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1  
2 An act relating to early learning; amending s.  
3 1002.81, F.S.; revising the definition of "at-risk  
4 child"; amending s. 1002.82, F.S.; revising the duties  
5 of the Office of Early Learning; revising the  
6 requirements for certain assessments; revising the  
7 standard statewide contract for providers; providing  
8 that failing to meet certain measures for a specified  
9 period is cause for termination of a provider;  
10 providing for the development of a program assessment  
11 for school readiness providers; providing program  
12 assessment requirements; requiring the office to set a  
13 payment differential for certain providers; providing  
14 requirements for such payment differential; revising  
15 requirements for a certain single statewide  
16 information system; revising the requirement for an  
17 analysis of early learning activities throughout the  
18 state; amending s. 1002.84, F.S.; conforming a cross-  
19 reference; amending s. 1002.85, F.S.; revising the  
20 required contents of the school readiness program plan  
21 each early learning coalition must submit; amending s.  
22 1002.87, F.S.; revising the priority criteria for  
23 participation in the school readiness program;  
24 amending s. 1002.88, F.S.; revising school readiness  
25 provider requirements for program participation;

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26 conforming cross-references; amending s. 1002.89,  
 27 F.S.; providing for the use of specified funds for a  
 28 required assessment; amending s. 1002.92, F.S.;  
 29 conforming a cross-reference; providing an  
 30 appropriation; providing an effective date.

31  
 32 Be It Enacted by the Legislature of the State of Florida:

33  
 34 Section 1. Paragraph (e) of subsection (1) of section  
 35 1002.81, Florida Statutes, is amended to read:

36 1002.81 Definitions.—Consistent with the requirements of  
 37 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

39 (e) A child in the custody of a parent who is considered a  
 40 victim of domestic violence and is receiving services through  
 41 ~~residing in~~ a certified domestic violence center.

42 Section 2. Paragraphs (n) through (x) of subsection (2) of  
 43 section 1002.82, Florida Statutes, are redesignated as  
 44 paragraphs (p) through (z), respectively, present paragraphs  
 45 (k), (m), and (n) of subsection (2) and paragraph (a) of  
 46 subsection (5) are amended, and new paragraphs (n) and (o) are  
 47 added to subsection (2) of that section, to read:

48 1002.82 Office of Early Learning; powers and duties.—

49 (2) The office shall:

50 (k) Identify observation-based child ~~Select~~ assessments

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51 that are valid, reliable, and developmentally appropriate for  
52 use at least three times a year ~~for use as preassessment and~~  
53 ~~postassessment for the age ranges specified in the coalition~~  
54 ~~plans.~~ The assessments must:  
55 1. Provide interval level and criterion-referenced data  
56 that measures equivalent levels of growth across the core  
57 domains of early childhood development and that can be used for  
58 determining developmentally appropriate learning gains.  
59 2. Measure progress in the performance standards adopted  
60 pursuant to paragraph (j).  
61 3. Provide for appropriate accommodations for children  
62 with disabilities and English language learners and be  
63 administered by qualified individuals, consistent with the  
64 developer's instructions.  
65 4. Coordinate with the performance standards adopted by  
66 the department under s. 1002.67(1) for the Voluntary  
67 Prekindergarten Education Program.  
68 5. Provide data in a format for use in the single  
69 statewide information system to meet the requirements of  
70 paragraph (q) ~~be designed to measure progress in the domains of~~  
71 ~~the performance standards adopted pursuant to paragraph (j),~~  
72 ~~provide appropriate accommodations for children with~~  
73 ~~disabilities and English language learners, and be administered~~  
74 ~~by qualified individuals, consistent with the publisher's~~  
75 ~~instructions.~~

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76 (m) Adopt by rule a standard statewide provider contract  
77 to be used with each school readiness program provider, with  
78 standardized attachments by provider type. The office shall  
79 publish a copy of the standard statewide provider contract on  
80 its website. The standard statewide contract shall include, at a  
81 minimum, contracted slots, if applicable, in accordance with the  
82 Child Care and Development Block Grant Act of 2014, 45 C.F.R.  
83 parts 98 and 99; quality improvement strategies, if applicable;  
84 program assessment requirements; and provisions for provider  
85 probation, termination for cause, and emergency termination for  
86 those actions or inactions of a provider that pose an immediate  
87 and serious danger to the health, safety, or welfare of the  
88 children. The standard statewide provider contract shall also  
89 include appropriate due process procedures. During the pendency  
90 of an appeal of a termination, the provider may not continue to  
91 offer its services. Any provision imposed upon a provider that  
92 is inconsistent with, or prohibited by, law is void and  
93 unenforceable. Provisions for termination for cause must also  
94 include failure to meet the minimum quality measures established  
95 under paragraph (n) for a period of up to 5 years, unless the  
96 coalition determines that the provider is essential to meeting  
97 capacity needs based on the assessment under s. 1002.85(2)(j)  
98 and the provider has an active improvement plan pursuant to  
99 paragraph (n).

100 (n) Adopt a program assessment for school readiness

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101 program providers that measures the quality of teacher-child  
102 interactions, including emotional and behavioral support,  
103 engaged support for learning, classroom organization, and  
104 instructional support for children ages birth to 5 years. The  
105 program assessment must also include:

106 1. Quality measures, including a minimum threshold for  
107 contracting purposes and program improvement through an  
108 improvement plan.

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

111 (o) No later than July 1, 2019, develop a differential  
112 payment program based on the quality measures adopted by the  
113 office under paragraph (n). The differential payment may not  
114 exceed a total of 15 percent for each care level and unit of  
115 child care for a child care provider. No more than 5 percent of  
116 the 15 percent total differential may be provided to providers  
117 who submit valid and reliable data to the statewide information  
118 system in the domains of language and executive functioning  
119 using a child assessment identified pursuant to paragraph (k).  
120 Providers below the minimum threshold for contracting purposes  
121 are ineligible for such payment.

122 (q) ~~(n)~~ Establish a single statewide information system  
123 that each coalition must use for the purposes of managing the  
124 single point of entry, tracking children's progress,  
125 coordinating services among stakeholders, determining

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126 eligibility of children, tracking child attendance, and  
127 streamlining administrative processes for providers and early  
128 learning coalitions. By July 1, 2019, the system, subject to ss.  
129 1002.72 and 1002.97, shall:

130 1. Allow a parent to monitor the development of his or her  
131 child as the child moves among programs within the state.

132 2. Enable analysis at the state, regional, and local level  
133 to measure child growth over time, program impact, and quality  
134 improvement and investment decisions.

135 (5) By January 1 of each year, the office shall annually  
136 publish on its website a report of its activities conducted  
137 under this section. The report must include a summary of the  
138 coalitions' annual reports, a statewide summary, and the  
139 following:

140 (a) An analysis of early learning activities throughout  
141 the state, including the school readiness program and the  
142 Voluntary Prekindergarten Education Program.

143 1. The total and average number of children served in the  
144 school readiness program, enumerated by age, eligibility  
145 priority category, and coalition, and the total number of  
146 children served in the Voluntary Prekindergarten Education  
147 Program.

148 2. A summary of expenditures by coalition, by fund source,  
149 including a breakdown by coalition of the percentage of  
150 expenditures for administrative activities, quality activities,

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151 nondirect services, and direct services for children.

152 3. A description of the office's and each coalition's  
 153 expenditures by fund source for the quality and enhancement  
 154 activities described in s. 1002.89(6) (b).

155 4. A summary of annual findings and collections related to  
 156 provider fraud and parent fraud.

157 5. Data regarding the coalitions' delivery of early  
 158 learning programs.

159 6. The total number of children disenrolled statewide and  
 160 the reason for disenrollment.

161 7. The total number of providers by provider type.

162 8. The number of school readiness program providers who  
 163 have completed the program assessment required under paragraph  
 164 (2) (n); the number of providers who have not met the minimum  
 165 threshold for contracting established under to paragraph (2) (n);  
 166 and the number of providers that have an active improvement plan  
 167 based on the results of the program assessment under paragraph  
 168 (2) (n).

169 ~~9.8.~~ The total number of provider contracts revoked and  
 170 the reasons for revocation.

171 Section 3. Subsection (4) of section 1002.84, Florida  
 172 Statutes, is amended to read:

173 1002.84 Early learning coalitions; school readiness powers  
 174 and duties.—Each early learning coalition shall:

175 (4) Establish a regional Warm-Line as directed by the

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176 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional  
 177 Warm-Line staff shall provide onsite technical assistance, when  
 178 requested, to assist child care facilities and family day care  
 179 homes with inquiries relating to the strategies, curriculum, and  
 180 environmental adaptations the child care facilities and family  
 181 day care homes may need as they serve children with disabilities  
 182 and other special needs.

183 Section 4. Paragraphs (c) and (d) of subsection (2) of  
 184 section 1002.85, Florida Statutes, are amended, and paragraph  
 185 (j) is added to that subsection, to read:

186 1002.85 Early learning coalition plans.—

187 (2) Each early learning coalition must biennially submit a  
 188 school readiness program plan to the office before the  
 189 expenditure of funds. A coalition may not implement its school  
 190 readiness program plan until it receives approval from the  
 191 office. A coalition may not implement any revision to its school  
 192 readiness program plan until the coalition submits the revised  
 193 plan to and receives approval from the office. If the office  
 194 rejects a plan or revision, the coalition must continue to  
 195 operate under its previously approved plan. The plan must  
 196 include, but is not limited to:

197 (c) The coalition's procedures for implementing the  
 198 requirements of this part, including:

- 199 1. Single point of entry.
- 200 2. Uniform waiting list.

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201 3. Eligibility and enrollment processes and local  
 202 eligibility priorities for children pursuant to s. 1002.87.

203 4. Parent access and choice.

204 5. Sliding fee scale and policies on applying the waiver  
 205 or reduction of fees in accordance with s. 1002.84(8).

206 6. Use of preassessments and postassessments, as  
 207 applicable.

208 7. Payment rate schedule.

209 8. Use of contracted slots, as applicable, based on the  
 210 results of the assessment required under paragraph (j).

211 (d) A detailed description of the coalition's quality  
 212 activities and services, including, but not limited to:

213 1. Resource and referral and school-age child care.

214 2. Infant and toddler early learning.

215 3. Inclusive early learning programs.

216 4. Quality improvement strategies that strengthen teaching  
 217 practices and increase child outcomes.

218 (j) An assessment of local priorities within the county or  
 219 multi-county region based on the needs of families and provider  
 220 capacity using available community data.

221 Section 5. Subsections (1), (2), (3), and (7) of section  
 222 1002.87, Florida Statutes, are amended to read:

223 1002.87 School readiness program; eligibility and  
 224 enrollment.—

225 (1) Each early learning coalition shall give priority for

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226 participation in the school readiness program as follows:

227 (a) Priority shall be given first to a child younger than  
 228 13 years of age from a family that includes a parent who is  
 229 receiving temporary cash assistance under chapter 414 and  
 230 subject to the federal work requirements.

231 (b) Priority shall be given next to an at-risk child  
 232 younger than 9 years of age.

233 (c) Subsequent priority shall be given, based on the early  
 234 learning coalition's local priorities identified under s.  
 235 1002.85(2)(j), to children who meet the following criteria: next  
 236 to

237 1. A child from birth to the beginning of the school year  
 238 for which the child is eligible for admission to kindergarten in  
 239 a public school under s. 1003.21(1)(a)2. who is from a working  
 240 family that is economically disadvantaged, and may include such  
 241 child's eligible siblings, beginning with the school year in  
 242 which the sibling is eligible for admission to kindergarten in a  
 243 public school under s. 1003.21(1)(a)2. until the beginning of  
 244 the school year in which the sibling is eligible to begin 6th  
 245 grade, provided that the first priority for funding an eligible  
 246 sibling is local revenues available to the coalition for funding  
 247 direct services.

248 ~~2.(d) Priority shall be given next to~~ A child of a parent  
 249 who transitions from the work program into employment as  
 250 described in s. 445.032 from birth to the beginning of the

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251 school year for which the child is eligible for admission to  
 252 kindergarten in a public school under s. 1003.21(1)(a)2.

253 ~~3.(e) Priority shall be given next to~~ An at-risk child who  
 254 is at least 9 years of age but younger than 13 years of age. An  
 255 at-risk child whose sibling is enrolled in the school readiness  
 256 program within an eligibility priority category listed in  
 257 paragraphs (a) and (b) and subparagraph (c)1. ~~(e)~~ shall be given  
 258 priority over other children who are eligible under this  
 259 paragraph.

260 ~~4.(f) Priority shall be given next to~~ A child who is  
 261 younger than 13 years of age from a working family that is  
 262 economically disadvantaged. ~~A child who is eligible under this~~  
 263 ~~paragraph whose sibling is enrolled in the school readiness~~  
 264 ~~program under paragraph (e) shall be given priority over other~~  
 265 ~~children who are eligible under this paragraph.~~

266 ~~5.(g) Priority shall be given next to~~ A child of a parent  
 267 who transitions from the work program into employment as  
 268 described in s. 445.032 who is younger than 13 years of age.

269 ~~6.(h) Priority shall be given next to~~ A child who has  
 270 special needs, has been determined eligible as a student with a  
 271 disability, has a current individual education plan with a  
 272 Florida school district, and is not younger than 3 years of age.  
 273 A special needs child eligible under this paragraph remains  
 274 eligible until the child is eligible for admission to  
 275 kindergarten in a public school under s. 1003.21(1)(a)2.

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276 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall~~  
 277 ~~be given last to~~ A child who otherwise meets one of the  
 278 eligibility criteria in paragraphs (a) and (b) and subparagraphs  
 279 (c)1. and 2. ~~-(d)~~ but who is also enrolled concurrently in the  
 280 federal Head Start Program and the Voluntary Prekindergarten  
 281 Education Program.

282 (2) A school readiness program provider may be paid only  
 283 for authorized hours of care provided for a child in the school  
 284 readiness program. A child enrolled in the Voluntary  
 285 Prekindergarten Education Program may receive care from the  
 286 school readiness program if the child is eligible according to  
 287 the eligibility priorities and criteria established in  
 288 subsection (1) ~~this section~~.

289 (3) Contingent upon the availability of funds, a coalition  
 290 shall enroll eligible children, including those from its waiting  
 291 list, according to the eligibility priorities and criteria  
 292 established in subsection (1) ~~this section~~.

293 (7) If a coalition disenrolls children from the school  
 294 readiness program, the coalition must disenroll the children in  
 295 reverse order of the eligibility priorities and criteria listed  
 296 in subsection (1) beginning with children from families with the  
 297 highest family incomes. A notice of disenrollment must be sent  
 298 to the parent and school readiness program provider at least 2  
 299 weeks before disenrollment to provide adequate time for the  
 300 parent to arrange alternative care for the child. However, an

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301 at-risk child may not be disenrolled from the program without  
 302 the written approval of the Child Welfare Program Office of the  
 303 Department of Children and Families or the community-based lead  
 304 agency.

305 Section 6. Paragraphs (h) through (q) of subsection (1) of  
 306 section 1002.88, Florida Statutes, are redesignated as  
 307 paragraphs (i) through (r), respectively, present paragraphs (m)  
 308 and (o) of subsection (1) are amended, and new paragraph (h) is  
 309 added to subsection (1) of that section, to read:

310 1002.88 School readiness program provider standards;  
 311 eligibility to deliver the school readiness program.—

312 (1) To be eligible to deliver the school readiness  
 313 program, a school readiness program provider must:

314 (h) Participate in the program assessment under s.  
 315 1002.82(2)(n).

316 (n) ~~(m)~~ For a provider that is an informal provider, comply  
 317 with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain  
 318 homeowner's liability insurance and, if applicable, a business  
 319 rider. If an informal provider chooses to maintain a homeowner's  
 320 policy, the provider must obtain and retain a homeowner's  
 321 insurance policy that provides a minimum of \$100,000 of coverage  
 322 per occurrence and a minimum of \$300,000 general aggregate  
 323 coverage. The office may authorize lower limits upon request, as  
 324 appropriate. An informal provider must add the coalition as a  
 325 named certificateholder and as an additional insured. An

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326 informal provider must provide the coalition with a minimum of  
 327 10 calendar days' advance written notice of cancellation of or  
 328 changes to coverage. The general liability insurance required by  
 329 this paragraph must remain in full force and effect for the  
 330 entire period of the provider's contract with the coalition.

331 (p) ~~(e)~~ Notwithstanding paragraph (m) ~~paragraph (l)~~, for a  
 332 provider that is a state agency or a subdivision thereof, as  
 333 defined in s. 768.28(2), agree to notify the coalition of any  
 334 additional liability coverage maintained by the provider in  
 335 addition to that otherwise established under s. 768.28. The  
 336 provider shall indemnify the coalition to the extent permitted  
 337 by s. 768.28.

338 Section 7. Paragraph (b) of subsection (6) of section  
 339 1002.89, Florida Statutes, is amended to read:

340 1002.89 School readiness program; funding.—

341 (6) Costs shall be kept to the minimum necessary for the  
 342 efficient and effective administration of the school readiness  
 343 program with the highest priority of expenditure being direct  
 344 services for eligible children. However, no more than 5 percent  
 345 of the funds described in subsection (5) may be used for  
 346 administrative costs and no more than 22 percent of the funds  
 347 described in subsection (5) may be used in any fiscal year for  
 348 any combination of administrative costs, quality activities, and  
 349 nondirect services as follows:

350 (b) Activities to improve the quality of child care as

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351 described in 45 C.F.R. s. 98.51, which shall be limited to the  
352 following:

353 1. Developing, establishing, expanding, operating, and  
354 coordinating resource and referral programs specifically related  
355 to the provision of comprehensive consumer education to parents  
356 and the public to promote informed child care choices specified  
357 in 45 C.F.R. s. 98.33.

358 2. Awarding grants and providing financial support to  
359 school readiness program providers and their staff to assist  
360 them in meeting applicable state requirements for the program  
361 assessment required under s. 1002.82(2)(n), child care  
362 performance standards, implementing developmentally appropriate  
363 curricula and related classroom resources that support  
364 curricula, providing literacy supports, and providing continued  
365 professional development and training. Any grants awarded  
366 pursuant to this subparagraph shall comply with ss. 215.971 and  
367 287.058.

368 3. Providing training, technical assistance, and financial  
369 support to school readiness program providers, staff, and  
370 parents on standards, child screenings, child assessments, child  
371 development research and best practices, developmentally  
372 appropriate curricula, character development, teacher-child  
373 interactions, age-appropriate discipline practices, health and  
374 safety, nutrition, first aid, cardiopulmonary resuscitation, the  
375 recognition of communicable diseases, and child abuse detection,

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376 prevention, and reporting.

377 4. Providing, from among the funds provided for the  
 378 activities described in subparagraphs 1.-3., adequate funding  
 379 for infants and toddlers as necessary to meet federal  
 380 requirements related to expenditures for quality activities for  
 381 infant and toddler care.

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

385 6. Responding to Warm-Line requests by providers and  
 386 parents, including providing developmental and health screenings  
 387 to school readiness program children.

388 Section 8. Paragraph (a) of subsection (3) of section  
 389 1002.92, Florida Statutes, is amended to read:

390 1002.92 Child care and early childhood resource and  
 391 referral.—

392 (3) Child care resource and referral agencies shall  
 393 provide the following services:

394 (a) Identification of existing public and private child  
 395 care and early childhood education services, including child  
 396 care services by public and private employers, and the  
 397 development of a resource file of those services through the  
 398 single statewide information system developed by the office  
 399 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may  
 400 include family day care, public and private child care programs,

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401 the Voluntary Prekindergarten Education Program, Head Start, the  
 402 school readiness program, special education programs for  
 403 prekindergarten children with disabilities, services for  
 404 children with developmental disabilities, full-time and part-  
 405 time programs, before-school and after-school programs, vacation  
 406 care programs, parent education, the temporary cash assistance  
 407 program, and related family support services. The resource file  
 408 shall include, but not be limited to:

- 409 1. Type of program.
- 410 2. Hours of service.
- 411 3. Ages of children served.
- 412 4. Number of children served.
- 413 5. Program information.
- 414 6. Fees and eligibility for services.
- 415 7. Availability of transportation.

416 Section 9. For the 2018-2019 fiscal year, the sum of \$6  
 417 million in nonrecurring funds from the Child Care and  
 418 Development Block Grant Trust Fund is appropriated to the Office  
 419 of Early Learning to implement the program assessment required  
 420 by s. 1002.82(2)(n), Florida Statutes.

421 Section 10. This act shall take effect July 1, 2018.