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# **Education Committee**

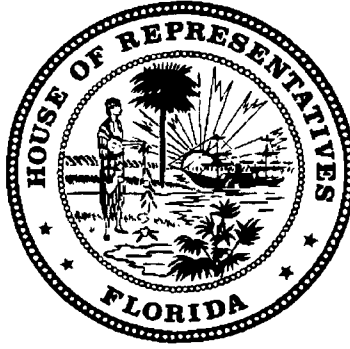
**Wednesday, February 18, 2015  
8:00 a.m. – 10:00 a.m.**

**102 HOB**

**Meeting Packet**

**Steve Crisafulli  
Speaker**

**H. Marlene O'Toole  
Chair**



## AGENDA

*“Our number one priority in education is to ensure that our schools are focused on student success”*

Education Committee  
Wednesday, February 18, 2015  
8:00 a.m. – 10:00 a.m.  
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill:
  - PCB EDC 15-01 Early Learning
- IV. Discussion of Florida High School Athletic Association
- V. Closing Remarks and Adjournment



1                                    A bill to be entitled  
 2                    An act relating to early learning; providing a  
 3                    directive to the Division of Law Revision and  
 4                    Information to change the term "family day care home"  
 5                    to "family child care home," and the term "family day  
 6                    care" to "family child care"; amending ss. 125.0109  
 7                    and 166.0445, F.S.; including large family child care  
 8                    homes in local zoning regulation requirements;  
 9                    amending s. 402.302, F.S.; redefining the term  
 10                    "substantial compliance"; requiring the Department of  
 11                    Children and Families to adopt rules for compliance by  
 12                    certain programs regulated, but not licensed, by the  
 13                    department; amending s. 402.3025, F.S.; revising  
 14                    requirements for nonpublic schools delivering certain  
 15                    voluntary prekindergarten education programs and  
 16                    school readiness programs; amending s. 402.305, F.S.;  
 17                    revising certain minimum standards for child care  
 18                    facilities; prohibiting the transfer of ownership of  
 19                    such facilities to specified individuals; creating s.  
 20                    402.3085, F.S.; requiring nonpublic schools or  
 21                    providers seeking to operate certain programs to  
 22                    annually obtain a certificate from the department or a  
 23                    local licensing agency; providing for issuance of the  
 24                    certificate upon examination of the applicant's  
 25                    premises and records; prohibiting a provider from  
 26                    participating in the programs without a certificate;

27 | authorizing local licensing agencies to apply their  
 28 | own minimum child care standards under certain  
 29 | circumstances; amending s. 402.311, F.S.; providing  
 30 | for the inspection of programs regulated by the  
 31 | department; amending s. 402.3115, F.S.; providing for  
 32 | abbreviated inspections of specified child care homes;  
 33 | requiring rulemaking; amending s. 402.313, F.S.;  
 34 | revising provisions for licensure, registration, and  
 35 | operation of family child care homes; amending s.  
 36 | 402.3131, F.S.; revising requirements for large family  
 37 | child care homes; amending s. 402.316, F.S.; providing  
 38 | exemptions from child care facility licensing  
 39 | standards; requiring a child care facility operating  
 40 | as a provider of certain voluntary prekindergarten  
 41 | education programs or child care programs to comply  
 42 | with minimum standards; providing penalties for  
 43 | failure to disclose or for use of certain information;  
 44 | requiring the department to establish a fee for  
 45 | inspection and compliance activities; amending s.  
 46 | 627.70161, F.S.; revising restrictions on residential  
 47 | property insurance coverage to include coverage for  
 48 | large family child care homes; amending s. 1001.213,  
 49 | F.S.; providing additional duties of the Office of  
 50 | Early Learning; amending s. 1002.53, F.S.; revising  
 51 | requirements for application and determination of  
 52 | eligibility to enroll in the Voluntary Prekindergarten

53 (VPK) Education Program; amending s. 1002.55, F.S.;

54 revising requirements for a school-year

55 prekindergarten program delivered by a private

56 prekindergarten provider, including requirements for

57 providers, instructors, and child care personnel;

58 providing requirements in the case of provider

59 violations; amending s. 1002.59, F.S.; conforming a

60 cross-reference to changes made by the act; amending

61 ss. 1002.61 and 1002.63, F.S.; revising employment

62 requirements and educational credentials of certain

63 instructional personnel; amending s. 1002.71, F.S.;

64 revising information that must be provided to parents;

65 amending s. 1002.75, F.S.; revising provisions

66 included in the standard statewide VPK program

67 provider contract; amending s. 1002.77, F.S.; revising

68 the purpose and meetings of the Florida Early Learning

69 Advisory Council; amending s. 1002.81, F.S.; revising

70 certain program definitions; amending s. 1002.82,

71 F.S.; revising the powers and duties of the Office of

72 Early Learning; revising provisions included in the

73 standard statewide school readiness provider contract;

74 amending s. 1002.84, F.S.; revising the powers and

75 duties of early learning coalitions; conforming

76 provisions to changes made by the act; amending s.

77 1002.87, F.S.; revising student eligibility and

78 enrollment requirements for the school readiness

79 program; amending s. 1002.88, F.S.; revising  
 80 eligibility requirements for program providers that  
 81 want to deliver the school readiness program;  
 82 providing conditions for denial of initial  
 83 eligibility; providing child care personnel  
 84 requirements; amending s. 1002.89, F.S.; revising the  
 85 use of funds for the school readiness program;  
 86 amending s. 1002.91, F.S.; prohibiting an early  
 87 learning coalition from contracting with specified  
 88 persons; amending s. 1002.94, F.S.; revising  
 89 establishment of a community child care task force by  
 90 an early learning coalition; requiring the Office of  
 91 Early Learning to conduct a pilot project to study the  
 92 impact of assessing the early literacy skills of  
 93 certain VPK program participants; requiring the office  
 94 to report its findings to the Governor and Legislature  
 95 by specified dates; providing an appropriation;  
 96 providing an effective date.

97  
 98 Be It Enacted by the Legislature of the State of Florida:  
 99

100 Section 1. The Division of Law Revision and Information is  
 101 directed to prepare a reviser's bill for the 2016 Regular  
 102 Session of the Legislature to change the term "family day care  
 103 home" to "family child care home" and the term "family day care"  
 104 to "family child care" wherever the terms appear in the Florida

105 Statutes.

106 Section 2. Section 125.0109, Florida Statutes, is amended  
107 to read:

108 125.0109 Family child day care homes and large family  
109 child care homes; local zoning regulation.—The operation of a  
110 residence as a family child day care home or large family child  
111 care home, as defined in s. 402.302, licensed or registered  
112 pursuant to s. 402.313 or s. 402.3131, as applicable,  
113 ~~constitutes, as defined by law, registered or licensed with the~~  
114 ~~Department of Children and Families shall constitute~~ a valid  
115 residential use for purposes of any local zoning regulations,  
116 and ~~no~~ such regulation may not shall require the owner or  
117 operator of such family child day care home or large family  
118 child care home to obtain any special exemption or use permit or  
119 waiver, or to pay any special fee in excess of \$50, to operate  
120 in an area zoned for residential use.

121 Section 3. Section 166.0445, Florida Statutes, is amended  
122 to read:

123 166.0445 Family child day care homes and large family  
124 child care homes; local zoning regulation.—The operation of a  
125 residence as a family child day care home or large family child  
126 care home, as defined in s. 402.302, licensed or registered  
127 pursuant to s. 402.313 or s. 402.3131, as applicable,  
128 ~~constitutes, as defined by law, registered or licensed with the~~  
129 ~~Department of Children and Families shall constitute~~ a valid  
130 residential use for purposes of any local zoning regulations,



131 and ~~no~~ such regulations may not ~~regulation shall~~ require the  
 132 owner or operator of such family child day care home or large  
 133 family child care home to obtain any special exemption or use  
 134 permit or waiver, or to pay any special fee in excess of \$50, to  
 135 operate in an area zoned for residential use.

136 Section 4. Subsection (17) of section 402.302, Florida  
 137 Statutes, is amended to read:

138 402.302 Definitions.—As used in this chapter, the term:

139 (17) "Substantial compliance" means, for purposes of  
 140 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,  
 141 ~~that level of adherence to adopted standards~~ which is sufficient  
 142 to safeguard the health, safety, and well-being of all children  
 143 under care. The standards must address the requirements of s.  
 144 402.305 and must be limited to supervision, transportation,  
 145 access, health-related requirements, food and nutrition,  
 146 personnel screening, records, and enforcement of these  
 147 standards. The standards must not limit or exclude the  
 148 curriculum provided by a faith-based provider or nonpublic  
 149 school. The department, in consultation with the Office of Early  
 150 Learning, must adopt rules to define and enforce substantial  
 151 compliance with minimum standards for child care facilities for  
 152 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88  
 153 which are regulated, but not licensed, by the department  
 154 ~~Substantial compliance is greater than minimal adherence but not~~  
 155 ~~to the level of absolute adherence. Where a violation or~~  
 156 ~~variation is identified as the type which impacts, or can be~~

157 ~~reasonably expected within 90 days to impact, the health,~~  
 158 ~~safety, or well-being of a child, there is no substantial~~  
 159 ~~compliance.~~

160 Section 5. Paragraphs (d) and (e) of subsection (2) of  
 161 section 402.3025, Florida Statutes, are amended to read:

162 402.3025 Public and nonpublic schools.—For the purposes of  
 163 ss. 402.301-402.319, the following shall apply:

164 (2) NONPUBLIC SCHOOLS.—

165 (d)1. Nonpublic schools delivering programs under s.  
 166 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~  
 167 ~~at least 3 years of age, but under 5 years of age,~~ which are not  
 168 licensed under ss. 402.301-402.319 shall substantially comply  
 169 with the minimum child care standards adopted ~~promulgated~~  
 170 pursuant to ss. 402.305-402.3057.

171 2. The department or local licensing agency shall enforce  
 172 compliance with such standards, where possible, to eliminate or  
 173 minimize duplicative inspections or visits by staff enforcing  
 174 the minimum child care standards and staff enforcing other  
 175 standards under the jurisdiction of the department.

176 3. The department or local licensing agency may inspect  
 177 programs operating under this paragraph and pursue  
 178 administrative or judicial action under ss. 402.310-402.312  
 179 against nonpublic schools operating under this paragraph  
 180 ~~commence and maintain all proper and necessary actions and~~  
 181 ~~proceedings for any or all of the following purposes:~~

182 ~~a.~~ to protect the health, sanitation, safety, and well-

183 being of all children under care.

184 ~~b. To enforce its rules and regulations.~~

185 ~~e. To use corrective action plans, whenever possible, to~~  
 186 ~~attain compliance prior to the use of more restrictive~~  
 187 ~~enforcement measures.~~

188 ~~d. To make application for injunction to the proper~~  
 189 ~~circuit court, and the judge of that court shall have~~  
 190 ~~jurisdiction upon hearing and for cause shown to grant a~~  
 191 ~~temporary or permanent injunction, or both, restraining any~~  
 192 ~~person from violating or continuing to violate any of the~~  
 193 ~~provisions of ss. 402.301-402.319. Any violation of this section~~  
 194 ~~or of the standards applied under ss. 402.305-402.3057 which~~  
 195 ~~threatens harm to any child in the school's programs for~~  
 196 ~~children who are at least 3 years of age, but are under 5 years~~  
 197 ~~of age, or repeated violations of this section or the standards~~  
 198 ~~under ss. 402.305-402.3057, shall be grounds to seek an~~  
 199 ~~injunction to close a program in a school.~~

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

203 4. It is a misdemeanor of the first degree, punishable as  
 204 provided in s. 775.082 or s. 775.083, for any person willfully,  
 205 knowingly, or intentionally to:

206 a. Fail, by false statement, misrepresentation,  
 207 impersonation, or other fraudulent means, to disclose in any  
 208 required written documentation for exclusion from licensure

209 pursuant to this section a material fact used in making a  
 210 determination as to such exclusion; or

211 b. Use information from the criminal records obtained  
 212 under s. 402.305 or s. 402.3055 for any purpose other than  
 213 screening that person for employment as specified in those  
 214 sections or release such information to any other person for any  
 215 purpose other than screening for employment as specified in  
 216 those sections.

217 5. It is a felony of the third degree, punishable as  
 218 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
 219 person willfully, knowingly, or intentionally to use information  
 220 from the juvenile records of any person obtained under s.  
 221 402.305 or s. 402.3055 for any purpose other than screening for  
 222 employment as specified in those sections or to release  
 223 information from such records to any other person for any  
 224 purpose other than screening for employment as specified in  
 225 those sections.

226 6. The inclusion of nonpublic schools within options  
 227 available under ss. 1002.55, 1002.61, and 1002.88 does not  
 228 expand the regulatory authority of the state, its officers, any  
 229 local licensing agency, or any early learning coalition to  
 230 impose any additional regulation of nonpublic schools beyond  
 231 those reasonably necessary to enforce requirements expressly  
 232 specified in this paragraph.

233 ~~(c) The department and the nonpublic school accrediting~~  
 234 ~~agencies are encouraged to develop agreements to facilitate the~~

235 ~~enforcement of the minimum child care standards as they relate~~  
 236 ~~to the schools which the agencies accredit.~~

237 Section 6. Paragraphs (a) and (d) of subsection (2),  
 238 paragraph (b) of subsection (9), and subsections (10) and (18)  
 239 of section 402.305, Florida Statutes, are amended to read:

240 402.305 Licensing standards; child care facilities.—

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

243 (a) Good moral character based upon screening, according  
 244 to the level 2 screening requirements of. ~~This screening shall~~  
 245 ~~be conducted as provided in chapter 435, using the level 2~~  
 246 ~~standards for screening set forth in that chapter.~~ In addition  
 247 to the offenses specified in s. 435.04, all child care personnel  
 248 required to undergo background screening pursuant to this  
 249 section may not have an arrest awaiting final disposition for,  
 250 may not have been found guilty of, regardless of adjudication,  
 251 or entered a plea of nolo contendere or guilty to, and may not  
 252 have been adjudicated delinquent and have a record that has been  
 253 sealed or expunged for an offense specified in s. 39.205. Before  
 254 employing child care personnel subject to this section, the  
 255 employer must conduct employment history checks of each of the  
 256 personnel's previous employers and document the findings. If  
 257 unable to contact a previous employer, the employer must  
 258 document efforts to contact the previous employer.

259 (d) Minimum training requirements for child care  
 260 personnel.

261 1. Such minimum standards for training shall ensure that  
 262 all child care personnel take an approved 40-clock-hour  
 263 introductory course in child care, which course covers at least  
 264 the following topic areas:

265 a. State and local rules and regulations which govern  
 266 child care.

267 b. Health, safety, and nutrition.

268 c. Identifying and reporting child abuse and neglect.

269 d. Child development, including typical and atypical  
 270 language, cognitive, motor, social, and self-help skills  
 271 development.

272 e. Observation of developmental behaviors, including using  
 273 a checklist or other similar observation tools and techniques to  
 274 determine the child's developmental age level.

275 f. Specialized areas, including computer technology for  
 276 professional and classroom use and numeracy, early literacy, and  
 277 language development of children from birth to 5 years of age,  
 278 as determined by the department, for owner-operators and child  
 279 care personnel of a child care facility.

280 g. Developmental disabilities, including autism spectrum  
 281 disorder and Down syndrome, and early identification, use of  
 282 available state and local resources, classroom integration, and  
 283 positive behavioral supports for children with developmental  
 284 disabilities.

285  
 286 Within 90 days after employment, child care personnel shall

287 | begin training to meet the training requirements pursuant to  
 288 | this paragraph. Child care personnel shall successfully complete  
 289 | such training within 1 year after the date on which the training  
 290 | began, as evidenced by passage of a competency examination.  
 291 | Successful completion of the 40-clock-hour introductory course  
 292 | shall articulate into community college credit in early  
 293 | childhood education, pursuant to ss. 1007.24 and 1007.25.  
 294 | Exemption from all or a portion of the required training shall  
 295 | be granted to child care personnel based upon educational  
 296 | credentials or passage of competency examinations. Child care  
 297 | personnel possessing a 2-year degree or higher that includes 6  
 298 | college credit hours in early childhood development or child  
 299 | growth and development, or a child development associate  
 300 | credential or an equivalent state-approved child development  
 301 | associate credential, or a child development associate waiver  
 302 | certificate shall be automatically exempted from the training  
 303 | requirements in sub-subparagraphs b., d., and e.

304 |         2. The introductory course in child care shall stress, to  
 305 | the extent possible, an interdisciplinary approach to the study  
 306 | of children.

307 |         3. The introductory course shall cover recognition and  
 308 | prevention of shaken baby syndrome; prevention of sudden infant  
 309 | death syndrome; recognition and care of infants and toddlers  
 310 | with developmental disabilities, including autism spectrum  
 311 | disorder and Down syndrome; and early childhood brain  
 312 | development within the topic areas identified in this paragraph.

313 4. On an annual basis in order to further their child care  
 314 skills and, if appropriate, administrative skills, child care  
 315 personnel who have fulfilled the requirements for the child care  
 316 training shall be required to take an additional 1 continuing  
 317 education unit of approved inservice training, or 10 clock hours  
 318 of equivalent training, as determined by the department.

319 5. Child care personnel shall be required to complete 0.5  
 320 continuing education unit of approved training or 5 clock hours  
 321 of equivalent training, as determined by the department, in  
 322 numeracy, early literacy, and language development of children  
 323 from birth to 5 years of age one time. The year that this  
 324 training is completed, it shall fulfill the 0.5 continuing  
 325 education unit or 5 clock hours of the annual training required  
 326 in subparagraph 4.

327 6. Procedures for ensuring the training of qualified child  
 328 care professionals to provide training of child care personnel,  
 329 including onsite training, shall be included in the minimum  
 330 standards. It is recommended that the state community child care  
 331 coordination agencies (central agencies) be contracted by the  
 332 department to coordinate such training when possible. Other  
 333 district educational resources, such as community colleges and  
 334 career programs, can be designated in such areas where central  
 335 agencies may not exist or are determined not to have the  
 336 capability to meet the coordination requirements set forth by  
 337 the department.

338 7. Training requirements ~~do shall~~ not apply to certain



339 | occasional or part-time support staff, including, but not  
 340 | limited to, swimming instructors, piano teachers, dance  
 341 | instructors, and gymnastics instructors.

342 |         8. The department shall evaluate or contract for an  
 343 | evaluation for the general purpose of determining the status of  
 344 | and means to improve staff training requirements and testing  
 345 | procedures. The evaluation shall be conducted every 2 years. The  
 346 | evaluation must ~~shall~~ include, but not be limited to,  
 347 | determining the availability, quality, scope, and sources of  
 348 | current staff training; determining the need for specialty  
 349 | training; and determining ways to increase inservice training  
 350 | and ways to increase the accessibility, quality, and cost-  
 351 | effectiveness of current and proposed staff training. The  
 352 | evaluation methodology must ~~shall~~ include a reliable and valid  
 353 | survey of child care personnel.

354 |         9. The child care operator shall be required to take basic  
 355 | training in serving children with disabilities within 5 years  
 356 | after employment, either as a part of the introductory training  
 357 | or the annual 8 hours of inservice training.

358 |         (9) ADMISSIONS AND RECORDKEEPING.—

359 |         (b) ~~During the months of August and September of each~~  
 360 | ~~year,~~ Each child care facility shall provide parents of children  
 361 | enrolling ~~enrolled~~ in the facility detailed information  
 362 | regarding the causes, symptoms, and transmission of the  
 363 | influenza virus in an effort to educate those parents regarding  
 364 | the importance of immunizing their children against influenza as

365 recommended by the Advisory Committee on Immunization Practices  
 366 of the Centers for Disease Control and Prevention.

367 (10) TRANSPORTATION SAFETY.—Minimum standards must ~~shall~~  
 368 include requirements for child restraints or seat belts in  
 369 vehicles used by child care facilities, ~~and~~ large family child  
 370 care homes, and licensed family child care homes to transport  
 371 children, requirements for annual inspections of the vehicles,  
 372 limitations on the number of children in the vehicles, and  
 373 accountability for children being transported.

374 (18) TRANSFER OF OWNERSHIP.—

375 (a) One week before ~~prior to~~ the transfer of ownership of  
 376 a child care facility, ~~or~~ family child day care home, or large  
 377 family child care home, the transferor shall notify the parent  
 378 or caretaker of each child of the impending transfer.

379 (b) The owner of a child care facility, family child care  
 380 home, or large family child care home may not transfer ownership  
 381 to a relative of the operator if the operator has had his or her  
 382 license suspended or revoked by the department pursuant to s.  
 383 402.310, has received notice from the department that reasonable  
 384 cause exists to suspend or revoke his or her license, or has  
 385 been placed on the United States Department of Agriculture  
 386 National Disqualified List. For purposes of this paragraph, the  
 387 term "relative" means father, mother, son, daughter,  
 388 grandfather, grandmother, brother, sister, uncle, aunt, cousin,  
 389 nephew, niece, husband, wife, father-in-law, mother-in-law, son-  
 390 in-law, daughter-in-law, brother-in-law, sister-in-law,

391 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 392 stepsister, half brother, or half sister.

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

396 Section 7. Section 402.3085, Florida Statutes, is created  
 397 to read:

398 402.3085 Certificate of substantial compliance with  
 399 minimum child care standards.—Each nonpublic school or provider  
 400 seeking to operate a program pursuant to s. 402.3025(2)(d) or s.  
 401 402.316(4), respectively, shall annually obtain a certificate  
 402 from the department or local licensing agency in the manner and  
 403 on the forms prescribed by the department or local licensing  
 404 agency. An annual certificate or a renewal of an annual  
 405 certificate shall be issued upon an examination of the  
 406 applicant's premises and records to determine that the applicant  
 407 is in substantial compliance with the minimum child care  
 408 standards. A provider may not participate in these programs  
 409 without this certification. Local licensing agencies may apply  
 410 their own minimum child care standards if the department  
 411 determines that such standards meet or exceed department  
 412 standards as provided in s. 402.307.

413 Section 8. Section 402.311, Florida Statutes, is amended  
 414 to read:

415 402.311 Inspection.—A licensed child care facility or  
 416 program regulated by the department shall accord to the

417 department or the local licensing agency, whichever is  
 418 applicable, the privilege of inspection, including access to  
 419 facilities and personnel and to those records required in s.  
 420 402.305, at reasonable times during regular business hours, to  
 421 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.  
 422 The right of entry and inspection shall also extend to any  
 423 premises which the department or local licensing agency has  
 424 reason to believe are being operated or maintained as a child  
 425 care facility or program ~~without a license~~, but no such entry or  
 426 inspection of any premises shall be made without the permission  
 427 of the person in charge thereof unless a warrant is first  
 428 obtained from the circuit court authorizing same. Any  
 429 application for a license, application for authorization to  
 430 operate a child care program which must maintain substantial  
 431 compliance with child care standards adopted under this chapter,  
 432 ~~or~~ renewal of such license or authorization, ~~made pursuant to~~  
 433 ~~this act~~ or the advertisement to the public for the provision of  
 434 child care as defined in s. 402.302 constitutes ~~shall constitute~~  
 435 permission for any entry to or inspection of the subject  
 436 premises ~~for which the license is sought in order~~ to facilitate  
 437 verification of the information submitted on or in connection  
 438 with the application. In the event a ~~licensed~~ facility or  
 439 program refuses permission for entry or inspection to the  
 440 department or local licensing agency, a warrant shall be  
 441 obtained from the circuit court authorizing same before ~~prior to~~  
 442 such entry or inspection. The department or local licensing

443 agency may institute disciplinary proceedings pursuant to s.  
 444 402.310~~7~~ for such refusal.

445 Section 9. Section 402.3115, Florida Statutes, is amended  
 446 to read:

447 402.3115 ~~Elimination of duplicative and unnecessary~~  
 448 ~~inspections,~~ Abbreviated inspections. ~~The Department of Children~~  
 449 ~~and Families and local governmental agencies that license child~~  
 450 ~~care facilities shall develop and implement a plan to eliminate~~  
 451 ~~duplicative and unnecessary inspections of child care~~  
 452 ~~facilities. In addition,~~ The department and the local licensing  
 453 ~~governmental~~ agencies shall conduct ~~develop and implement an~~  
 454 abbreviated inspections of inspection plan for child care  
 455 facilities licensed under s. 402.305, family child care homes  
 456 licensed under s. 402.313, and large family child care homes  
 457 licensed under s. 402.3131 that have had no Class I ~~±~~ or Class  
 458 II violations ~~2 deficiencies~~, as defined by rule, for at least 2  
 459 consecutive years. The abbreviated inspection must include those  
 460 elements identified by the department and the local licensing  
 461 ~~governmental~~ agencies as being key indicators of whether the  
 462 child care facility continues to provide quality care and  
 463 programming. The department shall adopt rules establishing  
 464 criteria and procedures for abbreviated inspections and  
 465 inspection schedules that provide for both announced and  
 466 unannounced inspections.

467 Section 10. Section 402.313, Florida Statutes, is amended  
 468 to read:

469 402.313 Family child day care homes.-

470 (1) A family child day care home must ~~homes shall~~ be  
 471 licensed under this section ~~act~~ if it is ~~they are~~ presently  
 472 being licensed under an existing county licensing ordinance, ~~or~~  
 473 ~~if~~ the board of county commissioners passes a resolution that  
 474 requires licensure of family child day care homes, or the family  
 475 child care home is operating a program under s. 1002.55, s.  
 476 1002.61, or s. 1002.88 ~~be licensed~~. Each licensed or registered  
 477 family child care home must conspicuously display its license or  
 478 registration in the common area of the home.

479 (a) If not subject to license, a family child day care  
 480 home must comply with this section and ~~homes shall~~ register  
 481 annually with the department, providing the following  
 482 information:

- 483 1. The name and address of the home.
- 484 2. The name of the operator.
- 485 3. The number of children served.
- 486 4. Proof of a written plan to identify a ~~provide at least~~  
 487 ~~one other~~ competent adult who has met the screening and training  
 488 requirements of the department to serve as a designated ~~to be~~  
 489 ~~available to~~ substitute for the operator ~~in an emergency~~. This  
 490 plan must ~~shall~~ include the name, address, and telephone number  
 491 of the designated substitute who will serve in the absence of  
 492 the operator.

493 ~~5. Proof of screening and background checks.~~

494 ~~6. Proof of successful completion of the 30-hour training~~

495 ~~course, as evidenced by passage of a competency examination,~~  
 496 ~~which shall include:~~

- 497 ~~a. State and local rules and regulations that govern child~~
- 498 ~~care.~~
- 499 ~~b. Health, safety, and nutrition.~~
- 500 ~~c. Identifying and reporting child abuse and neglect.~~
- 501 ~~d. Child development, including typical and atypical~~
- 502 ~~language development; and cognitive, motor, social, and self-~~
- 503 ~~help skills development.~~
- 504 ~~e. Observation of developmental behaviors, including using~~
- 505 ~~a checklist or other similar observation tools and techniques to~~
- 506 ~~determine a child's developmental level.~~
- 507 ~~f. Specialized areas, including early literacy and~~
- 508 ~~language development of children from birth to 5 years of age,~~
- 509 ~~as determined by the department, for owner-operators of family~~
- 510 ~~day care homes.~~

511 5.7. Proof that immunization records are kept current.

512 ~~8. Proof of completion of the required continuing~~

513 ~~education units or clock hours.~~

514

515 Upon receipt of registration information submitted by a family

516 child care home pursuant to this paragraph, the department shall

517 verify that the home is in compliance with the background

518 screening requirements in subsection (3) and that the operator

519 and the designated substitute are in compliance with the

520 applicable training requirements of subsection (4).

521 (b) A family child day care home may volunteer to be  
 522 licensed ~~under this act~~.

523 (c) The department may provide technical assistance to  
 524 counties and operators of family child day care homes ~~home~~  
 525 ~~providers~~ to enable counties and operators family day care  
 526 ~~providers~~ to achieve compliance with family child day care home  
 527 ~~homes~~ standards.

528 (2) This information shall be included in a directory to  
 529 be published annually by the department to inform the public of  
 530 available child care facilities.

531 (3) Child care personnel in family child day care homes  
 532 are shall be subject to the applicable screening provisions  
 533 contained in ss. 402.305(2) and 402.3055. For purposes of  
 534 screening in family child day care homes, the term "child care  
 535 personnel" includes the operator, the designated substitute, any  
 536 member over the age of 12 years of a family child day care home  
 537 operator's family, or persons over the age of 12 years residing  
 538 with the operator in the family child day care home. Members of  
 539 the operator's family, or persons residing with the operator,  
 540 who are between the ages of 12 years and 18 years may shall not  
 541 be required to be fingerprinted, but shall be screened for  
 542 delinquency records.

543 (4) (a) Before licensure and before caring for children,  
 544 operators of family child day care homes and an individual  
 545 serving as a designated substitute for the operator who works 40  
 546 hours or more per month on average must:



547        1. Successfully complete an approved 30-clock-hour  
 548 introductory course in child care, as evidenced by passage of a  
 549 competency examination, ~~before caring for children.~~ The course  
 550 must include:

551        a. State and local rules and regulations that govern child  
 552 care.

553        b. Health, safety, and nutrition.

554        c. Identifying and reporting child abuse and neglect.

555        d. Child development, including typical and atypical  
 556 language development, and cognitive, motor, social, and  
 557 executive functioning skills development.

558        e. Observation of developmental behaviors, including using  
 559 checklists or other similar observation tools and techniques to  
 560 determine a child's developmental level.

561        f. Specialized areas, including numeracy, early literacy,  
 562 and language development of children from birth to 5 years of  
 563 age, as determined by the department, for operators of family  
 564 child care homes.

565        ~~(5) In order to further develop their child care skills~~  
 566 ~~and, if appropriate, their administrative skills, operators of~~  
 567 ~~family day care homes shall be required to complete an~~  
 568 ~~additional 1 continuing education unit of approved training or~~  
 569 ~~10 clock hours of equivalent training, as determined by the~~  
 570 ~~department, annually.~~

571        2. ~~(6) Operators of family day care homes shall be required~~  
 572 ~~to~~ Complete a 0.5 continuing education unit of approved training

573 | in numeracy, early literacy, and language development of  
 574 | children from birth to 5 years of age one time. For an operator,  
 575 | the year that this training is completed, it shall fulfill the  
 576 | 0.5 continuing education unit or 5 clock hours of the annual  
 577 | training required in paragraph (c) ~~subsection (5)~~.

578 |       3. Complete training in first aid and infant and child  
 579 | cardiopulmonary resuscitation as evidenced by current  
 580 | documentation of course completion.

581 |       (b) Before licensure and before caring for children,  
 582 | family child care home designated substitutes who work less than  
 583 | 40 hours per month on average must complete the department's 6-  
 584 | clock-hour Family Child Care Home Rules and Regulations  
 585 | training, as evidenced by successful completion of a competency  
 586 | examination and first aid and infant and child cardiopulmonary  
 587 | resuscitation training required under subparagraph (a)3. A  
 588 | designated substitute who has successfully completed the 3-  
 589 | clock-hour Fundamentals of Child Care training established by  
 590 | rules of the department or the 30-clock-hour training under  
 591 | subparagraph (a)1. is not required to complete the 6-clock-hour  
 592 | Family Child Care Home Rules and Regulations training.

593 |       (c) Operators of family child care homes must annually  
 594 | complete an additional 1 continuing education unit of approved  
 595 | training regarding child care and administrative skills or 10  
 596 | clock hours of equivalent training, as determined by the  
 597 | department.

598 |       ~~(5)-(7)~~ Operators of family child ~~day~~ care homes must ~~shall~~

599 ~~be required~~ annually ~~to~~ complete a health and safety home  
 600 inspection self-evaluation checklist developed by the department  
 601 in conjunction with the statewide resource and referral program.  
 602 The completed checklist shall be signed by the operator of the  
 603 family child ~~day~~ care home and provided to parents as  
 604 certification that basic health and safety standards are being  
 605 met.

606 ~~(6)(8)~~ Operators of family child day care homes ~~home~~  
 607 ~~operators~~ may avail themselves of supportive services offered by  
 608 the department.

609 ~~(7)(9)~~ The department shall prepare a brochure on family  
 610 child day care for distribution by the department and by local  
 611 licensing agencies, if appropriate, to family child ~~day~~ care  
 612 homes for distribution to parents using ~~utilizing~~ such child  
 613 care, and to all interested persons, including physicians and  
 614 other health professionals; mental health professionals; school  
 615 teachers or other school personnel; social workers or other  
 616 professional child care, foster care, residential, or  
 617 institutional workers; and law enforcement officers. The  
 618 brochure shall, at a minimum, contain the following information:

619 (a) A brief description of the requirements for family  
 620 child day care registration, training, and background  
 621 ~~fingerprinting~~ and screening.

622 (b) A listing of those counties that require licensure of  
 623 family child ~~day~~ care homes. Such counties shall provide an  
 624 addendum to the brochure that provides a brief description of

625 the licensure requirements or may provide a brochure in lieu of  
 626 the one described in this subsection, provided it contains all  
 627 the required information on licensure and the required  
 628 information in the subsequent paragraphs.

629 (c) A statement indicating that information about the  
 630 family child day care home's compliance with applicable state or  
 631 local requirements can be obtained from ~~by telephoning~~ the  
 632 department ~~office~~ or ~~the office of~~ the local licensing agency,  
 633 including the, if appropriate, at a telephone number or numbers  
 634 and website address for the department or local licensing  
 635 agency, as applicable ~~which shall be affixed to the brochure.~~

636 (d) The statewide toll-free telephone number of the  
 637 central abuse hotline, together with a notice that reports of  
 638 suspected and actual child physical abuse, sexual abuse, and  
 639 neglect are received and referred for investigation by the  
 640 hotline.

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

646 ~~(8)(10)~~ On an annual basis, the department shall evaluate  
 647 the registration and licensure system for family child day care  
 648 homes. Such evaluation shall, at a minimum, address the  
 649 following:

650 (a) The number of family child day care homes registered

651 and licensed and the dates of such registration and licensure.

652 (b) The number of children being served in both registered  
 653 and licensed family child ~~day~~ care homes and any available slots  
 654 in such homes.

655 (c) The number of complaints received concerning family  
 656 child ~~day~~ care, the nature of the complaints, and the resolution  
 657 of such complaints.

658 (d) The training activities used ~~utilized~~ by child care  
 659 personnel in family child ~~day~~ care homes for meeting the state  
 660 or local training requirements.

661  
 662 The evaluation, pursuant to this paragraph, shall be used  
 663 ~~utilized~~ by the department in any administrative modifications  
 664 or adjustments to be made in the registration of family child  
 665 ~~day~~ care homes or in any legislative requests for modifications  
 666 to the system of registration or to other requirements for  
 667 family child ~~day~~ care homes.

668 ~~(11) In order to inform the public of the state~~  
 669 ~~requirement for registration of family day care homes as well as~~  
 670 ~~the other requirements for such homes to legally operate in the~~  
 671 ~~state, the department shall institute a media campaign to~~  
 672 ~~accomplish this end. Such a campaign shall include, at a~~  
 673 ~~minimum, flyers, newspaper advertisements, radio advertisements,~~  
 674 ~~and television advertisements.~~

675 ~~(9)-(12)~~ Notwithstanding any other state or local law or  
 676 ordinance, any family child ~~day~~ care home licensed pursuant to

677 this chapter or pursuant to a county ordinance shall be charged  
 678 the utility rates accorded to a residential home. A licensed  
 679 family child ~~day~~ care home may not be charged commercial utility  
 680 rates.

681 (10) ~~(13)~~ The department shall, by rule, establish minimum  
 682 standards for family child ~~day~~ care homes that are required to  
 683 be licensed by county licensing ordinance or county licensing  
 684 resolution or that voluntarily choose to be licensed. The  
 685 standards should include requirements for staffing, training,  
 686 maintenance of immunization records, minimum health and safety  
 687 standards, reduced standards for the regulation of child care  
 688 during evening hours by municipalities and counties, and  
 689 enforcement of standards. Additionally, the department shall, by  
 690 rule, adopt procedures for verifying a registered family child  
 691 care home's compliance with background screening and training  
 692 requirements.

693 (11) ~~(14)~~ ~~During the months of August and September of each~~  
 694 ~~year,~~ Each family child ~~day~~ care home shall provide parents of  
 695 children enrolling ~~enrolled~~ in the home detailed information  
 696 regarding the causes, symptoms, and transmission of the  
 697 influenza virus in an effort to educate those parents regarding  
 698 the importance of immunizing their children against influenza as  
 699 recommended by the Advisory Committee on Immunization Practices  
 700 of the Centers for Disease Control and Prevention.

701  
 702 Section 11. Subsections (1), (3), (5), and (9) of section

703 402.3131, Florida Statutes, are amended, and subsection (10) is  
 704 added to that section, to read:

705 402.3131 Large family child care homes.-

706 (1) A large family child care home must ~~homes shall~~ be  
 707 licensed under this section and conspicuously display its  
 708 license in the common area of the home.

709 (3) Operators of large family child care homes must  
 710 successfully complete an approved 40-clock-hour introductory  
 711 course in group child care, including numeracy, early literacy,  
 712 and language development of children from birth to 5 years of  
 713 age, as evidenced by passage of a competency examination.  
 714 Successful completion of the 40-clock-hour introductory course  
 715 shall articulate into community college credit in early  
 716 childhood education, pursuant to ss. 1007.24 and 1007.25.

717 (5) Operators of large family child care homes shall be  
 718 required to complete 0.5 continuing education unit of approved  
 719 training or 5 clock hours of equivalent training, as determined  
 720 by the department, in numeracy, early literacy, and language  
 721 development of children from birth to 5 years of age one time.  
 722 The year that this training is completed, it shall fulfill the  
 723 0.5 continuing education unit or 5 clock hours of the annual  
 724 training required in subsection (4).

725 (9) ~~During the months of August and September of each~~  
 726 ~~year,~~ Each large family child care home shall provide parents of  
 727 children enrolling ~~enrolled~~ in the home detailed information  
 728 regarding the causes, symptoms, and transmission of the

729 influenza virus in an effort to educate those parents regarding  
 730 the importance of immunizing their children against influenza as  
 731 recommended by the Advisory Committee on Immunization Practices  
 732 of the Centers for Disease Control and Prevention.

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

738 Section 12. Subsections (4), (5), and (6) are added to  
 739 section 402.316, Florida Statutes, to read:

740 402.316 Exemptions.—

741 (4) A child care facility operating under subsection (1)  
 742 which is applying to operate or is operating as a provider of a  
 743 program described in s. 1002.55, s. 1002.61, or s. 1002.88 must  
 744 substantially comply with the minimum standards for child care  
 745 facilities adopted pursuant to ss. 402.305-402.3057 and must  
 746 allow the department or local licensing agency access to monitor  
 747 and enforce compliance with such standards.

748 (a) The department or local licensing agency may pursue  
 749 administrative or judicial action under ss. 402.310-402.312 and  
 750 the rules adopted under those sections against any child care  
 751 facility operating under this subsection to enforce substantial  
 752 compliance with child care facility minimum standards or to  
 753 protect the health, safety, and well-being of any child in the  
 754 facility's care. A child care facility operating under this



755 subsection is subject to ss. 402.310-402.312 and the rules  
 756 adopted under those sections to the same extent as a child care  
 757 facility licensed under ss. 402.301-402.319.

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

761 1. Fail, by false statement, misrepresentation,  
 762 impersonation, or other fraudulent means, to disclose in any  
 763 required written documentation for exclusion from licensure  
 764 pursuant to this section a material fact used in making a  
 765 determination as to such exclusion; or

766 2. Use information from the criminal records obtained  
 767 under s. 402.305 or s. 402.3055 for a purpose other than  
 768 screening the subject of those records for employment as  
 769 specified in those sections or to release such information to  
 770 any other person for a purpose other than screening for  
 771 employment as specified in those sections.

772 (c) It is a felony of the third degree, punishable as  
 773 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
 774 willfully, knowingly, or intentionally to use information from  
 775 the juvenile records of a person obtained under s. 402.305 or s.  
 776 402.3055 for a purpose other than screening for employment as  
 777 specified in those sections or to release information from such  
 778 records to any other person for a purpose other than screening  
 779 for employment as specified in those sections.

780 (5) The department shall establish a fee for inspection

781 and compliance activities performed pursuant to this section in  
 782 an amount sufficient to cover costs. However, the amount of such  
 783 fee for the inspection of a program may not exceed the fee  
 784 imposed for child care licensure pursuant to s. 402.315.

785 (6) The inclusion of a child care facility operating under  
 786 subsection (1) as a provider of a program described in s.  
 787 1002.55, s. 1002.61, or s. 1002.88 does not expand the  
 788 regulatory authority of the state, its officers, any local  
 789 licensing agency, or any early learning coalition to impose any  
 790 additional regulation of child care facilities beyond those  
 791 reasonably necessary to enforce requirements expressly included  
 792 in this section.

793 Section 13. Section 627.70161, Florida Statutes, is  
 794 amended to read:

795 627.70161 Residential property insurance coverage; family  
 796 child ~~day~~ care homes and large family child care homes  
 797 insurance.-

798 (1) PURPOSE AND INTENT.-The Legislature recognizes that  
 799 family child ~~day~~ care homes and large family child care homes  
 800 fulfill a vital role in providing child care in Florida. It is  
 801 the intent of the Legislature that residential property  
 802 insurance coverage should not be canceled, denied, or nonrenewed  
 803 solely because child ~~on the basis of the family day~~ care  
 804 services are provided at the residence. The Legislature also  
 805 recognizes that the potential liability of residential property  
 806 insurers is substantially increased by the rendition of child

807 care services on the premises. The Legislature therefore finds  
 808 that there is a public need to specify that contractual  
 809 liabilities associated ~~that arise in connection~~ with the  
 810 operation of a ~~the~~ family child day care home or large family  
 811 child care home are excluded from residential property insurance  
 812 policies unless they are specifically included in such coverage.

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

814 (a) "Child care" means the care, protection, and  
 815 supervision of a child, for a period of up to ~~less than~~ 24 hours  
 816 a day on a regular basis, which supplements parental care,  
 817 enrichment, and health supervision for the child, in accordance  
 818 with his or her individual needs, and for which a payment, fee,  
 819 or grant is made for care.

820 (b) "Family child day care home" has the same meaning as  
 821 provided in s. 402.302 ~~means an occupied residence in which~~  
 822 ~~child care is regularly provided for children from at least two~~  
 823 ~~unrelated families and which receives a payment, fee, or grant~~  
 824 ~~for any of the children receiving care, whether or not operated~~  
 825 ~~for a profit.~~

826 (c) "Large family child care home" has the same meaning as  
 827 provided in s. 402.302.

828 (3) FAMILY CHILD DAY CARE; COVERAGE.—A residential  
 829 property insurance policy may ~~shall~~ not provide coverage for  
 830 liability for claims arising out of, or in connection with, the  
 831 operation of a family child day care home or large family child  
 832 care home, and the insurer shall be under no obligation to

833 defend against lawsuits covering such claims, unless:

834 (a) Specifically covered in a policy; or

835 (b) Covered by a rider or endorsement for business

836 coverage attached to a policy.

837 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An

838 insurer may not deny, cancel, or refuse to renew a policy for

839 residential property insurance solely on the basis that the

840 policyholder or applicant operates a family child day care home

841 or a large family child care home. In addition to other lawful

842 reasons for refusing to insure, an insurer may deny, cancel, or

843 refuse to renew a policy of a family child day care home or

844 large family child care home provider if one or more of the

845 following conditions occur:

846 (a) The policyholder or applicant provides care for more

847 children than authorized for family child day care homes or

848 large family child care homes by s. 402.302;

849 (b) The policyholder or applicant fails to maintain a

850 separate commercial liability policy or an endorsement providing

851 liability coverage for ~~the~~ family child day care home or large

852 family child care home operations;

853 (c) The policyholder or applicant fails to comply with the

854 family child day care home licensure and registration

855 requirements specified in s. 402.313 or the large family child

856 care home licensure requirements specified in s. 402.3131; or

857 (d) Discovery of willful or grossly negligent acts or

858 omissions or any violations of state laws or regulations

859 establishing safety standards for family child ~~day~~ care homes  
 860 and large family child care homes by the named insured or his or  
 861 her representative which materially increase any of the risks  
 862 insured.

863 Section 14. Subsections (7), (8), and (9) are added to  
 864 section 1001.213, Florida Statutes, to read:

865 1001.213 Office of Early Learning.—There is created within  
 866 the Office of Independent Education and Parental Choice the  
 867 Office of Early Learning, as required under s. 20.15, which  
 868 shall be administered by an executive director. The office shall  
 869 be fully accountable to the Commissioner of Education but shall:

870 (7) Hire a general counsel who reports directly to the  
 871 executive director of the office.

872 (8) Hire an inspector general who reports directly to the  
 873 executive director of the office and to the Chief Inspector  
 874 General pursuant to s. 14.32.

875 (9) By July 1, 2017, develop and implement, in  
 876 consultation with early learning coalitions and providers of the  
 877 Voluntary Prekindergarten Education Program and the school  
 878 readiness program, best practices for providing parental  
 879 notifications in the parent's native language to a parent whose  
 880 native language is a language other than English.

882 Section 15. Subsection (4) of section 1002.53, Florida  
 883 Statutes, is amended to read:

884 1002.53 Voluntary Prekindergarten Education Program;

885 | eligibility and enrollment.—

886 |       (4) (a) Each parent enrolling a child in the Voluntary  
 887 | Prekindergarten Education Program must complete and submit an  
 888 | application to the early learning coalition through the single  
 889 | point of entry established under s. 1002.82 or to a private  
 890 | prekindergarten provider if the provider is authorized by the  
 891 | early learning coalition to determine student eligibility for  
 892 | enrollment in the program.

893 |       (b) The application must be submitted on forms prescribed  
 894 | by the Office of Early Learning and must be accompanied by a  
 895 | certified copy of the child's birth certificate. The forms must  
 896 | include a certification, in substantially the form provided in  
 897 | s. 1002.71(6)(b)2., that the parent chooses the private  
 898 | prekindergarten provider or public school in accordance with  
 899 | this section and directs that payments for the program be made  
 900 | to the provider or school. The Office of Early Learning may  
 901 | authorize alternative methods for submitting proof of the  
 902 | child's age in lieu of a certified copy of the child's birth  
 903 | certificate.

904 |       (c) If a private prekindergarten provider has been  
 905 | authorized to determine child eligibility and enrollment, upon  
 906 | receipt of an application, the provider must:

907 |           1. Determine the child's eligibility for the program and  
 908 | be responsible for any errors in such determination.

909 |           2. Retain the original application and certified copy of  
 910 | the child's birth certificate or authorized alternative proof of

911 age on file for at least 5 years.

912

913 Pursuant to this paragraph, the early learning coalition may  
 914 audit applications held by a private prekindergarten provider in  
 915 the coalition's service area to determine whether children  
 916 enrolled and reported for funding by the provider have met the  
 917 eligibility criteria in subsection (2).

918 (d)(e) Each early learning coalition shall coordinate with  
 919 each of the school districts within the coalition's county or  
 920 multicounty region in the development of procedures for  
 921 enrolling children in prekindergarten programs delivered by  
 922 public schools, including procedures for making child  
 923 eligibility determinations and auditing enrollment records to  
 924 confirm that enrolled children have met eligibility  
 925 requirements.

926 Section 16. Section 1002.55, Florida Statutes, is amended  
 927 to read:

928 1002.55 School-year prekindergarten program delivered by  
 929 private prekindergarten providers.—

930 (1) Each early learning coalition shall administer the  
 931 Voluntary Prekindergarten Education Program at the county or  
 932 regional level for students enrolled under s. 1002.53(3)(a) in a  
 933 school-year prekindergarten program delivered by a private  
 934 prekindergarten provider. Each early learning coalition shall  
 935 cooperate with the Office of Early Learning and the Child Care  
 936 Services Program Office of the Department of Children and

937 Families to reduce paperwork and to avoid duplicating  
 938 interagency activities, health and safety monitoring, and  
 939 acquiring and composing data pertaining to child care training  
 940 and credentialing.

941 (2) Each school-year prekindergarten program delivered by  
 942 a private prekindergarten provider must comprise at least 540  
 943 instructional hours.

944 (3) To be eligible to deliver the prekindergarten program,  
 945 a private prekindergarten provider must meet each of the  
 946 following requirements:

947 ~~(a) The private prekindergarten provider must be a child~~  
 948 ~~care facility licensed under s. 402.305, family day care home~~  
 949 ~~licensed under s. 402.313, large family child care home licensed~~  
 950 ~~under s. 402.3131, nonpublic school exempt from licensure under~~  
 951 ~~s. 402.3025(2), or faith-based child care provider exempt from~~  
 952 ~~licensure under s. 402.316.~~

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

954 1. Be accredited by an accrediting association that is a  
 955 member of the National Council for Private School Accreditation,  
 956 or the Florida Association of Academic Nonpublic Schools, or be  
 957 accredited by the Southern Association of Colleges and Schools,  
 958 or Western Association of Colleges and Schools, or North Central  
 959 Association of Colleges and Schools, or Middle States  
 960 Association of Colleges and Schools, or New England Association  
 961 of Colleges and Schools; and have written accreditation  
 962 standards that meet or exceed the state's licensing requirements



963 | under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 964 | least one onsite visit to the provider or school before  
 965 | accreditation is granted;

966 |         2. Hold a current Gold Seal Quality Care designation under  
 967 | s. 402.281; ~~or~~

968 |         3. Be licensed under s. 402.305, s. 402.313, or s.  
 969 | 402.3131; or

970 |         4. Be a child development center located on a military  
 971 | installation that is certified by the United States Department  
 972 | of Defense.

973 |         (b) The private prekindergarten provider must provide  
 974 | basic health and safety on its premises and in its facilities.  
 975 | For a public school, compliance with ss. 1003.22 and 1013.12  
 976 | satisfies this requirement. For a nonpublic school, compliance  
 977 | with s. 402.3025(2)(d) satisfies this requirement. For a child  
 978 | care facility, a licensed family child care home, or a large  
 979 | family child care home, compliance with s. 402.305, s. 402.313,  
 980 | or s. 402.3131, respectively, satisfies this requirement. For a  
 981 | facility exempt from licensure, compliance with s. 402.316(4)  
 982 | satisfies this requirement and demonstrate, before delivering  
 983 | the Voluntary Prekindergarten Education Program, as verified by  
 984 | the early learning coalition, that the provider meets each of  
 985 | the requirements of the program under this part, including, but  
 986 | not limited to, the requirements for credentials and background  
 987 | screenings of prekindergarten instructors under paragraphs (c)  
 988 | and (d), minimum and maximum class sizes under paragraph (f),

989 ~~prekindergarten director credentials under paragraph (g), and a~~  
 990 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

991 (c) The private prekindergarten provider must have, for  
 992 each prekindergarten class of 11 children or fewer, at least one  
 993 prekindergarten instructor who meets each of the following  
 994 requirements:

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

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

1000 b. A credential approved by the Department of Children and  
 1001 Families, pursuant to s. 402.305(3)(c), as being equivalent to  
 1002 or greater than the credential described in sub-subparagraph a.;

1003 c. An associate or higher degree in child development;

1004 d. An associate or higher degree in an unrelated field, at  
 1005 least 6 credit hours in early childhood education or child  
 1006 development, and at least 480 hours of experience in teaching or  
 1007 providing child care services for children of any age from birth  
 1008 through 8 years of age;

1009 e. A baccalaureate or higher degree in early childhood  
 1010 education, prekindergarten or primary education, preschool  
 1011 education, or family and consumer science;

1012 f. A baccalaureate or higher degree in family and child  
 1013 science and at least 480 hours of experience in teaching or  
 1014 providing child care services for children of any age from birth

1015 through 8 years of age;  
 1016 g. A baccalaureate or higher degree in elementary  
 1017 education if the prekindergarten instructor has been certified  
 1018 to teach children of any age from birth through grade 6,  
 1019 regardless of whether the instructor's educator certificate is  
 1020 current, and if the instructor is not ineligible to teach in a  
 1021 public school because his or her educator certificate is  
 1022 suspended or revoked; or

1023 h. A credential approved by the department as being  
 1024 equivalent to or greater than a credential described in sub-  
 1025 subparagraphs a.-f. The department may adopt criteria and  
 1026 procedures for approving such equivalent credentials.

1027  
 1028 ~~The Department of Children and Families may adopt rules under~~  
 1029 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~  
 1030 ~~for approving equivalent credentials under sub-subparagraph b.~~

1031 2. The prekindergarten instructor must successfully  
 1032 complete an emergent literacy training course and a student  
 1033 performance standards training course approved by the office as  
 1034 meeting or exceeding the minimum standards adopted under s.  
 1035 1002.59. The requirement for completion of the standards  
 1036 training course shall take effect July 1, 2016 ~~2014~~, and the  
 1037 course shall be available online.

1038 (d) Each prekindergarten instructor employed by the  
 1039 private prekindergarten provider must be of good moral  
 1040 character, must undergo background screening pursuant to s.

1041 402.305(2)(a) ~~be screened using the level 2 screening standards~~  
 1042 ~~in s. 435.04~~ before employment, must be ~~and~~ rescreened at least  
 1043 once every 5 years, must be denied employment or terminated if  
 1044 required under s. 435.06, and must not be ineligible to teach in  
 1045 a public school because his or her educator certificate is  
 1046 suspended or revoked.

1047 (e) A private prekindergarten provider may assign a  
 1048 substitute instructor to temporarily replace a credentialed  
 1049 instructor if the credentialed instructor assigned to a  
 1050 prekindergarten class is absent, as long as the substitute  
 1051 instructor meets the requirements of paragraph (d) ~~is of good~~  
 1052 ~~moral character and has been screened before employment in~~  
 1053 ~~accordance with level 2 background screening requirements in~~  
 1054 ~~chapter 435.~~ The Office of Early Learning shall adopt rules to  
 1055 implement this paragraph which shall include required  
 1056 qualifications of substitute instructors and the circumstances  
 1057 and time limits for which a private prekindergarten provider may  
 1058 assign a substitute instructor.

1059 (f) Each of the private prekindergarten provider's  
 1060 prekindergarten classes must be composed of at least 4 students  
 1061 but may not exceed 20 students. In order to protect the health  
 1062 and safety of students, each private prekindergarten provider  
 1063 must also provide appropriate adult supervision for students at  
 1064 all times and, for each prekindergarten class composed of 12 or  
 1065 more students, must have, in addition to a prekindergarten  
 1066 instructor who meets the requirements of paragraph (c), at least

1067 one adult prekindergarten instructor who is not required to meet  
 1068 those requirements but who must meet each requirement of s.  
 1069 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any  
 1070 requirement imposed on a provider under ss. 402.301-402.319.

1071 (g) The private prekindergarten provider must have a  
 1072 prekindergarten director who has a prekindergarten director  
 1073 credential that is approved by the office as meeting or  
 1074 exceeding the minimum standards adopted under s. 1002.57.  
 1075 Successful completion of a child care facility director  
 1076 credential under s. 402.305(2)(f) before the establishment of  
 1077 the prekindergarten director credential under s. 1002.57 or July  
 1078 1, 2006, whichever occurs later, satisfies the requirement for a  
 1079 prekindergarten director credential under this paragraph.

1080 (h) The private prekindergarten provider must register  
 1081 with the early learning coalition on forms prescribed by the  
 1082 Office of Early Learning.

1083 (i) The private prekindergarten provider must execute the  
 1084 statewide provider contract prescribed under s. 1002.75, except  
 1085 that an individual who owns or operates multiple private  
 1086 prekindergarten providers within a coalition's service area may  
 1087 execute a single agreement with the coalition on behalf of each  
 1088 provider.

1089 (j) The private prekindergarten provider must maintain  
 1090 general liability insurance and provide the coalition with  
 1091 written evidence of general liability insurance coverage,  
 1092 including coverage for transportation of children if

1093 | prekindergarten students are transported by the provider. A  
 1094 | provider must obtain and retain an insurance policy that  
 1095 | provides a minimum of \$100,000 of coverage per occurrence and a  
 1096 | minimum of \$300,000 general aggregate coverage. The office may  
 1097 | authorize lower limits upon request, as appropriate. A provider  
 1098 | must add the coalition as a named certificateholder ~~and as an~~  
 1099 | ~~additional insured~~. A provider must provide the coalition with a  
 1100 | minimum of 10 calendar days' advance written notice of  
 1101 | cancellation of or changes to coverage. The general liability  
 1102 | insurance required by this paragraph must remain in full force  
 1103 | and effect for the entire period of the provider contract with  
 1104 | the coalition.

1105 |       (k) The private prekindergarten provider must obtain and  
 1106 | maintain any required workers' compensation insurance under  
 1107 | chapter 440 and any required reemployment assistance or  
 1108 | unemployment compensation coverage under chapter 443, unless  
 1109 | exempt under state or federal law.

1110 |       (1) Notwithstanding paragraph (j), for a private  
 1111 | prekindergarten provider that is a state agency or a subdivision  
 1112 | thereof, as defined in s. 768.28(2), the provider must agree to  
 1113 | notify the coalition of any additional liability coverage  
 1114 | maintained by the provider in addition to that otherwise  
 1115 | established under s. 768.28. The provider shall indemnify the  
 1116 | coalition to the extent permitted by s. 768.28.

1117 |       (m) The private prekindergarten provider shall be denied  
 1118 | initial eligibility to offer the program if the provider has

1119 been cited for a Class I violation in the 12 months before  
 1120 seeking eligibility. An existing provider that is cited for a  
 1121 Class I violation may not have its eligibility renewed for 12  
 1122 months. This paragraph does not apply if the Department of  
 1123 Children and Families or local licensing agency upon final  
 1124 disposition of a Class I violation has rescinded its initial  
 1125 citation in accordance with the criteria for consideration  
 1126 outlined in s. 1002.75(1)(b).

1127 (n) ~~(m)~~ The private prekindergarten provider must deliver  
 1128 the Voluntary Prekindergarten Education Program in accordance  
 1129 with this part and have child disciplinary policies that  
 1130 prohibit children from being subjected to discipline that is  
 1131 severe, humiliating, frightening, or associated with food, rest,  
 1132 toileting, spanking, or any other form of physical punishment as  
 1133 provided in s. 402.305(12).

1134 (o) Beginning January 1, 2016, at least 50 percent of the  
 1135 instructors employed by a prekindergarten provider at each  
 1136 location, who are responsible for supervising children in care,  
 1137 must be trained in first aid and infant and child  
 1138 cardiopulmonary resuscitation, as evidenced by current  
 1139 documentation of course completion. As a condition of  
 1140 employment, instructors hired on or after January 1, 2016, must  
 1141 complete this training within 60 days after employment.

1142 (p) Beginning January 1, 2017, the private prekindergarten  
 1143 provider must employ child care personnel who hold a high school  
 1144 diploma or its equivalent and are at least 18 years of age,

1145 unless the personnel are not responsible for supervising  
 1146 children in care or are under direct supervision.

1147 ~~(4) A prekindergarten instructor, in lieu of the minimum~~  
 1148 ~~credentials and courses required under paragraph (3)(c), may~~  
 1149 ~~hold one of the following educational credentials:~~

1150 ~~(a) A bachelor's or higher degree in early childhood~~  
 1151 ~~education, prekindergarten or primary education, preschool~~  
 1152 ~~education, or family and consumer science;~~

1153 ~~(b) A bachelor's or higher degree in elementary education,~~  
 1154 ~~if the prekindergarten instructor has been certified to teach~~  
 1155 ~~children any age from birth through 6th grade, regardless of~~  
 1156 ~~whether the instructor's educator certificate is current, and if~~  
 1157 ~~the instructor is not ineligible to teach in a public school~~  
 1158 ~~because his or her educator certificate is suspended or revoked;~~

1159 ~~(c) An associate's or higher degree in child development;~~

1160 ~~(d) An associate's or higher degree in an unrelated field,~~  
 1161 ~~at least 6 credit hours in early childhood education or child~~  
 1162 ~~development, and at least 480 hours of experience in teaching or~~  
 1163 ~~providing child care services for children any age from birth~~  
 1164 ~~through 8 years of age; or~~

1165 ~~(e) An educational credential approved by the department~~  
 1166 ~~as being equivalent to or greater than an educational credential~~  
 1167 ~~described in this subsection. The department may adopt criteria~~  
 1168 ~~and procedures for approving equivalent educational credentials~~  
 1169 ~~under this paragraph.~~

1170 ~~(5) Notwithstanding paragraph (3)(b), a private~~



1171 ~~prekindergarten provider may not participate in the Voluntary~~  
 1172 ~~Prekindergarten Education Program if the provider has child~~  
 1173 ~~disciplinary policies that do not prohibit children from being~~  
 1174 ~~subjected to discipline that is severe, humiliating,~~  
 1175 ~~frightening, or associated with food, rest, toileting, spanking,~~  
 1176 ~~or any other form of physical punishment as provided in s.~~  
 1177 ~~402.305(12).~~

1178  
 1179 Section 17. Subsection (1) of section 1002.59, Florida  
 1180 Statutes, is amended to read:

1181 1002.59 Emergent literacy and performance standards  
 1182 training courses.-

1183 (1) The office shall adopt minimum standards for one or  
 1184 more training courses in emergent literacy for prekindergarten  
 1185 instructors. Each course must comprise 5 clock hours and provide  
 1186 instruction in strategies and techniques to address the age-  
 1187 appropriate progress of prekindergarten students in developing  
 1188 emergent literacy skills, including oral communication,  
 1189 knowledge of print and letters, phonemic and phonological  
 1190 awareness, and vocabulary and comprehension development. Each  
 1191 course must also provide resources containing strategies that  
 1192 allow students with disabilities and other special needs to  
 1193 derive maximum benefit from the Voluntary Prekindergarten  
 1194 Education Program. Successful completion of an emergent literacy  
 1195 training course approved under this section satisfies  
 1196 requirements for approved training in early literacy and

1197 language development under ss. 402.305(2)(d)5., 402.313(4)(a)2.  
 1198 ~~402.313(6)~~, and 402.3131(5).

1199

1200 Section 18. Subsections (4) through (7) of section  
 1201 1002.61, Florida Statutes, are amended to read:

1202 1002.61 Summer prekindergarten program delivered by public  
 1203 schools and private prekindergarten providers.—

1204 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~

1205 Each public school and private prekindergarten provider that  
 1206 delivers the summer prekindergarten program must have, for each  
 1207 prekindergarten class, at least one prekindergarten instructor  
 1208 who is a certified teacher or holds one of the educational  
 1209 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~s.~~

1210 ~~1002.55(4)(a) or (b).~~ As used in this subsection, the term  
 1211 "certified teacher" means a teacher holding a valid Florida  
 1212 educator certificate under s. 1012.56 who has the qualifications  
 1213 required by the district school board to instruct students in  
 1214 the summer prekindergarten program. In selecting instructional  
 1215 staff for the summer prekindergarten program, each school  
 1216 district shall give priority to teachers who have experience or  
 1217 coursework in early childhood education.

1218 (5) Each prekindergarten instructor employed by a ~~public~~  
 1219 ~~school or~~ private prekindergarten provider delivering the summer  
 1220 prekindergarten program must be of good moral character, must  
 1221 undergo background screening pursuant to s. 402.305(2)(a) be  
 1222 ~~screened using the level 2 screening standards in s. 435.04~~

1223 before employment, must be ~~and~~ rescreened at least once every 5  
 1224 years, and must be denied employment or terminated if required  
 1225 under s. 435.06. Each prekindergarten instructor employed by a  
 1226 public school delivering the summer prekindergarten program, ~~and~~  
 1227 must satisfy the ~~not be ineligible to teach in a public school~~  
 1228 ~~because his or her educator certificate is suspended or revoked.~~  
 1229 ~~This subsection does not supersede~~ employment requirements for  
 1230 instructional personnel in public schools as provided in s.  
 1231 1012.32 ~~which are more stringent than the requirements of this~~  
 1232 ~~subsection.~~

1233 (6) A public school or private prekindergarten provider  
 1234 may assign a substitute instructor to temporarily replace a  
 1235 credentialed instructor if the credentialed instructor assigned  
 1236 to a prekindergarten class is absent, as long as the substitute  
 1237 instructor meets the requirements of subsection (5) ~~is of good~~  
 1238 ~~moral character and has been screened before employment in~~  
 1239 ~~accordance with level 2 background screening requirements in~~  
 1240 ~~chapter 435. This subsection does not supersede employment~~  
 1241 ~~requirements for instructional personnel in public schools which~~  
 1242 ~~are more stringent than the requirements of this subsection.~~ The  
 1243 Office of Early Learning shall adopt rules to implement this  
 1244 subsection which must ~~shall~~ include required qualifications of  
 1245 substitute instructors and the circumstances and time limits for  
 1246 which a public school or private prekindergarten provider may  
 1247 assign a substitute instructor.

1248 (7) Notwithstanding ss. 1002.55(3)(e) ~~ss. 1002.55(3)(f)~~

1249 and 1002.63(7), each prekindergarten class in the summer  
 1250 prekindergarten program, regardless of whether the class is a  
 1251 public school's or private prekindergarten provider's class,  
 1252 must be composed of at least 4 students but may not exceed 12  
 1253 students ~~beginning with the 2009 summer session~~. In order to  
 1254 protect the health and safety of students, each public school or  
 1255 private prekindergarten provider must also provide appropriate  
 1256 adult supervision for students at all times. This subsection  
 1257 does not supersede any requirement imposed on a provider under  
 1258 ss. 402.301-402.319.

1259 Section 19. Subsections (5) and (6) of section 1002.63,  
 1260 Florida Statutes, are amended to read:

1261 1002.63 School-year prekindergarten program delivered by  
 1262 public schools.—

1263 (5) Each prekindergarten instructor employed by a public  
 1264 school delivering the school-year prekindergarten program must  
 1265 satisfy the ~~be of good moral character, must be screened using~~  
 1266 ~~the level 2 screening standards in s. 435.04 before employment~~  
 1267 ~~and rescreened at least once every 5 years, must be denied~~  
 1268 ~~employment or terminated if required under s. 435.06, and must~~  
 1269 ~~not be ineligible to teach in a public school because his or her~~  
 1270 ~~educator certificate is suspended or revoked. This subsection~~  
 1271 ~~does not supersede~~ employment requirements for instructional  
 1272 personnel in public schools as provided in s. 1012.32 ~~which are~~  
 1273 ~~more stringent than the requirements of this subsection.~~

1274 (6) A public school prekindergarten provider may assign a

1275 substitute instructor to temporarily replace a credentialed  
 1276 instructor if the credentialed instructor assigned to a  
 1277 prekindergarten class is absent, as long as the substitute  
 1278 instructor meets the requirements of subsection (5) ~~is of good~~  
 1279 ~~moral character and has been screened before employment in~~  
 1280 ~~accordance with level 2 background screening requirements in~~  
 1281 ~~chapter 435. This subsection does not supersede employment~~  
 1282 ~~requirements for instructional personnel in public schools which~~  
 1283 ~~are more stringent than the requirements of this subsection.~~ The  
 1284 Office of Early Learning shall adopt rules to implement this  
 1285 subsection which must ~~shall~~ include required qualifications of  
 1286 substitute instructors and the circumstances and time limits for  
 1287 which a public school prekindergarten provider may assign a  
 1288 substitute instructor.

1289 Section 20. Paragraph (a) of subsection (6) of section  
 1290 1002.71, Florida Statutes, is amended to read:

1291 1002.71 Funding; financial and attendance reporting.-

1292 (6) (a) Each parent enrolling his or her child in the  
 1293 Voluntary Prekindergarten Education Program must agree to comply  
 1294 with the attendance policy of the private prekindergarten  
 1295 provider or district school board, as applicable. Upon  
 1296 enrollment of the child, the private prekindergarten provider or  
 1297 public school, as applicable, must provide the child's parent  
 1298 with program information, including, but not limited to, child  
 1299 development, expectations for parent engagement, the daily  
 1300 schedule, and the ~~a copy of the provider's or school district's~~

1301 attendance policy, which must include procedures for contacting  
 1302 a parent on the second consecutive day a child is absent for  
 1303 which the reason is unknown as applicable.

1304 Section 21. Subsection (1) of section 1002.75, Florida  
 1305 Statutes, is amended to read:

1306 1002.75 Office of Early Learning; powers and duties.—

1307 (1) The Office of Early Learning shall adopt by rule a  
 1308 standard statewide provider contract to be used with each  
 1309 Voluntary Prekindergarten Education Program provider, with  
 1310 standardized attachments by provider type. The office shall  
 1311 publish a copy of the standard statewide provider contract on  
 1312 its website. The standard statewide contract must ~~shall~~ include,  
 1313 at a minimum, provisions that:

1314 (a) Govern ~~for~~ provider probation, termination for cause,  
 1315 and emergency termination for those actions or inactions of a  
 1316 provider that pose an immediate and serious danger to the  
 1317 health, safety, or welfare of children. The standard statewide  
 1318 contract must ~~shall~~ also include appropriate due process  
 1319 procedures. During the pendency of an appeal of a termination,  
 1320 the provider may not continue to offer its services.

1321 (b) Require each private prekindergarten provider to  
 1322 notify the parent of each child in care if it is cited for a  
 1323 Class I violation as defined by rule of the Department of  
 1324 Children and Families. Notice shall be initiated only upon final  
 1325 disposition of a Class I violation. The provider shall notify  
 1326 the department within 24 hours of its intent to appeal the Class

1327 I violation issued, and final disposition shall occur within 15  
 1328 calendar days. In determining the final disposition, the  
 1329 department shall consider the entire licensing history of the  
 1330 provider, whether the provider promptly reported the incident  
 1331 upon actual notice, and whether the employee responsible for the  
 1332 violation was terminated or the violation was corrected by the  
 1333 provider. If a provider does not file its intent to appeal the  
 1334 Class I violation, the provider must provide notice of a Class I  
 1335 violation electronically or in writing to the parent within 48  
 1336 hours after receipt of the Class I violation. Such notice shall  
 1337 describe each violation with specificity in simple language and  
 1338 include a copy of the citation and the contact information of  
 1339 the Department of Children and Families or local licensing  
 1340 agency where the parent may obtain additional information  
 1341 regarding the citation. Notice of a Class I violation by the  
 1342 provider must be provided electronically or in writing to the  
 1343 parent within 24 hours after receipt of the final disposition of  
 1344 the Class I violation. A private prekindergarten provider must  
 1345 conspicuously post each citation for a violation that results in  
 1346 disciplinary action on the premises in an area visible to  
 1347 parents pursuant to s. 402.3125(1)(b). Additionally, such a  
 1348 provider must post each inspection report on the premises in an  
 1349 area visible to parents, and such report must remain posted  
 1350 until the next inspection report is available.

1351 (c) Specify that child care personnel employed by the  
 1352 provider who are responsible for supervising children in care

1353 must be trained in developmentally appropriate practices aligned  
 1354 to the age and needs of children over which the personnel are  
 1355 assigned supervision duties. This requirement is met by the  
 1356 completion of developmentally appropriate practice courses  
 1357 administered by the Department of Children and Families under s.  
 1358 402.305(2)(d)1. within 30 days after being assigned such  
 1359 children if the child care personnel has not previously  
 1360 completed the training.

1361  
 1362 Any provision imposed upon a provider that is inconsistent with,  
 1363 or prohibited by, law is void and unenforceable.

1364 Section 22. Subsections (1), (3), and (5) of section  
 1365 1002.77, Florida Statutes, are amended to read:

1366 1002.77 Florida Early Learning Advisory Council.—

1367 (1) There is created the Florida Early Learning Advisory  
 1368 Council within the Office of Early Learning. The purpose of the  
 1369 advisory council is to provide written input ~~submit~~  
 1370 ~~recommendations~~ to the executive director ~~office~~ on early  
 1371 learning best practices, including ~~recommendations relating to~~  
 1372 ~~the most~~ effective program administration; ~~of the Voluntary~~  
 1373 ~~Prekindergarten Education Program under this part and the school~~  
 1374 ~~readiness program under part VI of this chapter. The advisory~~  
 1375 ~~council shall periodically analyze and provide recommendations~~  
 1376 ~~to the office on the~~ effective and efficient use of local,  
 1377 state, and federal funds; ~~the content of professional~~  
 1378 development training programs; and ~~best practices for the~~



1379 ~~development and implementation of~~ coalition plans pursuant to s.  
 1380 1002.85.

1381 (3) The advisory council shall meet at least quarterly  
 1382 upon the call of the executive director ~~but may meet as often as~~  
 1383 ~~necessary to carry out its duties and responsibilities.~~ The  
 1384 executive director is encouraged to ~~advisory council may~~ use  
 1385 communications media technology ~~any method of telecommunications~~  
 1386 to conduct meetings in accordance with s. 120.54(5)(b),  
 1387 ~~including establishing a quorum through telecommunications, only~~  
 1388 ~~if the public is given proper notice of a telecommunications~~  
 1389 ~~meeting and reasonable access to observe and, when appropriate,~~  
 1390 ~~participate.~~

1391 (5) The Office of Early Learning shall provide staff and  
 1392 administrative support for the advisory council as determined by  
 1393 the executive director.

1394 Section 23. Paragraph (f) of subsection (1) and  
 1395 subsections (8) and (16) of section 1002.81, Florida Statutes,  
 1396 are amended to read:

1397 1002.81 Definitions.—Consistent with the requirements of  
 1398 45 C.F.R. parts 98 and 99 and as used in this part, the term:

1399 (1) "At-risk child" means:

1400 (f) A child in the custody of a parent who is considered  
 1401 homeless as verified by a designated lead agency on the homeless  
 1402 assistance continuum of care established under ss. 420.622-  
 1403 420.624 ~~Department of Children and Families certified homeless~~  
 1404 ~~shelter.~~

1405 (8) "Family income" means the combined gross income,  
 1406 whether earned or unearned, that is derived from any source by  
 1407 all family or household members who are 18 years of age or older  
 1408 who are currently residing together in the same dwelling unit.

1409 The term does not include:

1410 (a) Income earned by a currently enrolled high school  
 1411 student who, since attaining the age of 18 years, or a student  
 1412 with a disability who, since attaining the age of 22 years, has  
 1413 not terminated school enrollment or received a high school  
 1414 diploma, high school equivalency diploma, special diploma, or  
 1415 certificate of high school completion.

1416 (b) Income earned by a teen parent residing in the same  
 1417 residence as a separate family unit.

1418 (c) Selected items from the state's Child Care and  
 1419 Development Fund Plan, such as ~~The term also does not include~~  
 1420 food stamp benefits, documented child support and alimony  
 1421 payments paid out of the home, or federal housing assistance  
 1422 payments issued directly to a landlord or the associated  
 1423 utilities expenses.

1424 (16) "Working family" means:

1425 (a) A single-parent family in which the parent with whom  
 1426 the child resides is employed or engaged in eligible work or  
 1427 education activities for at least 20 hours per week or is exempt  
 1428 from work requirements due to age or disability, as determined  
 1429 and documented by a physician licensed under chapter 458 or  
 1430 chapter 459;

1431 (b) A two-parent family in which both parents with whom  
 1432 the child resides are employed or engaged in eligible work or  
 1433 education activities for a combined total of at least 40 hours  
 1434 per week; ~~or~~

1435 (c) A two-parent family in which one of the parents with  
 1436 whom the child resides is exempt from work requirements due to  
 1437 age or disability, as determined and documented by a physician  
 1438 licensed under chapter 458 or chapter 459, and one parent is  
 1439 employed or engaged in eligible work or education activities at  
 1440 least 20 hours per week; or

1441 (d) A two-parent family in which both of the parents with  
 1442 whom the child resides are exempt from work requirements due to  
 1443 age or disability, as determined and documented by a physician  
 1444 licensed under chapter 458 or chapter 459.

1445 Section 24. Paragraphs (b), (j), (m), and (p) of  
 1446 subsection (2) of section 1002.82, Florida Statutes, are amended  
 1447 to read:

1448 1002.82 Office of Early Learning; powers and duties.—

1449 (2) The office shall:

1450 (b) Preserve parental choice by permitting parents to  
 1451 choose from a variety of child care categories authorized in s.  
 1452 1002.88(1)(a), including center-based care, family child care,  
 1453 and informal child care to the extent authorized in the state's  
 1454 Child Care and Development Fund Plan as approved by the United  
 1455 States Department of Health and Human Services pursuant to 45  
 1456 C.F.R. s. 98.18. Care and curriculum by a faith-based provider

1457 may not be limited or excluded in any of these categories.

1458 (j) Develop and adopt standards and benchmarks that  
 1459 address the age-appropriate progress of children in the  
 1460 development of school readiness skills. The standards for  
 1461 children from birth to 5 years of age in the school readiness  
 1462 program must be aligned with the performance standards adopted  
 1463 for children in the Voluntary Prekindergarten Education Program  
 1464 and must address the following domains:

- 1465 1. Approaches to learning.
- 1466 2. Cognitive development and general knowledge.
- 1467 3. Numeracy, language, and communication.
- 1468 4. Physical development.
- 1469 5. Self-regulation.

1470  
 1471 By July 1, 2016, the office shall develop and implement an  
 1472 online training course on the performance standards for school  
 1473 readiness program provider personnel specified in this  
 1474 paragraph.

1475 (m) Adopt by rule a standard statewide provider contract  
 1476 to be used with each school readiness program provider, with  
 1477 standardized attachments by provider type. The office shall  
 1478 publish a copy of the standard statewide provider contract on  
 1479 its website. The standard statewide contract must ~~shall~~ include,  
 1480 at a minimum, provisions that:

- 1481 1. Govern ~~for~~ provider probation, termination for cause,  
 1482 and emergency termination for those actions or inactions of a

1483 provider that pose an immediate and serious danger to the  
 1484 health, safety, or welfare of the children. The standard  
 1485 statewide provider contract must ~~shall~~ also include appropriate  
 1486 due process procedures. During the pendency of an appeal of a  
 1487 termination, the provider may not continue to offer its  
 1488 services.

1489 2. Require each provider that is eligible to provide the  
 1490 program pursuant to s. 1002.88(1)(a) to notify the parent of  
 1491 each child in care if it is cited for a Class I violation as  
 1492 defined by rule of the Department of Children and Families.  
 1493 Notice shall be initiated only upon final disposition of a Class  
 1494 I violation. The provider shall notify the department within 24  
 1495 hours of its intent to appeal the Class I violation issued, and  
 1496 final disposition shall occur within 15 calendar days. In  
 1497 determining the final disposition, the department shall consider  
 1498 the entire licensing history of the provider, whether the  
 1499 provider promptly reported the incident upon actual notice, and  
 1500 whether the employee responsible for the violation was  
 1501 terminated or the violation was corrected by the provider. If a  
 1502 provider does not file its intent to appeal the Class I  
 1503 violation, the provider must provide notice of a Class I  
 1504 violation electronically or in writing to the parent within 48  
 1505 hours after receipt of the Class I violation. Such notice shall  
 1506 describe each violation with specificity in simple language and  
 1507 include a copy of the citation and the contact information of  
 1508 the Department of Children and Families or local licensing

1509 agency where the parent may obtain additional information  
 1510 regarding the citation. Notice of a Class I violation by the  
 1511 provider must be provided electronically or in writing to the  
 1512 parent within 24 hours after receipt of the final disposition of  
 1513 the Class I violation. A provider must conspicuously post each  
 1514 citation for a violation that results in disciplinary action on  
 1515 the premises in an area visible to parents pursuant to s.  
 1516 402.3125(1)(b). Additionally, such a provider must post each  
 1517 inspection report on the premises in an area visible to parents,  
 1518 and such report must remain posted until the next inspection  
 1519 report is available.

1520 3. Specify that child care personnel employed by the  
 1521 provider who are responsible for supervising children in care  
 1522 must be trained in developmentally appropriate practices aligned  
 1523 to the age and needs of children over which the personnel are  
 1524 assigned supervision duties. This requirement is met by  
 1525 completion of developmentally appropriate practice courses  
 1526 administered by the Department of Children and Families under s.  
 1527 402.305(2)(d)1. within 30 days after being assigned such  
 1528 children if the child care personnel has not previously  
 1529 completed the training.

1530 4. Require child care personnel who are employed by the  
 1531 provider to complete an online training course on the  
 1532 performance standards adopted pursuant to paragraph (j).  
 1533

1534 Any provision imposed upon a provider that is inconsistent with,

1535 or prohibited by, law is void and unenforceable.

1536 (p) Monitor and evaluate the performance of each early  
 1537 learning coalition in administering the school readiness program  
 1538 and the Voluntary Prekindergarten Education Program, ensuring  
 1539 proper payments for school readiness program and Voluntary  
 1540 Prekindergarten Education Program services, and implementing the  
 1541 coalition's school readiness program plan, ~~and administering the~~  
 1542 ~~Voluntary Prekindergarten Education Program~~. These monitoring  
 1543 and performance evaluations must include, at a minimum, onsite  
 1544 monitoring of each coalition's finances, management, operations,  
 1545 and programs.

1546  
 1547 Section 25. Subsections (8) and (20) of section 1002.84,  
 1548 Florida Statutes, are amended to read:

1549 1002.84 Early learning coalitions; school readiness powers  
 1550 and duties.—Each early learning coalition shall:

1551 (8) Establish a parent sliding fee scale that requires a  
 1552 parent copayment to participate in the school readiness program.  
 1553 Providers are required to collect the parent's copayment. A  
 1554 coalition may, on a case-by-case basis, waive the copayment for  
 1555 an at-risk child or temporarily waive the copayment for a child  
 1556 whose family's income is at or below the federal poverty level  
 1557 and family experiences a natural disaster or an event that  
 1558 limits the parent's ability to pay, such as incarceration,  
 1559 placement in residential treatment, ~~or becoming homeless~~, or an  
 1560 emergency situation such as a household fire or burglary, or

1561 while the parent is participating in parenting classes. A parent  
 1562 may not transfer school readiness program services to another  
 1563 school readiness program provider until the parent has submitted  
 1564 documentation from the current school readiness program provider  
 1565 to the early learning coalition stating that the parent has  
 1566 satisfactorily fulfilled the copayment obligation.

1567 (20) To increase transparency and accountability, comply  
 1568 with ~~the requirements of~~ this section before contracting with a  
 1569 member of the coalition, an employee of the coalition, or a  
 1570 relative, as defined in s. 112.3143(1)~~(e)~~, of a coalition member  
 1571 or of an employee of the coalition. Such contracts may not be  
 1572 executed without the approval of the office. Such contracts, as  
 1573 well as documentation demonstrating adherence to this section by  
 1574 the coalition, must be approved by a two-thirds vote of the  
 1575 coalition, a quorum having been established; all conflicts of  
 1576 interest must be disclosed before the vote; and any member who  
 1577 may benefit from the contract, or whose relative may benefit  
 1578 from the contract, must abstain from the vote. A contract under  
 1579 \$25,000 between an early learning coalition and a member of that  
 1580 coalition or between a relative, as defined in s.

1581 112.3143(1)~~(e)~~, of a coalition member or of an employee of the  
 1582 coalition is not required to have the prior approval of the  
 1583 office but must be approved by a two-thirds vote of the  
 1584 coalition, a quorum having been established, and must be  
 1585 reported to the office within 30 days after approval. If a  
 1586 contract cannot be approved by the office, a review of the



1587 decision to disapprove the contract may be requested by the  
 1588 early learning coalition or other parties to the disapproved  
 1589 contract.

1590 Section 26. Paragraphs (c) and (h) of subsection (1) and  
 1591 subsections (6) through (8) of section 1002.87, Florida  
 1592 Statutes, are amended to read:

1593 1002.87 School readiness program; eligibility and  
 1594 enrollment.—

1595 (1) Effective August 1, 2013, or upon reevaluation of  
 1596 eligibility for children currently served, whichever is later,  
 1597 each early learning coalition shall give priority for  
 1598 participation in the school readiness program as follows:

1599 (c) Priority shall be given next to a child from birth to  
 1600 the beginning of the school year for which the child is eligible  
 1601 for admission to kindergarten in a public school under s.  
 1602 1003.21(1)(a)2. who is from a working family that is  
 1603 economically disadvantaged, and may include such child's  
 1604 eligible siblings, beginning with the school year in which the  
 1605 sibling is eligible for admission to kindergarten in a public  
 1606 school under s. 1003.21(1)(a)2. until the beginning of the  
 1607 school year in which the sibling enters ~~is eligible to begin~~ 6th  
 1608 grade, provided that the first priority for funding an eligible  
 1609 sibling is local revenues available to the coalition for funding  
 1610 direct services. However, a child eligible under this paragraph  
 1611 ceases to be eligible if his or her family income exceeds 200  
 1612 percent of the federal poverty level.

1613 (h) Priority shall be given next to a child who ~~has~~  
 1614 ~~special needs,~~ has been determined eligible as an infant or  
 1615 toddler from birth to 3 years of age with an individualized  
 1616 family support plan receiving early intervention services or to  
 1617 ~~as~~ a student with a disability with, ~~has~~ a current individual  
 1618 education plan with a Florida school district, ~~and is not~~  
 1619 ~~younger than 3 years of age.~~ A ~~special needs~~ child eligible  
 1620 under this paragraph remains eligible until the child is  
 1621 eligible for admission to kindergarten in a public school under  
 1622 s. 1003.21(1)(a)2.

1623 (6) Eligibility for each child must be reevaluated  
 1624 annually. Upon reevaluation, a child may not continue to receive  
 1625 school readiness program services if he or she has ceased to be  
 1626 eligible under this section. If a child no longer meets  
 1627 eligibility or program requirements, the coalition must  
 1628 immediately notify the child's parent and the provider that  
 1629 funding will end 2 weeks after the date on which the child was  
 1630 determined to be ineligible or when the current child care  
 1631 authorization expires, whichever occurs first.

1632 (7) If a coalition disenrolls children from the school  
 1633 readiness program due to lack of funding or a change in  
 1634 eligibility priorities, the coalition must disenroll the  
 1635 children in reverse order of the eligibility priorities listed  
 1636 in subsection (1) beginning with children from families with the  
 1637 highest family incomes. A notice of disenrollment must be sent  
 1638 to the parent and school readiness program provider at least 2

1639 weeks before disenrollment or the expiration of the current  
 1640 child care authorization, whichever occurs first, to provide  
 1641 adequate time for the parent to arrange alternative care for the  
 1642 child. However, an at-risk child receiving services from the  
 1643 Child Welfare Program Office of the Department of Children and  
 1644 Families may not be disenrolled from the program without the  
 1645 written approval of the Child Welfare Program Office ~~of the~~  
 1646 ~~Department of Children and Families~~ or the community-based lead  
 1647 agency.

1648 (8) If a child is absent from the program for 2  
 1649 consecutive days without parental notification to the program of  
 1650 such absence, the school readiness program provider shall  
 1651 contact the parent and determine the cause for the absence and  
 1652 the expected date of return. If a child is absent from the  
 1653 program for 5 consecutive days without parental notification to  
 1654 the program of such absence, the school readiness program  
 1655 provider shall report the absence to the early learning  
 1656 coalition for a determination of the need for continued care.

1657 Section 27. Paragraphs (a) through (c) and (l) through (q)  
 1658 of subsection (1) of section 1002.88, Florida Statutes, are  
 1659 amended, present subsections (2) and (3) are redesignated as  
 1660 subsections (4) and (5), respectively, present subsection (2) is  
 1661 amended, and new subsections (2) and (3) are added to that  
 1662 section, to read:

1663 1002.88 School readiness program provider standards;  
 1664 eligibility to deliver the school readiness program.-

1665 (1) To be eligible to deliver the school readiness  
 1666 program, a school readiness program provider must:  
 1667 (a) 1. Be a nonpublic school in substantial compliance with  
 1668 s. 402.3025(2)(d), a child care facility licensed under s.  
 1669 402.305, a family ~~day~~ care home licensed ~~or registered~~  
 1670 under s. 402.313, a large family child care home licensed under  
 1671 s. 402.3131, or a child care facility exempt from licensure  
 1672 operating under s. 402.316(4);  
 1673 2. Be an entity that is part of Florida's education system  
 1674 identified in s. 1000.04(1); ~~a public school or nonpublic school~~  
 1675 ~~exempt from licensure under s. 402.3025, a faith-based child~~  
 1676 ~~care provider exempt from licensure under s. 402.316, a before-~~  
 1677 ~~school or after-school program described in s. 402.305(1)(e), or~~  
 1678 3. Be an informal child care provider to the extent  
 1679 authorized in the state's Child Care and Development Fund Plan  
 1680 as approved by the United States Department of Health and Human  
 1681 Services pursuant to 45 C.F.R. s. 98.18.  
 1682 (b) Provide instruction and activities to enhance the age-  
 1683 appropriate progress of each child in attaining the child  
 1684 development standards adopted by the office pursuant to s.  
 1685 1002.82(2)(j). A provider should include activities to foster  
 1686 brain development in infants and toddlers; provide an  
 1687 environment that is rich in language and music and filled with  
 1688 objects of various colors, shapes, textures, and sizes to  
 1689 stimulate visual, tactile, auditory, and linguistic senses; and  
 1690 include 30 minutes of reading to children each day. A provider

1691 must provide parents information on child development,  
 1692 expectations for parent engagement, the daily schedule, and the  
 1693 attendance policy.

1694 (c) Provide basic health and safety of its premises and  
 1695 facilities in accordance with applicable licensing and  
 1696 inspection requirements ~~and compliance with requirements for~~  
 1697 ~~age-appropriate immunizations of children enrolled in the school~~  
 1698 ~~readiness program.~~ For a child care facility, a large family  
 1699 child care home, or a licensed family child day care home,  
 1700 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies  
 1701 this requirement. For a public ~~or nonpublic~~ school, compliance  
 1702 with ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this  
 1703 requirement. For a nonpublic school, compliance with s.  
 1704 402.3025(2)(d) satisfies this requirement. For a facility exempt  
 1705 from licensure, compliance with s. 402.316(4) satisfies this  
 1706 requirement. For an informal provider, substantial compliance as  
 1707 defined in s. 402.302(17) satisfies this requirement. A provider  
 1708 shall be denied initial eligibility to offer the program if the  
 1709 provider has been cited for a Class I violation in the 12 months  
 1710 before seeking eligibility. An existing provider that is cited  
 1711 for a Class I violation may not have its eligibility renewed for  
 1712 12 months. A provider that is cited for a Class I violation may  
 1713 remain eligible to deliver the program if the Department of  
 1714 Children and Families or local licensing agency upon final  
 1715 disposition of a Class I violation has rescinded its initial  
 1716 citation in accordance with the criteria for consideration

1717 outlined in s. 1002.82(2)(m)2 ~~A faith-based child care provider,~~  
 1718 ~~an informal child care provider, or a nonpublic school, exempt~~  
 1719 ~~from licensure under s. 402.316 or s. 402.3025, shall annually~~  
 1720 ~~complete the health and safety checklist adopted by the office,~~  
 1721 ~~post the checklist prominently on its premises in plain sight~~  
 1722 ~~for visitors and parents, and submit it annually to its local~~  
 1723 ~~early learning coalition.~~

1724 (1) ~~For a provider that is not an informal provider,~~  
 1725 Maintain general liability insurance and provide the coalition  
 1726 with written evidence of general liability insurance coverage,  
 1727 including coverage for transportation of children if school  
 1728 readiness program children are transported by the provider. A  
 1729 private provider must obtain and retain an insurance policy that  
 1730 provides a minimum of \$100,000 of coverage per occurrence and a  
 1731 minimum of \$300,000 general aggregate coverage. The office may  
 1732 authorize lower limits upon request, as appropriate. A provider  
 1733 must add the coalition as a named certificateholder ~~and as an~~  
 1734 ~~additional insured.~~ A private provider must provide the  
 1735 coalition with a minimum of 10 calendar days' advance written  
 1736 notice of cancellation of or changes to coverage. The general  
 1737 liability insurance required by this paragraph must remain in  
 1738 full force and effect for the entire period of the provider  
 1739 contract with the coalition.

1740 ~~(m) For a provider that is an informal provider, comply~~  
 1741 ~~with the provisions of paragraph (1) or maintain homeowner's~~  
 1742 ~~liability insurance and, if applicable, a business rider. If an~~

1743 ~~informal provider chooses to maintain a homeowner's policy, the~~  
 1744 ~~provider must obtain and retain a homeowner's insurance policy~~  
 1745 ~~that provides a minimum of \$100,000 of coverage per occurrence~~  
 1746 ~~and a minimum of \$300,000 general aggregate coverage. The office~~  
 1747 ~~may authorize lower limits upon request, as appropriate. An~~  
 1748 ~~informal provider must add the coalition as a named~~  
 1749 ~~certificateholder and as an additional insured. An informal~~  
 1750 ~~provider must provide the coalition with a minimum of 10~~  
 1751 ~~calendar days' advance written notice of cancellation of or~~  
 1752 ~~changes to coverage. The general liability insurance required by~~  
 1753 ~~this paragraph must remain in full force and effect for the~~  
 1754 ~~entire period of the provider's contract with the coalition.~~

1755 (m) ~~(n)~~ Obtain and maintain any required workers'  
 1756 compensation insurance under chapter 440 and any required  
 1757 reemployment assistance or unemployment compensation coverage  
 1758 under chapter 443, unless exempt under state or federal law.

1759 (n) ~~(o)~~ Notwithstanding paragraph (1), for a provider that  
 1760 is a state agency or a subdivision thereof, as defined in s.  
 1761 768.28(2), agree to notify the coalition of any additional  
 1762 liability coverage maintained by the provider in addition to  
 1763 that otherwise established under s. 768.28. The provider shall  
 1764 indemnify the coalition to the extent permitted by s. 768.28.

1765 (o) ~~(p)~~ Execute the standard statewide provider contract  
 1766 adopted by the office.

1767 (p) ~~(q)~~ Operate on a full-time and part-time basis and  
 1768 provide extended-day and extended-year services to the maximum

1769 extent possible without compromising the quality of the program  
 1770 to meet the needs of parents who work.

1771 (2) Beginning January 1, 2016, at least 50 percent of the  
 1772 child care personnel employed by a school readiness provider at  
 1773 each location, who are responsible for supervising children in  
 1774 care, must be trained in first aid and infant and child  
 1775 cardiopulmonary resuscitation, as evidenced by current  
 1776 documentation of course completion. As a condition of  
 1777 employment, personnel hired on or after January 1, 2016, must  
 1778 complete this training within 60 days after employment.

1779 (3) Beginning January 1, 2017, child care personnel  
 1780 employed by a school readiness program provider must hold a high  
 1781 school diploma or its equivalent and be at least 18 years of  
 1782 age, unless the personnel are not responsible for supervising  
 1783 children in care or are under direct supervision.

1784 (4)~~(2)~~ If a school readiness program provider fails or  
 1785 refuses to comply with this part or any contractual obligation  
 1786 of the statewide provider contract under s. 1002.82(2)(m), the  
 1787 coalition may revoke the provider's eligibility to deliver the  
 1788 school readiness program or receive state or federal funds under  
 1789 this chapter for ~~a period of~~ 5 years.

1790 Section 28. Paragraph (b) of subsection (6) and subsection  
 1791 (7) of Section 1002.89, Florida Statutes, are amended to read:

1792 1002.89 School readiness program; funding.—

1793 (6) Costs shall be kept to the minimum necessary for the  
 1794 efficient and effective administration of the school readiness



1795 program with the highest priority of expenditure being direct  
 1796 services for eligible children. However, no more than 5 percent  
 1797 of the funds described in subsection (5) may be used for  
 1798 administrative costs and no more than 22 percent of the funds  
 1799 described in subsection (5) may be used in any fiscal year for  
 1800 any combination of administrative costs, quality activities, and  
 1801 nondirect services as follows:

1802 (b) Activities to improve the quality of child care as  
 1803 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to  
 1804 the following:

1805 1. Developing, establishing, expanding, operating, and  
 1806 coordinating resource and referral programs specifically related  
 1807 to the provision of comprehensive consumer education to parents  
 1808 and the public to promote informed child care choices specified  
 1809 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~  
 1810 ~~readiness program and parental choice.~~

1811 2. Awarding grants and providing financial support to  
 1812 school readiness program providers and their staffs to assist  
 1813 them in meeting applicable state requirements for child care  
 1814 performance standards, implementing developmentally appropriate  
 1815 curricula and related classroom resources that support  
 1816 curricula, providing literacy supports, obtaining a license or  
 1817 accreditation, and providing professional development, including  
 1818 scholarships and other incentives. Any grants awarded pursuant  
 1819 to this subparagraph shall comply with ~~the requirements of~~ ss.  
 1820 215.971 and 287.058.

1821 3. Providing training, ~~and~~ technical assistance, and  
 1822 financial support for school readiness program providers, staff,  
 1823 and parents on standards, child screenings, child assessments,  
 1824 developmentally appropriate curricula, character development,  
 1825 teacher-child interactions, age-appropriate discipline  
 1826 practices, health and safety, nutrition, first aid,  
 1827 cardiopulmonary resuscitation, the recognition of communicable  
 1828 diseases, and child abuse detection and prevention.

1829 4. Providing from among the funds provided for the  
 1830 activities described in subparagraphs 1.-3., adequate funding  
 1831 for infants and toddlers as necessary to meet federal  
 1832 requirements related to expenditures for quality activities for  
 1833 infant and toddler care.

1834 5. Improving the monitoring of compliance with, and  
 1835 enforcement of, applicable state and local requirements as  
 1836 described in and limited by 45 C.F.R. s. 98.40.

1837 6. Responding to Warm-Line requests by providers and  
 1838 parents ~~related to school readiness program children,~~ including  
 1839 providing developmental and health screenings to school  
 1840 readiness program children.

1841 (7) Funds appropriated for the school readiness program  
 1842 may not be expended for the purchase or improvement of land; for  
 1843 the purchase, construction, or permanent improvement of any  
 1844 building or facility; or for the purchase of buses. However,  
 1845 funds may be expended for minor remodeling necessary for the  
 1846 administration of the program and upgrading of child care

1847 facilities to ensure that providers meet state and local child  
 1848 care standards, including applicable health and safety  
 1849 requirements.

1850 Section 29. Subsection (7) of section 1002.91, Florida  
 1851 Statutes, is amended to read:

1852 1002.91 Investigations of fraud or overpayment;  
 1853 penalties.—

1854 (7) The early learning coalition may not contract with a  
 1855 school readiness program provider, ~~or~~ a Voluntary  
 1856 Prekindergarten Education Program provider, or an individual who  
 1857 is on the United States Department of Agriculture National  
 1858 Disqualified List. In addition, the coalition may not contract  
 1859 with any provider that shares an officer or director with a  
 1860 provider that is on the United States Department of Agriculture  
 1861 National Disqualified List.

1862 Section 30. Paragraph (d) of subsection (3) of section  
 1863 1002.94, Florida Statutes, is amended to read:

1864 1002.94 Child Care Executive Partnership Program.—

1865 (3)

1866 (d) Each early learning coalition shall establish a  
 1867 community child care task force ~~for each child care purchasing~~  
 1868 ~~pool~~. The task force must be composed of employers, parents,  
 1869 private child care providers, and one representative from the  
 1870 local children's services council, if one exists in the area ~~of~~  
 1871 ~~the purchasing pool~~. The early learning coalition is expected to  
 1872 recruit the task force members from existing child care

1873 councils, commissions, or task forces already operating in the  
 1874 area ~~of a purchasing pool~~. A majority of the task force shall  
 1875 consist of employers.

1876 Section 31. The Office of Early Learning shall conduct a  
 1877 2-year pilot project to study the impact of assessing the early  
 1878 literacy skills of Voluntary Prekindergarten Education Program  
 1879 participants who are English Language Learners, in both English  
 1880 and Spanish. The assessments must include, at a minimum, the  
 1881 first administration of the Florida Assessments for Instruction  
 1882 in Reading in kindergarten and an appropriate alternative  
 1883 assessment in Spanish. The study must include a review of the  
 1884 kindergarten screening results for 2009-2010 and 2010-2011  
 1885 program participants and their subsequent Florida Comprehensive  
 1886 Assessment Test scores. The office shall report its findings to  
 1887 the Governor, the President of the Senate, and the Speaker of  
 1888 the House of Representatives by July 1, 2016, and July 1, 2017.

1889 Section 32. For the 2015-2016 fiscal year, the sums of  
 1890 \$1,034,965 in recurring funds and \$11,319 in nonrecurring funds  
 1891 from the General Revenue Fund, and \$70,800 in recurring funds  
 1892 from the Operations and Maintenance Trust Fund are appropriated  
 1893 to the Department of Children and Families, and 18 full-time  
 1894 equivalent positions with associated salary rate of 608,446 are  
 1895 authorized, for the purpose of implementing the regulatory  
 1896 provisions of this act.

1897 Section 33. This act shall take effect July 1, 2015.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB EDC 15-01 Early Learning  
**SPONSOR(S):** Education Committee  
**TIED BILLS:** IDEN./SIM. BILLS: SB 7006

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

### SUMMARY ANALYSIS

Currently, the School Readiness and Voluntary Prekindergarten Education (VPK) programs are delivered by a diverse range of providers, including licensed and unlicensed child care providers and public 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. The bill increases provider health and safety requirements by requiring:

- Unlicensed private providers to substantially comply with specified health and safety 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, with exceptions.
- That providers with Class I violations in the previous year be denied program eligibility, with exceptions.

The bill establishes new criteria that DCF or a local licensing agency must consider before deciding to issue a Class I violation to a provider of the School Readiness program or VPK program.

The bill enhances the qualifications of child care personnel working in School Readiness and VPK programs by:

- Phasing in requirements that these personnel must:
  - Be at least 18 years of age (with exceptions);
  - Hold a high school diploma or equivalent credential (with exceptions); and
  - Be trained in first aid, CPR, and age-appropriate practices.
- Requiring School Readiness personnel to complete training on the school readiness performance standards.
- Requiring 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; requires employment history checks; and prohibits licensed child care providers who have been disciplined for serious licensing violations from transferring ownership to relatives in order to avoid sanctions.

Among other things, the bill reduces regulatory burdens on state agencies and child care providers by requiring Early Learning Coalitions, OEL, and DCF to cooperate in reducing paperwork and duplicative regulations; expanding DCF's authority to conduct abbreviated inspections; and extending to large family child care homes certain protections regarding zoning, property insurance, and utility rates currently available to family day care homes.

The bill has a fiscal impact on DCF due to the increased regulatory workload and provides an appropriation of \$1,117,084 and 18 full-time equivalent positions to address the impact. 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.

The bill takes effect July 1, 2015

## 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 Voluntary Prekindergarten Education (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;
- 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>

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<sup>1</sup> In 2013, 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 1, 2013-252, L.O.F., *codified as s. 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.

<sup>5</sup> Specific Appropriation 88, s. 2, ch. 2014-51, 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> Section 1002.88(1)(a), F.S. Generally speaking, informal child care is care provided by a relative. See Florida's Office of Early Learning, *Florida's Child Care and Development Fund State Plan FFY 2014-15*, at 71 (Oct. 1, 2013), available at [http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015\\_CCDF\\_Plan\\_%20Optimized.pdf](http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf).

## 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;
- 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>
- 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>

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<sup>8</sup> Part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

<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(4), F.S.

<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. 402.3025, F.S. (nonpublic schools); 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.

<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 Feb. 21, 2014). 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. Section 402.281(1)-(3), F.S.

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

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

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 if he or she, individually, has been the subject of a disciplinary action or been fined while so employed.<sup>19</sup> Child care employers must conduct employment history checks on prospective employees.<sup>20</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. The law shields such employers from any liability resulting from such release of employment records, unless the employer maliciously falsifies the records.<sup>21</sup>

Child care personnel employed by licensed child care facilities, licensed and registered FDCHs, LFCCHs, licensed-exempt child care providers, and nonpublic schools and VPK program instructors employed by private providers and public schools must undergo Level 2<sup>22</sup> background screening.<sup>23</sup> The Level 2 screening requirement for public school VPK program instructors differs with the screening requirements for other public school instructional personnel. Such personnel are screened against a distinct list of 59 disqualifying offenses.<sup>24</sup>

Currently, the minimum age for employment as child care personnel is 16 years of age.<sup>25</sup> The minimum age for employment in an instructional capacity with a public school district is 18 years of age.<sup>26</sup> Licensed child care facility personnel, licensed and registered FDCH operators, and LFCCH operators must complete introductory child care training and .5 unit of continuing education which includes, among other things, early literacy and language development.<sup>27</sup> Introductory training for licensed child care facility personnel and LFCCH operators includes developmentally appropriate practices courses for serving infants and toddlers, preschoolers, school-age children, and special needs children.<sup>28</sup> There is no requirement that introductory training or continuing education address emergent numeracy skills or that personnel take developmentally appropriate practices courses aligned to the specific age group or child classification to which they are assigned.

A licensed child care facility must have at least one employee on site that is trained in first aid and cardiopulmonary resuscitation (CPR). Operators of licensed FDCHs and LFCCHs and their substitutes must also be trained in these techniques.<sup>29</sup> First aid and CPR training are not required for registered FDCH operators and their substitutes.

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

<sup>19</sup> Section 402.3055(1)(b), F.S.

<sup>20</sup> Section 402.302(15), F.S.

<sup>21</sup> Section 435.10, F.S.

<sup>22</sup> Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 52 offenses. *See* s. 435.04, F.S.

<sup>23</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).

<sup>24</sup> Sections 1012.315 and 1012.32, F.S.; rule 6A-5.056(8), F.A.C. (crimes involving moral turpitude).

<sup>25</sup> Section 402.305(2)(c), F.S.

<sup>26</sup> Section 1012.32(1), F.S.

<sup>27</sup> Section 402.305(2)(d)1. and 5., F.S. (licensed child care facilities); s. 402.313(1)(a)6. and (6), F.S. and rule 65C-20.009(3), F.A.C. (FDCH) and 402.3131(5), F.S. and rule 65C-20.013(5), F.A.C. (LFCCH).

<sup>28</sup> Section 402.305(2)(d), F.S. and rule 65C-22.003(2)(a)3., F.A.C. (licensed child care facilities); s. 402.3131(3), F.S. and rule 65C-20.013(5)(b), F.A.C. (LFCCH).

<sup>29</sup> Section 402.305(7)(a), F.S.; rule 65C-20.009(3)(c), F.S.



Currently, the training requirements for substitutes for licensed FDCH operators differentiate between substitutes who work 40 hours or more per month from those who work less. Substitutes who work 40 hours or more per month must take a 30-clock-hour introductory child care course; a .5 continuing education unit early literacy course, and first aid and CPR training. Substitutes who work less than 40 hours per month must take a 6-clock-hour child care rules and regulations course. These training requirements do not apply to substitutes working in registered FDCHs.<sup>30</sup>

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 or teach during a school year or summer program. 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>31</sup> There is no requirement that other child care personnel employed by a VPK program provider or School Readiness program provider hold a high school diploma or its equivalent.

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>32</sup>

Each ELC must provide professional development to School Readiness program teachers regarding the OEL-adopted performance standards.<sup>33</sup>

Child Health and Safety

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

<b>Early Learning Providers by Classification<sup>34</sup></b>		
<b>February 2014</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

<sup>30</sup> Section 402.313(1)(a) and (13), F.S.; rule 65C-20.009(3), F.A.C.

<sup>31</sup> Section 1002.55(3)(c)1. and (4), F.S.

<sup>32</sup> Section 1002.82(2)(j), F.S.

<sup>33</sup> Section 1002.83(13), F.S.

<sup>34</sup> Email, Office of Early Learning, Legislative Affairs Director, (Feb. 12, 2014).

## 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>35</sup>

Child care provider licenses must be renewed annually.<sup>36</sup> 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. 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>37</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>38</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>39</sup>

Licensed child care facilities are inspected based upon 354 total licensing standards in 63 categories. Licensed FDCHs are inspected based upon 261 total standards in 38 categories. LFCCHs are inspected based upon 321 total standards in 55 categories.<sup>40</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>41</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>42</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>43</sup>

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<sup>35</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, 2015).

<sup>36</sup> Sections 402.305 and 402.306-402.308, F.S.

<sup>37</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 Feb. 10, 2015).

<sup>38</sup> Sections 402.305(9), 402.313(14), and 402.3131(9), F.S.

<sup>39</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>40</sup> *Id.*; ch. 65C-22, F.A.C.

<sup>41</sup> Section 79, ch. 96-175, L.O.F., *codified as* s. 402.3115, F.S.

<sup>42</sup> Email, Department of Children and Families, Legislative Affairs Director (Dec. 2, 2013).

<sup>43</sup> Rule 65C-22.010(1)(d), F.A.C.

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>44</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
<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 VPK programs were issued Class I violations. Since the initial review of the data, eight of the child care providers closed leaving 98 providers with a total of 118 Class I violations. Class I 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 exceeding 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>45</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>46</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. The new owner must apply for a new license.<sup>47</sup> The law does not prohibit the owner of a licensed child care facility 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 licensure status and violations vary by child care provider type:

- Each child care facility and LFCCH must conspicuously display on the premises its license.<sup>48</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>49</sup>

<sup>44</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).

<sup>45</sup> Email, Office of Early Learning, Legislative Affairs Director (Dec. 4, 2013).

<sup>46</sup> Sections 402(1)(a), (2), and (3) and 120.60, F.S.

<sup>47</sup> Section 402.305(18), F.S.

<sup>48</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);

- Child care facilities, FDCHs, and LFCCHs must distribute to parents a DCF-developed brochure indicating the licensure status of the provider and that information about the provider's compliance with applicable state and local requirements (including violations) can be obtained by telephoning DCF or the local licensing agency.<sup>50</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 must be submitted to the ELC, but the ELC does not have authority to investigate and verify the accuracy of the information therein.<sup>51</sup>

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

Child care facilities that are an integral part of a church or parochial school and accredited by an organization which requires compliance with published health, safety, and sanitation standards are exempt from licensure. DCF does not have authority to investigate whether the accreditor of a faith-based provider actually conducts site visits or otherwise enforces compliance with its health and safety standards.<sup>52</sup>

#### *Public and Nonpublic Schools*

The law requires each public and nonpublic school facility to obtain an environmental health inspection by the local county health department<sup>53</sup> and fire safety inspection by the local fire authority prior to opening and operating in Florida.<sup>54</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>55</sup> For public schools, the law requires that these inspections be conducted periodically.<sup>56</sup> The law is silent regarding the frequency of inspections for nonpublic schools and the Department of Education (DOE) 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 DOE documenting annual health and fire inspections.<sup>57</sup>

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>58</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

<sup>49</sup> Section 402.3125(1)(b), F.S.

<sup>50</sup> Sections 402.3125(5), 402.313(9), and 402.3131(6), F.S.

<sup>51</sup> Section 1002.88(1)(c), F.S.

<sup>52</sup> Sections 402.3025 and 402.316, F.S.

<sup>53</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>54</sup> Sections 633.206 and 1013.12, F.S.; rule 69A-58, F.A.C. (fire safety in educational facilities).

<sup>55</sup> See rules 6A-2.0010, 6A-2.0040, and 64E-13.004, F.A.C.

<sup>56</sup> Section 1013.12, F.S.

<sup>57</sup> Section 1002.421(2), F.S. State funded scholarship programs include the John M. McKay Scholarships for Students with Disabilities Program, Personal Learning Scholarship Accounts Program, and Florida Tax Credit Scholarship Program. Sections 1002.39, 1002.385, and 1002.395, F.S.

<sup>58</sup> Section 381.0072, F.S.; ch. 64E-11, F.A.C

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>59</sup>

DCF or a local licensing agency must enforce substantial compliance with the standards to 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>60</sup> The “substantial compliance” requirement has only been implemented in four counties.<sup>61</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 that the operator has completed the 30-hour introductory child care training course, as evidenced by passage of a competency examination, and continuing education.
- Proof that immunization records are kept current.<sup>62</sup>

Substitutes for the operator of a registered FDCH are not currently required to complete any training.<sup>63</sup> Operators of FDCHs must annually complete a health and safety self-evaluation checklist. The checklist must be signed by the operator and provided to parents as certification that specified health and safety standards are being met. There is no requirement that the checklist be submitted to DCF, nor does DCF have authority to inspect registered FDCHs.<sup>64</sup>

### *Informal Child Care Providers*

Informal providers are individuals who provide in-home child care for a relative or family friend. Federal law requires that states include informal child care providers in CCDF child care programs, i.e., the School Readiness program.<sup>65</sup> Florida’s CCDF state plan specifies the eligibility conditions for informal provider participation in the School Readiness program. Among other things, such providers must undergo Level 1 background screening<sup>66</sup> and a Child Abuse and Neglect Screening. Informal providers may only provide care for the children of one family and must complete an annual health and safety checklist and maintain liability or homeowner’s insurance coverage.<sup>67</sup>

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<sup>59</sup> Section 402.302(17), F.S.

<sup>60</sup> Section 402.3025(2)(d), F.S.

<sup>61</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. 10, 2015).

<sup>62</sup> Section 402.313(1)(a), F.S.

<sup>63</sup> *Id.*

<sup>64</sup> Section 402.313(7), F.S.

<sup>65</sup> 45 C.F.R. s. 98.30; *see* s. 1002.88(1)(a), F.S.

<sup>66</sup> Level 1 screening includes, without limitation, employment history, state and local criminal records, and sex offender registry checks. Section 435.03(1), F.S.

<sup>67</sup> Florida’s Office of Early Learning, *Florida’s Child Care and Development Fund Plan for FFY 2014-2015*, at 62-63 (Oct. 1, 2013), available at [http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015 CCDF Plan %20Optimized.pdf](http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015%20CCDF%20Plan%20Optimized.pdf).

## Effect of Proposed Changes

Currently, the state-funded School Readiness and 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 to which 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. 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. Additionally, the bill directs the Division of Law Revision and Information to prepare a reviser's bill for the 2016 general session to change the terms "family day care home" and "family day care" to "family child care home" and "family child care."

***Existing terminology is used in the Effect of Proposed Changes section of this bill analysis to avoid confusion.***

### 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, nonpublic schools, and informal providers. The bill removes registered FDCHs 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.

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 child care providers, this requirement is met through compliance with applicable licensing standards. For public schools, this requirement is met through compliance with existing public school health and safety requirements. The bill does not specify standards for child development centers operating on military bases. Health and safety in these centers is regulated according to standards adopted by DOD, which, among other things, require centers to be inspected at least four times annually.<sup>68</sup>

Most significantly, license-exempt faith-based providers, nonpublic schools, and informal providers must demonstrate substantial compliance with specified child care licensing standards, i.e., standards related to supervision, transportation, access, health, food and nutrition, personnel screening, records, and enforcement. The bill grants DCF and local licensing agencies, as applicable, authority to inspect the premises of such providers.

The bill authorizes DCF or a local licensing agency, as applicable, to issue a certificate of substantial compliance to license-exempt faith-based, nonpublic school, and informal providers of the state-funded early learning programs. Such a school or provider must obtain the certificate in order to offer the programs. The school or provider must pass a site inspection prior to issuance of the certificate. The certificate is valid for one year and must be renewed annually.

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<sup>68</sup> 10 U.S.C. s. 1794; *see, e.g.*, Army Regulation 608-10.

The statutory definition of "substantial compliance" is revised to apply directly to license-exempt faith-based, nonpublic school, and informal providers of the 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, local licensing agencies, or any ELC to exceed the regulatory authority granted by the bill.

A private School Readiness program or VPK program provider must be denied program eligibility if it receives a Class I violation in the 12 months prior to seeking initial or renewal eligibility. Such a provider must also notify parents regarding the Class I violation within 24 hours of final disposition of an appeal of the violation or within 48 hours of receiving the citation if the provider does not appeal. DCF or a local licensing agency must dispose of such an appeal within 15 days by considering the following factors:

- The entire licensing history of the provider;
- Whether the provider promptly reported the incident upon actual notice; and
- Whether the employee responsible for the violation was terminated or the violation was corrected by the provider.

Once the Class I violation becomes final, DCF must still consider the criteria specified in existing law to determine appropriate penalties. These criteria include:

- The severity of the violation, including:
  - The probability that death or serious harm to the health or safety of any person will result or has resulted;
  - The severity of the actual or potential harm; and
  - The degree to which child care laws were violated.
- Corrective actions taken by the provider.
- Previous violations by the provider.<sup>69</sup>

The net effect of these new standards is that, rather than holding child care owners and operators participating in state-funded early learning programs strictly liable for actions by employees that result in a violation, including actions resulting in actual harm to children, such owners and operators may be able to avoid the Class I violation if the provider has a satisfactory licensing history, self-reports the violation, terminates the responsible employee, and takes other corrective actions. However, these standards would not apply to child care providers that do not participate in state-funded early learning programs. Thus, Class I violations by child care providers that do not participate in state-funded early learning programs will be judged by a much higher standard than the standard the bill establishes for providers of state-funded early learning programs.

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. Such citations must remain posted for a period of one year. Each inspection report must remain posted until the next inspection report is available, at which time the provider must post the new report. OEL is directed to develop and implement best practices for providing parental notifications, including those related to violations, in a parent's native language if the parent's native language is a language other than English.

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, 2017, 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).
- By January 1, 2016, at least 50 percent of instructors employed by a School Readiness or VPK provider at each location must complete training in infant and child first aid and CPR. Instructors hired on or after January 1, 2016, must complete this training, as a condition of employment, within 60 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 and diploma requirements will not apply to personnel who are not responsible for supervision of children or under direct supervision by a qualified staff member. The CPR/First Aid requirement will not apply to personnel who are not responsible for supervision of children. The bill's changes to training requirements increase the likelihood that individuals caring for children in state-funded early learning programs are able to respond to emergencies that threaten child safety; have basic reading, writing, and speaking ability necessary to teach early literacy skills; and receive training aligned to the age and needs of children served.

Several bill provisions affect 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 eliminates Level 2 screening for public school provider employees and instead subjects them to the background screening requirements applicable to public school instructional personnel.

The bill also clarifies the process child care employers must use to conduct employment history checks on prospective employees. Before employing child care personnel, the employer must conduct employment history checks of each of the personnel's previous employers and document the findings. If unable to contact a previous employer, the employer must document efforts to contact the employer.

The bill adds a requirement that introductory child care and continuing education trainings for personnel serving in licensed child care facilities, FDCHs, and LFCCHs include instruction regarding emergent numeracy skills. This change better 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 such children age birth to five.

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

- Authorizing ELCs to allow private providers to determine child eligibility for and enroll children in the VPK program. These providers must maintain enrollment records and ELCs may audit the records in order to detect fraud or errors.
- 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 private School Readiness program providers add the local ELC as an additional insured on its liability insurance policy.
- Expanding DCF's authority to conduct abbreviated inspections to include FDCHs and LFCCHs. These inspections currently apply only to licensed child care facilities with no class 1 or 2 violations in a two year period.

The bill specifically authorizes OEL to hire a general counsel and inspector general. The duties of the Early Learning Advisory Council (ELAC) 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 requires OEL to conduct a two-year pilot project to study the impact of assessing the kindergarten readiness of VPK program participants who are English Language Learners (ELL) in both English and Spanish. Under the pilot, OEL will administer the Florida Assessments for Instruction in Reading and an appropriate assessment in Spanish. OEL must examine the results of the assessments and report its findings annually to the Governor, President of the Senate, and Speaker of the House of Representatives. The purpose of the pilot project is to better ascertain the capabilities and kindergarten readiness of ELLs, which may otherwise be masked by their lack of English proficiency.

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. Additionally, the bill authorizes ELCs to use School Readiness program quality improvement funds to provide financial support to providers and their staff for, among other things, obtaining a license or accreditation and CPR and first aid training.

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

The bill requires each FDCH to conspicuously post its license or registration on the premises in an area viewable by parents. Each LFCCH must also post its license on the premises. 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 FDCHs and has been fulfilled.<sup>70</sup>

The bill codifies the training requirements in DCF rule for licensed FDCH substitutes, which differentiate between substitutes who work 40 hours or more per month from those who work less. The bill requires substitutes in registered FDCHs to complete the same training as substitutes in licensed FDCHs. Currently, there are no training requirements for such substitutes.

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<sup>70</sup> See s. 402.313(11), F.S.  
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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>71</sup> The law prohibits:

- Counties and municipalities from requiring that FDCHs be commercially zoned;
- Property and casualty insurers from canceling residential insurance coverage solely because the residence operates as a FDCH; and
- Utilities from charging FDCHs commercial utility rates.<sup>72</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 term “family day care home” to “family child care home.”

**Section 2.** Amends s. 125.0109, F.S., relating to family day care homes; local zoning regulation (counties).

**Section 3.** Amends s. 166.0445, F.S., relating to family day care homes; local zoning regulation (municipalities).

**Section 4.** Amends s. 402.302, F.S., relating to child care definitions.

**Section 5.** Amends s. 402.3025, F.S., relating to public and nonpublic schools.

**Section 6.** Amends s. 402.305, F.S., relating to licensing standards; child care facilities.

**Section 7.** Creates s. 402.3085, F.S., relating to a certificate of substantial compliance with minimum child care standards.

**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. 1001.213, F.S., relating to Office of Early Learning.

**Section 15.** Amends s. 1002.53, F.S., relating to Voluntary Prekindergarten Education Program; eligibility and enrollment.

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<sup>71</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>72</sup> See ss. 125.0109, 166.0445, 627.70161, and 402.313(12), F.S.

- Section 16.** Amends s. 1002.55, F.S., relating to school-year prekindergarten program delivered by private prekindergarten providers.
- Section 17.** Amends s. 1002.59, F.S., relating to emergent literacy and performance standards.
- Section 18.** Amends s. 1002.61, F.S., relating to summer prekindergarten program delivered by public schools and private prekindergarten providers.
- Section 19.** Amends s. 1002.63, F.S., relating to school-year prekindergarten program delivered by public schools.
- Section 20.** Amends s. 1002.71, F.S., relating to funding; financial and attendance reporting.
- Section 21.** Amends s. 1002.75, F.S., relating to Office of Early Learning; VPK program powers and duties.
- Section 22.** Amends s. 1002.77, F.S., relating to Florida Early Learning Advisory Council.
- Section 23.** Amends s. 1002.81, F.S., relating to School Readiness program definitions.
- Section 24.** Amends s. 1002.82, F.S., relating to Office of Early Learning; School Readiness program powers and duties.
- Section 25.** Amends s. 1002.84, F.S., relating to early learning coalitions; school readiness powers and duties.
- Section 26.** Amends s. 1002.87, F.S., relating to School Readiness program; eligibility and enrollment.
- Section 27.** Amends s. 1002.88, F.S., relating to School Readiness program provider standards; eligibility to deliver the school readiness program.
- Section 28.** Amends s. 1002.89, F.S., relating to School Readiness program; funding.
- Section 29.** Amends s. 1002.91, F.S., relating to investigations of fraud or overpayment; penalties.
- Section 30.** Amends s. 1002.94, F.S., relating to Child Care Executive Partnership Program.
- Section 31.** Creates an unnumbered section of law directing OEL to conduct a pilot project to study the impact of assessing the early literacy skills of ELLs in both English and Spanish.
- Section 32.** Provides an appropriation.
- Section 33.** Provides an effective date of July 1, 2015.

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

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

Consistent with DCF's current authorization to collect fees for the licensure of child care facilities, it's expected an additional \$70,800 in revenue may be generated to mitigate the expenditure impact of the bill.

2. Expenditures:

The bill expands DCF's workload by requiring the inspection of license-exempt faith-based providers and nonpublic schools. In estimating the fiscal impact of HB 7069 (2014) last year, which was identical to this bill, it was determined that DCF would need an additional 18.00 full-time equivalent positions and \$1,046,284 to address these additional regulatory functions as outlined in the following chart<sup>73</sup>:

Position and FTE Required	Recurring FTE Costs	Nonrecurring FTE Costs	FY 2014-15 Fiscal Impact
Licensing Counselor - 14	\$ 804,485	\$ 3,773	
Licensing Counselor Supervisor - 2	\$ 130,931	\$ 3,773	
Senior Attorney - 2	\$ 170,349	\$ 3,773	
<b>TOTAL FTE - 18</b>	<b>\$ 1,105,765</b>		
LESS: Licensing Fee Revenue	(\$70,800)		
<b>TOTAL Cost to DCF</b>	<b>\$1,034,965</b>	<b>\$ 11,319</b>	<b>\$ 1,046,284</b>

The bill provides a total appropriation of \$1,117,084 to address the recurring and nonrecurring costs of authorizing an additional 18 positions. This is inclusive of \$70,800 in trust fund budget authority to allow DCF to utilize licensing fee revenue in support of the expanded regulatory workload.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill extends to LFCCHs the protections that FDCHs currently receive regarding zoning requirements, insurance coverage, and utility rates. Under the bill:

- Local governments are prohibited from requiring that LFCCHs be commercially zoned;
- Property and casualty insurers are prohibited from canceling residential insurance coverage because the residence operates as a LFCCH; and
- Utilities are prohibited from charging LFCCHs commercial utility rates.

The extent to which local governments require LFCCHs to be commercially zoned, property insurers require LFCCHs to obtain additional coverage, and utility companies charge LFCCHs commercial rates is unknown. In order to qualify for licensure as a LFCCH, the home must operate as a licensed FDCH in the two years prior to seeking licensure as a LFCCH. It appears that most local governments, insurers, and utility companies do not treat LFCCHs any differently than FDCHs. In February 2014, there were 2,941 licensed FDCHs and 429 LFCCHs operating in Florida. Given the small number of LFCCHs that will receive these protections under the bill, the fiscal impact on counties, municipalities, property insurers, and utility companies is likely minimal.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill authorizes DCF to charge an inspection fee to nonpublic schools and license-exempt faith-based providers of state-funded early learning programs in order to enforce substantial compliance 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 a maximum fee of \$100 per facility.<sup>74</sup>

<sup>73</sup> Based upon DCF's bill analysis dated February 27, 2014, and on file with staff of the Health Care Appropriations Committee

<sup>74</sup> Section 402.315(3)(a), F.S.

Protections regarding zoning requirements, insurance coverage, and utility rates provided to LFCCHs may result in cost savings. 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 certain providers add the local ELC as an additional insured on its liability insurance policy.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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

Not Applicable. This bill does not appear to affect county or municipal governments.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires DCF, in consultation with OEL, 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 providing state-funded early learning programs. This includes the adoption of minimum 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.





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