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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) "At-risk child" means:

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



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

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

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

21 (2) The office shall:

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

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

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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127 provider fraud and parent fraud.

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

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

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

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

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

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

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

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

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



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156 (j) is added to that subsection, to read:  
157       1002.85 Early learning coalition plans.—  
158       (2) Each early learning coalition must biennially submit a  
159 school readiness program plan to the office before the  
160 expenditure of funds. A coalition may not implement its school  
161 readiness program plan until it receives approval from the  
162 office. A coalition may not implement any revision to its school  
163 readiness program plan until the coalition submits the revised  
164 plan to and receives approval from the office. If the office  
165 rejects a plan or revision, the coalition must continue to  
166 operate under its previously approved plan. The plan must  
167 include, but is not limited to:  
168       (c) The coalition's procedures for implementing the  
169 requirements of this part, including:  
170           1. Single point of entry.  
171           2. Uniform waiting list.  
172           3. Eligibility and enrollment processes and local  
173 eligibility priorities for children pursuant to s. 1002.87.  
174           4. Parent access and choice.  
175           5. Sliding fee scale and policies on applying the waiver or  
176 reduction of fees in accordance with s. 1002.84(8).  
177           6. Use of preassessments and postassessments, as  
178 applicable.  
179           7. Payment rate schedule.  
180           8. Use of contracted slots, as applicable, based on the  
181 results of the assessment required under paragraph (j).  
182       (d) A detailed description of the coalition's quality  
183 activities and services, including, but not limited to:  
184           1. Resource and referral and school-age child care.



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185 2. Infant and toddler early learning.

186 3. Inclusive early learning programs.

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

311 1002.89 School readiness program; funding.-

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

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

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

329 2. Awarding grants and providing financial support to



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

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

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

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

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



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

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

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

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

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

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



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

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

393

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

395 And the title is amended as follows:

396 Delete everything before the enacting clause  
397 and insert:

398 A bill to be entitled

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



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