility	5,413	4,694
Licensed FDCH	1,468	49
Registered FDCH	198	Ineligible
Licensed LFCCH	233	41
Public School	782	1,026
Nonpublic School	224	82
Faith-Based Exempt	221	144
Informal Provider	18	Ineligible

### *Licensed Providers*

DCF issues licenses to child care facilities, FDCHs, and LFCCHs. A county may designate a local licensing agency to license such providers if its licensing standards meet or exceed DCF's standards. Five counties have established local licensing agencies – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota.<sup>31</sup>

<sup>27</sup> Section 1002.55(3)(c)1. and (4), F.S.

<sup>28</sup> Section 1002.82(2)(j), F.S.

<sup>29</sup> Section 1002.83(13), F.S.

<sup>30</sup> Email, Office of Early Learning, Legislative Affairs Director, (Feb. 12, 2014).

<sup>31</sup> Section 402.306(1), F.S.; Department of Children and Families, *Licensing Information*, <http://www.myflfamilies.com/service-programs/child-care/licensing-information> (last visited Feb. 10, 2014).

Child care provider licenses must be renewed annually. Licensure is optional for FDCHs; however, homes that choose not to be licensed must annually register with DCF or the local licensing agency, as applicable.<sup>32</sup> A county may by ordinance require that FDCHs be licensed. Fifteen counties have enacted such ordinances -- Brevard, Broward, Clay, Duval, Hernando, Hillsborough, Manatee, Miami-Dade, Nassau, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Johns.<sup>33</sup> Among other things, licensed child care facilities, FDCHs, and LFCCHs must annually provide information to parents regarding the influenza virus during the months of August and September.<sup>34</sup>

DCF conducts inspections of all licensed child care providers to determine initial and renewal licensure and periodically assess continued compliance with licensing standards. Licensed child care facilities are inspected three times annually. LFCCHs and licensed FDCHs are inspected twice annually. In each case, the first inspection is an announced initial or renewal licensing inspection. Subsequent inspections are unannounced.<sup>35</sup>

Licensed child care facilities are inspected based upon 354 total licensing standards in 63 categories. FDCHs are inspected based upon 261 total standards in 38 categories. LFCCHs are inspected based upon 321 total standards in 55 categories; 97 standards relate to record keeping.<sup>36</sup> Legislation enacted in 1996 directed DCF and local licensing agencies to develop and implement a plan to eliminate duplicative and unnecessary inspections and implement an abbreviated inspection plan for providers with no Class I or Class II violations in a two-year period.<sup>37</sup> DCF's abbreviated inspection plan is only applicable to child care facilities. Abbreviated inspections consist of 39 of the 63 categories of standards and only the initial or renewal licensing inspection is a full inspection.<sup>38</sup>

DCF rule classifies licensing violations as follows:

- 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.
- Class III violations are less serious in nature than either Class I or Class II violations, and pose a low potential for harm to children.<sup>39</sup>

Class I violations include serious threats to health and safety, e.g., failure to report child abuse, child abuse by child care personnel, leaving children alone with personnel who have not been background screened, transporting children in vehicles without enough seat belts, and leaving a child in a vehicle while on a field trip.<sup>40</sup>

<b>Licensed Child Care Provider Standards By Class of Violation</b>			
<b>Provider Type</b>	<b>Class I</b>	<b>Class II</b>	<b>Class III</b>
<b>Child Care Facility</b>	21 standards	104 standards	229 standards

<sup>32</sup> Sections 402.305 and 402.306-402.308, F.S.

<sup>33</sup> Section 402.313(1), F.S.; see Department of Children and Families, *Registered Family Day Care Homes*, <http://www.myflfamilies.com/service-programs/child-care/registered-family-day-care> (last visited Dec. 5, 2013).

<sup>34</sup> Section 402.305(9), 402.313(14), and 402.3131(9), F.S.

<sup>35</sup> Sections 402.308 and 402.311, F.S. Licensing standards are found throughout ss. 402.301-402.319, F.S., and ch. 65C-22, F.A.C. Prior to 2010, DCF and the Department of Health (DOH) shared responsibility for health/safety inspections of child care facilities. However, legislation enacted that year removed child care facility inspections from the purview of DOH. See, e.g., ss. 17 and 18, ch. 2010-161, L.O.F.; Memorandum of Agreement between DCF and DOH (April 16, 1997).

<sup>36</sup> *Id.*; ch. 65C-22, F.A.C.

<sup>37</sup> Section 79, ch. 96-175, L.O.F., *codified as s.* 402.3115, F.S.

<sup>38</sup> Email, Department of Children and Families, Legislative Affairs Director (Dec. 2, 2013).

<sup>39</sup> Rule 65C-22.010(1)(d), F.A.C.

<sup>40</sup> See, e.g., Florida Department of Children and Families, *Facility/Center Classification Summary* (July 2012), available at [http://ccrain.fl-dcf.org/\(X\(1\)\)/documents/2/443.pdf#page=1](http://ccrain.fl-dcf.org/(X(1))/documents/2/443.pdf#page=1).

<b>Family Day Care Home</b>	28 standards	83 standards	150 standards
<b>Large Family Child Care Home</b>	31 standards	96 standards	194 standards

An OEL review of 2012-13 DCF child care licensing inspection results indicates that 106 providers of the School Readiness or Voluntary Prekindergarten Education (VPK) programs were issued Class I violations. Since the initial review of the data, 8 of the child care providers closed leaving 98 providers with a total of 118 Class I violations. Class 1 violations were issued for:

- Leaving unscreened individuals alone to supervise children: 25
- Failure to report child abuse: 19
- Inadequate supervision of children in care: 19
- Exceeding vehicle capacity or available child restraints while transporting children: 17
- The number of children in care exceeded licensed capacity: 8
- Misrepresentations by provider personnel to inspectors: 7
- Leaving a child behind in a vehicle: 6
- Use of prohibited forms of discipline: 6
- Records indicating an active employee was convicted of a disqualifying offense: 4
- Child abuse/neglect by a provider: 3
- Failure to follow medication instructions: 3
- Failure to inspect a vehicle after off-loading children: 1
- Total: 118<sup>41</sup>

The law authorizes DCF and local licensing agencies to impose sanctions on child care providers for licensing violations and other misconduct. Sanctions include license suspension or revocation, fines, probation. When cause exists to impose sanctions, DCF or the local licensing agency must provide written notice to the licensee stating the grounds for the sanction and, if requested, grant a hearing on the matter.<sup>42</sup> The law requires the owner of a licensed child care facility to notify parents of each child in care regarding any transfer of ownership of the facility.<sup>43</sup> The law does not prohibit the owner of a licensed child care business from transferring ownership to a relative after having his or her license suspended or revoked or after suspension or revocation proceedings are initiated by DCF or a local licensing agency.

The requirements regarding notifying parents of violations vary by child care provider type:

- Each child care facility and LFCCH must conspicuously display on the premises its license.<sup>44</sup>
- Each child care facility must post conspicuously on the premises any citations that resulted in disciplinary action for one-year after its effective date.<sup>45</sup>
- Child care facilities, FDCHs, and LFCCHs must distribute to parents a DCF-developed brochure that states, among other things, that the facility is licensed and meets state licensing standards and that information about the licensure status of the facility (including violations) can be obtained by telephoning DCF or the local licensing agency.<sup>46</sup>

These requirements are inapplicable to license-exempt faith-based providers and nonpublic schools. Such providers delivering the School Readiness program must annually complete a health and safety checklist, which must be posted prominently on the premises where parents can view it. The check list

<sup>41</sup> Email, Office of Early Learning, Legislative Affairs Director (Dec. 4, 2013).

<sup>42</sup> Sections 402(1)(a), (2), and (3) and 120.60, F.S.

<sup>43</sup> Section 402.305(18), F.S.

<sup>44</sup> Section 402.3125(1)(a), F.S. (child care facilities); s. 402.3131(7) and rule 65C-20.013(3)(g), F.A.C. (LFCCHs);

<sup>45</sup> Section 402.3125(1)(b), F.S.

<sup>46</sup> Sections 402.3125(5), 402.313(9), and 402.3131(6), F.S.

must be submitted to the ELC, but the ELC does not have authority to investigate and verify the accuracy of the information therein.<sup>47</sup>

### *Registered Family Day Care Homes*

A registered FDCH must annually register with DCF by submitting the following information:

- The name and address of the home, name of the operator, and number of children served.
- Proof of a written plan to provide a substitute for the operator that includes the name, address, and telephone number of the substitute.
- Proof of screening and background checks.
- Proof of successful completion of the 30-hour training course, as evidenced by passage of a competency examination, and completion of continuing education.
- Proof that immunization records are kept current.

Among other things, operators of FDCHs and LFCCHs must complete introductory child care training and continuing education, both of which include, among other things, instruction in early literacy and language development.<sup>48</sup> DCF also requires that substitutes for the operator complete similar training; however, such training is not specified in statute.<sup>49</sup>

### *License-Exempt Faith-Based Providers*

Faith-based child care facilities that are accredited by an organization which requires compliance with published health, safety, and sanitation standards are exempt from licensure, as are certain programs offered by public and nonpublic schools. DCF does not have authority to investigate whether the accreditor of a faith-based provider actually investigates or enforces compliance with its health and safety standards.<sup>50</sup>

### *Public and Nonpublic Schools*

The law requires each public and nonpublic school facility obtain an environmental health inspection by the local county health department<sup>51</sup> and fire safety inspection by the local fire authority prior to opening and operating in Florida.<sup>52</sup> Sanitation and safety standards for public and nonpublic school facilities are prescribed in State Board of Education rule and county health departments apply these standards when inspecting facilities.<sup>53</sup> For public schools, the law requires that these inspections be conducted periodically.<sup>54</sup> The law is silent regarding the frequency of inspections for nonpublic schools and the Department of Education does not verify that nonpublic schools obtain inspections, unless the nonpublic school participates in a state-funded school choice scholarship program, in which case the school must annually submit a compliance form to documenting annual health and fire inspections.<sup>55</sup>

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<sup>47</sup> Section 1002.88(1)(c), F.S.

<sup>48</sup> Sections 402.313(1)(a)6., (4), and (6) and 402.313(3) and (5), F.S. LFCCHs must operate as a FDCH for two consecutive years. Thus, operators of such homes complete all FDCH training requirements before transition to LFCCH status. Section 402.313(1)(a), F.S.; rule 65C-20.013(5), F.A.C.; *see also* Florida Department of Children and Families, *LFCCH Training*, <http://www.myflfamilies.com/service-programs/child-care/large-family> (last visited Feb. 9, 2014).

<sup>49</sup> Compare rule 65C-20.009(2)(b), F.A.C. with s.402.313, F.S.;

<sup>50</sup> Sections 402.3025 and 402.316, F.S. Faith-based child care facilities must be an integral part of a church or parochial school. Section 402.316(1), F.S.

<sup>51</sup> Sections 381.006(16) and 1013.12, F.S. Nonpublic schools are also required to register with the DOE. Section 1002.41, F.S.

<sup>52</sup> Sections 633.206 and 1013.12, F.S.; rule 69A-58, F.A.C. (fire safety in educational facilities).

<sup>53</sup> See rules 6A-2.0010, 6A-2.0040, and 64E-13.004, F.A.C.

<sup>54</sup> Section 1013.12, F.S.

<sup>55</sup> Section 1002.421(2), F.S. State funded scholarship programs include the John M. McKay Scholarships for Students with Disabilities Program and Florida Tax Credit Scholarship Program. Sections 1002.39 and 1002.395, F.S.



Prior to opening, nonpublic schools must also obtain a signed inspection report from the county or city electrical, plumbing, and building department certifying that the school facility meets local standards for educational facilities. If a public or nonpublic school serves or caters food, Department of Health food safety standards apply and a food permit is required. The local county health department permits and inspects food service at all educational facilities.<sup>56</sup>

Nonpublic school programs for children who are at least three years of age, but under five years of age, must substantially comply with minimum child care standards for licensed child care facilities. The law defines "substantial compliance" to mean "that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance."<sup>57</sup>

DCF or a local licensing agency must enforce substantial compliance with the standards and protect child health and safety. Enforcement mechanisms include corrective action plans, fines, and seeking a court order to close a school if conditions there pose a threat to child safety. DCF and local licensing agencies must take measures to eliminate duplicative inspections and unnecessary regulation, as practicable. Nonpublic school personnel who misrepresent or fail to disclose information regarding qualification for the licensing exemption or misuse criminal and juvenile delinquency records obtained in employee background screening may be subjected to criminal penalties.<sup>58</sup> The "substantial compliance" requirement has only been implemented in four counties.<sup>59</sup>

### **Effect of Proposed Changes**

Currently, the state-funded School Readiness and Voluntary Prekindergarten Education (VPK) programs are delivered by a diverse range of providers, including public schools, licensed child care providers, licensed-exempt child care providers, and nonpublic schools. The child health and safety standards applicable to each provider type and degree minimum levels of health and safety are inspected and enforced varies widely. This bill holds all providers of state-funded early learning programs accountable to high standards of health and safety and site inspections. It also increases the qualifications and training for child care personnel employed by such providers. The bill empowers parents to make informed child care decisions by requiring that early learning providers cited for health and safety violations notify parents regarding violations. Lastly, while the bill increases health and safety requirements for some providers, a number of the bill's provisions reduce regulatory burdens on state agencies and child care providers.

### Health, Safety, and Welfare

The bill maintains eligibility to offer the School Readiness program for public schools, licensed child care facilities, licensed FDCHs and LFCCHs, license exempt faith-based providers, and nonpublic schools. The bill eliminates registered FDCHs and informal providers as eligible School Readiness program providers.

The bill maintains eligibility to offer the VPK school year program for licensed child care facilities, licensed FDCHs, LFCCHs, license-exempt faith-based providers, and nonpublic schools and the existing requirement that unlicensed providers either be accredited by an authorized accreditor or hold a Gold Seal Quality Care Designation. U.S. Department of Defense (DOD)-certified child development centers operating on military installations are added as a new class of eligible private provider.

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<sup>56</sup> Section 381.0072, F.S.; ch. 64E-11, F.A.C

<sup>57</sup> Section 402.302(17), F.S.

<sup>58</sup> Section 402.3025(2)(d), F.S.

<sup>59</sup> The counties are Broward, Hillsborough, Palm Beach, and Pinellas. Department of Children and Families, Provider Information, <https://www.dcf.state.fl.us/programs/childcare/programform.shtml> (last visited Feb. 12, 2014).

The bill requires each School Readiness or VPK program provider to comply with basic health and safety standards and specifies the manner for achieving such compliance. For licensed providers, this requirement is met through compliance with applicable licensing standards. For public schools, this requirement is met through compliance with applicable health and safety requirements. The bill does not specify standards for child development centers operating on military bases. Health and safety of these centers is regulated according to standards adopted by DOD and centers must be inspected at least four times annually.<sup>60</sup> Most significantly, license-exempt faith-based providers and nonpublic schools must demonstrate substantial compliance with specified child care licensing standards, i.e., standards related to supervision, transportation, access, health, food and nutrition, personnel screening, and records. The bill grants DCF authority to inspect any portion of a license-exempt provider's facility in which early learning programs are delivered.

The statutory definition of "substantial compliance" is revised to apply directly to license-exempt faith-based and nonpublic school providers of state-funded early learning programs. Under the bill, "substantial compliance" means "that level of adherence to adopted standards which is sufficient to safeguard the health, safety, and well-being of all children under care." These new requirements may not be applied in a manner that limits or excludes the curriculum provided by a faith-based provider or nonpublic school. The substantial compliance requirement may not be construed to authorize the state, its officers, or any ELC to exceed the regulatory authority granted by the bill.

A public school or private School Readiness program provider and private VPK program provider must be denied program eligibility if it has been cited for a class I violation in the 12 months prior to seeking eligibility. An existing provider that is cited for a class I violation may not have its eligibility renewed for a period of 12 months. These requirements do not apply if OEL determines that the violation was reported by the provider and the employee responsible for the violation was terminated. Additionally, such providers must notify parents electronically or in writing when cited for Class I violation. Notice of Class I violations must be provided within 24 hours of receiving the citation. The bill also requires providers to post citations that result in disciplinary action and inspection reports on the premises in an area visible to parents. Citations must remain posted for a period of one year. Each inspection report must remain posted until the next inspection report is available.

The bill prohibits the owner of a child care facility, FDCH, or LFCCH from transferring ownership to a relative if the owner has had his or her license suspended or revoked by DCF, has received notice from DCF that reasonable cause exists to suspend or revoke the license, or has been placed on the U.S. Department of Agriculture National Disqualified list. The bill defines "relative" to mean father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

The bill revises the requirement that licensed child care facilities and FDCHs and LFCCHs provide influenza information to parents during August and September each year. Instead, such information must be provided to parents upon enrollment of the child. Thus, children who enroll after August or September will get this information.

#### Child Care Personnel and Instructors

The bill revises several training requirements and employment qualifications applicable to child care personnel employed by early learning program providers:

- Beginning January 1, 2016, child care personnel employed by a School Readiness provider or private VPK provider must be at least 18 years of age and hold a high school diploma (or equivalent).

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<sup>60</sup> 10 U.S.C. s. 1794; *see, e.g.*, Army Regulation 608-10.

- Beginning January 1, 2015, School Readiness provider personnel and private VPK program instructors must complete training in first aid and infant and child CPR within 30 days of employment. Individuals hired on or after January 1, 2015, must complete this training, as a condition of employment, within 30 days of employment.
- School Readiness and VPK program personnel who supervise children must complete the applicable DCF developmentally appropriate practices course within 30 days of being assigned to supervise an age group of children for which such course has not been completed.
- OEL must develop online training on the School Readiness program performance standards and provider personnel must complete the training.

The new minimum age, diploma, and CPR/First Aid requirements will not apply to personnel who are not responsible for supervision of children or under direct supervision by a qualified staff member.

Several bill provisions effect all child care personnel while others impact personnel employed by a specified provider classification. Failure to report child abuse is added as an employment disqualifier for all child care personnel statewide, including School Readiness and VPK program personnel and instructors. The bill also clarifies that all child care employers must conduct employment history checks on prospective employees and that public school provider employees are subject to the background screening requirements applicable to public schools. The bill adds a requirement that the FDCH and LFCCH training in early literacy also include numeracy. This change aligns this training with skills taught in the School Readiness and VPK programs.

#### Early Learning Program and Child Care Administration

The bill requires VPK program providers to provide parents information about the provider's program such as child development information, expectations for parent engagement, the daily schedule, and the attendance policy. School Readiness and VPK program provider attendance policies must include procedures for contacting a parent on the second consecutive day a child is absent for which the reason is unknown. The bill expands eligibility for the School Readiness program currently granted to children with disabilities aged three to five to include children age birth to five.

The bill provides that a charter school that is authorized to provide the VPK program in its charter is part of the school district's VPK program and subject to district oversight. Charter schools not so authorized may still provide the VPK program, but must do so as a private provider.

The Rilya Wilson Act requires that children age three years to school entry who are under court ordered protective supervision or in the custody of the Family Safety Program Office of the DCF or a community-based lead agency, and enrolled in a licensed early education or child care program be enrolled to participate in the program five days a week.<sup>61</sup> The bill expands this requirement to include such children aged birth to five. Such children enrolled in early learning programs must attend five days per week, rather than merely requiring that they be enrolled to participate. The child's attendance in the program must be a required action in the case plan developed for the child. This change increases the likelihood that these children will fully realize the benefits of the state-funded early learning opportunities they receive.

The bill reduces regulatory burdens on child care providers and ELCs by:

- Authorizing ELCs to allow private providers and public schools to determine child eligibility for the VPK program. These providers must maintain enrollment records. ELCs are authorized to audit such records in order to detect fraud or errors.

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<sup>61</sup> Section 39.604, F.S.  
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- Requiring ELCs, OEL, and DCF to cooperate in reducing paperwork and duplicative regulation regarding the VPK program.
- Clarifying that worker's and unemployment compensation requirements do not apply to early learning providers who are exempt under state and federal law.
- Eliminating the requirement that School Readiness program providers add the local ELC as an additional insured on its liability insurance policy.

The specifically authorizes OEL to hire a general counsel and inspector general. The duties of the Early Learning Advisory Council (ELAC)<sup>62</sup> are revised to specify that it must provide written input to OEL's executive director regarding early learning program administration, efficient use of funding, professional development, and ELC plans. The bill also charges the executive director with responsibility to call ELAC meetings and determine appropriate levels of administrative support for ELAC.

The bill also contains several glitch fixes requested by OEL, which, generally speaking, align state law with federal law, the state CCDF plan, or existing administrative practices.

### Family Day Care Homes and Large Family Child Care Homes

The bill directs the Division of Law Revision and Information to change the term FDCH to family child care home. Each FDCH must conspicuously post its license or registration on the premises. The bill clarifies that substitutes for FDCH operators must complete the same training and screening requirements as the operator. The bill also repeals obsolete provisions requiring DCF to conduct a media campaign to inform the public regarding registration and other operational requirements related to FDCHs. This requirement dates back to early codification of such FDCHs and has been fulfilled.<sup>63</sup> The bill also expands DCF's authority to conduct abbreviated inspections to include FDCHs and LFCCHs. These inspections currently apply to licensed child care facilities with no class 1 or 2 violations in a two year period.

Current law provides special benefits to FDCHs regarding zoning, property insurance, and utility rates that are not provided to LFCCHs, likely because LFCCHs were codified after these provisions were enacted.<sup>64</sup> The law prohibits:

- Counties and municipalities from requiring that FDCHs be commercially zoned;
- Property and casualty insurers from canceling residential insurance coverage because the residence operates as a FDCH; and
- Utilities from charging FDCHs commercial utility rates.<sup>65</sup>

The bill extends these zoning, insurance, and utility rate benefits to LFCCHs.

## B. SECTION DIRECTORY:

**Section 1.** Creates an unnumbered section of law directing the Division of Law Revision and Information to change the name of the "School Readiness Program" to the "Child Care and Development Program" and the term "family day care home" to "family child care home."

**Section 2.** Amends s. 39.604, F.S., relating to the Rilya Wilson Act.

**Section 3.** Amends s. 125.0109, F.S., relating to family day care homes; local zoning regulation (counties).

<sup>62</sup> Section 1002.77(1), F.S.

<sup>63</sup> See s. 402.313(11), F.S.

<sup>64</sup> Compare, e.g., s. 15, ch. 99-304, L.O.F. (LFCCH statute enacted 1999.) with s.3, ch. 86-87, L.O.F. (FDCH county and municipal zoning exceptions enacted 1986.).

<sup>65</sup> See ss. 125.0109, 166.0445, 627.70161, and 402.313(12), F.S.

- Section 4.** Amends s. 166.0445, F.S., relating to family day care homes; local zoning regulation (municipalities).
- Section 5.** Amends s. 402.302, F.S., relating to child care definitions.
- Section 6.** Amends s. 402.3025, F.S., relating to public and nonpublic schools.
- Section 7.** Amends s. 402.305, F.S., relating to licensing standards; child care facilities.
- Section 8.** Amends s. 402.311, F.S., relating to inspection.
- Section 9.** Amends s. 402.3115, F.S., relating to elimination of duplicative and unnecessary inspections; abbreviated inspections.
- Section 10.** Amends s. 402.313, F.S., relating to family day care homes.
- Section 11.** Amends s. 402.3131, F.S., relating to large family child care homes.
- Section 12.** Amends s. 402.316, F.S., relating to licensing exemptions for faith-based child care.
- Section 13.** Amends s. 627.70161, F.S., relating to residential property insurance coverage; family day care homes.
- Section 14.** Amends s. 1002.53, F.S., relating to Voluntary Prekindergarten Education Program; eligibility and enrollment.
- Section 15.** Amends s. 1002.55, F.S., relating to school-year prekindergarten program delivered by private prekindergarten providers.
- Section 16.** Amends s. 1002.61, F.S., relating to summer prekindergarten program delivered by public schools and private prekindergarten providers.
- Section 17.** Amends s. 1002.63, F.S., relating to school-year prekindergarten program delivered by public schools.
- Section 18.** Amends s. 1002.71, F.S., relating to funding; financial and attendance reporting.
- Section 19.** Amends s. 1002.75, F.S., relating to Office of Early Learning; VPK program powers and duties.
- Section 20.** Amends s. 1002.77, F.S., relating to Florida Early Learning Advisory Council.
- Section 21.** Amends s. 1002.81, F.S., relating to School Readiness program definitions.
- Section 22.** Amends s. 1002.82, F.S., relating to Office of Early Learning; School Readiness program powers and duties.
- Section 23.** Amends s. 1002.84, F.S., relating to early learning coalitions; school readiness powers and duties.
- Section 24.** Amends s. 1002.87, F.S., relating to School Readiness program; eligibility and enrollment.
- Section 25.** Amends s. 1002.88, F.S., relating to School Readiness program provider standards; eligibility to deliver the school readiness program.

**Section 26.** Amends s. 1002.89, F.S., relating to School Readiness program; funding.

**Section 27.** Amends s. 1002.91, F.S., relating to investigations of fraud or overpayment; penalties.

**Section 28.** Amends s. 1002.94, F.S., relating to Child Care Executive Partnership Program.

**Section 29.** Amends s. 1001.213, F.S., relating to Office of Early Learning.

**Section 30.** Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill authorizes DCF to charge an inspection fee to private, license-exempt providers of state-funded early learning programs that are required to substantially comply with minimum health and safety standards. The fee must be sufficient to cover costs and may not exceed that charged for child care licensure. Currently, the licensing fee for a child care facility is \$1 per child, based on the licensed capacity of the facility, with a minimum fee of \$25 and the maximum fee of \$100 per facility.<sup>66</sup>

Protections regarding zoning requirements, insurance coverage, and utility rates provided to LFCCHs may result in cost savings for such providers. Other bill provisions with positive financial implications on private sector child care providers include:

- Clarifying that worker's and unemployment compensation requirements do not apply to early learning providers who are exempt under state and federal law.
- Eliminating the requirement that School Readiness program providers add the local ELC as an additional insured on its liability insurance policy.

### D. FISCAL COMMENTS:

The bill expands DCF's workload by requiring inspection of license-exempt faith-based providers and nonpublic schools. DCF is authorized to charge a fee for these inspections, which should offset costs. Additionally, the bill expands DCF's authority to conduct abbreviated inspections to include FDCHs and LFCCHs, which may reduce workload.

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<sup>66</sup> Section 402.315(3)(a), F.S.  
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### 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 authorizes DCF to adopt rules to define and enforce substantial compliance with minimum child care health and safety standards by license-exempt faith-based child care providers and nonpublic schools. This includes the adoption of such standards and procedures for inspection and disciplinary actions.

The bill requires DCF to adopt rules establishing criteria and procedures for abbreviated inspections and inspection schedules which provide for both announced and unannounced inspections

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

Accountability  
System  
Recommendations



The seal of the State of Florida is a large, faint watermark in the background. It features a central figure of a Seminole man holding a bow and arrow, surrounded by a circular border with the text "THE STATE OF FLORIDA" at the top and "1845" at the bottom. The motto "IN GOD WE TRUST" is also visible.

**Proposed Florida  
School Accountability Plan**

**House Education  
February 20, 2014**

**Pam Stewart  
Commissioner of Education**

*Florida Department of*  
**EDUCATION**

# School Accountability Revisions

## Recommendations for the New School Grades:

- Re-focus the School Grading formula on student success measures
  - Achievement
  - Learning gains
  - Graduation
  - Earning College Credit and/or Industry Certifications
- Maintain a focus on students who need the most support
- Establish a learning gains calculation that (1) requires students scoring below grade level to grow toward grade level performance, and (2) requires students already at grade level to progress beyond grade level performance

# School Accountability Revisions

## Recommendations for the New School Grades:

- Avoid provisions that over-complicate the formula and muddle the meaning of a school grade
  - No bonus factors or additional weighting that may raise a school grade
  - No additional requirements or automatic adjustments that may lower a school grade
- Ensure that the level of performance associated with an A-F school grade is transparently evident
  - Report all school grade components as percentages, each worth a maximum of 100 points
  - Report A-F grades based on a percentage of points earned (e.g., 70%, 80%), rather than a point total

# School Accountability Revisions

## Recommendations for the New School Grades:

- Reset the grading scale to require a rigorous standard be met and avoid the compression of the current scale
  - Periodically review the scale to determine whether the expectations should be raised to encourage increased student achievement
- After the baseline year, release grades for all schools in the summer at the same time

# Current Elementary School Grades Model

- The School Grade is based on the total points earned across the components
- However, the grade may be lowered if certain additional requirements are not met

Reading	Mathematics	Writing	Science
Achievement (100 points)	Achievement (100 points)	Achievement (100 points)	Achievement (100 points)
Learning Gains – with additional weights for certain types of gains (100 points)	Learning Gains – with additional weights for certain types of gains (100 points)		
Learning Gains of the Low 25% – with additional weights for certain types of gains (100 points)	Learning Gains of the Low 25% – with additional weights for certain types of gains (100 points)		

A school grade is lowered one letter grade below what the point total indicate if:

- Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)
- Fewer than 25% of students are reading at or above grade level
- Fewer than 95% of eligible students are tested, and the school earned enough points for an “A”

# Proposed Elementary School Grades Model

- The School Grade would be based on the percentage of total points earned
- Provisions that may raise or lower a school's grade beyond what the percentage of points would indicate are eliminated (no additional requirements; no additional weights/bonus; no automatic adjustments)
- Writing is included within the English/Language Arts components

English/ Language Arts	Mathematics	Science
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)	
Learning Gains of the Low 25% (0% to 100%)	Learning Gains of the Low 25% (0% to 100%)	

# Current Middle School Grades Model

- The School Grade is based on the total points earned across the components
- However, the grade may be lowered if certain additional requirements are not met

Reading	Mathematics	Writing	Science	Acceleration
Achievement (100 points)	Achievement (100 points)	Achievement (100 points)	Achievement (100 points)	Participation and Performance on High School Level EOC Assessments and Industry Certifications (50 points for participation; 50 points for performance)
Learning Gains – with additional weights for certain types of gains (100 points)	Learning Gains – with additional weights for certain types of gains (100 points)			
Learning Gains of the Low 25% - with additional weights for certain types of gains (100 points)	Learning Gains of the Low 25% - with additional weights for certain types of gains (100 points)			

A school grade is lowered one letter grade below what the point total indicate if:

- Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)
- Fewer than 25% of students are reading at or above grade level
- Fewer than 95% of eligible students are tested, and the school earned enough points for an “A”

# Proposed Middle School Grades Model

- The School Grade would be based on the percentage of total points earned
- Provisions that may raise or lower a school's grade beyond what the percentage of points would indicate are eliminated (no additional requirements; no additional weights/bonus; no automatic adjustments)
- Writing is included within the English/Language Arts components

English/ Language Arts	Mathematics	Science	Social Studies (Civics EOC)
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)		
Learning Gains of the Low 25% (0% to 100%)	Learning Gains of the Low 25% (0% to 100%)		



# Current High School Grades Model

Assessment Components (50%)				"Other" Components (50%)			
Reading	Mathematics (EOCs)	Writing	Science (Biology EOC)	Acceleration	Graduation Rate	College Readiness	Social Studies (US History EOC)
Achievement (100 points)	Achievement (100 points)	Achievement (100 points)	Achievement (100 points)	Participation & Performance in AP, IB, AICE, dual enrollment, and/or industry certification – with additional weights for multiple participation & performance  (100 points for participation; 100 points for performance)	A total of four graduation rates	Percent of graduates that are "college ready" based on SAT, ACT, and/or PERT  Reading (100 points)  Mathematics (100 points)	Achievement (100 points)
Learning Gains - with additional weights for certain types of gains (100 points)	Learning Gains - with additional weights for certain types of gains (100 points)		Overall, 4-yr (100 points) Overall, 5-yr (100 points)				
Learning Gains of the Low 25%, with additional weights for certain types of gains (100 points)	Learning Gains of the Low 25%, with additional weights for certain types of gains (100 points)		At-Risk, 4-yr (50 points) At-Risk, 5-yr (50 points)				

A school grade is lowered one letter grade below what the point total indicate if:

- Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)
- Fewer than 25% of students are reading at or above grade level
- Fewer than 65% of at-risk students graduate from high school, and the school earned enough points for an "A"
- Fewer than 95% of eligible students are tested, and the school earned enough points for an "A"

# Proposed High School Grades Model

- The School Grade would be based on the percentage of total points earned
- Provisions that may raise or lower a school's grade beyond what the percentage of points would indicate are eliminated (no additional requirements; no additional weights/bonus; no automatic adjustments)
- Writing is included within the English/Language Arts components

English/ Language Arts	Mathematics (EOCs)	Science (Biology EOC)	Social Studies (US History EOC)	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Overall, 4-year Graduation Rate (0% to 100%)	Percent of students eligible to earn college credit through AP, IB, AICE, dual enrollment or earning an industry certification (0% to 100%)
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)				
Learning Gains of the Low 25% (0% to 100%)	Learning Gains of the Low 25% (0% to 100%)				

# Teacher Evaluations

- Ensure stable implementation for local teacher and principal evaluations through the transition to a new assessment by allowing districts to set teacher performance standards through the 2014-15 (transition) school year
- Provide districts that are showing student success with flexibility in deciding a portion of the student outcome data included in the teacher's evaluation
- Further define the options for implementing local student assessments to ensure best choices for students in all courses. This will support evaluations that are based on teachers' actual course assignments and evaluation systems that are locally sustainable.

# Proposed Assessment and Accountability Timeline

