

By the Committee on Education; and Senators Passidomo and Book

581-02590-18

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1 A bill to be entitled
2 An act relating to early learning; amending s.
3 1002.81, F.S.; revising the definition of "at-risk
4 child"; amending s. 1002.82, F.S.; revising the duties
5 of the Office of Early Learning; revising the standard
6 statewide contract for providers; providing that
7 failing to meet certain measures for a specified
8 period is cause for termination of a provider;
9 providing for the development of a program assessment
10 for school readiness providers; providing program
11 assessment requirements; requiring the office to set a
12 payment differential for certain providers; revising
13 the requirement for an analysis of early learning
14 activities throughout the state; amending s. 1002.84,
15 F.S.; conforming a cross-reference; amending s.
16 1002.85, F.S.; revising the required contents of the
17 school readiness program plan each early learning
18 coalition must submit; amending s. 1002.87, F.S.;
19 revising the priority criteria for participation in
20 the school readiness program; amending s. 1002.88,
21 F.S.; revising school readiness provider requirements
22 for program participation; conforming cross-
23 references; amending s. 1002.89, F.S.; providing for
24 the use of specified funds for a required assessment;
25 amending s. 1002.92, F.S.; conforming a cross-
26 reference; providing an appropriation; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

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

1002.82 Office of Early Learning; powers and duties.—

(2) The office shall:

(m) Adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 and 99; quality improvement strategies, if applicable; program assessment requirements; and provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the

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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 include
65 failure to meet the minimum quality measures established under
66 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)
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. The program assessment must also include
76 the adoption of quality measures, including a minimum threshold
77 for contracting purposes; a process for program participation;
78 exemptions; and improvement through the completion of an
79 improvement plan.

80 (o) Subject to appropriation, provide for a differential
81 payment, based on the quality measures adopted by the office
82 under paragraph (n), of up to 10 percent for each care level and
83 unit of child care for a child care provider that has completed
84 a program assessment and scored above the minimum threshold for
85 contracting purposes.

86 (5) By January 1 of each year, the office shall annually
87 publish on its website a report of its activities conducted

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88 under this section. The report must include a summary of the
89 coalitions' annual reports, a statewide summary, and the
90 following:

91 (a) An analysis of early learning activities throughout the
92 state, including the school readiness program and the Voluntary
93 Prekindergarten Education Program.

94 1. The total and average number of children served in the
95 school readiness program, enumerated by age, eligibility
96 priority category, and coalition, and the total number of
97 children served in the Voluntary Prekindergarten Education
98 Program.

99 2. A summary of expenditures by coalition, by fund source,
100 including a breakdown by coalition of the percentage of
101 expenditures for administrative activities, quality activities,
102 nondirect services, and direct services for children.

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

106 4. A summary of annual findings and collections related to
107 provider fraud and parent fraud.

108 5. Data regarding the coalitions' delivery of early
109 learning programs.

110 6. The total number of children disenrolled statewide and
111 the reason for disenrollment.

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

113 8. The number of school readiness program providers who
114 have completed the program assessment required under paragraph
115 (2)(n); the number of providers who have not met the minimum
116 threshold for contracting established under to paragraph (2)(n);

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117 and the number of providers that have an active improvement plan
118 based on the results of the program assessment under paragraph
119 (2) (n).

120 ~~9.8.~~ The total number of provider contracts revoked and the
121 reasons for revocation.

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

124 1002.84 Early learning coalitions; school readiness powers
125 and duties.—Each early learning coalition shall:

126 (4) Establish a regional Warm-Line as directed by the
127 office pursuant to s. 1002.82(2) (t) ~~s. 1002.82(2) (r)~~. Regional
128 Warm-Line staff shall provide onsite technical assistance, when
129 requested, to assist child care facilities and family day care
130 homes with inquiries relating to the strategies, curriculum, and
131 environmental adaptations the child care facilities and family
132 day care homes may need as they serve children with disabilities
133 and other special needs.

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

137 1002.85 Early learning coalition plans.—

138 (2) Each early learning coalition must biennially submit a
139 school readiness program plan to the office before the
140 expenditure of funds. A coalition may not implement its school
141 readiness program plan until it receives approval from the
142 office. A coalition may not implement any revision to its school
143 readiness program plan until the coalition submits the revised
144 plan to and receives approval from the office. If the office
145 rejects a plan or revision, the coalition must continue to

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146 operate under its previously approved plan. The plan must
147 include, but is not limited to:

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

150 1. Single point of entry.

151 2. Uniform waiting list.

152 3. Eligibility and enrollment processes and local
153 eligibility priorities for children pursuant to s. 1002.87.

154 4. Parent access and choice.

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

157 6. Use of preassessments and postassessments, as
158 applicable.

159 7. Payment rate schedule.

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

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

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

165 2. Infant and toddler early learning.

166 3. Inclusive early learning programs.

167 4. Quality improvement strategies that strengthen teaching
168 practices and increase child outcomes.

169 (j) An assessment of local priorities within the county or
170 multicounty region based on the needs of families and provider
171 capacity using available community data.

172 Section 5. Subsections (1), (2), (3), and (7) of section
173 1002.87, Florida Statutes, are amended to read:

174 1002.87 School readiness program; eligibility and

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175 enrollment.-

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

178 (a) Priority shall be given first to a child younger than
179 13 years of age from a family that includes a parent who is
180 receiving temporary cash assistance under chapter 414 and
181 subject to the federal work requirements.

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

184 (c) Subsequent priority shall be given, based on the early
185 learning coalition's local priorities identified under s.
186 1002.85(2)(j), to children who meet the following criteria: next
187 to

188 1. A child from birth to the beginning of the school year
189 for which the child is eligible for admission to kindergarten in
190 a public school under s. 1003.21(1)(a)2. who is from a working
191 family that is economically disadvantaged, and may include such
192 child's eligible siblings, beginning with the school year in
193 which the sibling is eligible for admission to kindergarten in a
194 public school under s. 1003.21(1)(a)2. until the beginning of
195 the school year in which the sibling is eligible to begin 6th
196 grade, provided that the first priority for funding an eligible
197 sibling is local revenues available to the coalition for funding
198 direct services.

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

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

211 ~~4.(f) Priority shall be given next to~~ A child who is
212 younger than 13 years of age from a working family that is
213 economically disadvantaged. ~~A child who is eligible under this~~
214 ~~paragraph whose sibling is enrolled in the school readiness~~
215 ~~program under paragraph (c) shall be given priority over other~~
216 ~~children who are eligible under this paragraph.~~

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

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

227 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall be~~
228 ~~given last to~~ A child who otherwise meets one of the eligibility
229 criteria in paragraphs (a) and (b) and subparagraphs (c)1. and
230 2. ~~(a)-(d)~~ but who is also enrolled concurrently in the federal
231 Head Start Program and the Voluntary Prekindergarten Education
232 Program.

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233 (2) A school readiness program provider may be paid only
234 for authorized hours of care provided for a child in the school
235 readiness program. A child enrolled in the Voluntary
236 Prekindergarten Education Program may receive care from the
237 school readiness program if the child is eligible according to
238 the eligibility priorities and criteria established in
239 subsection (1) ~~this section~~.

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

244 (7) If a coalition disenrolls children from the school
245 readiness program, the coalition must disenroll the children in
246 reverse order of the eligibility priorities and criteria listed
247 in subsection (1) beginning with children from families with the
248 highest family incomes. A notice of disenrollment must be sent
249 to the parent and school readiness program provider at least 2
250 weeks before disenrollment to provide adequate time for the
251 parent to arrange alternative care for the child. However, an
252 at-risk child may not be disenrolled from the program without
253 the written approval of the Child Welfare Program Office of the
254 Department of Children and Families or the community-based lead
255 agency.

256 Section 6. Present paragraphs (h) through (q) of subsection
257 (1) of section 1002.88, Florida Statutes, are redesignated as
258 paragraphs (i) through (r), respectively, present paragraphs (m)
259 and (o) of subsection (1) of that section are amended, and a new
260 paragraph (h) is added to subsection (1) of that section, to
261 read:

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262 1002.88 School readiness program provider standards;
263 eligibility to deliver the school readiness program.—

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

266 (h) Participate in the program assessment under s.
267 1002.82(2)(n).

268 (n)~~(m)~~ For a provider that is an informal provider, comply
269 with the provisions of paragraph (m) ~~(l)~~ or maintain homeowner's
270 liability insurance and, if applicable, a business rider. If an
271 informal provider chooses to maintain a homeowner's policy, the
272 provider must obtain and retain a homeowner's insurance policy
273 that provides a minimum of \$100,000 of coverage per occurrence
274 and a minimum of \$300,000 general aggregate coverage. The office
275 may authorize lower limits upon request, as appropriate. An
276 informal provider must add the coalition as a named
277 certificateholder and as an additional insured. An informal
278 provider must provide the coalition with a minimum of 10
279 calendar days' advance written notice of cancellation of or
280 changes to coverage. The general liability insurance required by
281 this paragraph must remain in full force and effect for the
282 entire period of the provider's contract with the coalition.

283 (p)~~(e)~~ Notwithstanding paragraph (m) ~~(l)~~, for a provider
284 that is a state agency or a subdivision thereof, as defined in
285 s. 768.28(2), agree to notify the coalition of any additional
286 liability coverage maintained by the provider in addition to
287 that otherwise established under s. 768.28. The provider shall
288 indemnify the coalition to the extent permitted by s. 768.28.

289 Section 7. Paragraph (b) of subsection (6) of section
290 1002.89, Florida Statutes, is amended to read:

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291 1002.89 School readiness program; funding.—

292 (6) Costs shall be kept to the minimum necessary for the
293 efficient and effective administration of the school readiness
294 program with the highest priority of expenditure being direct
295 services for eligible children. However, no more than 5 percent
296 of the funds described in subsection (5) may be used for
297 administrative costs and no more than 22 percent of the funds
298 described in subsection (5) may be used in any fiscal year for
299 any combination of administrative costs, quality activities, and
300 nondirect services as follows:

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

304 1. Developing, establishing, expanding, operating, and
305 coordinating resource and referral programs specifically related
306 to the provision of comprehensive consumer education to parents
307 and the public to promote informed child care choices specified
308 in 45 C.F.R. s. 98.33.

309 2. Awarding grants and providing financial support to
310 school readiness program providers and their staff to assist
311 them in meeting applicable state requirements for the program
312 assessment required under s. 1002.82(2)(n), child care
313 performance standards, implementing developmentally appropriate
314 curricula and related classroom resources that support
315 curricula, providing literacy supports, and providing continued
316 professional development and training. Any grants awarded
317 pursuant to this subparagraph shall comply with ss. 215.971 and
318 287.058.

319 3. Providing training, technical assistance, and financial

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320 support to school readiness program providers, staff, and
321 parents on standards, child screenings, child assessments, child
322 development research and best practices, developmentally
323 appropriate curricula, character development, teacher-child
324 interactions, age-appropriate discipline practices, health and
325 safety, nutrition, first aid, cardiopulmonary resuscitation, the
326 recognition of communicable diseases, and child abuse detection,
327 prevention, and reporting.

328 4. Providing, from among the funds provided for the
329 activities described in subparagraphs 1.-3., adequate funding
330 for infants and toddlers as necessary to meet federal
331 requirements related to expenditures for quality activities for
332 infant and toddler care.

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

336 6. Responding to Warm-Line requests by providers and
337 parents, including providing developmental and health screenings
338 to school readiness program children.

339 Section 8. Paragraph (a) of subsection (3) of section
340 1002.92, Florida Statutes, is amended to read:

341 1002.92 Child care and early childhood resource and
342 referral.—

343 (3) Child care resource and referral agencies shall provide
344 the following services:

345 (a) Identification of existing public and private child
346 care and early childhood education services, including child
347 care services by public and private employers, and the
348 development of a resource file of those services through the

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349 single statewide information system developed by the office
350 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may
351 include family day care, public and private child care programs,
352 the Voluntary Prekindergarten Education Program, Head Start, the
353 school readiness program, special education programs for
354 prekindergarten children with disabilities, services for
355 children with developmental disabilities, full-time and part-
356 time programs, before-school and after-school programs, vacation
357 care programs, parent education, the temporary cash assistance
358 program, and related family support services. The resource file
359 shall include, but not be limited to:

- 360 1. Type of program.
- 361 2. Hours of service.
- 362 3. Ages of children served.
- 363 4. Number of children served.
- 364 5. Program information.
- 365 6. Fees and eligibility for services.
- 366 7. Availability of transportation.

367 Section 9. For the 2018-2019 fiscal year, the sum of \$6
368 million from the Child Care and Development Block Grant Trust
369 Fund is appropriated to the Office of Early Learning to
370 implement the provisions of s. 1002.82(2)(n), Florida Statutes,
371 established by this act.

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