

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: Judiciary Committee

---

BILL: CS/CS/SB 2400

INTRODUCER: Judiciary Committee, Children, Families, and Elder Affairs Committee, and Senator Wilson

SUBJECT: Child Care Services

DATE: April 24, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Jameson	CF	<b>Fav/CS</b>
2.	Daniell	Maclure	JU	<b>Fav/CS</b>
3.			HA	
4.				
5.				
6.				

---

**I. Summary:**

This bill provides that it is the intent of the Legislature that children who are under the age of eligibility for kindergarten, and who are under the jurisdiction of a circuit court due to a documented case of child abuse, abandonment, or neglect, be given first priority for placement in a child care center that has been designated a Gold Seal Quality Care facility. The bill provides that to the extent there is a conflict with a priority placement pursuant to the school readiness program eligibility requirements (s. 411.01(6), F.S.), a child who is at least three years of age shall have first priority.

This bill substantially amends section 402.301, Florida Statutes.

**II. Present Situation:**

Studies have shown that children's social, emotional, and learning abilities are influenced by the quality of care they receive. In fact, it is the quality of care and, in particular, the quality of the daily interactions between child care providers and the children for whom they are responsible, that carry the weight of the influence of child care on children's development.<sup>1</sup> This is especially true for at-risk children, who are less likely to be subjected to recurring abuse or neglect when they receive quality child care.<sup>2</sup> Child care today is often seen as providing a number of services,

---

<sup>1</sup> JACK P. SHONKOFF ET AL., FROM NEURONS TO NEIGHBORHOODS: THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT, 310 (2000), <http://books.nap.edu/openbook.php?isbn=0309069882> (last visited April 18, 2007).

<sup>2</sup> DEP'T OF CHILDREN & FAMILIES, STAFF ANALYSIS AND ECONOMIC IMPACT, SB 2400 (March 2, 2007); *see also* BARBARA T. BOWMAN ET AL., EAGER TO LEARN: EDUCATING OUR PRESCHOOLERS, 8 (2000), <http://books.nap.edu/openbook.php?isbn=0309068363> (last visited April 18, 2007).

including nurturance and learning opportunities, school preparation, support for working parents, and respite in child welfare cases.<sup>3</sup> Between 1977 and 1994, the number of children under the age of three in child care centers, preschools, Head Start Programs, and other early childhood education programs tripled from 8 percent to 24 percent.<sup>4</sup>

### Gold Seal Quality Care Programs

In 1996, the Florida Legislature established the Gold Seal Quality Care program<sup>5</sup> to acknowledge child care facilities and family day care homes that are accredited by nationally recognized agencies and whose standards reflect high quality in the level of care and supervision provided to children.<sup>6</sup> In addition, the Legislature established provisions for Gold Seal providers participating in the subsidized child care program (a.k.a., school readiness and early learning programs) to receive a higher reimbursement per child than providers without a Gold Seal designation.<sup>7</sup>

In 1999, the Legislature revised the program to provide tax incentives for participating in the Gold Seal Quality Care program.<sup>8</sup> The Legislature has continued to revise the maximum amount of the reimbursement, and currently the rate differential cannot exceed 20 percent above the reimbursement rate established by the local early learning coalition (a.k.a., the local school readiness coalition).<sup>9</sup>

On January 2, 2005, Governor Bush signed House Bill 1-A into law, creating a program designed to prepare four-year-olds for kindergarten and build a foundation for educational success.<sup>10</sup> This legislation, often called the Voluntary Pre-Kindergarten Education Program (VPK), allows a parent to enroll his or her child in a free VPK program. It also requires participating child care facilities and homes to maintain quality care accreditation and higher education standards for staff.<sup>11</sup> The Gold Seal Quality Care program is an approved accreditation for child care providers to be eligible to participate in VPK.<sup>12</sup>

According to summary data provided by the Department of Children and Family Services' website,<sup>13</sup> there are currently 2,340 Gold Seal programs in Florida.<sup>14</sup> However, there are fewer than five Gold Seal programs in at least 16 counties.<sup>15</sup>

---

<sup>3</sup> SHONKOFF, *supra* note 1, at 299.

<sup>4</sup> *Id.* at 306.

<sup>5</sup> Section 402.281, F.S.

<sup>6</sup> The Gold Seal Quality Care Program does not have a set of independent standards. Rather, the program requires a level of care that exceeds the minimum child care licensing standards by meeting the higher standards of the approved accrediting agencies. See FLA. DEP'T OF CHILDREN & FAMILIES, GOLD SEAL QUALITY CARE, PROGRAM DESCRIPTION <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited April 17, 2007) (hereinafter GOLD SEAL).

<sup>7</sup> *Id.* at HISTORY AND PURPOSE; see also s. 402.3051(2), F.S.

<sup>8</sup> GOLD SEAL, *supra* note 6, at HISTORY AND PURPOSE; see also s. 212.08(5)(m), F.S.

<sup>9</sup> GOLD SEAL, *supra* note 6, at HISTORY AND PURPOSE.

<sup>10</sup> WORKFORCE INNOVATION, VOLUNTARY PREKINDERGARTEN PROGRAM, FREQUENTLY ASKED QUESTIONS FOR PARENTS, <http://www.floridajobs.org/VPK/FAQs.html> (last visited April 17, 2007).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*; see also s. 1002.55(3)(b), F.S.

<sup>13</sup> <http://www.dcf.state.fl.us/childcare/goldseal.shtml>

<sup>14</sup> See <http://www.dcf.state.fl.us/childcare/docs/GS-March07RollUp.pdf> (last visited April 17, 2007).

## School Readiness Programs

The School Readiness Act, codified in s. 411.01, F.S., was enacted in 1999 to consolidate the state's early childhood education and child care programs into one integrated program of school readiness services.<sup>16</sup> Pursuant to s. 411.01(6), F.S., priority for participation in school readiness programs is given to children, ages three to school entry, who are served by the Family Safety Program Office (FSPO) of the Department of Children and Family Services or by a community-based care agency under ch. 39, F.S., and who need child care to minimize risk of further abuse, neglect, or abandonment. Other populations eligible for participation (but not given priority) include:

- Children under the age of kindergarten eligibility who are (a) at risk of abuse, neglect, or exploitation; (b) at risk of welfare dependency; or (c) children of working families whose family income does not exceed 150 percent of the federal poverty level.
- Three- or four-year-old children who have disabilities, other than being economically disadvantaged.
- Economically disadvantaged children.
- Children who meet federal and state eligibility requirements for the migrant preschool program, but who are not economically disadvantaged.

In FY 2005-2006, an average of 164,848 children per month were enrolled in school readiness programs.<sup>17</sup> During that year, an average of 48,078 children per month were on the waiting list to receive services.<sup>18</sup> Funding for the program during FY 2005-2006 was \$659.1 million. Of the total, \$172.5 million was met with a General Revenue appropriation, and the remainder was met with federal dollars.<sup>19</sup>

## Children Under the Jurisdiction of the Circuit Courts

Before a child is considered under the jurisdiction of the circuit court, the following procedures must occur:

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

---

<sup>15</sup> Calhoun, Dixie, Flagler, Gilchrist, Glades, Gulf, Hamilton, Hardee, Jefferson, Lafayette, Lee, Madison, Okeechobee, Taylor, Union, and Wakulla counties.

<sup>16</sup> COMM. ON COMMERCE & CONSUMER SERVS., FLA. SENATE, SCHOOL READINESS PROGRAMS II: NEXT STEPS IN THE EVOLUTION OF EARLY LEARNING (Interim Project Report 2005-112) (January 2005), [http://www.flsenate.gov/data/Publications/2005/Senate/reports/interim\\_reports/pdf/2005-112cm.pdf](http://www.flsenate.gov/data/Publications/2005/Senate/reports/interim_reports/pdf/2005-112cm.pdf) (last visited April 17, 2007).

<sup>17</sup> WORKFORCE INNOVATION, STATEWIDE STATISTICAL REPORTS, <http://www.floridajobs.org/earlylearning/SRS.html> (last visited April 17, 2007).

<sup>18</sup> *Id.*

<sup>19</sup> COMM. ON CHILDREN, FAMILIES, & ELDER AFFAIRS, PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT, SB 2400 (April 11, 2007).

- The Department of Children and Family Services then sends an agent to investigate the situation and who can immediately take the child into custody if the agent finds substantial evidence of abuse or neglect;
- A court hearing must take place within 24 hours of removing the child from the home to determine whether the child will be released back to his or her home, placed with other family members, or remain under the custody of the state;
- If the child remains with the state, it is then considered that the child is under the jurisdiction of the circuit courts.<sup>20</sup>

### III. Effect of Proposed Changes:

This bill provides that it is the intent of the Legislature that children under the age of eligibility for kindergarten,<sup>21</sup> and who are under the jurisdiction of a circuit court due to a documented case of child abuse, abandonment, or neglect, be given first priority for placement in a child care center that has been designated a Gold Seal Quality Care facility pursuant to s. 402.281, F.S.

Because many Gold Seal child care facilities are also school readiness programs, the bill provides that to the extent the bill creates a conflict with placement priority pursuant to the school readiness program eligibility requirements (s. 411.01(6), F.S.), a child who is at least three years of age, but who has not yet reached the age of eligibility for kindergarten, will have first priority.

The bill states that the act will take effect on July 1, 2007.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

#### A. Tax/Fee Issues:

None.

---

<sup>20</sup> COUNCIL ON ECONOMIC EXPANSION & INFRASTRUCTURE, HOUSE OF REPRESENTATIVES STAFF ANALYSIS, HB 1543 (March 20, 2007); *see generally* <http://www.dcf.state.fl.us/childabuseprevention> (last visited April 18, 2007).

<sup>21</sup> In order to be eligible for kindergarten in a public school, a child must have attained the age of five on or before September 1st of the school year. *See* s. 1003.21(1)(a)2., F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

According to the Agency for Workforce Innovation (AWI), for each child that is enrolled in a school readiness program that is designated Gold Seal Quality Care, an early learning coalition (ELC) may pay up to 20 percent over the approved payment rate,<sup>22</sup> subsequently increasing each child's average cost of care. The fiscal impact of this legislation is difficult to determine because the number of children under the jurisdiction of the circuit court is difficult to determine.<sup>23</sup> Furthermore, the ELC's financial impact of possibly paying the higher rate to Gold Seal Quality Care designated centers for each child under the jurisdiction of the circuit court is not known.<sup>24</sup>

**VI. Technical Deficiencies:**

The bill, entitled “[a]n act relating to public child care,” referenced the Legislature’s intent that public child care centers designated as a Gold Seal Quality Care facility allow specified children first priority for placement. Through the amendatory process, the term “public” was removed from this legislative intent; however, the title of the bill was not amended. The Legislature may wish to remove the term “public” from the title to conform to the amendment.

**VII. Related Issues:**

None.

---

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

---

<sup>22</sup> Pursuant to s. 411.01(5)(d)4.f., F.S., early learning coalitions have the authority to adopt payment rates approved by AWI.

<sup>23</sup> AGENCY FOR WORKFORCE INNOVATION, 2007 LEGISLATIVE BILL ANALYSIS, SB 2400 (March 7, 2007).

<sup>24</sup> *Id.*



---

## **VIII. Summary of Amendments:**

None.

---

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---