



576812

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2014	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Division of Law Revision and Information is directed to prepare a reviser's bill for the 2015 Regular Session of the Legislature to change the term "family day care home" to "family child care home" and the term "family day care" to "family child care" wherever they appear in the Florida Statutes.



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11 Section 2. Section 125.0109, Florida Statutes, is amended
12 to read:

13 125.0109 Family day care homes and large family child care
14 homes; local zoning regulation.—The operation of a residence as
15 a family day care home or large family child care home, as
16 defined in s. 402.302, licensed or registered pursuant to s.
17 402.313 or s. 402.3131, as applicable, constitutes, ~~as defined~~
18 ~~by law, registered or licensed with the Department of Children~~
19 ~~and Family Services shall constitute~~ a valid residential use for
20 purposes of any local zoning regulations, and no such regulation
21 shall require the owner or operator of such family day care home
22 or large family child care home to obtain any special exemption
23 or use permit or waiver, or to pay any special fee in excess of
24 \$50, to operate in an area zoned for residential use.

25 Section 3. Section 166.0445, Florida Statutes, is amended
26 to read:

27 166.0445 Family day care homes and large family child care
28 homes; local zoning regulation.—The operation of a residence as
29 a family day care home or large family child care home, as
30 defined in s. 402.302, licensed or registered pursuant to s.
31 402.313 or s. 402.3131, as applicable, constitutes, ~~as defined~~
32 ~~by law, registered or licensed with the Department of Children~~
33 ~~and Family Services shall constitute~~ a valid residential use for
34 purposes of any local zoning regulations, and ~~no~~ such regulation
35 may not shall require the owner or operator of such family day
36 care home or large family child care home to obtain any special
37 exemption or use permit or waiver, or to pay any special fee in
38 excess of \$50, to operate in an area zoned for residential use.

39 Section 4. Subsection (17) of section 402.302, Florida



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40 Statutes, is amended to read:

41 402.302 Definitions.—As used in this chapter, the term:

42 (17) “Substantial compliance” means, for purposes of
43 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,
44 ~~that level of adherence to adopted standards~~ which is sufficient
45 to safeguard the health, safety, and well-being of all children
46 under care. The standards must address requirements found in s.
47 402.305 and are limited to supervision, transportation, access,
48 health-related requirements, food and nutrition, personnel
49 screening, records, and enforcement of these standards. The
50 standards must not limit or exclude the curriculum provided by a
51 faith-based provider or nonpublic school. The department must
52 adopt rules to define and enforce substantial compliance with
53 minimum standards for child care facilities for programs
54 operating under s. 1002.55, s. 1002.61, or s. 1002.88 that are
55 regulated, but not licensed, by the department. Such rules shall
56 be submitted to the Office of Early Learning for approval or
57 disapproval. Substantial compliance is greater than minimal
58 ~~adherence but not to the level of absolute adherence. Where a~~
59 ~~violation or variation is identified as the type which impacts,~~
60 ~~or can be reasonably expected within 90 days to impact, the~~
61 ~~health, safety, or well-being of a child, there is no~~
62 ~~substantial compliance.~~

63 Section 5. Paragraphs (d) and (e) of subsection (2) of
64 section 402.3025, Florida Statutes, are amended to read:

65 402.3025 Public and nonpublic schools.—For the purposes of
66 ss. 402.301-402.319, the following shall apply:

67 (2) NONPUBLIC SCHOOLS.—

68 (d)1. Nonpublic schools delivering programs under s.



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69 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~
70 ~~at least 3 years of age, but under 5 years of age,~~ which are not
71 licensed under ss. 402.301-402.319 shall substantially comply
72 with the minimum child care standards adopted ~~promulgated~~
73 pursuant to ss. 402.305-402.3057.

74 2. The department or local licensing agency shall enforce
75 compliance with such standards, where possible, to eliminate or
76 minimize duplicative inspections or visits by staff enforcing
77 the minimum child care standards and staff enforcing other
78 standards under the jurisdiction of the department.

79 3. The department or local licensing agency may inspect
80 programs operating under this paragraph and pursue
81 administrative or judicial action under ss. 402.310-402.312
82 against nonpublic schools operating under this paragraph
83 ~~commence and maintain all proper and necessary actions and~~
84 ~~proceedings for any or all of the following purposes:~~

85 ~~a. to protect the health, sanitation, safety, and well-~~
86 ~~being of all children under care.~~

87 ~~b. To enforce its rules and regulations.~~

88 ~~c. To use corrective action plans, whenever possible, to~~
89 ~~attain compliance prior to the use of more restrictive~~
90 ~~enforcement measures.~~

91 ~~d. To make application for injunction to the proper circuit~~
92 ~~court, and the judge of that court shall have jurisdiction upon~~
93 ~~hearing and for cause shown to grant a temporary or permanent~~
94 ~~injunction, or both, restraining any person from violating or~~
95 ~~continuing to violate any of the provisions of ss. 402.301-~~
96 ~~402.319. Any violation of this section or of the standards~~
97 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~



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98 ~~child in the school's programs for children who are at least 3~~
99 ~~years of age, but are under 5 years of age, or repeated~~
100 ~~violations of this section or the standards under ss. 402.305-~~
101 ~~402.3057, shall be grounds to seek an injunction to close a~~
102 ~~program in a school.~~

103 ~~e. To impose an administrative fine, not to exceed \$100,~~
104 ~~for each violation of the minimum child care standards~~
105 ~~promulgated pursuant to ss. 402.305-402.3057.~~

106 4. It is a misdemeanor of the first degree, punishable as
107 provided in s. 775.082 or s. 775.083, for any person willfully,
108 knowingly, or intentionally to:

109 a. Fail, by false statement, misrepresentation,
110 impersonation, or other fraudulent means, to disclose in any
111 required written documentation for exclusion from licensure
112 pursuant to this section a material fact used in making a
113 determination as to such exclusion; or

114 b. Use information from the criminal records obtained under
115 s. 402.305 or s. 402.3055 for any purpose other than screening
116 that person for employment as specified in those sections or
117 release such information to any other person for any purpose
118 other than screening for employment as specified in those
119 sections.

120 5. It is a felony of the third degree, punishable as
121 provided in s. 775.082, s. 775.083, or s. 775.084, for any
122 person willfully, knowingly, or intentionally to use information
123 from the juvenile records of any person obtained under s.
124 402.305 or s. 402.3055 for any purpose other than screening for
125 employment as specified in those sections or to release
126 information from such records to any other person for any



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127 purpose other than screening for employment as specified in
128 those sections.

129 6. The inclusion of nonpublic schools within options
130 available under ss. 1002.55, 1002.61, and 1002.88 does not
131 expand the regulatory authority of the state, its officers, any
132 local licensing agency, or any early learning coalition to
133 impose any additional regulation of nonpublic schools beyond
134 those reasonably necessary to enforce requirements expressly set
135 forth in this paragraph.

136 ~~(e) The department and the nonpublic school accrediting~~
137 ~~agencies are encouraged to develop agreements to facilitate the~~
138 ~~enforcement of the minimum child care standards as they relate~~
139 ~~to the schools which the agencies accredit.~~

140 Section 6. Paragraphs (a) and (d) of subsection (2),
141 paragraph (b) of subsection (9), and subsections (10) and (18)
142 of section 402.305, Florida Statutes, are amended to read:

143 402.305 Licensing standards; child care facilities.—

144 (2) PERSONNEL.—Minimum standards for child care personnel
145 shall include minimum requirements as to:

146 (a) Good moral character based upon screening, according to
147 the level 2 screening requirements of. This screening shall be
148 conducted as provided in chapter 435, using the level 2
149 standards for screening set forth in that chapter. In addition
150 to the offenses listed in s. 435.04, all child care personnel
151 required to undergo background screening pursuant to this
152 section may not have an arrest awaiting final disposition for,
153 may not have been found guilty of, regardless of adjudication,
154 or entered a plea of nolo contendere or guilty to, and may not
155 have been adjudicated delinquent and have a record that has been



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156 sealed or expunged for an offense specified in s. 39.205.

157 (d) Minimum training requirements for child care personnel.

158 1. Such minimum standards for training shall ensure that
159 all child care personnel take an approved 40-clock-hour
160 introductory course in child care, which course covers at least
161 the following topic areas:

162 a. State and local rules and regulations which govern child
163 care.

164 b. Health, safety, and nutrition.

165 c. Identifying and reporting child abuse and neglect.

166 d. Child development, including typical and atypical
167 language, cognitive, motor, social, and self-help skills
168 development.

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

172 f. Specialized areas, including computer technology for
173 professional and classroom use and numeracy, early literacy, and
174 language development of children from birth to 5 years of age,
175 as determined by the department, for owner-operators and child
176 care personnel of a child care facility.

177 g. Developmental disabilities, including autism spectrum
178 disorder and Down syndrome, and early identification, use of
179 available state and local resources, classroom integration, and
180 positive behavioral supports for children with developmental
181 disabilities.

182

183 Within 90 days after employment, child care personnel shall
184 begin training to meet the training requirements pursuant to



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185 this paragraph. Child care personnel shall successfully complete
186 such training within 1 year after the date on which the training
187 began, as evidenced by passage of a competency examination.
188 Successful completion of the 40-clock-hour introductory course
189 shall articulate into community college credit in early
190 childhood education, pursuant to ss. 1007.24 and 1007.25.
191 Exemption from all or a portion of the required training shall
192 be granted to child care personnel based upon educational
193 credentials or passage of competency examinations. Child care
194 personnel possessing a 2-year degree or higher that includes 6
195 college credit hours in early childhood development or child
196 growth and development, or a child development associate
197 credential or an equivalent state-approved child development
198 associate credential, or a child development associate waiver
199 certificate shall be automatically exempted from the training
200 requirements in sub-subparagraphs b., d., and e.

201 2. The introductory course in child care shall stress, to
202 the extent possible, an interdisciplinary approach to the study
203 of children.

204 3. The introductory course shall cover recognition and
205 prevention of shaken baby syndrome; prevention of sudden infant
206 death syndrome; recognition and care of infants and toddlers
207 with developmental disabilities, including autism spectrum
208 disorder and Down syndrome; and early childhood brain
209 development within the topic areas identified in this paragraph.

210 4. On an annual basis in order to further their child care
211 skills and, if appropriate, administrative skills, child care
212 personnel who have fulfilled the requirements for the child care
213 training shall be required to take an additional 1 continuing



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214 education unit of approved inservice training, or 10 clock hours
215 of equivalent training, as determined by the department.

216 5. Child care personnel shall be required to complete 0.5
217 continuing education unit of approved training or 5 clock hours
218 of equivalent training, as determined by the department, in
219 numeracy, early literacy, and language development of children
220 from birth to 5 years of age one time. The year that this
221 training is completed, it shall fulfill the 0.5 continuing
222 education unit or 5 clock hours of the annual training required
223 in subparagraph 4.

224 6. Procedures for ensuring the training of qualified child
225 care professionals to provide training of child care personnel,
226 including onsite training, shall be included in the minimum
227 standards. It is recommended that the state community child care
228 coordination agencies (central agencies) be contracted by the
229 department to coordinate such training when possible. Other
230 district educational resources, such as community colleges and
231 career programs, can be designated in such areas where central
232 agencies may not exist or are determined not to have the
233 capability to meet the coordination requirements set forth by
234 the department.

235 7. Training requirements do ~~shall~~ not apply to certain
236 occasional or part-time support staff, including, but not
237 limited to, swimming instructors, piano teachers, dance
238 instructors, and gymnastics instructors.

239 8. The department shall evaluate or contract for an
240 evaluation for the general purpose of determining the status of
241 and means to improve staff training requirements and testing
242 procedures. The evaluation shall be conducted every 2 years. The



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243 evaluation must ~~shall~~ include, but not be limited to,
244 determining the availability, quality, scope, and sources of
245 current staff training; determining the need for specialty
246 training; and determining ways to increase inservice training
247 and ways to increase the accessibility, quality, and cost-
248 effectiveness of current and proposed staff training. The
249 evaluation methodology must ~~shall~~ include a reliable and valid
250 survey of child care personnel.

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

255 (9) ADMISSIONS AND RECORDKEEPING.—

256 (b) ~~During the months of August and September of each year,~~
257 Each child care facility shall provide parents of children
258 enrolling ~~enrolled~~ in the facility detailed information
259 regarding the causes, symptoms, and transmission of the
260 influenza virus in an effort to educate those parents regarding
261 the importance of immunizing their children against influenza as
262 recommended by the Advisory Committee on Immunization Practices
263 of the Centers for Disease Control and Prevention.

264 (10) TRANSPORTATION SAFETY.—Minimum standards must ~~shall~~
265 include requirements for child restraints or seat belts in
266 vehicles used by child care facilities, ~~and~~ large family child
267 care homes, and family day care homes to transport children,
268 requirements for annual inspections of the vehicles, limitations
269 on the number of children in the vehicles, and accountability
270 for children being transported.

271 (18) TRANSFER OF OWNERSHIP.—



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272 (a) One week before ~~prior~~ to the transfer of ownership of a
273 child care facility, ~~or~~ family day care home, or large family
274 child care home, the transferor shall notify the parent or
275 caretaker of each child of the impending transfer.

276 (b) The owner of a child care facility, family day care
277 home, or large family child care home may not transfer ownership
278 to a relative of the operator if the operator has had his or her
279 license suspended or revoked by the department pursuant to s.
280 402.310, has received notice from the department that reasonable
281 cause exists to suspend or revoke the license, or has been
282 placed on the United States Department of Agriculture National
283 Disqualified List. For purposes of this paragraph, "relative"
284 means father, mother, son, daughter, grandfather, grandmother,
285 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
286 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
287 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
288 stepdaughter, stepbrother, stepsister, half-brother, or half-
289 sister.

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

293 Section 7. Section 402.311, Florida Statutes, is amended to
294 read:

295 402.311 Inspection.—A licensed child care facility or
296 program regulated by the department shall accord to the
297 department or the local licensing agency, whichever is
298 applicable, the privilege of inspection, including access to
299 facilities and personnel and to those records required in s.
300 402.305, at reasonable times during regular business hours, to



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301 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
302 The right of entry and inspection shall also extend to any
303 premises which the department or local licensing agency has
304 reason to believe are being operated or maintained as a child
305 care facility or program ~~without a license~~, but no such entry or
306 inspection of any premises shall be made without the permission
307 of the person in charge thereof unless a warrant is first
308 obtained from the circuit court authorizing same. Any
309 application for a license, application for authorization to
310 operate a child care program which must maintain substantial
311 compliance with child care standards adopted under this chapter,
312 or renewal of such license or authorization ~~made pursuant to~~
313 ~~this act~~ or the advertisement to the public for the provision of
314 child care as defined in s. 402.302 constitutes ~~shall constitute~~
315 permission for any entry to or inspection of the subject
316 premises ~~for which the license is sought in order~~ to facilitate
317 verification of the information submitted on or in connection
318 with the application. In the event a ~~licensed~~ facility or
319 program refuses permission for entry or inspection to the
320 department or local licensing agency, a warrant shall be
321 obtained from the circuit court authorizing same before ~~prior to~~
322 such entry or inspection. The department or local licensing
323 agency may institute disciplinary proceedings pursuant to s.
324 402.310~~7~~ for such refusal.

325 Section 8. Section 402.3115, Florida Statutes, is amended
326 to read:

327 402.3115 ~~Elimination of duplicative and unnecessary~~
328 ~~inspections;~~ Abbreviated inspections. ~~The Department of Children~~
329 ~~and Family Services and local governmental agencies that license~~



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330 ~~child care facilities shall develop and implement a plan to~~
331 ~~eliminate duplicative and unnecessary inspections of child care~~
332 ~~facilities. In addition,~~ The department and the local licensing
333 ~~governmental~~ agencies shall conduct ~~develop and implement an~~
334 abbreviated inspections of inspection plan for child care
335 facilities licensed under s. 402.305, family day care homes
336 licensed under s. 402.313, and large family child care homes
337 licensed under s. 402.3131 that have had no Class I ~~±~~ or Class
338 II violations ~~2 deficiencies~~, as defined by rule, for at least 2
339 consecutive years. The abbreviated inspection must include those
340 elements identified by the department and the local licensing
341 ~~governmental~~ agencies as being key indicators of whether the
342 child care facility continues to provide quality care and
343 programming. The department shall adopt rules establishing
344 criteria and procedures for abbreviated inspections and
345 inspection schedules that provide for both announced and
346 unannounced inspections.

347 Section 9. Section 402.313, Florida Statutes, is amended to
348 read:

349 402.313 Family day care homes.—

350 (1) A family day care home must ~~homes shall~~ be licensed
351 under this section ~~act~~ if it is ~~they are~~ presently being
352 licensed under an existing county licensing ordinance, ~~or if~~ the
353 board of county commissioners passes a resolution that requires
354 licensure of family day care homes, or the family day care home
355 is operating a program under s. 1002.55, s. 1002.61, or s.
356 1002.88 ~~be licensed~~. Each licensed or registered family day care
357 home must conspicuously display its license or registration in
358 an area viewable by all parents during hours of operation.



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

- 362 1. The name and address of the home.
363 2. The name of the operator.
364 3. The number of children served.
365 4. Proof of a written plan to identify a ~~provide at least~~
366 ~~one other~~ competent adult who has met the screening and training
367 requirements of the department to serve as a designated ~~to be~~
368 ~~available to~~ substitute for the operator ~~in an emergency~~. This
369 plan must ~~shall~~ include the name, address, and telephone number
370 of the designated substitute who will serve in the absence of
371 the operator.

372 ~~5. Proof of screening and background checks.~~

373 ~~6. Proof of successful completion of the 30-hour training~~
374 ~~course, as evidenced by passage of a competency examination,~~
375 ~~which shall include:~~

376 ~~a. State and local rules and regulations that govern child~~
377 ~~care.~~

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

379 ~~e. Identifying and reporting child abuse and neglect.~~

380 ~~d. Child development, including typical and atypical~~
381 ~~language development; and cognitive, motor, social, and self-~~
382 ~~help skills development.~~

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

386 ~~f. Specialized areas, including early literacy and language~~
387 ~~development of children from birth to 5 years of age, as~~



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388 ~~determined by the department, for owner operators of family day~~
389 ~~care homes.~~

390 5.7. Proof that immunization records are kept current.

391 ~~8. Proof of completion of the required continuing education~~
392 ~~units or clock hours.~~

393

394 Upon receipt of registration information submitted by a family
395 day care home pursuant to this paragraph, the department shall
396 verify that the home is in compliance with the background
397 screening requirements in subsection (3) and that the operator
398 and the designated substitute are in compliance with applicable
399 training requirements of subsection (4).

400 (b) A family day care home may volunteer to be licensed
401 ~~under this act.~~

402 (c) The department may provide technical assistance to
403 counties and operators of family day care homes ~~home providers~~
404 to enable counties and operators ~~family day care providers~~ to
405 achieve compliance with family day care home ~~homes~~ standards.

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

409 (3) Child care personnel in family day care homes are ~~shall~~
410 ~~be~~ subject to the applicable screening provisions contained in
411 ss. 402.305(2) and 402.3055. For purposes of screening in family
412 day care homes, the term "child care personnel" includes the
413 operator, the designated substitute, any member over the age of
414 12 years of a family day care home operator's family, or persons
415 over the age of 12 years residing with the operator in the
416 family day care home. Members of the operator's family, or



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417 persons residing with the operator, who are between the ages of
418 12 years and 18 years ~~may shall~~ not be required to be
419 fingerprinted, but shall be screened for delinquency records.

420 (4) (a) Before licensure and before caring for children,
421 operators of family day care homes and an individual serving as
422 a substitute for the operator who works 40 hours or more per
423 month on average must:

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

428 a. State and local rules and regulations that govern child
429 care.

430 b. Health, safety, and nutrition.

431 c. Identifying and reporting child abuse and neglect.

432 d. Child development, including typical and atypical
433 language development, and cognitive, motor, social, and
434 executive functioning skills development.

435 e. Observation of developmental behaviors, including using
436 a checklist or other similar observation tools and techniques to
437 determine a child's developmental level.

438 f. Specialized areas, including numeracy, early literacy,
439 and language development of children from birth to 5 years of
440 age, as determined by the department, for operators of family
441 child care homes.

442 ~~(5) In order to further develop their child care skills~~
443 ~~and, if appropriate, their administrative skills, operators of~~
444 ~~family day care homes shall be required to complete an~~
445 ~~additional 1 continuing education unit of approved training or~~



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446 ~~10 clock hours of equivalent training, as determined by the~~
447 ~~department, annually.~~

448 2.(6) Operators of family day care homes shall be required
449 ~~to~~ Complete a 0.5 continuing education unit of approved training
450 in numeracy, early literacy, and language development of
451 children from birth to 5 years of age one time. For an operator,
452 the year that this training is completed, it shall fulfill the
453 0.5 continuing education unit or 5 clock hours of the annual
454 training required in paragraph (c) subsection (5).

455 3. Complete training in first aid and infant and child
456 cardiopulmonary resuscitation as evidenced by current
457 documentation of course completion.

458 (b) Before licensure and before caring for children, family
459 day care home substitutes who work fewer than 40 hours per month
460 on average must complete the department's 6-clock-hour Family
461 Child Care Home Rules and Regulations training, as evidenced by
462 successful completion of a competency examination and first aid
463 and infant and child cardiopulmonary resuscitation training
464 under subparagraph (a)3. A substitute who has successfully
465 completed the 3-clock-hour Fundamentals of Child Care training
466 established by rules of the department or the 30-clock-hour
467 training under subparagraph (a)1. is not required to complete
468 the 6-clock-hour Family Child Care Home Rules and Regulations
469 training.

470 (c) Operators of family day care homes must annually
471 complete an additional 1 continuing education unit of approved
472 training regarding child care and administrative skills or 10
473 clock hours of equivalent training, as determined by the
474 department.



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475 (5)~~(7)~~ Operators of family day care homes must ~~shall be~~
476 ~~required~~ annually to complete a health and safety home
477 inspection self-evaluation checklist developed by the department
478 in conjunction with the statewide resource and referral program.
479 The completed checklist shall be signed by the operator of the
480 family day care home and provided to parents as certification
481 that basic health and safety standards are being met.

482 (6)~~(8)~~ Operators of family day care homes ~~home operators~~
483 may avail themselves of supportive services offered by the
484 department.

485 (7)~~(9)~~ The department shall prepare a brochure on family
486 day care for distribution by the department and by local
487 licensing agencies, if appropriate, to family day care homes for
488 distribution to parents using ~~utilizing~~ such child care, and to
489 all interested persons, including physicians and other health
490 professionals; mental health professionals; school teachers or
491 other school personnel; social workers or other professional
492 child care, foster care, residential, or institutional workers;
493 and law enforcement officers. The brochure shall, at a minimum,
494 contain the following information:

495 (a) A brief description of the requirements for family day
496 care registration, training, and background ~~fingerprinting and~~
497 screening.

498 (b) A listing of those counties that require licensure of
499 family day care homes. Such counties shall provide an addendum
500 to the brochure that provides a brief description of the
501 licensure requirements or may provide a brochure in lieu of the
502 one described in this subsection, provided it contains all the
503 required information on licensure and the required information



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504 in the subsequent paragraphs.

505 (c) A statement indicating that information about the
506 family day care home's compliance with applicable state or local
507 requirements can be obtained from ~~by telephoning~~ the department
508 ~~office or the office of~~ the local licensing agency, including
509 the, if appropriate, at a telephone number or numbers and
510 website address for the department or local licensing agency, as
511 applicable ~~which shall be affixed to the brochure.~~

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

516 (e) Any other information relating to competent child care
517 that the department or local licensing agency, if preparing a
518 separate brochure, considers ~~deems would be~~ helpful to parents
519 and other caretakers in their selection of a family day care
520 home.

521 ~~(8)-(10)~~ (8) On an annual basis, the department shall evaluate
522 the registration and licensure system for family day care homes.
523 Such evaluation shall, at a minimum, address the following:

524 (a) The number of family day care homes registered and
525 licensed and the dates of such registration and licensure.

526 (b) The number of children being served in both registered
527 and licensed family day care homes and any available slots in
528 such homes.

529 (c) The number of complaints received concerning family day
530 care, the nature of the complaints, and the resolution of such
531 complaints.

532 (d) The training activities used ~~utilized~~ by child care



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533 personnel in family day care homes for meeting the state or
534 local training requirements.

535

536 The evaluation, pursuant to this paragraph, shall be used
537 ~~utilized~~ by the department in any administrative modifications
538 or adjustments to be made in the registration of family day care
539 homes or in any legislative requests for modifications to the
540 system of registration or to other requirements for family day
541 care homes.

542 ~~(11) In order to inform the public of the state requirement~~
543 ~~for registration of family day care homes as well as the other~~
544 ~~requirements for such homes to legally operate in the state, the~~
545 ~~department shall institute a media campaign to accomplish this~~
546 ~~end. Such a campaign shall include, at a minimum, flyers,~~
547 ~~newspaper advertisements, radio advertisements, and television~~
548 ~~advertisements.~~

549 (9) ~~(12)~~ Notwithstanding any other state or local law or
550 ordinance, any family day care home licensed pursuant to this
551 chapter or pursuant to a county ordinance shall be charged the
552 utility rates accorded to a residential home. A licensed family
553 day care home may not be charged commercial utility rates.

554 (10) ~~(13)~~ The department shall, by rule, establish minimum
555 standards for family day care homes that are required to be
556 licensed by county licensing ordinance or county licensing
557 resolution or that voluntarily choose to be licensed. The
558 standards should include requirements for staffing, training,
559 maintenance of immunization records, minimum health and safety
560 standards, reduced standards for the regulation of child care
561 during evening hours by municipalities and counties, and



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562 enforcement of standards. Additionally, the department shall, by
563 rule, adopt procedures for verifying a registered family day
564 care home's compliance with background screening and training
565 requirements.

566 ~~(11)-(14) During the months of August and September of each~~
567 ~~year,~~ Each family day care home shall provide parents of
568 children enrolling ~~enrolled~~ in the home detailed information
569 regarding the causes, symptoms, and transmission of the
570 influenza virus in an effort to educate those parents regarding
571 the importance of immunizing their children against influenza as
572 recommended by the Advisory Committee on Immunization Practices
573 of the Centers for Disease Control and Prevention.

574 Section 10. Subsections (3), (5), and (9) of section
575 402.3131, Florida Statutes, are amended, and subsection (10) is
576 added to that section, to read:

577 402.3131 Large family child care homes.—

578 (3) Operators of large family child care homes must
579 successfully complete an approved 40-clock-hour introductory
580 course in group child care, including numeracy, early literacy,
581 and language development of children from birth to 5 years of
582 age, as evidenced by passage of a competency examination.
583 Successful completion of the 40-clock-hour introductory course
584 shall articulate into community college credit in early
585 childhood education, pursuant to ss. 1007.24 and 1007.25.

586 (5) Operators of large family child care homes shall be
587 required to complete 0.5 continuing education unit of approved
588 training or 5 clock hours of equivalent training, as determined
589 by the department, in numeracy, early literacy, and language
590 development of children from birth to 5 years of age one time.



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591 The year that this training is completed, it shall fulfill the
592 0.5 continuing education unit or 5 clock hours of the annual
593 training required in subsection (4).

594 ~~(9) During the months of August and September of each year,~~
595 Each large family child care home shall provide parents of
596 children enrolling ~~enrolled~~ in the home detailed information
597 regarding the causes, symptoms, and transmission of the
598 influenza virus in an effort to educate those parents regarding
599 the importance of immunizing their children against influenza as
600 recommended by the Advisory Committee on Immunization Practices
601 of the Centers for Disease Control and Prevention.

602 (10) Notwithstanding any other state or local law or
603 ordinance, any large family child care home licensed pursuant to
604 this chapter or pursuant to a county ordinance shall be charged
605 the utility rates accorded to a residential home. Such a home
606 may not be charged commercial utility rates.

607 Section 11. Subsections (4), (5), and (6) are added to
608 section 402.316, Florida Statutes, to read:

609 402.316 Exemptions.—

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

617 (a) The department or local licensing agency may pursue
618 administrative or judicial action under ss. 402.310-402.312 and
619 the rules adopted under those sections against any child care



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620 facility operating under this subsection to enforce substantial
621 compliance with child care facility minimum standards or to
622 protect the health, safety, and well-being of any children in
623 the facility's care. A child care facility operating under this
624 subsection is subject to ss. 402.310-402.312 and the rules
625 adopted under those sections to the same extent as a child care
626 facility licensed under ss. 402.301-402.319.

627 (b) It is a misdemeanor of the first degree, punishable as
628 provided in s. 775.082 or s. 775.083, for a person willfully,
629 knowingly, or intentionally to:

630 1. Fail, by false statement, misrepresentation,
631 impersonation, or other fraudulent means, to disclose in any
632 required written documentation for exclusion from licensure
633 pursuant to this section a material fact used in making a
634 determination as to such exclusion; or

635 2. Use information from the criminal records obtained under
636 s. 402.305 or s. 402.3055 for a purpose other than screening
637 that person for employment as specified in those sections or to
638 release such information to any other person for a purpose other
639 than screening for employment as specified in those sections.

640 (c) It is a felony of the third degree, punishable as
641 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
642 willfully, knowingly, or intentionally to use information from
643 the juvenile records of a person obtained under s. 402.305 or s.
644 402.3055 for a purpose other than screening for employment as
645 specified in those sections or to release information from such
646 records to any other person for a purpose other than screening
647 for employment as specified in those sections.

648 (5) The department shall establish a fee for inspection and



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649 compliance activities performed pursuant to this section in an
650 amount sufficient to cover costs. However, the amount of such
651 fee for the inspection of a program may not exceed the fee
652 imposed for child care licensure pursuant to s. 402.315.

653 (6) The inclusion of a child care facility operating under
654 subsection (1) as a provider of a program described in s.
655 1002.55, s. 1002.61, or s. 1002.88 does not expand the
656 regulatory authority of the state, its officers, any local
657 licensing agency, or any early learning coalition to impose any
658 additional regulation of child care facilities beyond those
659 reasonably necessary to enforce requirements expressly set forth
660 in this section.

661 Section 12. Section 627.70161, Florida Statutes, is amended
662 to read:

663 627.70161 Residential property insurance coverage; family
664 day care homes and large family child care homes insurance.-

665 (1) PURPOSE AND INTENT.-The Legislature recognizes that
666 family day care homes and large family child care homes fulfill
667 a vital role in providing child care in Florida. It is the
668 intent of the Legislature that residential property insurance
669 coverage should not be canceled, denied, or nonrenewed solely
670 because child on the basis of the family day care services are
671 provided at the residence. The Legislature also recognizes that
672 the potential liability of residential property insurers is
673 substantially increased by the rendition of child care services
674 on the premises. The Legislature therefore finds that there is a
675 public need to specify that contractual liabilities associated
676 ~~that arise in connection~~ with the operation of a the family day
677 care home or large family child care home are excluded from



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678 residential property insurance policies unless they are
679 specifically included in such coverage.

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

681 (a) "Child care" means the care, protection, and
682 supervision of a child, for a period up to ~~of less than~~ 24 hours
683 a day on a regular basis, which supplements parental care,
684 enrichment, and health supervision for the child, in accordance
685 with his or her individual needs, and for which a payment, fee,
686 or grant is made for care.

687 (b) "Family day care home" has the same meaning as provided
688 in s. 402.302(8) ~~means an occupied residence in which child care~~
689 ~~is regularly provided for children from at least two unrelated~~
690 ~~families and which receives a payment, fee, or grant for any of~~
691 ~~the children receiving care, whether or not operated for a~~
692 ~~profit.~~

693 (c) "Large family child care home" has the same meaning as
694 provided in s. 402.302(11).

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

701 (a) Specifically covered in a policy; or

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

704 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
705 insurer may not deny, cancel, or refuse to renew a policy for
706 residential property insurance solely on the basis that the



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707 policyholder or applicant operates a family day care home or
708 large family child care home. In addition to other lawful
709 reasons for refusing to insure, an insurer may deny, cancel, or
710 refuse to renew a policy of a family day care home or large
711 family child care home provider if one or more of the following
712 conditions occur:

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

716 (b) The policyholder or applicant fails to maintain a
717 separate commercial liability policy or an endorsement providing
718 liability coverage for ~~the~~ family day care home or large family
719 child care home operations;

720 (c) The policyholder or applicant fails to comply with the
721 family day care home licensure and registration requirements
722 specified in s. 402.313 or the large family child care home
723 licensure requirements specified in s. 402.3131; or

724 (d) Discovery of willful or grossly negligent acts or
725 omissions or any violations of state laws or regulations
726 establishing safety standards for family day care homes and
727 large family child care homes by the named insured or his or her
728 representative which materially increase any of the risks
729 insured.

730 Section 13. Subsections (7), (8), and (9) are added to
731 section 1001.213, Florida Statutes, to read:

732 1001.213 Office of Early Learning.—There is created within
733 the Office of Independent Education and Parental Choice the
734 Office of Early Learning, as required under s. 20.15, which
735 shall be administered by an executive director. The office shall



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736 be fully accountable to the Commissioner of Education but shall:

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

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

742 (9) By July 1, 2016, develop and implement, in consultation
743 with early learning coalitions and providers of the Voluntary
744 Prekindergarten Education Program and the school readiness
745 program, best practices for providing parental notifications in
746 the parent's native language to a parent whose native language
747 is a language other than English.

748 Section 14. Subsection (4) of section 1002.53, Florida
749 Statutes, is amended to read:

750 1002.53 Voluntary Prekindergarten Education Program;
751 eligibility and enrollment.—

752 (4) (a) Each parent enrolling a child in the Voluntary
753 Prekindergarten Education Program must complete and submit an
754 application to the early learning coalition through the single
755 point of entry established under s. 1002.82 or to a private
756 prekindergarten provider if the provider is authorized by the
757 early learning coalition to determine student eligibility for
758 enrollment in the program.

759 (b) The application must be submitted on forms prescribed
760 by the Office of Early Learning and must be accompanied by a
761 certified copy of the child's birth certificate. The forms must
762 include a certification, in substantially the form provided in
763 s. 1002.71(6)(b)2., that the parent chooses the private
764 prekindergarten provider or public school in accordance with



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765 this section and directs that payments for the program be made
766 to the provider or school. The Office of Early Learning may
767 authorize alternative methods for submitting proof of the
768 child's age in lieu of a certified copy of the child's birth
769 certificate.

770 (c) If a private prekindergarten provider has been
771 authorized to determine child eligibility and enrollment, upon
772 receipt of an application, the provider must:

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

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

778
779 Pursuant to this paragraph, the early learning coalition may
780 audit applications held by a private prekindergarten provider in
781 the coalition's service area to determine whether children
782 enrolled and reported for funding by the provider have met the
783 eligibility criteria in subsection (2).

784 (d)~~(e)~~ Each early learning coalition shall coordinate with
785 each of the school districts within the coalition's county or
786 multicounty region in the development of procedures for
787 enrolling children in prekindergarten programs delivered by
788 public schools, including procedures for making child
789 eligibility determinations and auditing enrollment records to
790 confirm that enrolled children have met eligibility
791 requirements.

792 Section 15. Section 1002.55, Florida Statutes, is amended
793 to read:



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794 1002.55 School-year prekindergarten program delivered by
795 private prekindergarten providers.—

796 (1) Each early learning coalition shall administer the
797 Voluntary Prekindergarten Education Program at the county or
798 regional level for students enrolled under s. 1002.53(3)(a) in a
799 school-year prekindergarten program delivered by a private
800 prekindergarten provider. Each early learning coalition shall
801 cooperate with the Office of Early Learning and the Child Care
802 Services Program Office of the Department of Children and
803 Families to reduce paperwork and to avoid duplicating
804 interagency activities, health and safety monitoring, and
805 acquiring and composing data pertaining to child care training
806 and credentialing.

807 (2) Each school-year prekindergarten program delivered by a
808 private prekindergarten provider must comprise at least 540
809 instructional hours.

810 (3) To be eligible to deliver the prekindergarten program,
811 a private prekindergarten provider must meet each of the
812 following requirements:

813 ~~(a) The private prekindergarten provider must be a child~~
814 ~~care facility licensed under s. 402.305, family day care home~~
815 ~~licensed under s. 402.313, large family child care home licensed~~
816 ~~under s. 402.3131, nonpublic school exempt from licensure under~~
817 ~~s. 402.3025(2), or faith-based child care provider exempt from~~
818 ~~licensure under s. 402.316.~~

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

820 1. Be accredited by an accrediting association that is a
821 member of the National Council for Private School Accreditation,
822 or the Florida Association of Academic Nonpublic Schools, or be



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823 accredited by the Southern Association of Colleges and Schools,
824 or Western Association of Colleges and Schools, or North Central
825 Association of Colleges and Schools, or Middle States
826 Association of Colleges and Schools, or New England Association
827 of Colleges and Schools; and have written accreditation
828 standards that meet or exceed the state's licensing requirements
829 under s. 402.305, s. 402.313, or s. 402.3131 and require at
830 least one onsite visit to the provider or school before
831 accreditation is granted;

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

834 3. Be licensed under s. 402.305, s. 402.313, or s.
835 402.3131; or

836 4. Be a child development center located on a military
837 installation that is certified by the United States Department
838 of Defense.

839 (b) The private prekindergarten provider must provide basic
840 health and safety on its premises and in its facilities. For a
841 public school, compliance with ss. 1003.22 and 1013.12 satisfies
842 this requirement. For a nonpublic school, compliance with s.
843 402.3025(2)(d) satisfies this requirement. For a child care
844 facility, a licensed family day care home, or a large family
845 child care home, compliance with s. 402.305, s. 402.313, or s.
846 402.3131, respectively, satisfies this requirement. For a
847 facility exempt from licensure, compliance with s. 402.316(4)
848 satisfies this requirement and demonstrate, before delivering
849 the Voluntary Prekindergarten Education Program, as verified by
850 the early learning coalition, that the provider meets each of
851 the requirements of the program under this part, including, but



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852 ~~not limited to, the requirements for credentials and background~~
853 ~~screenings of prekindergarten instructors under paragraphs (c)~~
854 ~~and (d), minimum and maximum class sizes under paragraph (f),~~
855 ~~prekindergarten director credentials under paragraph (g), and a~~
856 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

857 (c) The private prekindergarten provider must have, for
858 each prekindergarten class of 11 children or fewer, at least one
859 prekindergarten instructor who meets each of the following
860 requirements:

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

863 a. A child development associate credential issued by the
864 National Credentialing Program of the Council for Professional
865 Recognition; ~~or~~

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

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

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

875 e. A baccalaureate or higher degree in early childhood
876 education, prekindergarten or primary education, preschool
877 education, or family and consumer science;

878 f. A baccalaureate or higher degree in family and child
879 science and at least 480 hours of experience in teaching or
880 providing child care services for children any age from birth



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881 through 8 years of age;
882 g. A baccalaureate or higher degree in elementary education
883 if the prekindergarten instructor has been certified to teach
884 children of any age from birth through grade 6, regardless of
885 whether the instructor's educator certificate is current, and if
886 the instructor is not ineligible to teach in a public school
887 because his or her educator certificate is suspended or revoked;
888 or
889 h. A credential approved by the department as being
890 equivalent to or greater than a credential described in sub-
891 subparagraphs a.-f. The department may adopt criteria and
892 procedures for approving such equivalent credentials.
893
894 ~~The Department of Children and Families may adopt rules under~~
895 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~
896 ~~for approving equivalent credentials under sub-subparagraph b.~~
897 2. The prekindergarten instructor must successfully
898 complete an emergent literacy training course and a student
899 performance standards training course approved by the office as
900 meeting or exceeding the minimum standards adopted under s.
901 1002.59. The requirement for completion of the standards
902 training course shall take effect July 1, 2015 ~~2014~~, and the
903 course shall be available online.
904 (d) Each prekindergarten instructor employed by the private
905 prekindergarten provider must be of good moral character, must
906 undergo background screening pursuant to s. 402.305(2) (a) ~~be~~
907 ~~screened using the level 2 screening standards in s. 435.04~~
908 before employment, must be ~~and~~ rescreened at least once every 5
909 years, must be denied employment or terminated if required under



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910 s. 435.06, and must not be ineligible to teach in a public
911 school because his or her educator certificate is suspended or
912 revoked.

913 (e) A private prekindergarten provider may assign a
914 substitute instructor to temporarily replace a credentialed
915 instructor if the credentialed instructor assigned to a
916 prekindergarten class is absent, as long as the substitute
917 instructor meets the requirements of paragraph (d) ~~is of good~~
918 ~~moral character and has been screened before employment in~~
919 ~~accordance with level 2 background screening requirements in~~
920 ~~chapter 435~~. The Office of Early Learning shall adopt rules to
921 implement this paragraph which shall include required
922 qualifications of substitute instructors and the circumstances
923 and time limits for which a private prekindergarten provider may
924 assign a substitute instructor.

925 (f) Each of the private prekindergarten provider's
926 prekindergarten classes must be composed of at least 4 students
927 but may not exceed 20 students. In order to protect the health
928 and safety of students, each private prekindergarten provider
929 must also provide appropriate adult supervision for students at
930 all times and, for each prekindergarten class composed of 12 or
931 more students, must have, in addition to a prekindergarten
932 instructor who meets the requirements of paragraph (c), at least
933 one adult prekindergarten instructor who is not required to meet
934 those requirements but who must meet each requirement of s.
935 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any
936 requirement imposed on a provider under ss. 402.301-402.319.

937 (g) The private prekindergarten provider must have a
938 prekindergarten director who has a prekindergarten director



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939 credential that is approved by the office as meeting or
940 exceeding the minimum standards adopted under s. 1002.57.
941 Successful completion of a child care facility director
942 credential under s. 402.305(2)(f) before the establishment of
943 the prekindergarten director credential under s. 1002.57 or July
944 1, 2006, whichever occurs later, satisfies the requirement for a
945 prekindergarten director credential under this paragraph.

946 (h) The private prekindergarten provider must register with
947 the early learning coalition on forms prescribed by the Office
948 of Early Learning.

949 (i) The private prekindergarten provider must execute the
950 statewide provider contract prescribed under s. 1002.75, except
951 that an individual who owns or operates multiple private
952 prekindergarten providers within a coalition's service area may
953 execute a single agreement with the coalition on behalf of each
954 provider.

955 (j) The private prekindergarten provider must maintain
956 general liability insurance and provide the coalition with
957 written evidence of general liability insurance coverage,
958 including coverage for transportation of children if
959 prekindergarten students are transported by the provider. A
960 provider must obtain and retain an insurance policy that
961 provides a minimum of \$100,000 of coverage per occurrence and a
962 minimum of \$300,000 general aggregate coverage. The office may
963 authorize lower limits upon request, as appropriate. A provider
964 must add the coalition as a named certificateholder ~~and as an~~
965 ~~additional insured~~. A provider must provide the coalition with a
966 minimum of 10 calendar days' advance written notice of
967 cancellation of or changes to coverage. The general liability



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968 insurance required by this paragraph must remain in full force
969 and effect for the entire period of the provider contract with
970 the coalition.

971 (k) The private prekindergarten provider must obtain and
972 maintain any required workers' compensation insurance under
973 chapter 440 and any required reemployment assistance or
974 unemployment compensation coverage under chapter 443, unless
975 exempt under state or federal law.

976 (l) Notwithstanding paragraph (j), for a private
977 prekindergarten provider that is a state agency or a subdivision
978 thereof, as defined in s. 768.28(2), the provider must agree to
979 notify the coalition of any additional liability coverage
980 maintained by the provider in addition to that otherwise
981 established under s. 768.28. The provider shall indemnify the
982 coalition to the extent permitted by s. 768.28.

983 (m) The private prekindergarten provider shall be denied
984 initial eligibility to offer the program if the provider has
985 been cited for a Class I violation in the 12 months before
986 seeking eligibility and the Office of Early Learning determines
987 that denial of initial eligibility is appropriate after a review
988 of the violation and the provider's licensure history. The
989 Office of Early Learning shall establish a procedure of due
990 process which ensures each provider the opportunity to appeal
991 such a denial of initial eligibility to offer the program. The
992 decision of the Office of Early Learning is not subject to the
993 provisions of the Administrative Procedure Act, chapter 120.

994 (n) ~~(m)~~ The private prekindergarten provider must deliver
995 the Voluntary Prekindergarten Education Program in accordance
996 with this part and have child disciplinary policies that



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997 prohibit children from being subjected to discipline that is
998 severe, humiliating, frightening, or associated with food, rest,
999 toileting, spanking, or any other form of physical punishment as
1000 provided in s. 402.305(12).

1001 (o) Beginning January 1, 2015, at least 50 percent of the
1002 instructors employed by a prekindergarten provider at each
1003 location, who are responsible for supervising children in care,
1004 must be trained in first aid and infant and child
1005 cardiopulmonary resuscitation, as evidenced by current
1006 documentation of course completion. As a condition of
1007 employment, instructors hired on or after January 1, 2015, must
1008 complete this training within 60 days after employment.

1009 (p) Beginning January 1, 2016, the private prekindergarten
1010 provider must employ child care personnel who hold a high school
1011 diploma or its equivalent and are at least 18 years of age,
1012 unless the personnel are not responsible for supervising
1013 children in care or are under direct supervision and are not
1014 counted for the purposes of computing the personnel-to-child
1015 ratio.

1016 ~~(4) A prekindergarten instructor, in lieu of the minimum~~
1017 ~~credentials and courses required under paragraph (3)(c), may~~
1018 ~~hold one of the following educational credentials:~~

1019 ~~(a) A bachelor's or higher degree in early childhood~~
1020 ~~education, prekindergarten or primary education, preschool~~
1021 ~~education, or family and consumer science;~~

1022 ~~(b) A bachelor's or higher degree in elementary education,~~
1023 ~~if the prekindergarten instructor has been certified to teach~~
1024 ~~children any age from birth through 6th grade, regardless of~~
1025 ~~whether the instructor's educator certificate is current, and if~~



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1026 ~~the instructor is not ineligible to teach in a public school~~
1027 ~~because his or her educator certificate is suspended or revoked;~~

1028 ~~(c) An associate's or higher degree in child development;~~

1029 ~~(d) An associate's or higher degree in an unrelated field,~~

1030 ~~at least 6 credit hours in early childhood education or child~~
1031 ~~development, and at least 480 hours of experience in teaching or~~
1032 ~~providing child care services for children any age from birth~~
1033 ~~through 8 years of age; or~~

1034 ~~(e) An educational credential approved by the department as~~
1035 ~~being equivalent to or greater than an educational credential~~
1036 ~~described in this subsection. The department may adopt criteria~~
1037 ~~and procedures for approving equivalent educational credentials~~
1038 ~~under this paragraph.~~

1039 ~~(5) Notwithstanding paragraph (3) (b), a private~~
1040 ~~prekindergarten provider may not participate in the Voluntary~~
1041 ~~Prekindergarten Education Program if the provider has child~~
1042 ~~disciplinary policies that do not prohibit children from being~~
1043 ~~subjected to discipline that is severe, humiliating,~~
1044 ~~frightening, or associated with food, rest, toileting, spanking,~~
1045 ~~or any other form of physical punishment as provided in s.~~
1046 ~~402.305(12).~~

1047 Section 16. Subsection (1) of section 1002.59, Florida
1048 Statutes, is amended to read:

1049 1002.59 Emergent literacy and performance standards
1050 training courses.-

1051 (1) The office shall adopt minimum standards for one or
1052 more training courses in emergent literacy for prekindergarten
1053 instructors. Each course must comprise 5 clock hours and provide
1054 instruction in strategies and techniques to address the age-



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1055 appropriate progress of prekindergarten students in developing
1056 emergent literacy skills, including oral communication,
1057 knowledge of print and letters, phonemic and phonological
1058 awareness, and vocabulary and comprehension development. Each
1059 course must also provide resources containing strategies that
1060 allow students with disabilities and other special needs to
1061 derive maximum benefit from the Voluntary Prekindergarten
1062 Education Program. Successful completion of an emergent literacy
1063 training course approved under this section satisfies
1064 requirements for approved training in early literacy and
1065 language development under ss. 402.305(2)(d)5., 402.313(4)(c)
1066 ~~402.313(6)~~, and 402.3131(5).

1067 Section 17. Subsections (4) through (7) of section 1002.61,
1068 Florida Statutes, are amended to read:

1069 1002.61 Summer prekindergarten program delivered by public
1070 schools and private prekindergarten providers.—

1071 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~
1072 Each public school and private prekindergarten provider that
1073 delivers the summer prekindergarten program must have, for each
1074 prekindergarten class, at least one prekindergarten instructor
1075 who is a certified teacher or holds one of the educational
1076 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~1002.55(4)(a)~~
1077 ~~or (b).~~ As used in this subsection, the term "certified teacher"
1078 means a teacher holding a valid Florida educator certificate
1079 under s. 1012.56 who has the qualifications required by the
1080 district school board to instruct students in the summer
1081 prekindergarten program. In selecting instructional staff for
1082 the summer prekindergarten program, each school district shall
1083 give priority to teachers who have experience or coursework in



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1084 early childhood education.

1085 (5) Each prekindergarten instructor employed by a ~~public~~
1086 ~~school or~~ private prekindergarten provider delivering the summer
1087 prekindergarten program must be of good moral character, must
1088 undergo background screening pursuant to s. 402.305(2)(a) be
1089 ~~screened using the level 2 screening standards in s. 435.04~~
1090 before employment, must be and rescreened at least once every 5
1091 years, and must be denied employment or terminated if required
1092 under s. 435.06. Each prekindergarten instructor employed by a
1093 public school delivering the summer prekindergarten program, and
1094 must satisfy the ~~not be ineligible to teach in a public school~~
1095 ~~because his or her educator certificate is suspended or revoked.~~
1096 ~~This subsection does not supersede~~ employment requirements for
1097 instructional personnel in public schools as provided in s.
1098 1012.32 ~~which are more stringent than the requirements of this~~
1099 ~~subsection.~~

1100 (6) A public school or private prekindergarten provider may
1101 assign a substitute instructor to temporarily replace a
1102 credentialed instructor if the credentialed instructor assigned
1103 to a prekindergarten class is absent, as long as the substitute
1104 instructor meets the requirements of subsection (5) ~~is of good~~
1105 ~~moral character and has been screened before employment in~~
1106 ~~accordance with level 2 background screening requirements in~~
1107 ~~chapter 435. This subsection does not supersede employment~~
1108 ~~requirements for instructional personnel in public schools which~~
1109 ~~are more stringent than the requirements of this subsection.~~ The
1110 Office of Early Learning shall adopt rules to implement this
1111 subsection which must ~~shall~~ include required qualifications of
1112 substitute instructors and the circumstances and time limits for



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1113 which a public school or private prekindergarten provider may
1114 assign a substitute instructor.

1115 (7) Notwithstanding ss. 1002.55(3)(e) ~~1002.55(3)(f)~~ and
1116 1002.63(7), each prekindergarten class in the summer
1117 prekindergarten program, regardless of whether the class is a
1118 public school's or private prekindergarten provider's class,
1119 must be composed of at least 4 students but may not exceed 12
1120 students ~~beginning with the 2009 summer session~~. In order to
1121 protect the health and safety of students, each public school or
1122 private prekindergarten provider must also provide appropriate
1123 adult supervision for students at all times. This subsection
1124 does not supersede any requirement imposed on a provider under
1125 ss. 402.301-402.319.

1126 Section 18. Subsections (5) and (6) of section 1002.63,
1127 Florida Statutes, are amended to read:

1128 1002.63 School-year prekindergarten program delivered by
1129 public schools.—

1130 (5) Each prekindergarten instructor employed by a public
1131 school delivering the school-year prekindergarten program must
1132 satisfy the ~~be of good moral character, must be screened using~~
1133 ~~the level 2 screening standards in s. 435.04 before employment~~
1134 ~~and rescreened at least once every 5 years, must be denied~~
1135 ~~employment or terminated if required under s. 435.06, and must~~
1136 ~~not be ineligible to teach in a public school because his or her~~
1137 ~~educator certificate is suspended or revoked. This subsection~~
1138 ~~does not supersede~~ employment requirements for instructional
1139 personnel in public schools as provided in s. 1012.32 ~~which are~~
1140 ~~more stringent than the requirements of this subsection.~~

1141 (6) A public school prekindergarten provider may assign a



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1142 substitute instructor to temporarily replace a credentialed
1143 instructor if the credentialed instructor assigned to a
1144 prekindergarten class is absent, as long as the substitute
1145 instructor meets the requirements of subsection (5) ~~is of good~~
1146 ~~moral character and has been screened before employment in~~
1147 ~~accordance with level 2 background screening requirements in~~
1148 ~~chapter 435. This subsection does not supersede employment~~
1149 ~~requirements for instructional personnel in public schools which~~
1150 ~~are more stringent than the requirements of this subsection.~~ The
1151 Office of Early Learning shall adopt rules to implement this
1152 subsection which must ~~shall~~ include required qualifications of
1153 substitute instructors and the circumstances and time limits for
1154 which a public school prekindergarten provider may assign a
1155 substitute instructor.

1156 Section 19. Paragraph (a) of subsection (6) of section
1157 1002.71, Florida Statutes, is amended to read:

1158 1002.71 Funding; financial and attendance reporting.-

1159 (6) (a) Each parent enrolling his or her child in the
1160 Voluntary Prekindergarten Education Program must agree to comply
1161 with the attendance policy of the private prekindergarten
1162 provider or district school board, as applicable. Upon
1163 enrollment of the child, the private prekindergarten provider or
1164 public school, as applicable, must provide the child's parent
1165 with program information, including, but not limited to, child
1166 development, expectations for parent engagement, the daily
1167 schedule, and the ~~a copy of the provider's or school district's~~
1168 attendance policy, which must include procedures for contacting
1169 a parent on the second consecutive day a child is absent for
1170 which the reason is unknown ~~as applicable.~~



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1171 Section 20. Subsection (1) of section 1002.75, Florida
1172 Statutes, is amended to read:

1173 1002.75 Office of Early Learning; powers and duties.—

1174 (1) The Office of Early Learning shall adopt by rule a
1175 standard statewide provider contract to be used with each
1176 Voluntary Prekindergarten Education Program provider, with
1177 standardized attachments by provider type. The office shall
1178 publish a copy of the standard statewide provider contract on
1179 its website. The standard statewide contract must ~~shall~~ include,
1180 at a minimum, provisions that:

1181 (a) Govern ~~for~~ provider probation, termination for cause,
1182 and emergency termination for those actions or inactions of a
1183 provider that pose an immediate and serious danger to the
1184 health, safety, or welfare of children. The standard statewide
1185 contract shall also include appropriate due process procedures.
1186 During the pendency of an appeal of a termination, the provider
1187 may not continue to offer its services.

1188 (b) Require each private prekindergarten provider to
1189 conspicuously post, in an area visible to parents, on the
1190 premises, pursuant to s. 402.3125(1)(b), and the provider's
1191 Internet website, if available, each citation for a Class I
1192 violation, as defined by rule of the Department of Children and
1193 Families, which results in disciplinary action. Such posting
1194 must use simple language to describe each violation with
1195 specificity and include a copy of the citation and the contact
1196 information of the Department of Children and Families or the
1197 local licensing agency from which the parent may obtain
1198 additional information regarding the citation. Posting of a
1199 Class I violation by the provider must occur within 24 hours



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1200 after receipt of the citation. Additionally, such provider shall
1201 post each inspection report on the premises in an area visible
1202 to parents, which report must remain posted until the next
1203 inspection report is available.

1204 (c) Specify that child care personnel employed by the
1205 provider who are responsible for supervising children in care
1206 must be trained in developmentally appropriate practices aligned
1207 to the age and needs of children over which the personnel are
1208 assigned supervision duties. This requirement is met by the
1209 completion of developmentally appropriate practice courses
1210 administered by the Department of Children and Families under s.
1211 402.305(2)(d)1. within 30 days after being assigned such
1212 children if the child care personnel has not previously
1213 completed the training.

1214
1215 Any provision imposed upon a provider that is inconsistent with,
1216 or prohibited by, law is void and unenforceable.

1217 Section 21. Subsections (1), (3), and (5) of section
1218 1002.77, Florida Statutes, are amended to read:

1219 1002.77 Florida Early Learning Advisory Council.—

1220 (1) There is created the Florida Early Learning Advisory
1221 Council within the Office of Early Learning. The purpose of the
1222 advisory council is to provide written input ~~submit~~
1223 ~~recommendations~~ to the executive director ~~office~~ on early
1224 learning best practices, including ~~recommendations relating to~~
1225 ~~the most~~ effective program administration; ~~of the Voluntary~~
1226 ~~Prekindergarten Education Program under this part and the school~~
1227 ~~readiness program under part VI of this chapter. The advisory~~
1228 ~~council shall periodically analyze and provide recommendations~~



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1229 ~~to the office on the~~ effective and efficient use of local,
1230 state, and federal funds; ~~the content of~~ professional
1231 development training programs; and ~~best practices for the~~
1232 ~~development and implementation of~~ coalition plans pursuant to s.
1233 1002.85.

1234 (3) The advisory council shall meet at least quarterly
1235 upon the call of the executive director ~~but may meet as often as~~
1236 ~~necessary to carry out its duties and responsibilities.~~ The
1237 executive director is encouraged to ~~advisory council may~~ use
1238 communications media technology ~~any method of telecommunications~~
1239 to conduct meetings in accordance with s. 120.54(5)(b),
1240 ~~including establishing a quorum through telecommunications, only~~
1241 ~~if the public is given proper notice of a telecommunications~~
1242 ~~meeting and reasonable access to observe and, when appropriate,~~
1243 ~~participate.~~

1244 (5) The Office of Early Learning shall provide staff and
1245 administrative support for the advisory council as determined by
1246 the executive director.

1247 Section 22. Paragraph (f) of subsection (1) and subsections
1248 (8) and (16) of section 1002.81, Florida Statutes, are amended
1249 to read:

1250 1002.81 Definitions.—Consistent with the requirements of 45
1251 C.F.R. parts 98 and 99 and as used in this part, the term:

1252 (1) "At-risk child" means:

1253 (f) A child in the custody of a parent who is considered
1254 homeless as verified by a designated lead agency on the homeless
1255 assistance continuum of care established under ss. 420.622-
1256 420.624 ~~Department of Children and Families certified homeless~~
1257 ~~shelter.~~



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1258 (8) "Family income" means the combined gross income,
1259 whether earned or unearned, that is derived from any source by
1260 all family or household members who are 18 years of age or older
1261 who are currently residing together in the same dwelling unit.
1262 The term does not include:

1263 (a) Income earned by a currently enrolled high school
1264 student who, since attaining the age of 18 years, or a student
1265 with a disability who, since attaining the age of 22 years, has
1266 not terminated school enrollment or received a high school
1267 diploma, high school equivalency diploma, special diploma, or
1268 certificate of high school completion.

1269 (b) Income earned by a teen parent residing in the same
1270 residence as a separate family unit.

1271 (c) Selected items from the state's Child Care and
1272 Development Fund Plan, such as ~~The term also does not include~~
1273 food stamp benefits, documented child support and alimony
1274 payments paid out of the home, or federal housing assistance
1275 payments issued directly to a landlord or the associated
1276 utilities expenses.

1277 (16) "Working family" means:

1278 (a) A single-parent family in which the parent with whom
1279 the child resides is employed or engaged in eligible work or
1280 education activities for at least 20 hours per week or is exempt
1281 from work requirements due to age or disability, as determined
1282 and documented by a physician licensed under chapter 458 or
1283 chapter 459;

1284 (b) A two-parent family in which both parents with whom the
1285 child resides are employed or engaged in eligible work or
1286 education activities for a combined total of at least 40 hours



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1287 per week; ~~or~~

1288 (c) A two-parent family in which one of the parents with
1289 whom the child resides is exempt from work requirements due to
1290 age or disability, as determined and documented by a physician
1291 licensed under chapter 458 or chapter 459, and one parent is
1292 employed or engaged in eligible work or education activities at
1293 least 20 hours per week; or

1294 (d) A two-parent family in which both of the parents with
1295 whom the child resides are exempt from work requirements due to
1296 age or disability, as determined and documented by a physician
1297 licensed under chapter 458 or chapter 459.

1298 Section 23. Paragraphs (b), (j), (m), and (p) of subsection
1299 (2) of section 1002.82, Florida Statutes, are amended to read:

1300 1002.82 Office of Early Learning; powers and duties.—

1301 (2) The office shall:

1302 (b) Preserve parental choice by permitting parents to
1303 choose from a variety of child care categories authorized in s.
1304 1002.88 (1) (a), including center-based care, family child care,
1305 and informal child care to the extent authorized in the state's
1306 Child Care and Development Fund Plan as approved by the United
1307 States Department of Health and Human Services pursuant to 45
1308 C.F.R. s. 98.18. Care and curriculum by a faith-based provider
1309 may not be limited or excluded in any of these categories.

1310 (j) Develop and adopt standards and benchmarks that address
1311 the age-appropriate progress of children in the development of
1312 school readiness skills. The standards for children from birth
1313 to 5 years of age in the school readiness program must be
1314 aligned with the performance standards adopted for children in
1315 the Voluntary Prekindergarten Education Program and must address



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1316 the following domains:

- 1317 1. Approaches to learning.
- 1318 2. Cognitive development and general knowledge.
- 1319 3. Numeracy, language, and communication.
- 1320 4. Physical development.
- 1321 5. Self-regulation.

1322

1323 By July 1, 2015, the Office of Early Learning shall develop and
1324 implement an online training course on the performance standards
1325 for school readiness program provider personnel pursuant to this
1326 paragraph.

1327 (m) Adopt by rule a standard statewide provider contract to
1328 be used with each school readiness program provider, with
1329 standardized attachments by provider type. The office shall
1330 publish a copy of the standard statewide provider contract on
1331 its website. The standard statewide contract must ~~shall~~ include,
1332 at a minimum, provisions that:

1333 1. Govern ~~for~~ provider probation, termination for cause,
1334 and emergency termination for those actions or inactions of a
1335 provider that pose an immediate and serious danger to the
1336 health, safety, or welfare of the children. The standard
1337 statewide provider contract shall also include appropriate due
1338 process procedures. During the pendency of an appeal of a
1339 termination, the provider may not continue to offer its
1340 services.

1341 2. Require each provider that is eligible to provide the
1342 program pursuant to s. 1002.88(1)(a) to conspicuously post, in
1343 an area visible to parents, on the premises, pursuant to s.
1344 402.3125(1)(b), and the provider's Internet website, if



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1345 available, each citation for a Class I violation, as defined by
1346 rule of the Department of Children and Families, which results
1347 in disciplinary action. Such posting must use simple language to
1348 describe each violation with specificity and include a copy of
1349 the citation and the contact information of the Department of
1350 Children and Families or the local licensing agency from which
1351 the parent may obtain additional information regarding the
1352 citation. Posting of a Class I violation by the provider must
1353 occur within 24 hours after receipt of the citation.

1354 Additionally, such provider shall post each inspection report on
1355 the premises in an area visible to parents, which report must
1356 remain posted until the next inspection report is available.

1357 3. Specify that child care personnel employed by the
1358 provider who are responsible for supervising children in care
1359 must be trained in developmentally appropriate practices aligned
1360 to the age and needs of children over which the personnel are
1361 assigned supervision duties. This requirement is met by
1362 completion of developmentally appropriate practice courses
1363 administered by the Department of Children and Families under s.
1364 402.305(2)(d)1. within 30 days after being assigned such
1365 children if the child care personnel has not previously
1366 completed the training.

1367 4. Require child care personnel who are employed by the
1368 provider to complete an online training course on the
1369 performance standards adopted pursuant to paragraph (j).

1370
1371 Any provision imposed upon a provider that is inconsistent with,
1372 or prohibited by, law is void and unenforceable.

1373 (p) Monitor and evaluate the performance of each early



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1374 learning coalition in administering the school readiness program
1375 and the Voluntary Prekindergarten Education Program, ensuring
1376 proper payments for school readiness program and Voluntary
1377 Prekindergarten Education Program services, and implementing the
1378 coalition's school readiness program plan, and administering the
1379 Voluntary Prekindergarten Education Program. These monitoring
1380 and performance evaluations must include, at a minimum, onsite
1381 monitoring of each coalition's finances, management, operations,
1382 and programs.

1383 Section 24. Subsections (8) and (20) of section 1002.84,
1384 Florida Statutes, are amended to read:

1385 1002.84 Early learning coalitions; school readiness powers
1386 and duties.—Each early learning coalition shall:

1387 (8) Establish a parent sliding fee scale that requires a
1388 parent copayment to participate in the school readiness program.
1389 Providers are required to collect the parent's copayment. A
1390 coalition may, on a case-by-case basis, waive the copayment for
1391 an at-risk child or temporarily waive the copayment for a child
1392 whose family's income is at or below the federal poverty level
1393 and family experiences a natural disaster or an event that
1394 limits the parent's ability to pay, such as incarceration,
1395 placement in residential treatment, ~~or becoming homeless,~~ or an
1396 emergency situation such as a household fire or burglary, or
1397 while the parent is participating in parenting classes. A parent
1398 may not transfer school readiness program services to another
1399 school readiness program provider until the parent has submitted
1400 documentation from the current school readiness program provider
1401 to the early learning coalition stating that the parent has
1402 satisfactorily fulfilled the copayment obligation.



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1403 (20) To increase transparency and accountability, comply
1404 with ~~the requirements of~~ this section before contracting with a
1405 member of the coalition, an employee of the coalition, or a
1406 relative, as defined in s. 112.3143(1)(c) ~~s. 112.3143(1)(b)~~, of
1407 a coalition member or of an employee of the coalition. Such
1408 contracts may not be executed without the approval of the
1409 office. Such contracts, as well as documentation demonstrating
1410 adherence to this section by the coalition, must be approved by
1411 a two-thirds vote of the coalition, a quorum having been
1412 established; all conflicts of interest must be disclosed before
1413 the vote; and any member who may benefit from the contract, or
1414 whose relative may benefit from the contract, must abstain from
1415 the vote. A contract under \$25,000 between an early learning
1416 coalition and a member of that coalition or between a relative,
1417 as defined in s. 112.3143(1)(b), of a coalition member or of an
1418 employee of the coalition is not required to have the prior
1419 approval of the office but must be approved by a two-thirds vote
1420 of the coalition, a quorum having been established, and must be
1421 reported to the office within 30 days after approval. If a
1422 contract cannot be approved by the office, a review of the
1423 decision to disapprove the contract may be requested by the
1424 early learning coalition or other parties to the disapproved
1425 contract.

1426 Section 25. Paragraphs (c) and (h) of subsection (1) and
1427 subsections (6) through (8) of section 1002.87, Florida
1428 Statutes, are amended to read:

1429 1002.87 School readiness program; eligibility and
1430 enrollment.—

1431 (1) Effective August 1, 2013, or upon reevaluation of



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1432 eligibility for children currently served, whichever is later,
1433 each early learning coalition shall give priority for
1434 participation in the school readiness program as follows:

1435 (c) Priority shall be given next to a child from birth to
1436 the beginning of the school year for which the child is eligible
1437 for admission to kindergarten in a public school under s.
1438 1003.21(1)(a)2. who is from a working family that is
1439 economically disadvantaged, and may include such child's
1440 eligible siblings, beginning with the school year in which the
1441 sibling is eligible for admission to kindergarten in a public
1442 school under s. 1003.21(1)(a)2. until the beginning of the
1443 school year in which the sibling enters ~~is eligible to begin~~ 6th
1444 grade, provided that the first priority for funding an eligible
1445 sibling is local revenues available to the coalition for funding
1446 direct services. However, a child eligible under this paragraph
1447 ceases to be eligible if his or her family income exceeds 200
1448 percent of the federal poverty level.

1449 (h) Priority shall be given next to a child who ~~has~~
1450 ~~special needs,~~ has been determined eligible as an infant or
1451 toddler from birth to 3 years of age with an individualized
1452 family support plan receiving early intervention services or as
1453 a student with a disability with, ~~has~~ a current individual
1454 education plan with a Florida school district, ~~and is not~~
1455 ~~younger than 3 years of age.~~ A ~~special needs~~ child eligible
1456 under this paragraph remains eligible until the child is
1457 eligible for admission to kindergarten in a public school under
1458 s. 1003.21(1)(a)2.

1459 (6) Eligibility for each child must be reevaluated
1460 annually. Upon reevaluation, a child may not continue to receive



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1461 school readiness program services if he or she has ceased to be
1462 eligible under this section. If a child no longer meets
1463 eligibility or program requirements, the coalition must
1464 immediately notify the child's parent and the provider that
1465 funding will end 2 weeks after the date on which the child was
1466 determined to be ineligible or when the current child care
1467 authorization expires, whichever occurs first.

1468 (7) If a coalition disenrolls children from the school
1469 readiness program due to lack of funding or a change in
1470 eligibility priorities, the coalition must disenroll the
1471 children in reverse order of the eligibility priorities listed
1472 in subsection (1) beginning with children from families with the
1473 highest family incomes. A notice of disenrollment must be sent
1474 to the parent and school readiness program provider at least 2
1475 weeks before disenrollment or the expiration of the current
1476 child care authorization, whichever occurs first, to provide
1477 adequate time for the parent to arrange alternative care for the
1478 child. However, an at-risk child receiving services from the
1479 Child Welfare Program Office of the Department of Children and
1480 Families may not be disenrolled from the program without the
1481 written approval of the Child Welfare Program Office ~~of the~~
1482 ~~Department of Children and Families~~ or the community-based lead
1483 agency.

1484 (8) If a child is absent from the program for 2 consecutive
1485 days without parental notification to the program of such
1486 absence, the school readiness program provider shall contact the
1487 parent and determine the cause for absence and expected date of
1488 return. If a child is absent from the program for 5 consecutive
1489 days without parental notification to the program of such



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1490 absence, the school readiness program provider shall report the
1491 absence to the early learning coalition for a determination of
1492 the need for continued care.

1493 Section 26. Paragraphs (a) through (c) and (l) through (q)
1494 of subsection (1) and subsections (2) and (3) of section
1495 1002.88, Florida Statutes, are amended, and subsections (4) and
1496 (5) are added to that section to read:

1497 1002.88 School readiness program provider standards;
1498 eligibility to deliver the school readiness program.—

1499 (1) To be eligible to deliver the school readiness program,
1500 a school readiness program provider must:

1501 (a) 1. Be a nonpublic school in substantial compliance with
1502 s. 402.3025(2)(d), a child care facility licensed under s.
1503 402.305, a family day care home licensed ~~or registered~~ under s.
1504 402.313, a large family child care home licensed under s.
1505 402.3131, or a child care facility exempt from licensure
1506 operating under s. 402.316(4); or

1507 2. Be an entity that is part of Florida's education system
1508 under s. 1000.04(1); a public school or nonpublic school exempt
1509 from licensure under s. 402.3025, a faith-based child care
1510 provider exempt from licensure under s. 402.316, a before-school
1511 or after-school program described in s. 402.305(1)(c), or

1512 3. Be an informal child care provider to the extent
1513 authorized in the state's Child Care and Development Fund Plan
1514 as approved by the United States Department of Health and Human
1515 Services pursuant to 45 C.F.R. s. 98.18.

1516 (b) Provide instruction and activities to enhance the age-
1517 appropriate progress of each child in attaining the child
1518 development standards adopted by the office pursuant to s.



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1519 1002.82(2)(j). A provider should include activities to foster
1520 brain development in infants and toddlers; provide an
1521 environment that is rich in language and music and filled with
1522 objects of various colors, shapes, textures, and sizes to
1523 stimulate visual, tactile, auditory, and linguistic senses; and
1524 include 30 minutes of reading to children each day. A provider
1525 must provide parents information on child development,
1526 expectations for parent engagement, the daily schedule, and the
1527 attendance policy.

1528 (c) Provide basic health and safety of its premises and
1529 facilities in accordance with applicable licensing and
1530 inspection requirements and compliance with requirements for
1531 age-appropriate immunizations of children enrolled in the school
1532 readiness program. For a child care facility, a large family
1533 child care home, or a licensed family day care home, compliance
1534 with s. 402.305, s. 402.3131, or s. 402.313 satisfies this
1535 requirement. For a public ~~or nonpublic~~ school, compliance with
1536 ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this
1537 requirement. For a nonpublic school, compliance with s.
1538 402.3025(2)(d) satisfies this requirement. For a facility exempt
1539 from licensure, compliance with s. 402.316(4) satisfies this
1540 requirement. For an informal provider, substantial compliance as
1541 defined in s. 402.302(17) satisfies this requirement. A provider
1542 shall be denied initial eligibility to offer the program if the
1543 provider has been cited for a Class I violation in the 12 months
1544 before seeking eligibility and the Office of Early Learning
1545 determines that denial of initial eligibility is appropriate
1546 after a review of the violation and the provider's licensure
1547 history. The Office of Early Learning shall establish a



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1548 procedure of due process which ensures each provider the
1549 opportunity to appeal such a denial of initial eligibility to
1550 offer the program. The decision of the Office of Early Learning
1551 is not subject to the provisions of the Administrative Procedure
1552 Act, chapter 120. ~~A faith-based child care provider, an informal~~
1553 ~~child care provider, or a nonpublic school, exempt from~~
1554 ~~licensure under s. 402.316 or s. 402.3025, shall annually~~
1555 ~~complete the health and safety checklist adopted by the office,~~
1556 ~~post the checklist prominently on its premises in plain sight~~
1557 ~~for visitors and parents, and submit it annually to its local~~
1558 ~~early learning coalition.~~

1559 (1) ~~For a provider that is not an informal provider,~~
1560 Maintain general liability insurance and provide the coalition
1561 with written evidence of general liability insurance coverage,
1562 including coverage for transportation of children if school
1563 readiness program children are transported by the provider. A
1564 private provider must obtain and retain an insurance policy that
1565 provides a minimum of \$100,000 of coverage per occurrence and a
1566 minimum of \$300,000 general aggregate coverage. The office may
1567 authorize lower limits upon request, as appropriate. A provider
1568 must add the coalition as a named certificateholder ~~and as an~~
1569 ~~additional insured.~~ A private provider must provide the
1570 coalition with a minimum of 10 calendar days' advance written
1571 notice of cancellation of or changes to coverage. The general
1572 liability insurance required by this paragraph must remain in
1573 full force and effect for the entire period of the provider
1574 contract with the coalition.

1575 ~~(m) For a provider that is an informal provider, comply~~
1576 ~~with the provisions of paragraph (1) or maintain homeowner's~~



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1577 ~~liability insurance and, if applicable, a business rider. If an~~
1578 ~~informal provider chooses to maintain a homeowner's policy, the~~
1579 ~~provider must obtain and retain a homeowner's insurance policy~~
1580 ~~that provides a minimum of \$100,000 of coverage per occurrence~~
1581 ~~and a minimum of \$300,000 general aggregate coverage. The office~~
1582 ~~may authorize lower limits upon request, as appropriate. An~~
1583 ~~informal provider must add the coalition as a named~~
1584 ~~certificateholder and as an additional insured. An informal~~
1585 ~~provider must provide the coalition with a minimum of 10~~
1586 ~~calendar days' advance written notice of cancellation of or~~
1587 ~~changes to coverage. The general liability insurance required by~~
1588 ~~this paragraph must remain in full force and effect for the~~
1589 ~~entire period of the provider's contract with the coalition.~~

1590 ~~(m)-(n)~~ Obtain and maintain any required workers'
1591 compensation insurance under chapter 440 and any required
1592 reemployment assistance or unemployment compensation coverage
1593 under chapter 443, unless exempt under state or federal law.

1594 ~~(n)-(o)~~ Notwithstanding paragraph (l), for a provider that
1595 is a state agency or a subdivision thereof, as defined in s.
1596 768.28(2), agree to notify the coalition of any additional
1597 liability coverage maintained by the provider in addition to
1598 that otherwise established under s. 768.28. The provider shall
1599 indemnify the coalition to the extent permitted by s. 768.28.

1600 ~~(o)-(p)~~ Execute the standard statewide provider contract
1601 adopted by the office.

1602 ~~(p)-(q)~~ Operate on a full-time and part-time basis and
1603 provide extended-day and extended-year services to the maximum
1604 extent possible without compromising the quality of the program
1605 to meet the needs of parents who work.



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1606 (2) Beginning January 1, 2016, child care personnel
1607 employed by a school readiness program provider must hold a high
1608 school diploma or its equivalent and be at least 18 years of
1609 age, unless the personnel are not responsible for supervising
1610 children in care or are under direct supervision and are not
1611 counted for the purposes of computing the personnel-to-child
1612 ratio.

1613 (3) Beginning January 1, 2015, at least 50 percent of the
1614 child care personnel employed by a school readiness provider at
1615 each location, who are responsible for supervising children in
1616 care, must be trained in first aid and infant and child
1617 cardiopulmonary resuscitation, as evidenced by current
1618 documentation of course completion. As a condition of
1619 employment, personnel hired on or after January 1, 2015, must
1620 complete this training within 60 days after employment.

1621 (4)~~(2)~~ If a school readiness program provider fails or
1622 refuses to comply with this part or any contractual obligation
1623 of the statewide provider contract under s. 1002.82(2)(m), the
1624 coalition may revoke the provider's eligibility to deliver the
1625 school readiness program or receive state or federal funds under
1626 this chapter for a ~~period of~~ 5 years.

1627 (5)~~(3)~~ The office and the coalitions may not:

1628 (a) Impose any requirement on a child care provider or
1629 early childhood education provider that does not deliver
1630 services under the school readiness program or receive state or
1631 federal funds under this part;

1632 (b) Impose any requirement on a school readiness program
1633 provider that exceeds the authority provided under this part or
1634 part V of this chapter or rules adopted pursuant to this part or



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1635 part V of this chapter; or

1636 (c) Require a provider to administer a preassessment or
1637 postassessment.

1638 Section 27. Paragraph (b) of subsection (6) and subsection
1639 (7) of Section 1002.89, Florida Statutes, are amended to read:

1640 1002.89 School readiness program; funding.—

1641 (6) Costs shall be kept to the minimum necessary for the
1642 efficient and effective administration of the school readiness
1643 program with the highest priority of expenditure being direct
1644 services for eligible children. However, no more than 5 percent
1645 of the funds described in subsection (5) may be used for
1646 administrative costs and no more than 22 percent of the funds
1647 described in subsection (5) may be used in any fiscal year for
1648 any combination of administrative costs, quality activities, and
1649 nondirect services as follows:

1650 (b) Activities to improve the quality of child care as
1651 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
1652 the following:

1653 1. Developing, establishing, expanding, operating, and
1654 coordinating resource and referral programs specifically related
1655 to the provision of comprehensive consumer education to parents
1656 and the public to promote informed child care choices specified
1657 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
1658 ~~readiness program and parental choice.~~

1659 2. Awarding grants and providing financial support to
1660 school readiness program providers and their staff to assist
1661 them in meeting applicable state requirements for child care
1662 performance standards, implementing developmentally appropriate
1663 curricula and related classroom resources that support



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1664 curricula, providing literacy supports, obtaining a license or
1665 accreditation, and providing professional development, including
1666 scholarships and other incentives. Any grants awarded pursuant
1667 to this subparagraph shall comply with ~~the requirements of~~ ss.
1668 215.971 and 287.058.

1669 3. Providing training, ~~and~~ technical assistance, and
1670 financial support for school readiness program providers, staff,
1671 and parents on standards, child screenings, child assessments,
1672 developmentally appropriate curricula, character development,
1673 teacher-child interactions, age-appropriate discipline
1674 practices, health and safety, nutrition, first aid,
1675 cardiopulmonary resuscitation, the recognition of communicable
1676 diseases, and child abuse detection and prevention.

1677 4. Providing from among the funds provided for the
1678 activities described in subparagraphs 1.-3., adequate funding
1679 for infants and toddlers as necessary to meet federal
1680 requirements related to expenditures for quality activities for
1681 infant and toddler care.

1682 5. Improving the monitoring of compliance with, and
1683 enforcement of, applicable state and local requirements as
1684 described in and limited by 45 C.F.R. s. 98.40.

1685 6. Responding to Warm-Line requests by providers and
1686 parents ~~related to school readiness program children,~~ including
1687 providing developmental and health screenings to school
1688 readiness program children.

1689 (7) Funds appropriated for the school readiness program
1690 may not be expended for the purchase or improvement of land; for
1691 the purchase, construction, or permanent improvement of any
1692 building or facility; or for the purchase of buses. However,



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1693 funds may be expended for minor remodeling necessary for the
1694 administration of the program and upgrading of child care
1695 facilities to ensure that providers meet state and local child
1696 care standards, including applicable health and safety
1697 requirements.

1698 Section 28. Subsection (7) of section 1002.91, Florida
1699 Statutes, is amended to read:

1700 1002.91 Investigations of fraud or overpayment; penalties.—

1701 (7) The early learning coalition may not contract with a
1702 school readiness program provider, ~~or~~ a Voluntary
1703 Prekindergarten Education Program provider, or an individual who
1704 is on the United States Department of Agriculture National
1705 Disqualified List. In addition, the coalition may not contract
1706 with any provider that shares an officer or director with a
1707 provider that is on the United States Department of Agriculture
1708 National Disqualified List.

1709 Section 29. Paragraph (d) of subsection (3) of section
1710 1002.94, Florida Statutes, is amended to read:

1711 1002.94 Child Care Executive Partnership Program.—

1712 (3)

1713 (d) Each early learning coalition shall establish a
1714 community child care task force ~~for each child care purchasing~~
1715 ~~pool~~. The task force must be composed of employers, parents,
1716 private child care providers, and one representative from the
1717 local children's services council, if one exists in the area ~~of~~
1718 ~~the purchasing pool~~. The early learning coalition is expected to
1719 recruit the task force members from existing child care
1720 councils, commissions, or task forces already operating in the
1721 area ~~of a purchasing pool~~. A majority of the task force shall



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1722 consist of employers.

1723 Section 30. This act shall take effect July 1, 2014.

1724

1725 ===== T I T L E A M E N D M E N T =====

1726 And the title is amended as follows:

1727 Delete everything before the enacting clause

1728 and insert:

1729 A bill to be entitled

1730 An act relating to education; providing a directive to

1731 the Division of Law Revision and Information; changing

1732 the term "family day care home" to "family child care

1733 home" and the term "family day care" to "family child

1734 care"; amending ss. 125.0109 and 166.0445, F.S.;

1735 including large family child care homes in local

1736 zoning regulation requirements; amending s. 402.302,

1737 F.S.; revising the definition of the term "substantial

1738 compliance"; requiring the Department of Children and

1739 Families to adopt rules for compliance by certain

1740 programs not licensed by the department; amending s.

1741 402.3025, F.S.; providing requirements for nonpublic

1742 schools delivering certain voluntary prekindergarten

1743 education programs and school readiness programs;

1744 amending s. 402.305, F.S.; revising certain minimum

1745 standards for child care facilities; amending s.

1746 402.311, F.S.; providing for the inspection of

1747 programs regulated by the department; amending s.

1748 402.3115, F.S.; providing for abbreviated inspections

1749 of specified child care homes; requiring rulemaking;

1750 amending s. 402.313, F.S.; revising provisions for



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1751 licensure, registration, and operation of family day
1752 care homes; amending s. 402.3131, F.S.; revising
1753 requirements for large family child care homes;
1754 amending s. 402.316, F.S., relating to exemptions from
1755 child care facility licensing standards; requiring a
1756 child care facility operating as a provider of certain
1757 voluntary prekindergarten education programs or child
1758 care programs to comply with minimum standards;
1759 providing penalties for failure to disclose or for use
1760 of certain information; requiring the department to
1761 establish a fee for inspection and compliance
1762 activities; amending s. 627.70161, F.S.; revising
1763 restrictions on residential property insurance
1764 coverage to include coverage for large family child
1765 care homes; amending s. 1001.213, F.S.; providing
1766 additional duties of the Office of Early Learning;
1767 amending s. 1002.53, F.S.; revising requirements for
1768 application and determination of eligibility to enroll
1769 in the Voluntary Prekindergarten (VPK) Education
1770 Program; amending s. 1002.55, F.S.; revising
1771 requirements for a school-year prekindergarten program
1772 delivered by a private prekindergarten provider,
1773 including requirements for providers, instructors, and
1774 child care personnel; providing requirements in the
1775 case of provider violations; amending s. 1002.59,
1776 F.S.; correcting a cross-reference; amending ss.
1777 1002.61 and 1002.63, F.S.; revising employment
1778 requirements and educational credentials of certain
1779 instructional personnel; amending s. 1002.71, F.S.;



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1780 revising information that must be reported to parents;
1781 amending s. 1002.75, F.S.; revising provisions
1782 included in the standard statewide VPK program
1783 provider contract; amending s. 1002.77, F.S.; revising
1784 the purpose and meetings of the Florida Early Learning
1785 Advisory Council; amending s. 1002.81, F.S.; revising
1786 certain program definitions; amending s. 1002.82,
1787 F.S.; revising the powers and duties of the Office of
1788 Early Learning; revising provisions included in the
1789 standard statewide school readiness provider contract;
1790 amending s. 1002.84, F.S.; revising the powers and
1791 duties of early learning coalitions; conforming
1792 provisions to changes made by the act; amending s.
1793 1002.87, F.S.; revising student eligibility and
1794 enrollment requirements for the school readiness
1795 program; amending s. 1002.88, F.S.; revising
1796 eligibility requirements for program providers that
1797 want to deliver the school readiness program;
1798 providing conditions for denial of initial
1799 eligibility; providing child care personnel
1800 requirements; amending s. 1002.89, F.S.; revising the
1801 use of funds for the school readiness program;
1802 amending s. 1002.91, F.S.; prohibiting an early
1803 learning coalition from contracting with specified
1804 persons; amending s. 1002.94, F.S.; revising
1805 establishment of a community child care task force by
1806 an early learning coalition; providing an effective
1807 date.