

By the Committee on Education Pre-K - 12

581-01046-15

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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

581-01046-15

20157006__

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

581-01046-15

20157006__

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

581-01046-15

20157006__

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 child
109 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

581-01046-15

20157006__

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 child
124 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,

581-01046-15

20157006__

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

581-01046-15

20157006__

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

581-01046-15

20157006__

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 under
212 s. 402.305 or s. 402.3055 for any purpose other than screening
213 that person for employment as specified in those sections or
214 release such information to any other person for any purpose
215 other than screening for employment as specified in those
216 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.

581-01046-15

20157006__

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 to
244 the level 2 screening requirements of. ~~This screening shall be~~
245 ~~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 personnel.

260 1. Such minimum standards for training shall ensure that
261 all child care personnel take an approved 40-clock-hour

581-01046-15

20157006__

262 introductory course in child care, which course covers at least
263 the following topic areas:

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

266 b. Health, safety, and nutrition.

267 c. Identifying and reporting child abuse and neglect.

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

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

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

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

284
285 Within 90 days after employment, child care personnel shall
286 begin training to meet the training requirements pursuant to
287 this paragraph. Child care personnel shall successfully complete
288 such training within 1 year after the date on which the training
289 began, as evidenced by passage of a competency examination.
290 Successful completion of the 40-clock-hour introductory course

581-01046-15

20157006__

291 shall articulate into community college credit in early
292 childhood education, pursuant to ss. 1007.24 and 1007.25.
293 Exemption from all or a portion of the required training shall
294 be granted to child care personnel based upon educational
295 credentials or passage of competency examinations. Child care
296 personnel possessing a 2-year degree or higher that includes 6
297 college credit hours in early childhood development or child
298 growth and development, or a child development associate
299 credential or an equivalent state-approved child development
300 associate credential, or a child development associate waiver
301 certificate shall be automatically exempted from the training
302 requirements in sub-subparagraphs b., d., and e.

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

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

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

318 5. Child care personnel shall be required to complete 0.5
319 continuing education unit of approved training or 5 clock hours

581-01046-15

20157006__

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

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

337 7. Training requirements do ~~shall~~ not apply to certain
338 occasional or part-time support staff, including, but not
339 limited to, swimming instructors, piano teachers, dance
340 instructors, and gymnastics instructors.

341 8. The department shall evaluate or contract for an
342 evaluation for the general purpose of determining the status of
343 and means to improve staff training requirements and testing
344 procedures. The evaluation shall be conducted every 2 years. The
345 evaluation must ~~shall~~ include, but not be limited to,
346 determining the availability, quality, scope, and sources of
347 current staff training; determining the need for specialty
348 training; and determining ways to increase inservice training

581-01046-15

20157006__

349 and ways to increase the accessibility, quality, and cost-
350 effectiveness of current and proposed staff training. The
351 evaluation methodology must ~~shall~~ include a reliable and valid
352 survey of child care personnel.

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

357 (9) ADMISSIONS AND RECORDKEEPING.—

358 (b) ~~During the months of August and September of each year,~~
359 Each child care facility shall provide parents of children
360 enrolling ~~enrolled~~ in the facility detailed information
361 regarding the causes, symptoms, and transmission of the
362 influenza virus in an effort to educate those parents regarding
363 the importance of immunizing their children against influenza as
364 recommended by the Advisory Committee on Immunization Practices
365 of the Centers for Disease Control and Prevention.

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

373 (18) TRANSFER OF OWNERSHIP.—

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

581-01046-15

20157006__

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

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

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

397 402.3085 Certificate of substantial compliance with minimum
398 child care standards.—Each nonpublic school or provider seeking
399 to operate a program pursuant to s. 402.3025(2) (d) or s.
400 402.316(4), respectively, shall annually obtain a certificate
401 from the department or local licensing agency in the manner and
402 on the forms prescribed by the department or local licensing
403 agency. An annual certificate or a renewal of an annual
404 certificate shall be issued upon an examination of the
405 applicant's premises and records to determine that the applicant
406 is in substantial compliance with the minimum child care

581-01046-15

20157006__

407 standards. A provider may not participate in these programs
408 without this certification. Local licensing agencies may apply
409 their own minimum child care standards if the department
410 determines that such standards meet or exceed department
411 standards as provided in s. 402.307.

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

414 402.311 Inspection.—A licensed child care facility or
415 program regulated by the department shall accord to the
416 department or the local licensing agency, whichever is
417 applicable, the privilege of inspection, including access to
418 facilities and personnel and to those records required in s.
419 402.305, at reasonable times during regular business hours, to
420 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
421 The right of entry and inspection shall also extend to any
422 premises which the department or local licensing agency has
423 reason to believe are being operated or maintained as a child
424 care facility or program ~~without a license~~, but no such entry or
425 inspection of any premises shall be made without the permission
426 of the person in charge thereof unless a warrant is first
427 obtained from the circuit court authorizing same. Any
428 application for a license, application for authorization to
429 operate a child care program which must maintain substantial
430 compliance with child care standards adopted under this chapter,
431 ~~or renewal of such license or authorization, made pursuant to~~
432 ~~this act~~ or the advertisement to the public for the provision of
433 child care as defined in s. 402.302 constitutes ~~shall constitute~~
434 permission for any entry to or inspection of the subject
435 premises ~~for which the license is sought in order~~ to facilitate

581-01046-15

20157006__

436 verification of the information submitted on or in connection
437 with the application. In the event a ~~licensed~~ facility or
438 program refuses permission for entry or inspection to the
439 department or local licensing agency, a warrant shall be
440 obtained from the circuit court authorizing same before ~~prior to~~
441 such entry or inspection. The department or local licensing
442 agency may institute disciplinary proceedings pursuant to s.
443 402.310~~7~~ for such refusal.

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

446 402.3115 ~~Elimination of duplicative and unnecessary~~
447 ~~inspections;~~ Abbreviated inspections. ~~The Department of Children~~
448 ~~and Families and local governmental agencies that license child~~
449 ~~care facilities shall develop and implement a plan to eliminate~~
450 ~~duplicative and unnecessary inspections of child care~~
451 ~~facilities. In addition,~~ The department and the local licensing
452 ~~governmental~~ agencies shall conduct ~~develop and implement an~~
453 abbreviated inspections of ~~inspection plan for~~ child care
454 facilities licensed under s. 402.305, family child care homes
455 licensed under s. 402.313, and large family child care homes
456 licensed under s. 402.3131 that have had no Class I ~~±~~ or Class
457 II violations ~~2 deficiencies~~, as defined by rule, for at least 2
458 consecutive years. The abbreviated inspection must include those
459 elements identified by the department and the local licensing
460 ~~governmental~~ agencies as being key indicators of whether the
461 child care facility continues to provide quality care and
462 programming. The department shall adopt rules establishing
463 criteria and procedures for abbreviated inspections and
464 inspection schedules that provide for both announced and

581-01046-15

20157006__

465 unannounced inspections.

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

468 402.313 Family child day care homes.-

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

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

- 481 1. The name and address of the home.
- 482 2. The name of the operator.
- 483 3. The number of children served.
- 484 4. Proof of a written plan to identify a ~~provide at least~~
485 ~~one other~~ competent adult who has met the screening and training
486 requirements of the department to serve as a designated ~~to be~~
487 ~~available to~~ substitute for the operator ~~in an emergency~~. This
488 plan must ~~shall~~ include the name, address, and telephone number
489 of the designated substitute who will serve in the absence of
490 the operator.
- 491 5. ~~Proof of screening and background checks.~~
- 492 6. ~~Proof of successful completion of the 30-hour training~~
493 ~~course, as evidenced by passage of a competency examination,~~

581-01046-15

20157006__

494 ~~which shall include:~~

495 ~~a. State and local rules and regulations that govern child~~
496 ~~care.~~

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

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

499 ~~d. Child development, including typical and atypical~~
500 ~~language development; and cognitive, motor, social, and self-~~
501 ~~help skills development.~~

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

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

509 ~~5.7.~~ Proof that immunization records are kept current.

510 ~~8.~~ Proof of completion of the required continuing education
511 ~~units or clock hours.~~

512
513 Upon receipt of registration information submitted by a family
514 child care home pursuant to this paragraph, the department shall
515 verify that the home is in compliance with the background
516 screening requirements in subsection (3) and that the operator
517 and the designated substitute are in compliance with the
518 applicable training requirements of subsection (4).

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

521 (c) The department may provide technical assistance to
522 counties and operators of family child ~~day~~ care homes ~~home~~

581-01046-15

20157006__

523 ~~providers~~ to enable counties and operators ~~family day care~~
 524 ~~providers~~ to achieve compliance with family child day care home
 525 ~~homes~~ standards.

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

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

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

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

549 a. State and local rules and regulations that govern child
 550 care.

551 b. Health, safety, and nutrition.

581-01046-15

20157006__

552 c. Identifying and reporting child abuse and neglect.

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

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

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

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

569 ~~2.(6) Operators of family day care homes shall be required~~
570 ~~to~~ Complete a 0.5 continuing education unit of approved training
571 in numeracy, early literacy, and language development of
572 children from birth to 5 years of age one time. For an operator,
573 the year that this training is completed, it shall fulfill the
574 0.5 continuing education unit or 5 clock hours of the annual
575 training required in paragraph (c) subsection (5).

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

579 (b) Before licensure and before caring for children, family
580 child care home designated substitutes who work less than 40

581-01046-15

20157006__

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

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

596 (5)(7) Operators of family child ~~day~~ care homes must ~~shall~~
 597 ~~be required~~ annually to complete a health and safety home
 598 inspection self-evaluation checklist developed by the department
 599 in conjunction with the statewide resource and referral program.
 600 The completed checklist shall be signed by the operator of the
 601 family child ~~day~~ care home and provided to parents as
 602 certification that basic health and safety standards are being
 603 met.

604 (6)(8) Operators of family child ~~day~~ care homes ~~home~~
 605 operators may avail themselves of supportive services offered by
 606 the department.

607 (7)(9) The department shall prepare a brochure on family
 608 child ~~day~~ care for distribution by the department and by local
 609 licensing agencies, if appropriate, to family child ~~day~~ care

581-01046-15

20157006__

610 homes for distribution to parents using ~~utilizing~~ such child
611 care, and to all interested persons, including physicians and
612 other health professionals; mental health professionals; school
613 teachers or other school personnel; social workers or other
614 professional child care, foster care, residential, or
615 institutional workers; and law enforcement officers. The
616 brochure shall, at a minimum, contain the following information:

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

620 (b) A listing of those counties that require licensure of
621 family child day care homes. Such counties shall provide an
622 addendum to the brochure that provides a brief description of
623 the licensure requirements or may provide a brochure in lieu of
624 the one described in this subsection, provided it contains all
625 the required information on licensure and the required
626 information in the subsequent paragraphs.

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

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

638 (e) Any other information relating to competent child care

581-01046-15

20157006__

639 that the department or local licensing agency, if preparing a
640 separate brochure, considers ~~deems would be~~ helpful to parents
641 and other caretakers in their selection of a family child day
642 care home.

643 (8) ~~(10)~~ On an annual basis, the department shall evaluate
644 the registration and licensure system for family child day care
645 homes. Such evaluation shall, at a minimum, address the
646 following:

647 (a) The number of family child day care homes registered
648 and licensed and the dates of such registration and licensure.

649 (b) The number of children being served in both registered
650 and licensed family child day care homes and any available slots
651 in such homes.

652 (c) The number of complaints received concerning family
653 child day care, the nature of the complaints, and the resolution
654 of such complaints.

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

658
659 The evaluation, pursuant to this subsection, shall be used
660 ~~utilized~~ by the department in any administrative modifications
661 or adjustments to be made in the registration of family child
662 day care homes or in any legislative requests for modifications
663 to the system of registration or to other requirements for
664 family child day care homes.

665 ~~(11) In order to inform the public of the state requirement~~
666 ~~for registration of family day care homes as well as the other~~
667 ~~requirements for such homes to legally operate in the state, the~~

581-01046-15

20157006__

668 ~~department shall institute a media campaign to accomplish this~~
669 ~~end. Such a campaign shall include, at a minimum, flyers,~~
670 ~~newspaper advertisements, radio advertisements, and television~~
671 ~~advertisements.~~

672 (9) ~~(12)~~ Notwithstanding any other state or local law or
673 ordinance, any family child ~~day~~ care home licensed pursuant to
674 this chapter or pursuant to a county ordinance shall be charged
675 the utility rates accorded to a residential home. A licensed
676 family child ~~day~~ care home may not be charged commercial utility
677 rates.

678 (10) ~~(13)~~ The department shall, by rule, establish minimum
679 standards for family child ~~day~~ care homes that are required to
680 be licensed by county licensing ordinance or county licensing
681 resolution or that voluntarily choose to be licensed. The
682 standards should include requirements for staffing, training,
683 maintenance of immunization records, minimum health and safety
684 standards, reduced standards for the regulation of child care
685 during evening hours by municipalities and counties, and
686 enforcement of standards. Additionally, the department shall, by
687 rule, adopt procedures for verifying a registered family child
688 care home's compliance with background screening and training
689 requirements.

690 (11) ~~(14)~~ ~~During the months of August and September of each~~
691 ~~year,~~ Each family child ~~day~~ care home shall provide parents of
692 children enrolling ~~enrolled~~ in the home detailed information
693 regarding the causes, symptoms, and transmission of the
694 influenza virus in an effort to educate those parents regarding
695 the importance of immunizing their children against influenza as
696 recommended by the Advisory Committee on Immunization Practices

581-01046-15

20157006__

697 of the Centers for Disease Control and Prevention.

698 Section 11. Subsections (1), (3), (5), and (9) of section
699 402.3131, Florida Statutes, are amended, and subsection (10) is
700 added to that section, to read:

701 402.3131 Large family child care homes.—

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

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

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

721 (9) ~~During the months of August and September of each year,~~
722 Each large family child care home shall provide parents of
723 children enrolling ~~enrolled~~ in the home detailed information
724 regarding the causes, symptoms, and transmission of the
725 influenza virus in an effort to educate those parents regarding

581-01046-15

20157006__

726 the importance of immunizing their children against influenza as
727 recommended by the Advisory Committee on Immunization Practices
728 of the Centers for Disease Control and Prevention.

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

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

736 402.316 Exemptions.—

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

744 (a) The department or local licensing agency may pursue
745 administrative or judicial action under ss. 402.310-402.312 and
746 the rules adopted under those sections against any child care
747 facility operating under this subsection to enforce substantial
748 compliance with child care facility minimum standards or to
749 protect the health, safety, and well-being of any child in the
750 facility's care. A child care facility operating under this
751 subsection is subject to ss. 402.310-402.312 and the rules
752 adopted under those sections to the same extent as a child care
753 facility licensed under ss. 402.301-402.319.

754 (b) It is a misdemeanor of the first degree, punishable as

581-01046-15

20157006__

755 provided in s. 775.082 or s. 775.083, for a person willfully,
756 knowingly, or intentionally to:

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

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

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

776 (5) The department shall establish a fee for inspection and
777 compliance activities performed pursuant to this section in an
778 amount sufficient to cover costs. However, the amount of such
779 fee for the inspection of a program may not exceed the fee
780 imposed for child care licensure pursuant to s. 402.315.

781 (6) The inclusion of a child care facility operating under
782 subsection (1) as a provider of a program described in s.
783 1002.55, s. 1002.61, or s. 1002.88 does not expand the

581-01046-15

20157006__

784 regulatory authority of the state, its officers, any local
785 licensing agency, or any early learning coalition to impose any
786 additional regulation of child care facilities beyond those
787 reasonably necessary to enforce requirements expressly included
788 in this section.

789 Section 13. Section 627.70161, Florida Statutes, is amended
790 to read:

791 627.70161 Residential property insurance coverage; family
792 child day care homes and large family child care homes
793 insurance.—

794 (1) PURPOSE AND INTENT.—The Legislature recognizes that
795 family child day care homes and large family child care homes
796 fulfill a vital role in providing child care in Florida. It is
797 the intent of the Legislature that residential property
798 insurance coverage should not be canceled, denied, or nonrenewed
799 solely because child ~~on the basis of the family day care~~
800 services are provided at the residence. The Legislature also
801 recognizes that the potential liability of residential property
802 insurers is substantially increased by the rendition of child
803 care services on the premises. The Legislature therefore finds
804 that there is a public need to specify that contractual
805 liabilities associated ~~that arise in connection~~ with the
806 operation of a the family child day care home or large family
807 child care home are excluded from residential property insurance
808 policies unless they are specifically included in such coverage.

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

810 (a) "Child care" means the care, protection, and
811 supervision of a child, for a period of up to ~~less than~~ 24 hours
812 a day on a regular basis, which supplements parental care,

581-01046-15

20157006__

813 enrichment, and health supervision for the child, in accordance
814 with his or her individual needs, and for which a payment, fee,
815 or grant is made for care.

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

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

824 (3) FAMILY CHILD DAY CARE; COVERAGE.—A residential property
825 insurance policy may ~~shall~~ not provide coverage for liability
826 for claims arising out of, or in connection with, the operation
827 of a family child day care home or large family child care home,
828 and the insurer shall be under no obligation to defend against
829 lawsuits covering such claims, unless:

830 (a) Specifically covered in a policy; or

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

833 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
834 insurer may not deny, cancel, or refuse to renew a policy for
835 residential property insurance solely on the basis that the
836 policyholder or applicant operates a family child day care home
837 or a large family child care home. In addition to other lawful
838 reasons for refusing to insure, an insurer may deny, cancel, or
839 refuse to renew a policy of a family child day care home or
840 large family child care home provider if one or more of the
841 following conditions occur:

581-01046-15

20157006__

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

845 (b) The policyholder or applicant fails to maintain a
846 separate commercial liability policy or an endorsement providing
847 liability coverage for ~~the~~ family child day care home or large
848 family child care home operations;

849 (c) The policyholder or applicant fails to comply with the
850 family child day care home licensure and registration
851 requirements specified in s. 402.313 or the large family child
852 care home licensure requirements specified in s. 402.3131; or

853 (d) Discovery of willful or grossly negligent acts or
854 omissions or any violations of state laws or regulations
855 establishing safety standards for family child day care homes
856 and large family child care homes by the named insured or his or
857 her representative which materially increase any of the risks
858 insured.

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

861 1001.213 Office of Early Learning.—There is created within
862 the Office of Independent Education and Parental Choice the
863 Office of Early Learning, as required under s. 20.15, which
864 shall be administered by an executive director. The office shall
865 be fully accountable to the Commissioner of Education but shall:

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

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

581-01046-15

20157006__

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

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

879 1002.53 Voluntary Prekindergarten Education Program;
880 eligibility and enrollment.-

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

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

899 (c) If a private prekindergarten provider has been

581-01046-15

20157006__

900 authorized to determine child eligibility and enrollment, upon
901 receipt of an application, the provider must:

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

904 2. Retain the original application and certified copy of
905 the child's birth certificate or authorized alternative proof of
906 age on file for at least 5 years.

907

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

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

921 Section 16. Section 1002.55, Florida Statutes, is amended
922 to read:

923 1002.55 School-year prekindergarten program delivered by
924 private prekindergarten providers.—

925 (1) Each early learning coalition shall administer the
926 Voluntary Prekindergarten Education Program at the county or
927 regional level for students enrolled under s. 1002.53(3)(a) in a
928 school-year prekindergarten program delivered by a private

581-01046-15

20157006__

929 prekindergarten provider. Each early learning coalition shall
 930 cooperate with the Office of Early Learning and the Child Care
 931 Services Program Office of the Department of Children and
 932 Families to reduce paperwork and to avoid duplicating
 933 interagency activities, health and safety monitoring, and
 934 acquiring and composing data pertaining to child care training
 935 and credentialing.

936 (2) Each school-year prekindergarten program delivered by a
 937 private prekindergarten provider must comprise at least 540
 938 instructional hours.

939 (3) To be eligible to deliver the prekindergarten program,
 940 a private prekindergarten provider must meet each of the
 941 following requirements:

942 ~~(a) The private prekindergarten provider must be a child~~
 943 ~~care facility licensed under s. 402.305, family day care home~~
 944 ~~licensed under s. 402.313, large family child care home licensed~~
 945 ~~under s. 402.3131, nonpublic school exempt from licensure under~~
 946 ~~s. 402.3025(2), or faith-based child care provider exempt from~~
 947 ~~licensure under s. 402.316.~~

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

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

581-01046-15

20157006__

958 under s. 402.305, s. 402.313, or s. 402.3131 and require at
959 least one onsite visit to the provider or school before
960 accreditation is granted;

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

963 3. Be licensed under s. 402.305, s. 402.313, or s.
964 402.3131; or

965 4. Be a child development center located on a military
966 installation that is certified by the United States Department
967 of Defense.

968 (b) The private prekindergarten provider must provide basic
969 health and safety on its premises and in its facilities. For a
970 public school, compliance with ss. 1003.22 and 1013.12 satisfies
971 this requirement. For a nonpublic school, compliance with s.
972 402.3025(2)(d) satisfies this requirement. For a child care
973 facility, a licensed family child care home, or a large family
974 child care home, compliance with s. 402.305, s. 402.313, or s.
975 402.3131, respectively, satisfies this requirement. For a
976 facility exempt from licensure, compliance with s. 402.316(4)
977 satisfies this requirement and demonstrate, before delivering
978 ~~the Voluntary Prekindergarten Education Program, as verified by~~
979 ~~the early learning coalition, that the provider meets each of~~
980 ~~the requirements of the program under this part, including, but~~
981 ~~not limited to, the requirements for credentials and background~~
982 ~~screenings of prekindergarten instructors under paragraphs (c)~~
983 ~~and (d), minimum and maximum class sizes under paragraph (f),~~
984 ~~prekindergarten director credentials under paragraph (g), and a~~
985 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

986 (c) The private prekindergarten provider must have, for

581-01046-15

20157006__

987 each prekindergarten class of 11 children or fewer, at least one
988 prekindergarten instructor who meets each of the following
989 requirements:

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

992 a. A child development associate credential issued by the
993 National Credentialing Program of the Council for Professional
994 Recognition; ~~or~~

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

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

999 d. An associate or higher degree in an unrelated field, at
1000 least 6 credit hours in early childhood education or child
1001 development, and at least 480 hours of experience in teaching or
1002 providing child care services for children of any age from birth
1003 through 8 years of age;

1004 e. A baccalaureate or higher degree in early childhood
1005 education, prekindergarten or primary education, preschool
1006 education, or family and consumer science;

1007 f. A baccalaureate or higher degree in family and child
1008 science and at least 480 hours of experience in teaching or
1009 providing child care services for children of any age from birth
1010 through 8 years of age;

1011 g. A baccalaureate or higher degree in elementary education
1012 if the prekindergarten instructor has been certified to teach
1013 children of any age from birth through grade 6, regardless of
1014 whether the instructor's educator certificate is current, and if
1015 the instructor is not ineligible to teach in a public school

581-01046-15

20157006__

1016 because his or her educator certificate is suspended or revoked;
1017 or

1018 h. A credential approved by the department as being
1019 equivalent to or greater than a credential described in sub-
1020 subparagraphs a.-f. The department may adopt criteria and
1021 procedures for approving such equivalent credentials.

1022
1023 ~~The Department of Children and Families may adopt rules under~~
1024 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~
1025 ~~for approving equivalent credentials under sub-subparagraph b.~~

1026 2. The prekindergarten instructor must successfully
1027 complete an emergent literacy training course and a student
1028 performance standards training course approved by the office as
1029 meeting or exceeding the minimum standards adopted under s.
1030 1002.59. The requirement for completion of the standards
1031 training course shall take effect July 1, 2016 ~~2014~~, and the
1032 course shall be available online.

1033 (d) Each prekindergarten instructor employed by the private
1034 prekindergarten provider must be of good moral character, must
1035 undergo background screening pursuant to s. 402.305(2)(a) be
1036 ~~screened using the level 2 screening standards in s. 435.04~~
1037 before employment, must be ~~and~~ rescreened at least once every 5
1038 years, must be denied employment or terminated if required under
1039 s. 435.06, and must not be ineligible to teach in a public
1040 school because his or her educator certificate is suspended or
1041 revoked.

1042 (e) A private prekindergarten provider may assign a
1043 substitute instructor to temporarily replace a credentialed
1044 instructor if the credentialed instructor assigned to a

581-01046-15

20157006__

1045 prekindergarten class is absent, as long as the substitute
1046 instructor meets the requirements of paragraph (d) ~~is of good~~
1047 ~~moral character and has been screened before employment in~~
1048 ~~accordance with level 2 background screening requirements in~~
1049 ~~chapter 435.~~ The Office of Early Learning shall adopt rules to
1050 implement this paragraph which shall include required
1051 qualifications of substitute instructors and the circumstances
1052 and time limits for which a private prekindergarten provider may
1053 assign a substitute instructor.

1054 (f) Each of the private prekindergarten provider's
1055 prekindergarten classes must be composed of at least 4 students
1056 but may not exceed 20 students. In order to protect the health
1057 and safety of students, each private prekindergarten provider
1058 must also provide appropriate adult supervision for students at
1059 all times and, for each prekindergarten class composed of 12 or
1060 more students, must have, in addition to a prekindergarten
1061 instructor who meets the requirements of paragraph (c), at least
1062 one adult prekindergarten instructor who is not required to meet
1063 those requirements but who must meet each requirement of s.
1064 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any
1065 requirement imposed on a provider under ss. 402.301-402.319.

1066 (g) The private prekindergarten provider must have a
1067 prekindergarten director who has a prekindergarten director
1068 credential that is approved by the office as meeting or
1069 exceeding the minimum standards adopted under s. 1002.57.
1070 Successful completion of a child care facility director
1071 credential under s. 402.305(2)(f) before the establishment of
1072 the prekindergarten director credential under s. 1002.57 or July
1073 1, 2006, whichever occurs later, satisfies the requirement for a

581-01046-15

20157006__

1074 prekindergarten director credential under this paragraph.

1075 (h) The private prekindergarten provider must register with
1076 the early learning coalition on forms prescribed by the Office
1077 of Early Learning.

1078 (i) The private prekindergarten provider must execute the
1079 statewide provider contract prescribed under s. 1002.75, except
1080 that an individual who owns or operates multiple private
1081 prekindergarten providers within a coalition's service area may
1082 execute a single agreement with the coalition on behalf of each
1083 provider.

1084 (j) The private prekindergarten provider must maintain
1085 general liability insurance and provide the coalition with
1086 written evidence of general liability insurance coverage,
1087 including coverage for transportation of children if
1088 prekindergarten students are transported by the provider. A
1089 provider must obtain and retain an insurance policy that
1090 provides a minimum of \$100,000 of coverage per occurrence and a
1091 minimum of \$300,000 general aggregate coverage. The office may
1092 authorize lower limits upon request, as appropriate. A provider
1093 must add the coalition as a named certificateholder ~~and as an~~
1094 ~~additional insured~~. A provider must provide the coalition with a
1095 minimum of 10 calendar days' advance written notice of
1096 cancellation of or changes to coverage. The general liability
1097 insurance required by this paragraph must remain in full force
1098 and effect for the entire period of the provider contract with
1099 the coalition.

1100 (k) The private prekindergarten provider must obtain and
1101 maintain any required workers' compensation insurance under
1102 chapter 440 and any required reemployment assistance or

581-01046-15

20157006__

1103 unemployment compensation coverage under chapter 443, unless
1104 exempt under state or federal law.

1105 (l) Notwithstanding paragraph (j), for a private
1106 prekindergarten provider that is a state agency or a subdivision
1107 thereof, as defined in s. 768.28(2), the provider must agree to
1108 notify the coalition of any additional liability coverage
1109 maintained by the provider in addition to that otherwise
1110 established under s. 768.28. The provider shall indemnify the
1111 coalition to the extent permitted by s. 768.28.

1112 (m) The private prekindergarten provider shall be denied
1113 initial eligibility to offer the program if the provider has
1114 been cited for a Class I violation in the 12 months before
1115 seeking eligibility. An existing provider that is cited for a
1116 Class I violation may not have its eligibility renewed for 12
1117 months. This paragraph does not apply if the Department of
1118 Children and Families or local licensing agency upon final
1119 disposition of a Class I violation has rescinded its initial
1120 citation in accordance with the criteria for consideration
1121 outlined in s. 1002.75(1)(b).

1122 (n)~~(m)~~ The private prekindergarten provider must deliver
1123 the Voluntary Prekindergarten Education Program in accordance
1124 with this part and have child disciplinary policies that
1125 prohibit children from being subjected to discipline that is
1126 severe, humiliating, frightening, or associated with food, rest,
1127 toileting, spanking, or any other form of physical punishment as
1128 provided in s. 402.305(12).

1129 (o) Beginning January 1, 2016, at least 50 percent of the
1130 instructors employed by a prekindergarten provider at each
1131 location, who are responsible for supervising children in care,

581-01046-15

20157006__

1132 must be trained in first aid and infant and child
1133 cardiopulmonary resuscitation, as evidenced by current
1134 documentation of course completion. As a condition of
1135 employment, instructors hired on or after January 1, 2016, must
1136 complete this training within 60 days after employment.

1137 (p) Beginning January 1, 2017, the private prekindergarten
1138 provider must employ child care personnel who hold a high school
1139 diploma or its equivalent and are at least 18 years of age,
1140 unless the personnel are not responsible for supervising
1141 children in care or are under direct supervision.

1142 ~~(4) A prekindergarten instructor, in lieu of the minimum~~
1143 ~~credentials and courses required under paragraph (3) (c), may~~
1144 ~~hold one of the following educational credentials:~~

1145 ~~(a) A bachelor's or higher degree in early childhood~~
1146 ~~education, prekindergarten or primary education, preschool~~
1147 ~~education, or family and consumer science;~~

1148 ~~(b) A bachelor's or higher degree in elementary education,~~
1149 ~~if the prekindergarten instructor has been certified to teach~~
1150 ~~children any age from birth through 6th grade, regardless of~~
1151 ~~whether the instructor's educator certificate is current, and if~~
1152 ~~the instructor is not ineligible to teach in a public school~~
1153 ~~because his or her educator certificate is suspended or revoked;~~

1154 ~~(c) An associate's or higher degree in child development;~~

1155 ~~(d) An associate's or higher degree in an unrelated field,~~
1156 ~~at least 6 credit hours in early childhood education or child~~
1157 ~~development, and at least 480 hours of experience in teaching or~~
1158 ~~providing child care services for children any age from birth~~
1159 ~~through 8 years of age; or~~

1160 ~~(e) An educational credential approved by the department as~~

581-01046-15

20157006__

1161 ~~being equivalent to or greater than an educational credential~~
1162 ~~described in this subsection. The department may adopt criteria~~
1163 ~~and procedures for approving equivalent educational credentials~~
1164 ~~under this paragraph.~~

1165 ~~(5) Notwithstanding paragraph (3) (b), a private~~
1166 ~~prekindergarten provider may not participate in the Voluntary~~
1167 ~~Prekindergarten Education Program if the provider has child~~
1168 ~~disciplinary policies that do not prohibit children from being~~
1169 ~~subjected to discipline that is severe, humiliating,~~
1170 ~~frightening, or associated with food, rest, toileting, spanking,~~
1171 ~~or any other form of physical punishment as provided in s.~~
1172 ~~402.305(12).~~

1173 Section 17. Subsection (1) of section 1002.59, Florida
1174 Statutes, is amended to read:

1175 1002.59 Emergent literacy and performance standards
1176 training courses.—

1177 (1) The office shall adopt minimum standards for one or
1178 more training courses in emergent literacy for prekindergarten
1179 instructors. Each course must comprise 5 clock hours and provide
1180 instruction in strategies and techniques to address the age-
1181 appropriate progress of prekindergarten students in developing
1182 emergent literacy skills, including oral communication,
1183 knowledge of print and letters, phonemic and phonological
1184 awareness, and vocabulary and comprehension development. Each
1185 course must also provide resources containing strategies that
1186 allow students with disabilities and other special needs to
1187 derive maximum benefit from the Voluntary Prekindergarten
1188 Education Program. Successful completion of an emergent literacy
1189 training course approved under this section satisfies

581-01046-15

20157006__

1190 requirements for approved training in early literacy and
1191 language development under ss. 402.305(2)(d)5., 402.313(4)(a)2.
1192 ~~402.313(6)~~, and 402.3131(5).

1193 Section 18. Subsections (4) through (7) of section 1002.61,
1194 Florida Statutes, are amended to read:

1195 1002.61 Summer prekindergarten program delivered by public
1196 schools and private prekindergarten providers.-

1197 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~
1198 Each public school and private prekindergarten provider that
1199 delivers the summer prekindergarten program must have, for each
1200 prekindergarten class, at least one prekindergarten instructor
1201 who is a certified teacher or holds one of the educational
1202 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~s.~~
1203 ~~1002.55(4)(a) or (b).~~ As used in this subsection, the term
1204 "certified teacher" means a teacher holding a valid Florida
1205 educator certificate under s. 1012.56 who has the qualifications
1206 required by the district school board to instruct students in
1207 the summer prekindergarten program. In selecting instructional
1208 staff for the summer prekindergarten program, each school
1209 district shall give priority to teachers who have experience or
1210 coursework in early childhood education.

1211 (5) Each prekindergarten instructor employed by a ~~public~~
1212 ~~school or~~ private prekindergarten provider delivering the summer
1213 prekindergarten program must be of good moral character, must
1214 undergo background screening pursuant to s. 402.305(2)(a) be
1215 ~~screened using the level 2 screening standards in s. 435.04~~
1216 before employment, must be ~~and~~ rescreened at least once every 5
1217 years, and must be denied employment or terminated if required
1218 under s. 435.06. Each prekindergarten instructor employed by a

581-01046-15

20157006__

1219 public school delivering the summer prekindergarten program, and
1220 must satisfy the ~~not be ineligible to teach in a public school~~
1221 ~~because his or her educator certificate is suspended or revoked.~~
1222 ~~This subsection does not supersede~~ employment requirements for
1223 instructional personnel in public schools as provided in s.
1224 1012.32 ~~which are more stringent than the requirements of this~~
1225 ~~subsection.~~

1226 (6) A public school or private prekindergarten provider may
1227 assign a substitute instructor to temporarily replace a
1228 credentialed instructor if the credentialed instructor assigned
1229 to a prekindergarten class is absent, as long as the substitute
1230 instructor meets the requirements of subsection (5) ~~is of good~~
1231 ~~moral character and has been screened before employment in~~
1232 ~~accordance with level 2 background screening requirements in~~
1233 ~~chapter 435. This subsection does not supersede employment~~
1234 ~~requirements for instructional personnel in public schools which~~
1235 ~~are more stringent than the requirements of this subsection.~~ The
1236 Office of Early Learning shall adopt rules to implement this
1237 subsection which must ~~shall~~ include required qualifications of
1238 substitute instructors and the circumstances and time limits for
1239 which a public school or private prekindergarten provider may
1240 assign a substitute instructor.

1241 (7) Notwithstanding ss. 1002.55(3)(e) ~~ss. 1002.55(3)(f)~~ and
1242 1002.63(7), each prekindergarten class in the summer
1243 prekindergarten program, regardless of whether the class is a
1244 public school's or private prekindergarten provider's class,
1245 must be composed of at least 4 students but may not exceed 12
1246 students ~~beginning with the 2009 summer session.~~ In order to
1247 protect the health and safety of students, each public school or

581-01046-15

20157006__

1248 private prekindergarten provider must also provide appropriate
1249 adult supervision for students at all times. This subsection
1250 does not supersede any requirement imposed on a provider under
1251 ss. 402.301-402.319.

1252 Section 19. Subsections (5) and (6) of section 1002.63,
1253 Florida Statutes, are amended to read:

1254 1002.63 School-year prekindergarten program delivered by
1255 public schools.—

1256 (5) Each prekindergarten instructor employed by a public
1257 school delivering the school-year prekindergarten program must
1258 satisfy the ~~be of good moral character, must be screened using~~
1259 ~~the level 2 screening standards in s. 435.04 before employment~~
1260 ~~and rescreened at least once every 5 years, must be denied~~
1261 ~~employment or terminated if required under s. 435.06, and must~~
1262 ~~not be ineligible to teach in a public school because his or her~~
1263 ~~educator certificate is suspended or revoked. This subsection~~
1264 ~~does not supersede~~ employment requirements for instructional
1265 personnel in public schools as provided in s. 1012.32 ~~which are~~
1266 ~~more stringent than the requirements of this subsection.~~

1267 (6) A public school prekindergarten provider may assign a
1268 substitute instructor to temporarily replace a credentialed
1269 instructor if the credentialed instructor assigned to a
1270 prekindergarten class is absent, as long as the substitute
1271 instructor meets the requirements of subsection (5) ~~is of good~~
1272 ~~moral character and has been screened before employment in~~
1273 ~~accordance with level 2 background screening requirements in~~
1274 ~~chapter 435. This subsection does not supersede employment~~
1275 ~~requirements for instructional personnel in public schools which~~
1276 ~~are more stringent than the requirements of this subsection. The~~

581-01046-15

20157006__

1277 Office of Early Learning shall adopt rules to implement this
1278 subsection which must ~~shall~~ include required qualifications of
1279 substitute instructors and the circumstances and time limits for
1280 which a public school prekindergarten provider may assign a
1281 substitute instructor.

1282 Section 20. Paragraph (a) of subsection (6) of section
1283 1002.71, Florida Statutes, is amended to read:

1284 1002.71 Funding; financial and attendance reporting.-

1285 (6) (a) Each parent enrolling his or her child in the
1286 Voluntary Prekindergarten Education Program must agree to comply
1287 with the attendance policy of the private prekindergarten
1288 provider or district school board, as applicable. Upon
1289 enrollment of the child, the private prekindergarten provider or
1290 public school, as applicable, must provide the child's parent
1291 with program information, including, but not limited to, child
1292 development, expectations for parent engagement, the daily
1293 schedule, and the a copy of the provider's or school district's
1294 attendance policy, which must include procedures for contacting
1295 a parent on the second consecutive day a child is absent for
1296 which the reason is unknown as applicable.

1297 Section 21. Subsection (1) of section 1002.75, Florida
1298 Statutes, is amended to read:

1299 1002.75 Office of Early Learning; powers and duties.-

1300 (1) The Office of Early Learning shall adopt by rule a
1301 standard statewide provider contract to be used with each
1302 Voluntary Prekindergarten Education Program provider, with
1303 standardized attachments by provider type. The office shall
1304 publish a copy of the standard statewide provider contract on
1305 its website. The standard statewide contract must ~~shall~~ include,

581-01046-15

20157006__

1306 at a minimum, provisions that:

1307 (a) Govern ~~for~~ provider probation, termination for cause,
1308 and emergency termination for those actions or inactions of a
1309 provider that pose an immediate and serious danger to the
1310 health, safety, or welfare of children. The standard statewide
1311 contract must ~~shall~~ also include appropriate due process
1312 procedures. During the pendency of an appeal of a termination,
1313 the provider may not continue to offer its services.

1314 (b) Require each private prekindergarten provider to notify
1315 the parent of each child in care if it is cited for a Class I
1316 violation as defined by rule of the Department of Children and
1317 Families. Notice shall be initiated only upon final disposition
1318 of a Class I violation. The provider shall notify the department
1319 within 24 hours of its intent to appeal the Class I violation
1320 issued, and final disposition shall occur within 15 calendar
1321 days. In determining the final disposition, the department shall
1322 consider the entire licensing history of the provider, whether
1323 the provider promptly reported the incident upon actual notice,
1324 and whether the employee responsible for the violation was
1325 terminated or the violation was corrected by the provider. If a
1326 provider does not file its intent to appeal the Class I
1327 violation, the provider must provide notice of a Class I
1328 violation electronically or in writing to the parent within 48
1329 hours after receipt of the Class I violation. Such notice shall
1330 describe each violation with specificity in simple language and
1331 include a copy of the citation and the contact information of
1332 the Department of Children and Families or local licensing
1333 agency where the parent may obtain additional information
1334 regarding the citation. Notice of a Class I violation by the

581-01046-15

20157006__

1335 provider must be provided electronically or in writing to the
1336 parent within 24 hours after receipt of the final disposition of
1337 the Class I violation. A private prekindergarten provider must
1338 conspicuously post each citation for a violation that results in
1339 disciplinary action on the premises in an area visible to
1340 parents pursuant to s. 402.3125(1) (b). Additionally, such a
1341 provider must post each inspection report on the premises in an
1342 area visible to parents, and such report must remain posted
1343 until the next inspection report is available.

1344 (c) Specify that child care personnel employed by the
1345 provider who are responsible for supervising children in care
1346 must be trained in developmentally appropriate practices aligned
1347 to the age and needs of children over which the personnel are
1348 assigned supervision duties. This requirement is met by the
1349 completion of developmentally appropriate practice courses
1350 administered by the Department of Children and Families under s.
1351 402.305(2) (d)1. within 30 days after being assigned such
1352 children if the child care personnel has not previously
1353 completed the training.

1354
1355 Any provision imposed upon a provider that is inconsistent with,
1356 or prohibited by, law is void and unenforceable.

1357 Section 22. Subsections (1), (3), and (5) of section
1358 1002.77, Florida Statutes, are amended to read:

1359 1002.77 Florida Early Learning Advisory Council.—

1360 (1) There is created the Florida Early Learning Advisory
1361 Council within the Office of Early Learning. The purpose of the
1362 advisory council is to provide written input ~~submit~~
1363 ~~recommendations~~ to the executive director ~~office~~ on early

581-01046-15

20157006__

1364 learning best practices, including ~~recommendations relating to~~
1365 ~~the most effective~~ program administration; ~~of the Voluntary~~
1366 ~~Prekindergarten Education Program under this part and the school~~
1367 ~~readiness program under part VI of this chapter. The advisory~~
1368 ~~council shall periodically analyze and provide recommendations~~
1369 ~~to the office on the effective and efficient use of local,~~
1370 state, and federal funds; ~~the content of professional~~
1371 development training programs; and ~~best practices for the~~
1372 ~~development and implementation of coalition plans pursuant to s.~~
1373 1002.85.

1374 (3) The advisory council shall meet at least quarterly upon
1375 the call of the executive director ~~but may meet as often as~~
1376 ~~necessary to carry out its duties and responsibilities. The~~
1377 executive director is encouraged to ~~advisory council may use~~
1378 communications media technology any method of telecommunications
1379 to conduct meetings in accordance with s. 120.54(5)(b) ~~7~~
1380 ~~including establishing a quorum through telecommunications, only~~
1381 ~~if the public is given proper notice of a telecommunications~~
1382 ~~meeting and reasonable access to observe and, when appropriate,~~
1383 ~~participate.~~

1384 (5) The Office of Early Learning shall provide staff and
1385 administrative support for the advisory council as determined by
1386 the executive director.

1387 Section 23. Paragraph (f) of subsection (1) and subsections
1388 (8) and (16) of section 1002.81, Florida Statutes, are amended
1389 to read:

1390 1002.81 Definitions.—Consistent with the requirements of 45
1391 C.F.R. parts 98 and 99 and as used in this part, the term:

1392 (1) "At-risk child" means:

581-01046-15

20157006__

1393 (f) A child in the custody of a parent who is considered
 1394 homeless as verified by a designated lead agency on the homeless
 1395 assistance continuum of care established under ss. 420.622-
 1396 420.624 Department of Children and Families certified homeless
 1397 shelter.

1398 (8) "Family income" means the combined gross income,
 1399 whether earned or unearned, that is derived from any source by
 1400 all family or household members who are 18 years of age or older
 1401 who are currently residing together in the same dwelling unit.
 1402 The term does not include:

1403 (a) Income earned by a currently enrolled high school
 1404 student who, since attaining the age of 18 years, or a student
 1405 with a disability who, since attaining the age of 22 years, has
 1406 not terminated school enrollment or received a high school
 1407 diploma, high school equivalency diploma, special diploma, or
 1408 certificate of high school completion.

1409 (b) Income earned by a teen parent residing in the same
 1410 residence as a separate family unit.

1411 (c) Selected items from the state's Child Care and
 1412 Development Fund Plan, such as ~~The term also does not include~~
 1413 food stamp benefits, documented child support and alimony
 1414 payments paid out of the home, or federal housing assistance
 1415 payments issued directly to a landlord or the associated
 1416 utilities expenses.

1417 (16) "Working family" means:

1418 (a) A single-parent family in which the parent with whom
 1419 the child resides is employed or engaged in eligible work or
 1420 education activities for at least 20 hours per week or is exempt
 1421 from work requirements due to age or disability, as determined

581-01046-15

20157006__

1422 and documented by a physician licensed under chapter 458 or
1423 chapter 459;

1424 (b) A two-parent family in which both parents with whom the
1425 child resides are employed or engaged in eligible work or
1426 education activities for a combined total of at least 40 hours
1427 per week; ~~or~~

1428 (c) A two-parent family in which one of the parents with
1429 whom the child resides is exempt from work requirements due to
1430 age or disability, as determined and documented by a physician
1431 licensed under chapter 458 or chapter 459, and one parent is
1432 employed or engaged in eligible work or education activities at
1433 least 20 hours per week; or

1434 (d) A two-parent family in which both of the parents with
1435 whom the child resides are exempt from work requirements due to
1436 age or disability, as determined and documented by a physician
1437 licensed under chapter 458 or chapter 459.

1438 Section 24. Paragraphs (b), (j), (m), and (p) of subsection
1439 (2) of section 1002.82, Florida Statutes, are amended to read:

1440 1002.82 Office of Early Learning; powers and duties.—

1441 (2) The office shall:

1442 (b) Preserve parental choice by permitting parents to
1443 choose from a variety of child care categories authorized in s.
1444 1002.88(1)(a), including center-based care, family child care,
1445 ~~and informal child care~~ to the extent authorized in the state's
1446 Child Care and Development Fund Plan as approved by the United
1447 States Department of Health and Human Services pursuant to 45
1448 C.F.R. s. 98.18. Care and curriculum by a faith-based provider
1449 may not be limited or excluded in any of these categories.

1450 (j) Develop and adopt standards and benchmarks that address

581-01046-15

20157006__

1451 the age-appropriate progress of children in the development of
1452 school readiness skills. The standards for children from birth
1453 to 5 years of age in the school readiness program must be
1454 aligned with the performance standards adopted for children in
1455 the Voluntary Prekindergarten Education Program and must address
1456 the following domains:

- 1457 1. Approaches to learning.
- 1458 2. Cognitive development and general knowledge.
- 1459 3. Numeracy, language, and communication.
- 1460 4. Physical development.
- 1461 5. Self-regulation.

1462

1463 By July 1, 2016, the office shall develop and implement an
1464 online training course on the performance standards for school
1465 readiness program provider personnel specified in this
1466 paragraph.

1467 (m) Adopt by rule a standard statewide provider contract to
1468 be used with each school readiness program provider, with
1469 standardized attachments by provider type. The office shall
1470 publish a copy of the standard statewide provider contract on
1471 its website. The standard statewide contract must ~~shall~~ include,
1472 at a minimum, provisions that:

- 1473 1. Govern ~~for~~ provider probation, termination for cause,
1474 and emergency termination for those actions or inactions of a
1475 provider that pose an immediate and serious danger to the
1476 health, safety, or welfare of the children. The standard
1477 statewide provider contract must ~~shall~~ also include appropriate
1478 due process procedures. During the pendency of an appeal of a
1479 termination, the provider may not continue to offer its

581-01046-15

20157006__

1480 services.

1481 2. Require each provider that is eligible to provide the
1482 program pursuant to s. 1002.88(1)(a) to notify the parent of
1483 each child in care if it is cited for a Class I violation as
1484 defined by rule of the Department of Children and Families.
1485 Notice shall be initiated only upon final disposition of a Class
1486 I violation. The provider shall notify the department within 24
1487 hours of its intent to appeal the Class I violation issued, and
1488 final disposition shall occur within 15 calendar days. In
1489 determining the final disposition, the department shall consider
1490 the entire licensing history of the provider, whether the
1491 provider promptly reported the incident upon actual notice, and
1492 whether the employee responsible for the violation was
1493 terminated or the violation was corrected by the provider. If a
1494 provider does not file its intent to appeal the Class I
1495 violation, the provider must provide notice of a Class I
1496 violation electronically or in writing to the parent within 48
1497 hours after receipt of the Class I violation. Such notice shall
1498 describe each violation with specificity in simple language and
1499 include a copy of the citation and the contact information of
1500 the Department of Children and Families or local licensing
1501 agency where the parent may obtain additional information
1502 regarding the citation. Notice of a Class I violation by the
1503 provider must be provided electronically or in writing to the
1504 parent within 24 hours after receipt of the final disposition of
1505 the Class I violation. A provider must conspicuously post each
1506 citation for a violation that results in disciplinary action on
1507 the premises in an area visible to parents pursuant to s.
1508 402.3125(1)(b). Additionally, such a provider must post each

581-01046-15

20157006__

1509 inspection report on the premises in an area visible to parents,
1510 and such report must remain posted until the next inspection
1511 report is available.

1512 3. Specify that child care personnel employed by the
1513 provider who are responsible for supervising children in care
1514 must be trained in developmentally appropriate practices aligned
1515 to the age and needs of children over which the personnel are
1516 assigned supervision duties. This requirement is met by
1517 completion of developmentally appropriate practice courses
1518 administered by the Department of Children and Families under s.
1519 402.305(2)(d)1. within 30 days after being assigned such
1520 children if the child care personnel has not previously
1521 completed the training.

1522 4. Require child care personnel who are employed by the
1523 provider to complete an online training course on the
1524 performance standards adopted pursuant to paragraph (j).

1525

1526 Any provision imposed upon a provider that is inconsistent with,
1527 or prohibited by, law is void and unenforceable.

1528 (p) Monitor and evaluate the performance of each early
1529 learning coalition in administering the school readiness program
1530 and the Voluntary Prekindergarten Education Program, ensuring
1531 proper payments for school readiness program and Voluntary
1532 Prekindergarten Education Program services, and implementing the
1533 coalition's school readiness program plan, ~~and administering the~~
1534 ~~Voluntary Prekindergarten Education Program~~. These monitoring
1535 and performance evaluations must include, at a minimum, onsite
1536 monitoring of each coalition's finances, management, operations,
1537 and programs.

581-01046-15

20157006__

1538 Section 25. Subsections (8) and (20) of section 1002.84,
1539 Florida Statutes, are amended to read:

1540 1002.84 Early learning coalitions; school readiness powers
1541 and duties.—Each early learning coalition shall:

1542 (8) Establish a parent sliding fee scale that requires a
1543 parent copayment to participate in the school readiness program.
1544 Providers are required to collect the parent's copayment. A
1545 coalition may, on a case-by-case basis, waive the copayment for
1546 an at-risk child or temporarily waive the copayment for a child
1547 whose family's income is at or below the federal poverty level
1548 and family experiences a natural disaster or an event that
1549 limits the parent's ability to pay, such as incarceration,
1550 placement in residential treatment, ~~or becoming homeless,~~ or an
1551 emergency situation such as a household fire or burglary, or
1552 while the parent is participating in parenting classes. A parent
1553 may not transfer school readiness program services to another
1554 school readiness program provider until the parent has submitted
1555 documentation from the current school readiness program provider
1556 to the early learning coalition stating that the parent has
1557 satisfactorily fulfilled the copayment obligation.

1558 (20) To increase transparency and accountability, comply
1559 with ~~the requirements of~~ this section before contracting with a
1560 member of the coalition, an employee of the coalition, or a
1561 relative, as defined in s. 112.3143(1) ~~(e)~~, of a coalition member
1562 or of an employee of the coalition. Such contracts may not be
1563 executed without the approval of the office. Such contracts, as
1564 well as documentation demonstrating adherence to this section by
1565 the coalition, must be approved by a two-thirds vote of the
1566 coalition, a quorum having been established; all conflicts of

581-01046-15

20157006__

1567 interest must be disclosed before the vote; and any member who
1568 may benefit from the contract, or whose relative may benefit
1569 from the contract, must abstain from the vote. A contract under
1570 \$25,000 between an early learning coalition and a member of that
1571 coalition or between a relative, as defined in s.
1572 112.3143(1)~~(e)~~, of a coalition member or of an employee of the
1573 coalition is not required to have the prior approval of the
1574 office but must be approved by a two-thirds vote of the
1575 coalition, a quorum having been established, and must be
1576 reported to the office within 30 days after approval. If a
1577 contract cannot be approved by the office, a review of the
1578 decision to disapprove the contract may be requested by the
1579 early learning coalition or other parties to the disapproved
1580 contract.

1581 Section 26. Paragraphs (c) and (h) of subsection (1) and
1582 subsections (6) through (8) of section 1002.87, Florida
1583 Statutes, are amended to read:

1584 1002.87 School readiness program; eligibility and
1585 enrollment.—

1586 (1) Effective August 1, 2013, or upon reevaluation of
1587 eligibility for children currently served, whichever is later,
1588 each early learning coalition shall give priority for
1589 participation in the school readiness program as follows:

1590 (c) Priority shall be given next to a child from birth to
1591 the beginning of the school year for which the child is eligible
1592 for admission to kindergarten in a public school under s.
1593 1003.21(1)(a)2. who is from a working family that is
1594 economically disadvantaged, and may include such child's
1595 eligible siblings, beginning with the school year in which the

581-01046-15

20157006__

1596 sibling is eligible for admission to kindergarten in a public
1597 school under s. 1003.21(1)(a)2. until the beginning of the
1598 school year in which the sibling enters ~~is eligible to begin~~ 6th
1599 grade, provided that the first priority for funding an eligible
1600 sibling is local revenues available to the coalition for funding
1601 direct services. However, a child eligible under this paragraph
1602 ceases to be eligible if his or her family income exceeds 200
1603 percent of the federal poverty level.

1604 (h) Priority shall be given next to a child who ~~has special~~
1605 ~~needs,~~ has been determined eligible as an infant or toddler from
1606 birth to 3 years of age with an individualized family support
1607 plan receiving early intervention services or to as a student
1608 with a disability with, ~~has~~ a current individual education plan
1609 with a Florida school district, ~~and is not younger than 3 years~~
1610 ~~of age.~~ A ~~special-needs~~ child eligible under this paragraph
1611 remains eligible until the child is eligible for admission to
1612 kindergarten in a public school under s. 1003.21(1)(a)2.

1613 (6) Eligibility for each child must be reevaluated
1614 annually. Upon reevaluation, a child may not continue to receive
1615 school readiness program services if he or she has ceased to be
1616 eligible under this section. If a child no longer meets
1617 eligibility or program requirements, the coalition must
1618 immediately notify the child's parent and the provider that
1619 funding will end 2 weeks after the date on which the child was
1620 determined to be ineligible or when the current child care
1621 authorization expires, whichever occurs first.

1622 (7) If a coalition disenrolls children from the school
1623 readiness program due to lack of funding or a change in
1624 eligibility priorities, the coalition must disenroll the

581-01046-15

20157006__

1625 children in reverse order of the eligibility priorities listed
1626 in subsection (1) beginning with children from families with the
1627 highest family incomes. A notice of disenrollment must be sent
1628 to the parent and school readiness program provider at least 2
1629 weeks before disenrollment or the expiration of the current
1630 child care authorization, whichever occurs first, to provide
1631 adequate time for the parent to arrange alternative care for the
1632 child. However, an at-risk child receiving services from the
1633 Child Welfare Program Office of the Department of Children and
1634 Families may not be disenrolled from the program without the
1635 written approval of the Child Welfare Program Office ~~of the~~
1636 ~~Department of Children and Families~~ or the community-based lead
1637 agency.

1638 (8) If a child is absent from the program for 2 consecutive
1639 days without parental notification to the program of such
1640 absence, the school readiness program provider shall contact the
1641 parent and determine the cause for the absence and the expected
1642 date of return. If a child is absent from the program for 5
1643 consecutive days without parental notification to the program of
1644 such absence, the school readiness program provider shall report
1645 the absence to the early learning coalition for a determination
1646 of the need for continued care.

1647 Section 27. Paragraphs (a) through (c) and (l) through (q)
1648 of subsection (1) of section 1002.88, Florida Statutes, are
1649 amended, present subsections (2) and (3) are redesignated as
1650 subsections (4) and (5), respectively, present subsection (2) is
1651 amended, and new subsections (2) and (3) are added to that
1652 section, to read:

1653 1002.88 School readiness program provider standards;

581-01046-15

20157006__

1654 eligibility to deliver the school readiness program.—

1655 (1) To be eligible to deliver the school readiness program,
1656 a school readiness program provider must:

1657 (a) 1. Be a nonpublic school in substantial compliance with
1658 s. 402.3025(2)(d), a child care facility licensed under s.
1659 402.305, a family child ~~day~~ care home licensed ~~or registered~~
1660 under s. 402.313, a large family child care home licensed under
1661 s. 402.3131, or a child care facility exempt from licensure
1662 operating under s. 402.316(4);

1663 2. Be an entity that is part of Florida's education system
1664 identified in s. 1000.04(1); ~~a public school or nonpublic school~~
1665 ~~exempt from licensure under s. 402.3025, a faith-based child~~
1666 ~~care provider exempt from licensure under s. 402.316, a before-~~
1667 ~~school or after-school program described in s. 402.305(1)(c), or~~

1668 3. Be an informal child care provider to the extent
1669 authorized in the state's Child Care and Development Fund Plan
1670 as approved by the United States Department of Health and Human
1671 Services pursuant to 45 C.F.R. s. 98.18.

1672 (b) Provide instruction and activities to enhance the age-
1673 appropriate progress of each child in attaining the child
1674 development standards adopted by the office pursuant to s.
1675 1002.82(2)(j). A provider should include activities to foster
1676 brain development in infants and toddlers; provide an
1677 environment that is rich in language and music and filled with
1678 objects of various colors, shapes, textures, and sizes to
1679 stimulate visual, tactile, auditory, and linguistic senses; and
1680 include 30 minutes of reading to children each day. A provider
1681 must provide parents information on child development,
1682 expectations for parent engagement, the daily schedule, and the

581-01046-15

20157006__

1683 attendance policy.

1684 (c) Provide basic health and safety of its premises and
1685 facilities in accordance with applicable licensing and
1686 inspection requirements ~~and compliance with requirements for~~
1687 ~~age-appropriate immunizations of children enrolled in the school~~
1688 ~~readiness program.~~ For a child care facility, a large family
1689 child care home, or a licensed family child day care home,
1690 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies
1691 this requirement. For a public ~~or nonpublic~~ school, compliance
1692 with ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this
1693 requirement. For a nonpublic school, compliance with s.
1694 402.3025(2)(d) satisfies this requirement. For a facility exempt
1695 from licensure, compliance with s. 402.316(4) satisfies this
1696 requirement. For an informal provider, substantial compliance as
1697 defined in s. 402.302(17) satisfies this requirement. A provider
1698 shall be denied initial eligibility to offer the program if the
1699 provider has been cited for a Class I violation in the 12 months
1700 before seeking eligibility. An existing provider that is cited
1701 for a Class I violation may not have its eligibility renewed for
1702 12 months. A provider that is cited for a Class I violation may
1703 remain eligible to deliver the program if the Department of
1704 Children and Families or local licensing agency upon final
1705 disposition of a Class I violation has rescinded its initial
1706 citation in accordance with the criteria for consideration
1707 outlined in s. 1002.82(2)(m)2 A ~~faith-based child care provider,~~
1708 ~~an informal child care provider, or a nonpublic school, exempt~~
1709 ~~from licensure under s. 402.316 or s. 402.3025, shall annually~~
1710 ~~complete the health and safety checklist adopted by the office,~~
1711 ~~post the checklist prominently on its premises in plain sight~~

581-01046-15

20157006__

1712 ~~for visitors and parents, and submit it annually to its local~~
1713 ~~early learning coalition.~~

1714 ~~(l) For a provider that is not an informal provider,~~
1715 Maintain general liability insurance and provide the coalition
1716 with written evidence of general liability insurance coverage,
1717 including coverage for transportation of children if school
1718 readiness program children are transported by the provider. A
1719 private provider must obtain and retain an insurance policy that
1720 provides a minimum of \$100,000 of coverage per occurrence and a
1721 minimum of \$300,000 general aggregate coverage. The office may
1722 authorize lower limits upon request, as appropriate. A provider
1723 must add the coalition as a named certificateholder ~~and as an~~
1724 ~~additional insured.~~ A private provider must provide the
1725 coalition with a minimum of 10 calendar days' advance written
1726 notice of cancellation of or changes to coverage. The general
1727 liability insurance required by this paragraph must remain in
1728 full force and effect for the entire period of the provider
1729 contract with the coalition.

1730 ~~(m) For a provider that is an informal provider, comply~~
1731 ~~with the provisions of paragraph (l) or maintain homeowner's~~
1732 ~~liability insurance and, if applicable, a business rider. If an~~
1733 ~~informal provider chooses to maintain a homeowner's policy, the~~
1734 ~~provider must obtain and retain a homeowner's insurance policy~~
1735 ~~that provides a minimum of \$100,000 of coverage per occurrence~~
1736 ~~and a minimum of \$300,000 general aggregate coverage. The office~~
1737 ~~may authorize lower limits upon request, as appropriate. An~~
1738 ~~informal provider must add the coalition as a named~~
1739 ~~certificateholder and as an additional insured. An informal~~
1740 ~~provider must provide the coalition with a minimum of 10~~

581-01046-15

20157006__

1741 ~~calendar days' advance written notice of cancellation of or~~
1742 ~~changes to coverage. The general liability insurance required by~~
1743 ~~this paragraph must remain in full force and effect for the~~
1744 ~~entire period of the provider's contract with the coalition.~~

1745 (m) ~~(n)~~ Obtain and maintain any required workers'
1746 compensation insurance under chapter 440 and any required
1747 reemployment assistance or unemployment compensation coverage
1748 under chapter 443, unless exempt under state or federal law.

1749 (n) ~~(o)~~ Notwithstanding paragraph (l), for a provider that
1750 is a state agency or a subdivision thereof, as defined in s.
1751 768.28(2), agree to notify the coalition of any additional
1752 liability coverage maintained by the provider in addition to
1753 that otherwise established under s. 768.28. The provider shall
1754 indemnify the coalition to the extent permitted by s. 768.28.

1755 (o) ~~(p)~~ Execute the standard statewide provider contract
1756 adopted by the office.

1757 (p) ~~(q)~~ Operate on a full-time and part-time basis and
1758 provide extended-day and extended-year services to the maximum
1759 extent possible without compromising the quality of the program
1760 to meet the needs of parents who work.

1761 (2) Beginning January 1, 2016, at least 50 percent of the
1762 child care personnel employed by a school readiness provider at
1763 each location, who are responsible for supervising children in
1764 care, must be trained in first aid and infant and child
1765 cardiopulmonary resuscitation, as evidenced by current
1766 documentation of course completion. As a condition of
1767 employment, personnel hired on or after January 1, 2016, must
1768 complete this training within 60 days after employment.

1769 (3) Beginning January 1, 2017, child care personnel

581-01046-15

20157006__

1770 employed by a school readiness program provider must hold a high
1771 school diploma or its equivalent and be at least 18 years of
1772 age, unless the personnel are not responsible for supervising
1773 children in care or are under direct supervision.

1774 (4)~~(2)~~ If a school readiness program provider fails or
1775 refuses to comply with this part or any contractual obligation
1776 of the statewide provider contract under s. 1002.82(2)(m), the
1777 coalition may revoke the provider's eligibility to deliver the
1778 school readiness program or receive state or federal funds under
1779 this chapter for ~~a period of~~ 5 years.

1780 Section 28. Paragraph (b) of subsection (6) and subsection
1781 (7) of Section 1002.89, Florida Statutes, are amended to read:

1782 1002.89 School readiness program; funding.—

1783 (6) Costs shall be kept to the minimum necessary for the
1784 efficient and effective administration of the school readiness
1785 program with the highest priority of expenditure being direct
1786 services for eligible children. However, no more than 5 percent
1787 of the funds described in subsection (5) may be used for
1788 administrative costs and no more than 22 percent of the funds
1789 described in subsection (5) may be used in any fiscal year for
1790 any combination of administrative costs, quality activities, and
1791 nondirect services as follows:

1792 (b) Activities to improve the quality of child care as
1793 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
1794 the following:

1795 1. Developing, establishing, expanding, operating, and
1796 coordinating resource and referral programs specifically related
1797 to the provision of comprehensive consumer education to parents
1798 and the public to promote informed child care choices specified

581-01046-15

20157006__

1799 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
1800 ~~readiness program and parental choice.~~

1801 2. Awarding grants and providing financial support to
1802 school readiness program providers and their staffs to assist
1803 them in meeting applicable state requirements for child care
1804 performance standards, implementing developmentally appropriate
1805 curricula and related classroom resources that support
1806 curricula, providing literacy supports, obtaining a license or
1807 accreditation, and providing professional development, including
1808 scholarships and other incentives. Any grants awarded pursuant
1809 to this subparagraph shall comply with ~~the requirements of ss.~~
1810 215.971 and 287.058.

1811 3. Providing training, ~~and~~ technical assistance, and
1812 financial support for school readiness program providers, staff,
1813 and parents on standards, child screenings, child assessments,
1814 developmentally appropriate curricula, character development,
1815 teacher-child interactions, age-appropriate discipline
1816 practices, health and safety, nutrition, first aid,
1817 cardiopulmonary resuscitation, the recognition of communicable
1818 diseases, and child abuse detection and prevention.

1819 4. Providing from among the funds provided for the
1820 activities described in subparagraphs 1.-3., adequate funding
1821 for infants and toddlers as necessary to meet federal
1822 requirements related to expenditures for quality activities for
1823 infant and toddler care.

1824 5. Improving the monitoring of compliance with, and
1825 enforcement of, applicable state and local requirements as
1826 described in and limited by 45 C.F.R. s. 98.40.

1827 6. Responding to Warm-Line requests by providers and

581-01046-15

20157006__

1828 parents ~~related to school readiness program children~~, including
1829 providing developmental and health screenings to school
1830 readiness program children.

1831 (7) Funds appropriated for the school readiness program may
1832 not be expended for the purchase or improvement of land; for the
1833 purchase, construction, or permanent improvement of any building
1834 or facility; or for the purchase of buses. However, funds may be
1835 expended for minor remodeling necessary for the administration
1836 of the program and upgrading of child care facilities to ensure
1837 that providers meet state and local child care standards,
1838 including applicable health and safety requirements.

1839 Section 29. Subsection (7) of section 1002.91, Florida
1840 Statutes, is amended to read:

1841 1002.91 Investigations of fraud or overpayment; penalties.—

1842 (7) The early learning coalition may not contract with a
1843 school readiness program provider, ~~or~~ a Voluntary
1844 Prekindergarten Education Program provider, or an individual who
1845 is on the United States Department of Agriculture National
1846 Disqualified List. In addition, the coalition may not contract
1847 with any provider that shares an officer or director with a
1848 provider that is on the United States Department of Agriculture
1849 National Disqualified List.

1850 Section 30. Paragraph (d) of subsection (3) of section
1851 1002.94, Florida Statutes, is amended to read:

1852 1002.94 Child Care Executive Partnership Program.—

1853 (3)

1854 (d) Each early learning coalition shall establish a
1855 community child care task force ~~for each child care purchasing~~
1856 ~~pool~~. The task force must be composed of employers, parents,

581-01046-15

20157006__

1857 private child care providers, and one representative from the
1858 local children's services council, if one exists in the area ~~of~~
1859 ~~the purchasing pool~~. The early learning coalition is expected to
1860 recruit the task force members from existing child care
1861 councils, commissions, or task forces already operating in the
1862 area ~~of a purchasing pool~~. A majority of the task force shall
1863 consist of employers.

1864 Section 31. The Office of Early Learning shall conduct a 2-
1865 year pilot project to study the impact of assessing the early
1866 literacy skills of Voluntary Prekindergarten Education Program
1867 participants who are English Language Learners, in both English
1868 and Spanish. The assessments must include, at a minimum, the
1869 first administration of the Florida Assessments for Instruction
1870 in Reading in kindergarten and an appropriate alternative
1871 assessment in Spanish. The study must include a review of the
1872 kindergarten screening results for 2009-2010 and 2010-2011
1873 program participants and their subsequent Florida Comprehensive
1874 Assessment Test scores. The office shall report its findings to
1875 the Governor, the President of the Senate, and the Speaker of
1876 the House of Representatives by July 1, 2016, and July 1, 2017.

1877 Section 32. For the 2015-2016 fiscal year, the sums of
1878 \$1,034,965 in recurring funds and \$11,319 in nonrecurring funds
1879 from the General Revenue Fund, and \$70,800 in recurring funds
1880 from the Operations and Maintenance Trust Fund are appropriated
1881 to the Department of Children and Families, and 18 full-time
1882 equivalent positions with associated salary rate of 608,446 are
1883 authorized, for the purpose of implementing the regulatory
1884 provisions of this act.

1885 Section 33. This act shall take effect July 1, 2015.