

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

None.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION:

Studies have shown that children's social, emotional, regulatory, and moral capacities are influenced by the quality of care they receive. The amount of time children participate in high-quality learning environments directly influences a child's outcome.² Both class size and adult-child ratios are correlated with greater program effects.³ Child care centers have trained staff who are equipped to address the unique needs of children pulled from their homes due to neglect, abuse, or abandonment.⁴

Currently under s. 411.01(6), F.S., first priority for participation in the school readiness program is given to children ages 3 years to school entry who are served by the Family Safety Program Office (FSPO) of the Department of Children and Family Services or a community-based lead agency under chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Furthermore, s. 411.01(6)(a)1, F.S., expands services to include all children under the age of kindergarten eligibility who are determined to be at risk of abuse, neglect, or exploitation who are currently clients of the FSPO, but who are not otherwise given priority under this subsection.

In fiscal year 2005-2006, 164,848 children were enrolled in school readiness programs. During that year, 48,078 were on the waiting list to receive services.⁵ Funding provided by the Florida Legislature for this program during this year was \$659.1 million in which \$172.5 million was appropriated from General Revenue.

Gold Seal Quality Care Programs

In 1996, the Legislature created the Gold Seal Quality Care Program designation to acknowledge child care facilities and family day care homes that are accredited by nationally recognized agencies whose standards reflect a high quality of care for children.

Providers granted the Gold Seal designation receive:

- Increased payment rates for government-funded school readiness programs under s. 402.3051, F.S.
- Property tax exemptions under s. 402.26(6), F.S.
- Sales tax exemptions for educational materials such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys under s. 212.08, F.S.

Under s. 402.281, F.S., the Gold Seal Quality Care Programs must be accredited by a national recognized accrediting association whose standards meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission. The Department of Children and Families have since increased the list of approved accrediting agencies to 14. These additions include the following:

- Association of Christian Schools International;
- Association of Christian Teachers and Schools;

² National Research Council and Institute of Medicine, "From Neurons to Neighborhoods: The Science of Early Child Development," 2000.

³ National Research Council, "Eager to Learn: Educating Our Preschoolers," 2000.

⁴ Id.

⁵ Information available online at www.floridajobs.org/earlylearning/SRS.html.

- Accredited Professional Preschool Learning Environment;
- Council On Accreditation (multi-site, multi-program organizations only);
- Montessori School Accreditation Commission;
- National After-School Association;
- National Accreditation Commission;
- National Association for the Education of Young Children;
- National Association for Family Child Care;
- National Council for Private School Accreditation;
- National Early Childhood Program Accreditation;
- Southern Association of Colleges and Schools;
- United Methodist Association of Preschools; and
- National Accreditation Council for Early Childhood Professional Personnel and Programs.

According to summary data provided by the Department of Children and Family's website, there are currently 2,380 Gold Seal Programs in the state of Florida. Public schools, religious facilities, nonpublic schools, Large Family Day Care Home (LFDCH), Large Family Child Care Homes (LFCCH), and Facilities are the six program types that have received this designation.⁶

These programs must meet the following criteria as set forth in s. 402.281(3),F.S.

- a.) The child care program must not have received any class I violations within the 2 years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive any class 1 violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class I violations for a period of 2 years.
- b.) The child care program must not have 3 or more class II violations within the 2 years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive 3 or more class II violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class II violations for a period of 1 year.
- c.) The child care provider must not have been cited for the same class III violation three or more times within the two years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive 3 or more class III violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class III violations for a period of 1 year.

Quality Rating Systems (QRS)

Several early learning coalitions are implementing various quality rating systems (QRS) in eight counties: Broward, Duval, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, and Pinellas.⁷ The purpose of administering a quality rating to licensed child care providers is to promote high-quality care for children. It also gives parents and guardians an easier way to determine the quality and legitimacy of each provider. Currently, the rating systems are independently administered. Participating counties are responsible for the criteria and grading scale of their own professional rating system, which creates inconsistencies when they are compared.

Children under the jurisdiction of the circuit courts

The following is the general process that must be taken by the Department of Children and Families (DCF) before a child is considered under the jurisdiction of the circuit courts.⁸

- 1) Someone must phone the abuse hotline and report a possible case of abuse or neglect. The hotline will go through a list of criteria with the caller to determine the legitimacy of their claim.

⁶ Information available online at <http://www.dcf.state.fl.us/childcare/goldseal.shtml>.

⁷ Information was found in the July 2006 QRS Matrix Report generated by the Office of Early Learning.

⁸ Information available online at <http://www.dcf.state.fl.us/childabuseprevention>.

- 2) The Department of Children and Families then sends an agent to investigate the situation and can immediately take the child into custody if they find substantial evidence of abuse or neglect.
- 3) It is then required that a court hearing take place within 24 hours to determine whether the child will be released back to their home, placed with other family members, or remain under the custody of the state.
- 4) If the child remains with the state, it is then considered that the child is under the jurisdiction of the circuit courts, and therefore, under this new section, the child receives priority consideration for placement in the qualified child care centers.

EFFECT OF PROPOSED CHANGES:

CS/HB 1543 requires all public Gold Seal Quality Care Programs to provide young children under the jurisdiction of the circuit courts priority for services regardless of other children that may be seeking service. Additionally, to the extent that this language creates a conflict with a priority placement pursuant to the school readiness statute⁹, priority consideration should be given to children between the ages of 3 and the age of eligibility for kindergarten.

C. SECTION DIRECTORY:

Section 1: – Creates s. 402.301(8), F.S., creating intent that public Gold Seal Quality Care Programs give priority for services to specific children.

Section 2: – Providing an effective date of July 1, 2007

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may change how current state expenditures on early learning programs are spent.

⁹ s. 411.01(6), F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The CS will require programs at public schools to give priority consideration to certain children, regardless of other children that may be seeking services. The bill does not address what "priority consideration" means or if children who are currently receiving services will be disenrolled in order to implement the new priority placement.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

Amendment 1

On Tuesday March 20, 2007, the Committee on Economic Development reported the bill favorably with a strike-all amendment.

The strike-all amendment creates subsection (8) under s. 402.301, F.S., establishing intent that public child care facilities, designated as a "Gold Seal Quality Care" facility, provide children receiving services under the school readiness programs who have experienced abuse or neglect (411.01(6)(a)1., F.S.), first priority for placement upon request.

The strike-all addresses the previous drafting issues relating to where the new language would be inserted into current statute, and what age of children under the jurisdiction of the circuit courts this policy would apply to. It also deletes the mandate that private child care providers give priority consideration to this group of children.

Amendment 2

On Thursday, April 12, 2007, the Economic Expansion and Infrastructure Council reported the bill favorably with a second strike-all amendment.

The second strike-all requires all public Gold Seal Quality Care Programs to provide young children under the jurisdiction of the circuit courts priority for services regardless of other children that may be seeking service. Additionally, in the extent that this language creates a conflict with a priority placement pursuant to the School Readiness statute, priority consideration should be given to children between the ages of 3 and the age of eligibility for kindergarten.

