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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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	.	

The Committee on Appropriations (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) "At-risk child" means:

(e) A child in the custody of a parent who is considered a



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11 victim of domestic violence and is receiving services through
12 ~~residing in~~ a certified domestic violence center.

13 Section 2. Present paragraphs (n) through (x) of subsection
14 (2) of section 1002.82, Florida Statutes, are redesignated as
15 paragraphs (p) through (z), respectively, paragraphs (k) and (m)
16 and present paragraph (n) of subsection (2) and paragraph (a) of
17 subsection (5) of that section are amended, and new paragraphs
18 (n) and (o) are added to subsection (2) of that section, to
19 read:

20 1002.82 Office of Early Learning; powers and duties.—

21 (2) The office shall:

22 (k) Identify observation-based child ~~Select~~ assessments
23 that are valid, reliable, and developmentally appropriate for
24 use at least three times a year ~~for use as preassessment and~~
25 ~~postassessment for the age ranges specified in the coalition~~
26 ~~plans.~~ The assessments must:

27 1. Provide interval level and criterion-referenced data
28 that measures equivalent levels of growth across the core
29 domains of early childhood development and that can be used for
30 determining developmentally appropriate learning gains.

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

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

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



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40 5. Provide data in a format for use in the single statewide
41 information system to meet the requirements of paragraph (q) be
42 designed to measure progress in the domains of the performance
43 standards adopted pursuant to paragraph (j), provide appropriate
44 accommodations for children with disabilities and English
45 language learners, and be administered by qualified individuals,
46 consistent with the publisher's instructions.

47 (m) Adopt by rule a standard statewide provider contract to
48 be used with each school readiness program provider, with
49 standardized attachments by provider type. The office shall
50 publish a copy of the standard statewide provider contract on
51 its website. The standard statewide contract shall include, at a
52 minimum, contracted slots, if applicable, in accordance with the
53 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
54 parts 98 and 99; quality improvement strategies, if applicable;
55 program assessment requirements; and provisions for provider
56 probation, termination for cause, and emergency termination for
57 those actions or inactions of a provider that pose an immediate
58 and serious danger to the health, safety, or welfare of the
59 children. The standard statewide provider contract shall also
60 include appropriate due process procedures. During the pendency
61 of an appeal of a termination, the provider may not continue to
62 offer its services. Any provision imposed upon a provider that
63 is inconsistent with, or prohibited by, law is void and
64 unenforceable. Provisions for termination for cause must also
65 include failure to meet the minimum quality measures established
66 under paragraph (n) for a period of up to 5 years, unless the
67 coalition determines that the provider is essential to meeting
68 capacity needs based on the assessment under s. 1002.85(2)(j)



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69 and the provider has an active improvement plan pursuant to
70 paragraph (n).

71 (n) Adopt a program assessment for school readiness program
72 providers that measures the quality of teacher-child
73 interactions, including emotional and behavioral support,
74 engaged support for learning, classroom organization, and
75 instructional support for children ages birth to 5 years. The
76 program assessment must also include:

77 1. Quality measures, including a minimum threshold for
78 contracting purposes and program improvement through an
79 improvement plan.

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

82 (o) No later than July 1, 2019, develop a differential
83 payment program based on the quality measures adopted by the
84 office under paragraph (n). The differential payment may not
85 exceed a total of 15 percent for each care level and unit of
86 child care for a child care provider. No more than 5 percent of
87 the 15 percent total differential may be provided to providers
88 who submit valid and reliable data to the statewide information
89 system in the domains of language and executive functioning
90 using a child assessment identified pursuant to paragraph (k).
91 Providers below the minimum threshold for contracting purposes
92 are ineligible for such payment.

93 (q) ~~(n)~~ Establish a single statewide information system that
94 each coalition must use for the purposes of managing the single
95 point of entry, tracking children's progress, coordinating
96 services among stakeholders, determining eligibility of
97 children, tracking child attendance, and streamlining



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98 administrative processes for providers and early learning
99 coalitions. By July 1, 2019, the system, subject to ss. 1002.72
100 and 1002.97, shall:

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

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

106 (5) By January 1 of each year, the office shall annually
107 publish on its website a report of its activities conducted
108 under this section. The report must include a summary of the
109 coalitions' annual reports, a statewide summary, and the
110 following:

111 (a) An analysis of early learning activities throughout the
112 state, including the school readiness program and the Voluntary
113 Prekindergarten Education Program.

114 1. The total and average number of children served in the
115 school readiness program, enumerated by age, eligibility
116 priority category, and coalition, and the total number of
117 children served in the Voluntary Prekindergarten Education
118 Program.

119 2. A summary of expenditures by coalition, by fund source,
120 including a breakdown by coalition of the percentage of
121 expenditures for administrative activities, quality activities,
122 nondirect services, and direct services for children.

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

126 4. A summary of annual findings and collections related to



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127 provider fraud and parent fraud.

128 5. Data regarding the coalitions' delivery of early
129 learning programs.

130 6. The total number of children disenrolled statewide and
131 the reason for disenrollment.

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

133 8. The number of school readiness program providers who
134 have completed the program assessment required under paragraph
135 (2) (n); the number of providers who have not met the minimum
136 threshold for contracting established under that paragraph; and
137 the number of providers that have an active improvement plan
138 based on the results of the program assessment under that
139 paragraph.

140 ~~9.8.~~ The total number of provider contracts revoked and the
141 reasons for revocation.

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

144 1002.84 Early learning coalitions; school readiness powers
145 and duties.—Each early learning coalition shall:

146 (4) Establish a regional Warm-Line as directed by the
147 office pursuant to s. 1002.82(2) (t) ~~s. 1002.82(2) (r)~~. Regional
148 Warm-Line staff shall provide onsite technical assistance, when
149 requested, to assist child care facilities and family day care
150 homes with inquiries relating to the strategies, curriculum, and
151 environmental adaptations the child care facilities and family
152 day care homes may need as they serve children with disabilities
153 and other special needs.

154 Section 4. Paragraphs (c) and (d) of subsection (2) of
155 section 1002.85, Florida Statutes, are amended, and paragraph



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156 (j) is added to that subsection, to read:

157 1002.85 Early learning coalition plans.—

158 (2) Each early learning coalition must biennially submit a
159 school readiness program plan to the office before the
160 expenditure of funds. A coalition may not implement its school
161 readiness program plan until it receives approval from the
162 office. A coalition may not implement any revision to its school
163 readiness program plan until the coalition submits the revised
164 plan to and receives approval from the office. If the office
165 rejects a plan or revision, the coalition must continue to
166 operate under its previously approved plan. The plan must
167 include, but is not limited to:

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

170 1. Single point of entry.

171 2. Uniform waiting list.

172 3. Eligibility and enrollment processes and local
173 eligibility priorities for children pursuant to s. 1002.87.

174 4. Parent access and choice.

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

177 6. Use of preassessments and postassessments, as
178 applicable.

179 7. Payment rate schedule.

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

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

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



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185 2. Infant and toddler early learning.

186 3. Inclusive early learning programs.

187 4. Quality improvement strategies that strengthen teaching
188 practices and increase child outcomes.

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

192 Section 5. Subsections (1), (2), (3), and (7) of section
193 1002.87, Florida Statutes, are amended to read:

194 1002.87 School readiness program; eligibility and
195 enrollment.—

196 (1) Each early learning coalition shall give priority for
197 participation in the school readiness program as follows:

198 (a) Priority shall be given first to a child younger than
199 13 years of age from a family that includes a parent who is
200 receiving temporary cash assistance under chapter 414 and
201 subject to the federal work requirements.

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

204 (c) Subsequent priority shall be given , based on the early
205 learning coalition's local priorities identified under s.

206 1002.85(2)(j), to children who meet the following criteria: next
207 to

208 1. A child from birth to the beginning of the school year
209 for which the child is eligible for admission to kindergarten in
210 a public school under s. 1003.21(1)(a)2. who is from a working
211 family that is economically disadvantaged, and may include such
212 child's eligible siblings, beginning with the school year in
213 which the sibling is eligible for admission to kindergarten in a



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214 public school under s. 1003.21(1)(a)2. until the beginning of
215 the school year in which the sibling is eligible to begin 6th
216 grade, provided that the first priority for funding an eligible
217 sibling is local revenues available to the coalition for funding
218 direct services.

219 ~~2.(d) Priority shall be given next to~~ A child of a parent
220 who transitions from the work program into employment as
221 described in s. 445.032 from birth to the beginning of the
222 school year for which the child is eligible for admission to
223 kindergarten in a public school under s. 1003.21(1)(a)2.

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

231 ~~4.(f) Priority shall be given next to~~ A child who is
232 younger than 13 years of age from a working family that is
233 economically disadvantaged. ~~A child who is eligible under this~~
234 ~~paragraph whose sibling is enrolled in the school readiness~~
235 ~~program under paragraph (c) shall be given priority over other~~
236 ~~children who are eligible under this paragraph.~~

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

240 ~~6.(h) Priority shall be given next to~~ A child who has
241 special needs, has been determined eligible as a student with a
242 disability, has a current individual education plan with a



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243 Florida school district, and is not younger than 3 years of age.
244 A special needs child eligible under this paragraph remains
245 eligible until the child is eligible for admission to
246 kindergarten in a public school under s. 1003.21(1)(a)2.

247 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall be~~
248 ~~given last to~~ A child who otherwise meets one of the eligibility
249 criteria in paragraphs (a) and (b) and subparagraphs (c)1. and
250 2.,-(d) but who is also enrolled concurrently in the federal
251 Head Start Program and the Voluntary Prekindergarten Education
252 Program.

253 (2) A school readiness program provider may be paid only
254 for authorized hours of care provided for a child in the school
255 readiness program. A child enrolled in the Voluntary
256 Prekindergarten Education Program may receive care from the
257 school readiness program if the child is eligible according to
258 the eligibility priorities and criteria established in
259 subsection (1) this section.

260 (3) Contingent upon the availability of funds, a coalition
261 shall enroll eligible children, including those from its waiting
262 list, according to the eligibility priorities and criteria
263 established in subsection (1) this section.

264 (7) If a coalition disenrolls children from the school
265 readiness program, the coalition must disenroll the children in
266 reverse order of the eligibility priorities and criteria listed
267 in subsection (1) beginning with children from families with the
268 highest family incomes. A notice of disenrollment must be sent
269 to the parent and school readiness program provider at least 2
270 weeks before disenrollment to provide adequate time for the
271 parent to arrange alternative care for the child. However, an



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272 at-risk child may not be disenrolled from the program without
273 the written approval of the Child Welfare Program Office of the
274 Department of Children and Families or the community-based lead
275 agency.

276 Section 6. Paragraphs (h) through (q) of subsection (1) of
277 section 1002.88, Florida Statutes, are redesignated as
278 paragraphs (i) through (r), respectively, present paragraphs (m)
279 and (o) of that subsection are amended, and a new paragraph (h)
280 is added to that subsection, to read:

281 1002.88 School readiness program provider standards;
282 eligibility to deliver the school readiness program.-

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

285 (h) Participate in the program assessment under s.
286 1002.82(2)(n).

287 (n) ~~(m)~~ For a provider that is an informal provider, comply
288 with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain
289 homeowner's liability insurance and, if applicable, a business
290 rider. If an informal provider chooses to maintain a homeowner's
291 policy, the provider must obtain and retain a homeowner's
292 insurance policy that provides a minimum of \$100,000 of coverage
293 per occurrence and a minimum of \$300,000 general aggregate
294 coverage. The office may authorize lower limits upon request, as
295 appropriate. An informal provider must add the coalition as a
296 named certificateholder and as an additional insured. An
297 informal provider must provide the coalition with a minimum of
298 10 calendar days' advance written notice of cancellation of or
299 changes to coverage. The general liability insurance required by
300 this paragraph must remain in full force and effect for the



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301 entire period of the provider's contract with the coalition.

302 (p)~~(e)~~ Notwithstanding paragraph (m) ~~paragraph (l)~~, for a
303 provider that is a state agency or a subdivision thereof, as
304 defined in s. 768.28(2), agree to notify the coalition of any
305 additional liability coverage maintained by the provider in
306 addition to that otherwise established under s. 768.28. The
307 provider shall indemnify the coalition to the extent permitted
308 by s. 768.28.

309 Section 7. Paragraph (b) of subsection (6) of section
310 1002.89, Florida Statutes, is amended to read:

311 1002.89 School readiness program; funding.-

312 (6) Costs shall be kept to the minimum necessary for the
313 efficient and effective administration of the school readiness
314 program with the highest priority of expenditure being direct
315 services for eligible children. However, no more than 5 percent
316 of the funds described in subsection (5) may be used for
317 administrative costs and no more than 22 percent of the funds
318 described in subsection (5) may be used in any fiscal year for
319 any combination of administrative costs, quality activities, and
320 nondirect services as follows:

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

324 1. Developing, establishing, expanding, operating, and
325 coordinating resource and referral programs specifically related
326 to the provision of comprehensive consumer education to parents
327 and the public to promote informed child care choices specified
328 in 45 C.F.R. s. 98.33.

329 2. Awarding grants and providing financial support to



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330 school readiness program providers and their staff to assist
331 them in meeting applicable state requirements for the program
332 assessment required under s. 1002.82(2)(n), child care
333 performance standards, implementing developmentally appropriate
334 curricula and related classroom resources that support
335 curricula, providing literacy supports, and providing continued
336 professional development and training. Any grants awarded
337 pursuant to this subparagraph shall comply with ss. 215.971 and
338 287.058.

339 3. Providing training, technical assistance, and financial
340 support to school readiness program providers, staff, and
341 parents on standards, child screenings, child assessments, child
342 development research and best practices, developmentally
343 appropriate curricula, character development, teacher-child
344 interactions, age-appropriate discipline practices, health and
345 safety, nutrition, first aid, cardiopulmonary resuscitation, the
346 recognition of communicable diseases, and child abuse detection,
347 prevention, and reporting.

348 4. Providing, from among the funds provided for the
349 activities described in subparagraphs 1.-3., adequate funding
350 for infants and toddlers as necessary to meet federal
351 requirements related to expenditures for quality activities for
352 infant and toddler care.

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

356 6. Responding to Warm-Line requests by providers and
357 parents, including providing developmental and health screenings
358 to school readiness program children.



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359 Section 8. Paragraph (a) of subsection (3) of section
360 1002.92, Florida Statutes, is amended to read:

361 1002.92 Child care and early childhood resource and
362 referral.—

363 (3) Child care resource and referral agencies shall provide
364 the following services:

365 (a) Identification of existing public and private child
366 care and early childhood education services, including child
367 care services by public and private employers, and the
368 development of a resource file of those services through the
369 single statewide information system developed by the office
370 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may
371 include family day care, public and private child care programs,
372 the Voluntary Prekindergarten Education Program, Head Start, the
373 school readiness program, special education programs for
374 prekindergarten children with disabilities, services for
375 children with developmental disabilities, full-time and part-
376 time programs, before-school and after-school programs, vacation
377 care programs, parent education, the temporary cash assistance
378 program, and related family support services. The resource file
379 shall include, but not be limited to:

- 380 1. Type of program.
- 381 2. Hours of service.
- 382 3. Ages of children served.
- 383 4. Number of children served.
- 384 5. Program information.
- 385 6. Fees and eligibility for services.
- 386 7. Availability of transportation.

387 Section 9. For the 2018-2019 fiscal year, the sum of \$6



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388 million in nonrecurring funds from the Child Care and
389 Development Block Grant Trust Fund is appropriated to the Office
390 of Early Learning to implement the program assessment required
391 by s. 1002.82(2)(n), Florida Statutes.

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

393
394 ===== T I T L E A M E N D M E N T =====

395 And the title is amended as follows:

396 Delete everything before the enacting clause
397 and insert:

398 A bill to be entitled
399 An act relating to early learning; amending s.
400 1002.81, F.S.; revising the definition of "at-risk
401 child"; amending s. 1002.82, F.S.; revising the duties
402 of the Office of Early Learning; revising the
403 requirements for certain assessments; revising the
404 standard statewide contract for providers; providing
405 that failing to meet certain measures for a specified
406 period is cause for termination of a provider;
407 providing for the development of a program assessment
408 for school readiness providers; providing program
409 assessment requirements; requiring the office to set a
410 payment differential for certain providers; providing
411 requirements for such payment differential; revising
412 requirements for a certain single statewide
413 information system; revising the requirement for an
414 analysis of early learning activities throughout the
415 state; amending s. 1002.84, F.S.; conforming a cross-
416 reference; amending s. 1002.85, F.S.; revising the



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417 required contents of the school readiness program plan
418 each early learning coalition must submit; amending s.
419 1002.87, F.S.; revising the priority criteria for
420 participation in the school readiness program;
421 amending s. 1002.88, F.S.; revising school readiness
422 provider requirements for program participation;
423 conforming cross-references; amending s. 1002.89,
424 F.S.; providing for the use of specified funds for a
425 required assessment; amending s. 1002.92, F.S.;
426 conforming a cross-reference; providing an
427 appropriation; providing an effective date.