

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1702

INTRODUCER: Appropriations Committee and Education Committee

SUBJECT: Education

DATE: April 24, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Letarte</u>	<u>Klebacha</u>	<u> </u>	ED SPB 7114 as Introduced
2.	<u>Elwell</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

I. Summary:

CS/SB 1702 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) program providers and School Readiness program providers.

Specifically, the bill:

- Requires licensure or, if the provider is a licensed-exempt faith-based provider or nonpublic school, substantial compliance with specified child care licensing standards and submission to inspections by the Department of Children and Families (DCF);
- Requires DCF to adopt rules to define and enforce substantial compliance with minimum standards;
- Requires providers of child care and VPK instructional services to conspicuously post on the premises and on a provider's website, if one exists, Class I violation citations that result in disciplinary action;
- Denies initial eligibility for programs to certain providers that had a Class I violation 12 months before seeking eligibility;
- Requires the Office of Early Learning (OEL) to develop a review process before denying initial eligibility of a provider to deliver a program;
- Requires certain personnel to be at least 18 years of age and hold a high school diploma by January 1, 2016;
- Provides requirements for certain employees to be trained in first aid and cardiopulmonary resuscitation;
- Requires personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel;
- Requires the OEL to develop online training regarding School Readiness performance standards and provider personnel to complete the training;
- Provides failure to report child abuse as a disqualifying offense for child care employment;

- Prohibits an operator of a program, who has been disciplined for serious licensing violations, from transferring ownership of a program to relatives;
- Authorizes Early Learning Coalitions (ELCs) to allow private providers to accept applications and determine child eligibility for the VPK program; and
- Expands the DCF's authority to conduct abbreviated inspections to include family day care homes and large family child care homes.

The bill requires the Division of Law Revision and Information to change the term "family day care home" to "family child care home," and the term "family day care" to "family child care."

The bill includes an appropriation of \$1.2 million in recurring funds and \$11,319 in nonrecurring funds from the Federal Grants Trust Fund, as well as \$70,800 in recurring funds from the Operations and Maintenance Trust Fund for the DCF to implement the regulatory provisions of this act.

The bill takes effect on July 1, 2014.

II. Present Situation:

The Office of Early Learning

The Office of Early Learning (OEL), which is within the Office of Independent Education and Parental Choice and accountable to the Commissioner of Education, administers the Voluntary Prekindergarten Education Program (VPK) and the School Readiness program at the state level.¹ The Florida Department of Children and Families (DCF) Office of Child Care Regulation regulates child care providers who have early learning programs because the DCF is the agency responsible for the state's child care provider licensing program.²

Voluntary Prekindergarten Education Program

The VPK program is available to each child residing in the state who is four years old on or before September 1 of the school year, and the program remains available to the child until the child is eligible for admission to public school kindergarten or is admitted to kindergarten, whichever occurs sooner.³ Parents may choose either a school-year or summer program offered by a public school or private prekindergarten provider, or a specialized instructional services program for a child with disabilities who is eligible for such a program.⁴ A parent enrolling a

¹ Section 1001.213, F.S.

² See ss. 402.301-402.319, F.S.; Parts V and VI, ch. 1002, F.S.

³ Section 1002.53, F.S.

⁴ Section 1002.53(3), F.S. To be eligible for a specialized instructional services program, a child must be evaluated and determined to be eligible, have a current individual educational plan developed by the local school board, and be eligible under s. 1002.66, F.S., for the program. Section 1002.53(3)(d), F.S.

child in the VPK program must complete and submit an application to the early learning coalition (ELC),⁵ not the individual program provider, which oversees the program.⁶ The VPK program may be offered by either a private prekindergarten provider or a public school. Local oversight of individual VPK program providers is split with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.⁷ Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.⁸

A private prekindergarten VPK provider must register with the ELC and be a:

- Licensed child care facility;
- Licensed family day care home (FDCH);
- Licensed large family child care home (LFCCH);
- Nonpublic school; or
- License-exempt faith-based child care provider.⁹

In addition, a private prekindergarten provider must:

- Be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools; and have written accreditation standards that meet the state's licensing requirements and require at least one onsite visit before accreditation is granted;¹⁰
- Hold a current Gold Seal Quality Care designation;¹¹ or
- Be licensed and demonstrate that the ELC has verified that the provider meets the VPK program's statutory requirements.¹²

⁵ An "early learning coalition" or "coalition" is described in s. 1002.83, F.S. and s. 1002.51(4), F.S. Throughout the 67 counties, there are to be 31 or fewer early learning coalitions to provide access to enhancement services at the local level. Each coalition must consist of 15-30 members and have members who meet specific requirements described in statute. *See* 1002.83, F.S.

⁶ Section 1002.53(4), F.S.

⁷ *See* ss. 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

⁸ Sections 1002.61(3)(a) and (8); 1002.63(3) and (8), F.S. Each school district is able to limit the number of students enrolled in the school-year program at a public school, however, the school district must admit every eligible child, enrolled by a parent, within the district for the summer prekindergarten program. Section 1002.53(6)(b).

⁹ Section 1002.55(3)(a) and (h), F.S.; *see also* s. 402.305, F.S. (regarding licensing standards for child care facilities); s. 402.3025, F.S. (regarding public and nonpublic schools); s. 402.313, F.S. (providing for family day care home licensing and requirements); s. 402.3131, F.S. (regarding licensure of large family child care homes); s. 402.316, F.S. (providing a licensure exemption for faith-based providers).

¹⁰ Section 1002.55(3)(b)1., F.S.

¹¹ Section 1005(3)(b)2., F.S.; *see* 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Family Services, *Gold Seal Quality Care*, <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited Mar. 23, 2014). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

¹² Section 1002.55(3)(b)3., F.S.

School Readiness Program

The School Readiness program provides subsidized child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.¹³ The School Readiness program is a state-federal partnership between the OEL and the Office of Child Care of the United States Department of Health and Human Services.¹⁴ The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families (TANF) block grant, and general revenue and other state funds.¹⁵ The program is administered by ELCs.¹⁶

To deliver the School Readiness program, a provider must be:

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.¹⁷

The present situation for the relevant provisions of the bill is discussed in the Effect of Proposed Changes Section of this bill analysis.

III. Effect of Proposed Changes:

The bill increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Education Program (VPK) and School Readiness programs.

Requirements of the Office of Early Learning

Powers and Duties of the Office of Early Learning

Present Situation: The Office of Early Learning (OEL) is required to: independently exercise powers, duties, and functions prescribed by law; adopt rules for the establishment and operation of VPK and School Readiness programs; administer the VPK and School Readiness programs,

¹³ Section 1002.87, F.S.; see 1002.81(1), F.S. (defining what it means to be an “at-risk child”).

¹⁴ 42 U.S.C ss. 618, 9858-9858q; 45 C.F.R. ss. 98, 99; Part VI, ch. 1002, F.S.; U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

¹⁵ Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.; see also U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

¹⁶ Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Early Learning Coalition Directory* (Mar. 19, 2014), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>.

¹⁷ Section 1002.88(1)(a), F.S. Generally speaking, informal child care is care provided by a relative. See Florida's Office of Early Learning, *Child Care and Development Fund (CCDF) Plan for Florida FFY 2014-15*, at 71 (Oct. 1, 2013), available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf.

and the operational requirements of the child care resource and referral network, at the state level; and minimize administrative staff to those needed to administer the duties of the office.¹⁸

Effect of the Bill: The bill adds additional requirements to the duties of the Office of Early Learning. The additional duties are to: hire a general counsel who reports directly to the executive director of the office; hire an inspector general who reports directly to the executive director of the office and to the Chief Inspector General; and by July 1, 2016, develop and implement best practices for providing parental notification in parent's native language to a parent whose native language is not English.

The Standardized Voluntary Prekindergarten Contract

Present Situation: Through adopted rules, the OEL is required to have a standard, statewide provider contract for VPK programs that includes provisions for provider probation, termination for cause, and emergency termination for actions that pose an immediate and serious danger to children. The contract must also include due process procedures and provide that during the pendency of an appeal, a provider may not continue to offer services.¹⁹

Effect of the Bill: The bill, in addition to the requirements that currently exist, requires the standard statewide contract to include provisions that:

- Mandate each private VPK provider and each school readiness provider to conspicuously post on the premises, and on the Internet website, if available, each citation for a Class I violation in an area visible to parents. The posting must use simple language to describe each violation with specificity and include a copy of the citation, as well as contact information for the DCF or the local licensing agency. Such posting must occur within 24 hours of receipt of the Class I violation citation. Additionally, the provider must post each inspection report on the premises until the next report is available; and
- Specify that child care personnel employed by the provider who are responsible for supervising children in care must be trained in appropriate practices, through DCF courses, aligned to the age and needs of children the employee oversees within 30 days of being assigned to children for which the personnel has not previously completed the training.

Additionally, the bill creates a new requirement for the OEL to develop and implement an online training course on the performance standards for School Readiness program provider personnel and the bill requires personnel to complete the online training course.

Provider, Instructor, and Child Care Personnel Qualifications

Background Screening

Present Situation: Personnel at child care facilities must meet a minimum standard of having good moral character as determined by the requirement of level 2 employment screening under chapter 435, Florida Statutes.²⁰

¹⁸ Section 1001.213, F.S.

¹⁹ Section 1002.75, F.S. (regarding VPK programs); section 1002.82(2)(m), F.S. (regarding School Readiness programs).

²⁰ Section 402.305(2), F.S.

Effect of the Bill: The bill adds that in addition to list of offenses in s. 435.04, F.S. pertaining to level 2 screening, child care personnel undergoing background screening must not have an arrest awaiting final disposition for, may not have been found guilty of, or entered a plea of nolo contendere or guilty to, and may not have been adjudicated delinquent and have a record that has been sealed or expunged for an offense specified in s. 39.205, F.S., which relate to penalties associated with the absence of reporting of child abuse, abandonment, or neglect.

The bill applies the background screening requirement and language of s. 402.305(2)(a), F.S., as amended by the bill and described above, to apply to each VPK instructor employed by a private VPK provider delivering the summer VPK program. As noted above, the bill amends the statute to add more prohibited offenses that are not included in current law and current law does not address those offenses because the statute specifically refers to s. 435.04, F.S., without referencing s. 39.205, F.S.²¹

Instructor Credentials

Present Situation: A private VPK instructor must minimally hold a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential deemed equivalent by the DCF.²²

Currently, s. 1002.55, F.S., does not explicitly state requirements for VPK instructors relating to first aid and infant and child cardiopulmonary resuscitation, nor does the statute address a minimum age or high school diploma requirement for employment.

Effect of the Bill: The bill retains the current options that satisfy the minimum credential requirement for school-year VPK instructors, requires each summer VPK class to have at least one instructor with a baccalaureate degree or higher, and provides new credentials, which would also satisfy the requirement. The additional credentials added to the list include, among other options, associate and baccalaureate degrees in child-oriented focus areas and associate and baccalaureate degrees in unrelated areas with additional hours of experience in teaching or child care services. This provision expands the type of credential that is acceptable.

The bill requires at least 50 percent of a private VPK provider's instructors at each location and at least 50 percent of child care personnel at each School Readiness program location to be trained in first aid and child cardiopulmonary resuscitation through documentation of course completion, unless the instructor or personnel is not responsible for supervising children in care, by January 1, 2015. Additionally, instructors and personnel hired on or after January 1, 2015 must complete the training within 60 days of employment.

The bill also adds that, as of January 1, 2016, private VPK providers must employ child care personnel who have a high school diploma, or its equivalent, and are at least 18 years old, unless the personnel are not responsible for supervising children in care or are under direct supervision and are not included in the personnel-to-child ratio.

Transfer of Ownership

²¹ See section 1002.61(5), F.S.

²² Section 1002.55(3)(c), F.S.

Present Situation: One week before the transfer of ownership of a child care facility, the transferor must notify the parent or caretaker of each child of the transfer and the DCF must establish rules relating to the methods by which such notice will occur and the minimum standards for implementing the notification and transfer.²³

Effect of the Bill: The bill prohibits the transfer of child care facility or a large family child care home to a relative of the operator if the license of the operator has been suspended or revoked by the DCF, the operator received notice from the DCF that reasonable cause existed to suspend or revoke the operator's license, or the operator has been placed on the United States Department of Agriculture National Disqualified List. The new provision provides a definition of "relative," which includes immediate family members, grandparents, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, step-parents, step-siblings, and half-siblings.

Course Requirements for Operators and Substitute Operators of Family Day Care Homes and Large Family Child Care Homes

Present Situation: Operators of family day care homes must complete an approved 30-clock-hour introductory course in child care and demonstrate successful completion through passage of a competency examination before caring for children.²⁴

Operators of large family child care homes must complete an approved 40-clock-hour introductory course in group child care and demonstrate successful completion through passage of a competency examination.²⁵

Effect of the Bill: The bill adds that substitute operators who work 40 hours or more per month, on average, must also meet the 30-clock-hour requirement that is currently in law for operators. Additionally, the bill states specific topics that must be included in the course, which are:

- State and local rules and regulations governing child care;
- Health, safety, and nutrition;
- Identifying and reporting child abuse and neglect;
- Child development;
- Observation of developmental behaviors; and
- Specialized areas including numeracy, early literacy and language development of children from birth to five years of age.

The bill adds requirements to the 40-clock-hour introductory course that an operator of a large family child care home must complete. In addition to the existing requirement that the course be about group child care, the course must include numeracy, early literacy, and language development of children from birth to five years of age.

The bill requires that substitute operators who work fewer than 40 hours per month, on average, must complete DCF's 6-clock-hour Family Child Care Home Rules and Regulations training. The bill provides that a substitute who has completed the 3-clock-hour Fundamentals of Child

²³ Section 402.305(18), F.S.

²⁴ Section 402.313(4), F.S.

²⁵ Section 402.3131(3), F.S.

Care training established by DCF rules or the 30-clock-hour training is not required to complete the 6-clock-hour Family Child Care Home Rules and Regulations training.

The bill requires operators and substitute operators to complete training in first aid and infant and child cardiopulmonary resuscitation and for operators to annually complete 1 continuing education unit of approved training regarding child care and administrative skills or 10 clock hours of equivalent training.

Health and Safety

Substantial Compliance with Licensing Standards

Present Situation: Licensing requirements, except for the requirements regarding screening of child care personnel, do not currently apply to a faith-based facility or educational programs accredited by an organization which publishes and requires compliance with its standards for health, safety, and sanitation.²⁶

Effect of the Bill: The bill requires child care facilities that are exempt from licensure requirements pursuant to s. 402.316, F.S., or are nonpublic school providers to substantially comply with the adopted minimum standards for child care facilities pursuant to s.402.305, F.S., and such facilities must allow the DCF or the local licensing agency access to monitor and enforce compliance.

The bill revises the definition of “substantial compliance” to refer to portions of existing licensing standards in s. 402.305, F.S., and states that standards must address, and are limited to, supervision, transportation, access, health-related requirements, food and nutrition, personnel screening, records, and enforcement of these standards. The DCF is required to adopt rules to define and enforce substantial compliance and the rules must be submitted to OEL for approval or disapproval.

The bill adds that the DCF must establish a fee for inspection and compliance activities and the amount may not exceed the fee established for child care licensure under s. 402.315, F.S. The bill also provides penalties for the misrepresentation and misuse of certain information. The effect of this provision and the bill is that all programs will either be licensed or must be substantially compliant with existing licensing standards.

Inspections

Present Situation: A licensed child care facility must allow the DCF to inspect facilities and personnel at reasonable times during regular business hours to ensure statutory compliance. An application for a license or the advertisement to the public for the provision of child care allows the DCF to enter or inspect a facility.²⁷

²⁶ Section 402.316(1), F.S.

²⁷ Section 402.311, F.S.

The DCF and local governmental agencies that license child care facilities must develop a plan to eliminate duplicative and unnecessary inspections of child care facilities and conduct abbreviated inspections for child care facilities that have no Class I or Class II deficiencies.

Effect of the Bill: The bill extends the DCF's ability to inspect the facilities and personnel of licensed child care facilities to include programs regulated by the department. Additionally, the bill amends the law to add that an application for authorization to operate a child care program that must substantially comply with child care standards under chapter 402 of the Florida Statutes, or renewal of such a license or authorization, also constitutes permission for the DCF to enter and inspect the premises.

The bill adds licensed family day care homes and licensed large family child care homes without a Class I or Class II violation to the facilities eligible for abbreviated inspections by the DCF and the local licensing agency. The bill also requires the DCF to adopt rules establishing criteria and procedures for abbreviated inspections and inspection schedules for announced and unannounced inspections.

Eligibility of a Private Provider to Deliver the Voluntary Prekindergarten Program

Present Situation: A private provider delivering the VPK program must meet one of the following: be accredited by a particular accrediting body,²⁸ hold a Gold Seal Quality Care designation, or be licensed under particular statutes.²⁹ School Readiness facilities are also required to provide basic health and safety of its premises.³⁰

Effect of the Bill: The bill adds an additional option for a private VPK provider's required status and states that the private VPK provider may be a child development center located on a military installation that is certified by the United States Department of Defense.

The bill also adds that each private VPK provider must provide basic health and safety on its premises and in its facilities. The bill provides standards that satisfy the requirement for specific VPK and School Readiness programs as follows:

- For a public school, compliance with ss.1003.22 (school-entry health examinations and immunizations) and 1013.12 (casualty, safety, sanitation, firesafety standards and inspection of property), F.S., is sufficient;
- For a nonpublic school, compliance with s.402.3025(2)(d), F.S., (requiring substantial compliance with statutory licensing standards);
- For a child care facility, a licensed family day care home, or a large family child care home, compliance with ss. 402.305 (licensing standards), 402.313 (licensing of family day care

²⁸ Section 1002.55(3)(b)1., F.S. A private VPK provider must be accredited by: "an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted." *Id.*

²⁹ Section 1002.55, F.S.

³⁰ Section 1002.88(1)(c), F.S.

homes requirements), or 402.3131 (licensing of large family child care homes requirements), F.S., satisfy this requirement.

- For a facility exempt from licensure, compliance with s.402.316(4), F.S., (which is created by this bill) satisfies this requirement. The language creating 402.316(4), F.S., requires substantial compliance with statutory licensing standards and requirements of ss. 402.305-402.3057, F.S.

In effect, this provision ensures that all providers are licensed or substantially compliant with existing statutory licensing standards.

Display of License or Registration by Family Day Care Homes

Present Situation: Each licensed or registered family day care home is not required to display its license or registration.³¹

Effect of the Bill: The bill specifically requires each licensed or registered family day care home to conspicuously display its license or registration in an area viewable by all parents during hours of operation.

The bill also creates specific requirements for the DCF to verify certain information upon receipt of registration from a family day care home. The DCF must verify that the home is in compliance with the background screening requirements, and that the operator and the designated substitute have completed 30-clock-hour training courses (demonstrated through passage of a competency examination and required continuing education units or clock hours).

Rulemaking Authority

Present Situation: The DCF does not have rulemaking authority with regard to defining and enforcing substantial compliance with minimum standards for child care facilities for programs operating under s. 1002.55, F.S. (private school-year VPK programs), s. 1002.61, F.S. (public school and private VPK summer programs), and s. 1002.88, F.S. (School Readiness programs).³²

Effect of the Bill: The bill requires the DCF to adopt rules to define and enforce the substantial compliance with minimum standards for child care facilities operating programs under the aforementioned statutes.

Eligibility to Deliver the Voluntary Prekindergarten Program or School Readiness Program

Present Situation: Denial of initial eligibility based upon a Class I violation within 12 months of seeking eligibility to deliver a VPK or School Readiness program is not currently in law.³³

Effect of the Bill: The bill denies initial eligibility to a private VPK provider or a School Readiness provider seeking eligibility to deliver the VPK or School Readiness program if the provider has been cited for a Class I violation in the 12 months before seeking such eligibility and the OEL determines that denial of initial eligibility is appropriate after reviewing the

³¹ See section 402.313, F.S.

³² See section 402.305, F.S.

³³ See sections 1002.55, F.S., and 1002.88, F.S.

violation and the provider's licensure history. In effect, the provision inhibits the growth of a provider's program if the provider has received a citation for the most severe grouping of violations within the past year.

The bill requires the OEL to develop a procedure to allow a provider to appeal a denial of initial eligibility.

Participant-Related Provisions

Voluntary Prekindergarten Eligibility and Enrollment

Present Situation: Each parent enrolling a child in the VPK program must complete and submit an application to the ELC.³⁴

Effect of the Bill: The bill adds language to allow application submission to a private VPK provider if the provider is authorized by the ELC to determine student eligibility for enrollment in the VPK program, which is a new authorization of authority to private VPK programs. The bill also specifies the actions a provider must take upon receipt of an application, requires retention of the original application and certified birth certificate of the child for five years, and provides that the ELC may audit applications in its service area to determine whether children enrolled and reported for funding by the provider met the eligibility criteria. This provision provides a check on the newly authorized ability of some private VPK providers to accept applications, and determine eligibility and enrollment directly.

School Readiness Eligibility

Present Situation: For the purposes of establishing eligibility for the School Readiness program, the terms "at-risk child," "family income," and "working family" are defined in statute.³⁵

Effect of the Bill: The bill amends the definition of an "at-risk child" to provide that a designated lead agency on the homeless assistance continuum of care established under ss. 420.622-420.624, F.S., must determine whether a child is in the custody of a parent who is considered homeless – as opposed to current law which requires the DCF to make the determination.

The bill adds to the list of types of income that are not included in the definition of "family income." The new language provides that the following is not considered family income:

- Income earned by a teen parent residing in the same residence as a separate family unit; and
- Selected items from the state's Child Care and Development Fund Plan, including documented child support and alimony payments paid out of the home.

The bill expands the definition of a "working family" to include a single-parent family in which the parent with whom the child resides is exempt from work requirements due to age or disability.

³⁴ Section 1002.53(4)(a), F.S.

³⁵ Section 1002.81, F.S.

Provider-Related Provisions

Reviser's Bill for the 2015 Regular Session

Present Situation: The terms “family day care home” and “family day care” are currently used in statute.

Effect of the Bill: The bill directs the Division of Law Revision and Information to prepare a reviser’s bill for the 2015 regular session that will change the term “family day care home” to “family child care home” and the term “family day care” to “family child care” throughout the Florida Statutes.

Zoning, Utility Rates, and Residential Property Insurance Coverage

Present Situation: Under current law, only the operation of a residence as a family day care home licensed by the DCF is a valid residential use for local zoning regulation purposes.³⁶

Effect of the Bill: The bill adds large family child care homes to the existing law so that the operation of a residence as a family day care home or as a large family child care home is a valid residential use for local zoning regulation purposes.

Additionally, the bill provides that, despite any other state or local law or ordinance, any licensed large family child care home may not be charged commercial utility rates and must be charged the rates accorded to a residential home.

Present Situation: Insurers may not cancel, deny, or refuse to renew residential property insurance solely because child care services are provided on the premises.³⁷

Effect of the Bill: The bill adds large family child care homes to this provision, which currently only includes family day care homes, and prevents residential property insurance from being canceled, denied, or nonrenewed solely because child care services are provided on the premises.

Applicability of Requirements to Nonpublic Schools

Present Situation: Requirements under s. 402.3025, F.S., apply to nonpublic programs for children at least three years of age, but under five years of age, that are not licensed under ss. 402.301-402.319, F.S.³⁸

Effect of the Bill: The bill removes the specific age range in current law of three to five years of age and states that the provision is applicable to nonpublic schools delivering school-year and summer VPK programs, and school readiness programs.

³⁶ Sections 125.0109, 166.0445, F.S.

³⁷ Section 627.70161, F.S.

³⁸ Section 402.3025(2)(c), F.S.

Voluntary Prekindergarten and School Readiness Funding and Attendance Reporting

Present Situation: Each parent enrolling a child in the VPK program must comply with the attendance policy of the private VPK provider or public school board. Each provider must supply a child's parent with a copy of the attendance policy.³⁹

For a School Readiness program, if a child is absent for five consecutive days without notification from the parent of such an absence, the provider is required to report the absence to the ELC.⁴⁰

Effect of the Bill: The bill, in addition to the requirements that a parent comply with the VPK provider's attendance policy and that the provider give the policy to each child's parent, adds that each private VPK provider, public school, and School Readiness program provider must supply each child's parent with information regarding child development, parent engagement expectations, a daily schedule, and, procedures for contacting a parent if a child has been absent for two consecutive days without a known reason.

The bill amends the requirements of the attendance reporting requirement for School Readiness program to add an additional responsibility of the provider to contact the parent of a child who has been absent for two consecutive days to determine the reason for the absence. This requirement is in addition to the provider being required to contact the ELC if a child is absent for five consecutive days.

School Readiness Program Eligibility Requirements

Present Situation: The eligibility of each child for the School Readiness program must be determined annually, and a child who is no longer eligible may not continue to receive services.⁴¹

Effect of the Bill: The bill adds additional language stating that if a child is no longer eligible for the program, the ELC must immediately notify the child's parent and the provider that funding will end two weeks after the date on which the child's ineligibility was determined or when the current School Readiness authorization expires, whichever is sooner.

School Readiness Investigations of Fraud or Overpayment

Present Situation: The ELC may not contract with a School Readiness or VPK program provider who is on the United States Department of Agriculture National Disqualified List.⁴²

Effect of the Bill: The bill adds that an ELC also may not contract with an individual on the United States Department of Agriculture National Disqualified List.

The bill takes effect on July 1, 2014.

³⁹ Section 1002.71(6)(a), F.S.

⁴⁰ Section 1002.87(8), F.S.

⁴¹ Section 1002.87(6), F.S.

⁴² Section 1002.91(7), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the Department of Children and Families (DCF), there are more than 800 provider settings that are currently not licensed by the DCF and would have to pay the inspection fee associated with becoming substantially compliant or licensed, depending on the program, in addition to any fines assessed.⁴³ The DCF indicates that the inspection fee for substantial compliance would be minimal because it cannot exceed the fee for licensure, which is a maximum of \$100.⁴⁴

C. Government Sector Impact:

The DCF states that the bill would require monitoring of more than 800 additional provider settings for substantial compliance with health and safety standards.⁴⁵ The DCF indicates that the collection of inspection fees would not be enough to cover the cost of the additional workload.⁴⁶ Revenue from the inspection fees is estimated to be \$54,340.⁴⁷

The total funds required for Fiscal Year 2014-2015 for the Office of Child Care Regulation and Background Screening and the Office of the General Counsel would be \$1,301,694 for 18 additional full-time equivalent positions; the recurring cost is \$1,233,780.⁴⁸

⁴³ See Florida Department of Children and Families, *Agency Legislative Bill Analysis for HB 7069* (2014), (on file with the Senate Committee on Education).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

CS/SB 1702 includes an appropriation of \$1.2 million in recurring funds and \$11,319 in nonrecurring funds from the Federal Grants Trust Fund, as well as \$70,800 in recurring funds from the Operations and Maintenance Trust Fund for the DCF to implement the regulatory provisions of this act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.604, 125.0109, 166.0445, 402.302, 402.3025, 402.305, 402.311, 402.3115, 402.313, 402.3131, 402.316, 627.70161, 1001.213, 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.71, 1002.75, 1002.77, 1002.81, 1002.82, 1002.84, 1002.87, 1002.88, 1002.89, 1002.91, and 1002.94.

The bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on April 22, 2014:

The committee substitute:

- Retains the use of the terms “school readiness” and “school readiness program” as in current law.
- Changes the term “family day care” to “family child care” through a 2015 regular session reviser’s bill.
- Removes changes made to the Rilya Wilson Act.
- Revises the definition of “substantial compliance” to refer to portions of the existing licensing standards statute.
- Requires the Department of Children and Families (DCF) to adopt rules to define and enforce substantial compliance with minimum standards and requires the rules to be submitted to the Office of Early Learning (OEL) for approval or disapproval.
- Increases training requirements for operators and substitute operators of family day care homes.
- Requires OEL to review a Class I violation and a provider’s licensure history before denying initial eligibility to deliver a program based upon the provider having a Class I violation within 12 months before seeking eligibility. Requires OEL to establish a procedure to review a provider’s appeal regarding denial of initial eligibility to deliver a program due to having a Class I violation in the 12 months before seeking initial eligibility.

- Requires voluntary prekindergarten (VPK) and School Readiness providers to post Class I violations on a provider's website, if the provider has a website.

B. Amendments:

None.

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