

By the Committees on Appropriations; and Education

576-04541A-14

20141702c1

1                                   A bill to be entitled  
2       An act relating to education; providing a directive to  
3       the Division of Law Revision and Information; changing  
4       the term "family day care home" to "family child care  
5       home" and the term "family day care" to "family child  
6       care"; amending ss. 125.0109 and 166.0445, F.S.;  
7       including large family child care homes in local  
8       zoning regulation requirements; amending s. 402.302,  
9       F.S.; revising the definition of the term "substantial  
10      compliance"; requiring the Department of Children and  
11      Families to adopt rules for compliance by certain  
12      programs not licensed by the department; amending s.  
13      402.3025, F.S.; providing requirements for nonpublic  
14      schools delivering certain voluntary prekindergarten  
15      education programs and school readiness programs;  
16      amending s. 402.305, F.S.; revising certain minimum  
17      standards for child care facilities; amending s.  
18      402.311, F.S.; providing for the inspection of  
19      programs regulated by the department; amending s.  
20      402.3115, F.S.; providing for abbreviated inspections  
21      of specified child care homes; requiring rulemaking;  
22      amending s. 402.313, F.S.; revising provisions for  
23      licensure, registration, and operation of family day  
24      care homes; amending s. 402.3131, F.S.; revising  
25      requirements for large family child care homes;  
26      amending s. 402.316, F.S., relating to exemptions from  
27      child care facility licensing standards; requiring a  
28      child care facility operating as a provider of certain  
29      voluntary prekindergarten education programs or child

576-04541A-14

20141702c1

30 care programs to comply with minimum standards;  
31 providing penalties for failure to disclose or for use  
32 of certain information; requiring the department to  
33 establish a fee for inspection and compliance  
34 activities; amending s. 627.70161, F.S.; revising  
35 restrictions on residential property insurance  
36 coverage to include coverage for large family child  
37 care homes; amending s. 1001.213, F.S.; providing  
38 additional duties of the Office of Early Learning;  
39 amending s. 1002.53, F.S.; revising requirements for  
40 application and determination of eligibility to enroll  
41 in the Voluntary Prekindergarten (VPK) Education  
42 Program; amending s. 1002.55, F.S.; revising  
43 requirements for a school-year prekindergarten program  
44 delivered by a private prekindergarten provider,  
45 including requirements for providers, instructors, and  
46 child care personnel; providing requirements in the  
47 case of provider violations; amending s. 1002.59,  
48 F.S.; correcting a cross-reference; amending ss.  
49 1002.61 and 1002.63, F.S.; revising employment  
50 requirements and educational credentials of certain  
51 instructional personnel; amending s. 1002.71, F.S.;  
52 revising information that must be reported to parents;  
53 amending s. 1002.75, F.S.; revising provisions  
54 included in the standard statewide VPK program  
55 provider contract; amending s. 1002.77, F.S.; revising  
56 the purpose and meetings of the Florida Early Learning  
57 Advisory Council; amending s. 1002.81, F.S.; revising  
58 certain program definitions; amending s. 1002.82,

576-04541A-14

20141702c1

59 F.S.; revising the powers and duties of the Office of  
60 Early Learning; revising provisions included in the  
61 standard statewide school readiness provider contract;  
62 amending s. 1002.84, F.S.; revising the powers and  
63 duties of early learning coalitions; conforming  
64 provisions to changes made by the act; amending s.  
65 1002.87, F.S.; revising student eligibility and  
66 enrollment requirements for the school readiness  
67 program; amending s. 1002.88, F.S.; revising  
68 eligibility requirements for program providers that  
69 want to deliver the school readiness program;  
70 providing conditions for denial of initial  
71 eligibility; providing child care personnel  
72 requirements; amending s. 1002.89, F.S.; revising the  
73 use of funds for the school readiness program;  
74 amending s. 1002.91, F.S.; prohibiting an early  
75 learning coalition from contracting with specified  
76 persons; amending s. 1002.94, F.S.; revising  
77 establishment of a community child care task force by  
78 an early learning coalition; providing an  
79 appropriation; providing an effective date.

80

81 Be It Enacted by the Legislature of the State of Florida:

82

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

576-04541A-14

20141702c1

88 Statutes.

89 Section 2. Section 125.0109, Florida Statutes, is amended  
90 to read:

91 125.0109 Family day care homes and large family child care  
92 homes; local zoning regulation.—The operation of a residence as  
93 a family day care home or large family child care home, as  
94 defined in s. 402.302, licensed or registered pursuant to s.  
95 402.313 or s. 402.3131, as applicable, constitutes,~~as defined~~  
96 ~~by law, registered or licensed with the Department of Children~~  
97 ~~and Family Services shall constitute~~ a valid residential use for  
98 purposes of any local zoning regulations, and no such regulation  
99 shall require the owner or operator of such family day care home  
100 or large family child care home to obtain any special exemption  
101 or use permit or waiver, or to pay any special fee in excess of  
102 \$50, to operate in an area zoned for residential use.

103 Section 3. Section 166.0445, Florida Statutes, is amended  
104 to read:

105 166.0445 Family day care homes and large family child care  
106 homes; local zoning regulation.—The operation of a residence as  
107 a family day care home or large family child care home, as  
108 defined in s. 402.302, licensed or registered pursuant to s.  
109 402.313 or s. 402.3131, as applicable, constitutes,~~as defined~~  
110 ~~by law, registered or licensed with the Department of Children~~  
111 ~~and Family Services shall constitute~~ a valid residential use for  
112 purposes of any local zoning regulations, and ~~no~~ such regulation  
113 may not shall require the owner or operator of such family day  
114 care home or large family child care home to obtain any special  
115 exemption or use permit or waiver, or to pay any special fee in  
116 excess of \$50, to operate in an area zoned for residential use.

576-04541A-14

20141702c1

117 Section 4. Subsection (17) of section 402.302, Florida  
118 Statutes, is amended to read:

119 402.302 Definitions.—As used in this chapter, the term:

120 (17) "Substantial compliance" means, for purposes of  
121 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,  
122 ~~that level of adherence to adopted standards~~ which is sufficient  
123 to safeguard the health, safety, and well-being of all children  
124 under care. The standards must address requirements found in s.  
125 402.305 and are limited to supervision, transportation, access,  
126 health-related requirements, food and nutrition, personnel  
127 screening, records, and enforcement of these standards. The  
128 standards must not limit or exclude the curriculum provided by a  
129 faith-based provider or nonpublic school. The department must  
130 adopt rules to define and enforce substantial compliance with  
131 minimum standards for child care facilities for programs  
132 operating under s. 1002.55, s. 1002.61, or s. 1002.88 which are  
133 regulated, but not licensed, by the department. Such rules shall  
134 be submitted to the Office of Early Learning for approval or  
135 disapproval ~~Substantial compliance is greater than minimal~~  
136 ~~adherence but not to the level of absolute adherence. Where a~~  
137 ~~violation or variation is identified as the type which impacts,~~  
138 ~~or can be reasonably expected within 90 days to impact, the~~  
139 ~~health, safety, or well-being of a child, there is no~~  
140 ~~substantial compliance.~~

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

143 402.3025 Public and nonpublic schools.—For the purposes of  
144 ss. 402.301-402.319, the following shall apply:

145 (2) NONPUBLIC SCHOOLS.—

576-04541A-14

20141702c1

146 (d)1. Nonpublic schools delivering programs under s.  
147 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~  
148 ~~at least 3 years of age, but under 5 years of age,~~ which are not  
149 licensed under ss. 402.301-402.319 shall substantially comply  
150 with the minimum child care standards adopted ~~promulgated~~  
151 pursuant to ss. 402.305-402.3057.

152 2. The department or local licensing agency shall enforce  
153 compliance with such standards, where possible, to eliminate or  
154 minimize duplicative inspections or visits by staff enforcing  
155 the minimum child care standards and staff enforcing other  
156 standards under the jurisdiction of the department.

157 3. The department or local licensing agency may inspect  
158 programs operating under this paragraph and pursue  
159 administrative or judicial action under ss. 402.310-402.312  
160 against nonpublic schools operating under this paragraph  
161 ~~commence and maintain all proper and necessary actions and~~  
162 ~~proceedings for any or all of the following purposes:~~

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

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

166 e. ~~To use corrective action plans, whenever possible, to~~  
167 ~~attain compliance prior to the use of more restrictive~~  
168 ~~enforcement measures.~~

169 d. ~~To make application for injunction to the proper circuit~~  
170 ~~court, and the judge of that court shall have jurisdiction upon~~  
171 ~~hearing and for cause shown to grant a temporary or permanent~~  
172 ~~injunction, or both, restraining any person from violating or~~  
173 ~~continuing to violate any of the provisions of ss. 402.301-~~  
174 ~~402.319. Any violation of this section or of the standards~~

576-04541A-14

20141702c1

175 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~  
176 ~~child in the school's programs for children who are at least 3~~  
177 ~~years of age, but are under 5 years of age, or repeated~~  
178 ~~violations of this section or the standards under ss. 402.305-~~  
179 ~~402.3057, shall be grounds to seek an injunction to close a~~  
180 ~~program in a school.~~

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

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

187 a. Fail, by false statement, misrepresentation,  
188 impersonation, or other fraudulent means, to disclose in any  
189 required written documentation for exclusion from licensure  
190 pursuant to this section a material fact used in making a  
191 determination as to such exclusion; or

192 b. Use information from the criminal records obtained under  
193 s. 402.305 or s. 402.3055 for any purpose other than screening  
194 that person for employment as specified in those sections or  
195 release such information to any other person for any purpose  
196 other than screening for employment as specified in those  
197 sections.

198 5. It is a felony of the third degree, punishable as  
199 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
200 person willfully, knowingly, or intentionally to use information  
201 from the juvenile records of any person obtained under s.  
202 402.305 or s. 402.3055 for any purpose other than screening for  
203 employment as specified in those sections or to release

576-04541A-14

20141702c1

204 information from such records to any other person for any  
205 purpose other than screening for employment as specified in  
206 those sections.

207 6. The inclusion of nonpublic schools within options  
208 available under ss. 1002.55, 1002.61, and 1002.88 does not  
209 expand the regulatory authority of the state, its officers, any  
210 local licensing agency, or any early learning coalition to  
211 impose any additional regulation of nonpublic schools beyond  
212 those reasonably necessary to enforce requirements expressly set  
213 forth in this paragraph.

214 ~~(e) The department and the nonpublic school accrediting~~  
215 ~~agencies are encouraged to develop agreements to facilitate the~~  
216 ~~enforcement of the minimum child care standards as they relate~~  
217 ~~to the schools which the agencies accredit.~~

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

221 402.305 Licensing standards; child care facilities.—

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

224 (a) Good moral character based upon screening, according to  
225 the level 2 screening requirements of. ~~This screening shall be~~  
226 ~~conducted as provided in chapter 435, using the level 2~~  
227 ~~standards for screening set forth in that chapter.~~ In addition  
228 to the offenses listed in s. 435.04, all child care personnel  
229 required to undergo background screening pursuant to this  
230 section may not have an arrest awaiting final disposition for,  
231 may not have been found guilty of, regardless of adjudication,  
232 or entered a plea of nolo contendere or guilty to, and may not



576-04541A-14

20141702c1

233 have been adjudicated delinquent and have a record that has been  
234 sealed or expunged for an offense specified in s. 39.205.

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

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

240 a. State and local rules and regulations which govern child  
241 care.

242 b. Health, safety, and nutrition.

243 c. Identifying and reporting child abuse and neglect.

244 d. Child development, including typical and atypical  
245 language, cognitive, motor, social, and self-help skills  
246 development.

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

250 f. Specialized areas, including computer technology for  
251 professional and classroom use and numeracy, early literacy, and  
252 language development of children from birth to 5 years of age,  
253 as determined by the department, for owner-operators and child  
254 care personnel of a child care facility.

255 g. Developmental disabilities, including autism spectrum  
256 disorder and Down syndrome, and early identification, use of  
257 available state and local resources, classroom integration, and  
258 positive behavioral supports for children with developmental  
259 disabilities.

260  
261 Within 90 days after employment, child care personnel shall

576-04541A-14

20141702c1

262 begin training to meet the training requirements pursuant to  
263 this paragraph. Child care personnel shall successfully complete  
264 such training within 1 year after the date on which the training  
265 began, as evidenced by passage of a competency examination.  
266 Successful completion of the 40-clock-hour introductory course  
267 shall articulate into community college credit in early  
268 childhood education, pursuant to ss. 1007.24 and 1007.25.  
269 Exemption from all or a portion of the required training shall  
270 be granted to child care personnel based upon educational  
271 credentials or passage of competency examinations. Child care  
272 personnel possessing a 2-year degree or higher that includes 6  
273 college credit hours in early childhood development or child  
274 growth and development, or a child development associate  
275 credential or an equivalent state-approved child development  
276 associate credential, or a child development associate waiver  
277 certificate shall be automatically exempted from the training  
278 requirements in sub-subparagraphs b., d., and e.

279       2. The introductory course in child care shall stress, to  
280 the extent possible, an interdisciplinary approach to the study  
281 of children.

282       3. The introductory course shall cover recognition and  
283 prevention of shaken baby syndrome; prevention of sudden infant  
284 death syndrome; recognition and care of infants and toddlers  
285 with developmental disabilities, including autism spectrum  
286 disorder and Down syndrome; and early childhood brain  
287 development within the topic areas identified in this paragraph.

288       4. On an annual basis in order to further their child care  
289 skills and, if appropriate, administrative skills, child care  
290 personnel who have fulfilled the requirements for the child care

576-04541A-14

20141702c1

291 training shall be required to take an additional 1 continuing  
292 education unit of approved inservice training, or 10 clock hours  
293 of equivalent training, as determined by the department.

294 5. Child care personnel shall be required to complete 0.5  
295 continuing education unit of approved training or 5 clock hours  
296 of equivalent training, as determined by the department, in  
297 numeracy, early literacy, and language development of children  
298 from birth to 5 years of age one time. The year that this  
299 training is completed, it shall fulfill the 0.5 continuing  
300 education unit or 5 clock hours of the annual training required  
301 in subparagraph 4.

302 6. Procedures for ensuring the training of qualified child  
303 care professionals to provide training of child care personnel,  
304 including onsite training, shall be included in the minimum  
305 standards. It is recommended that the state community child care  
306 coordination agencies (central agencies) be contracted by the  
307 department to coordinate such training when possible. Other  
308 district educational resources, such as community colleges and  
309 career programs, can be designated in such areas where central  
310 agencies may not exist or are determined not to have the  
311 capability to meet the coordination requirements set forth by  
312 the department.

313 7. Training requirements do ~~shall~~ not apply to certain  
314 occasional or part-time support staff, including, but not  
315 limited to, swimming instructors, piano teachers, dance  
316 instructors, and gymnastics instructors.

317 8. The department shall evaluate or contract for an  
318 evaluation for the general purpose of determining the status of  
319 and means to improve staff training requirements and testing

576-04541A-14

20141702c1

320 procedures. The evaluation shall be conducted every 2 years. The  
321 evaluation must ~~shall~~ include, but not be limited to,  
322 determining the availability, quality, scope, and sources of  
323 current staff training; determining the need for specialty  
324 training; and determining ways to increase inservice training  
325 and ways to increase the accessibility, quality, and cost-  
326 effectiveness of current and proposed staff training. The  
327 evaluation methodology must ~~shall~~ include a reliable and valid  
328 survey of child care personnel.

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

333 (9) ADMISSIONS AND RECORDKEEPING.—

334 (b) ~~During the months of August and September of each year,~~  
335 Each child care facility shall provide parents of children  
336 enrolling ~~enrolled~~ in the facility detailed information  
337 regarding the causes, symptoms, and transmission of the  
338 influenza virus in an effort to educate those parents regarding  
339 the importance of immunizing their children against influenza as  
340 recommended by the Advisory Committee on Immunization Practices  
341 of the Centers for Disease Control and Prevention.

342 (10) TRANSPORTATION SAFETY.—Minimum standards must ~~shall~~  
343 include requirements for child restraints or seat belts in  
344 vehicles used by child care facilities, and large family child  
345 care homes, and family day care homes to transport children,  
346 requirements for annual inspections of the vehicles, limitations  
347 on the number of children in the vehicles, and accountability  
348 for children being transported.

576-04541A-14

20141702c1

349 (18) TRANSFER OF OWNERSHIP.—

350 (a) One week before ~~prior to~~ the transfer of ownership of a  
351 child care facility, ~~or~~ family day care home, or large family  
352 child care home, the transferor shall notify the parent or  
353 caretaker of each child of the impending transfer.

354 (b) The owner of a child care facility, family day care  
355 home, or large family child care home may not transfer ownership  
356 to a relative of the operator if the operator has had his or her  
357 license suspended or revoked by the department pursuant to s.  
358 402.310, has received notice from the department that reasonable  
359 cause exists to suspend or revoke the license, or has been  
360 placed on the United States Department of Agriculture National  
361 Disqualified List. For purposes of this paragraph, "relative"  
362 means father, mother, son, daughter, grandfather, grandmother,  
363 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
364 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
365 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
366 stepdaughter, stepbrother, stepsister, half-brother, or half-  
367 sister.

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

371 Section 7. Section 402.311, Florida Statutes, is amended to  
372 read:

373 402.311 Inspection.—A licensed child care facility or  
374 program regulated by the department shall accord to the  
375 department or the local licensing agency, whichever is  
376 applicable, the privilege of inspection, including access to  
377 facilities and personnel and to those records required in s.

576-04541A-14

20141702c1

378 402.305, at reasonable times during regular business hours, to  
379 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.  
380 The right of entry and inspection shall also extend to any  
381 premises which the department or local licensing agency has  
382 reason to believe are being operated or maintained as a child  
383 care facility or program ~~without a license~~, but no such entry or  
384 inspection of any premises shall be made without the permission  
385 of the person in charge thereof unless a warrant is first  
386 obtained from the circuit court authorizing same. Any  
387 application for a license, application for authorization to  
388 operate a child care program which must maintain substantial  
389 compliance with child care standards adopted under this chapter,  
390 ~~or renewal of such license or authorization, made pursuant to~~  
391 ~~this act~~ or the advertisement to the public for the provision of  
392 child care as defined in s. 402.302 constitutes ~~shall constitute~~  
393 permission for any entry to or inspection of the subject  
394 premises ~~for which the license is sought in order~~ to facilitate  
395 verification of the information submitted on or in connection  
396 with the application. In the event a ~~licensed~~ facility or  
397 program refuses permission for entry or inspection to the  
398 department or local licensing agency, a warrant shall be  
399 obtained from the circuit court authorizing same before ~~prior to~~  
400 such entry or inspection. The department or local licensing  
401 agency may institute disciplinary proceedings pursuant to s.  
402 402.310~~7~~ for such refusal.

403 Section 8. Section 402.3115, Florida Statutes, is amended  
404 to read:

405 402.3115 ~~Elimination of duplicative and unnecessary~~  
406 ~~inspections;~~ Abbreviated inspections. ~~The Department of Children~~

576-04541A-14

20141702c1

407 ~~and Family Services and local governmental agencies that license~~  
 408 ~~child care facilities shall develop and implement a plan to~~  
 409 ~~eliminate duplicative and unnecessary inspections of child care~~  
 410 ~~facilities. In addition,~~ The department and the local licensing  
 411 ~~governmental~~ agencies shall conduct ~~develop and implement an~~  
 412 abbreviated inspections of ~~inspection plan for~~ child care  
 413 facilities licensed under s. 402.305, family day care homes  
 414 licensed under s. 402.313, and large family child care homes  
 415 licensed under s. 402.3131 that have had no Class I ~~±~~ or Class  
 416 II violations ~~2 deficiencies~~, as defined by rule, for at least 2  
 417 consecutive years. The abbreviated inspection must include those  
 418 elements identified by the department and the local licensing  
 419 ~~governmental~~ agencies as being key indicators of whether the  
 420 child care facility continues to provide quality care and  
 421 programming. The department shall adopt rules establishing  
 422 criteria and procedures for abbreviated inspections and  
 423 inspection schedules that provide for both announced and  
 424 unannounced inspections.

425 Section 9. Section 402.313, Florida Statutes, is amended to  
 426 read:

427 402.313 Family day care homes.—

428 (1) A family day care home must ~~homes shall~~ be licensed  
 429 under this section ~~act~~ if it is ~~they are~~ presently being  
 430 licensed under an existing county licensing ordinance, ~~or if~~ the  
 431 board of county commissioners passes a resolution that requires  
 432 licensure of family day care homes, or the family day care home  
 433 is operating a program under s. 1002.55, s. 1002.61, or s.  
 434 1002.88 ~~be licensed~~. Each licensed or registered family day care  
 435 home shall conspicuously display its license or registration in

576-04541A-14

20141702c1

436 an area viewable by all parents during hours of operation.

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

440 1. The name and address of the home.

441 2. The name of the operator.

442 3. The number of children served.

443 4. Proof of a written plan to identify a ~~provide at least~~  
444 ~~one other~~ competent adult who has met the screening and training  
445 requirements of the department to serve as a designated ~~to be~~  
446 ~~available to~~ substitute for the operator ~~in an emergency~~. This  
447 plan must ~~shall~~ include the name, address, and telephone number  
448 of the designated substitute who will serve in the absence of  
449 the operator.

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

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

454 a. ~~State and local rules and regulations that govern child~~  
455 ~~care.~~

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

457 c. ~~Identifying and reporting child abuse and neglect.~~

458 d. ~~Child development, including typical and atypical~~  
459 ~~language development; and cognitive, motor, social, and self-~~  
460 ~~help skills development.~~

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

464 f. ~~Specialized areas, including early literacy and language~~



576-04541A-14

20141702c1

465 ~~development of children from birth to 5 years of age, as~~  
 466 ~~determined by the department, for owner operators of family day~~  
 467 ~~care homes.~~

468 5.7. Proof that immunization records are kept current.

469 ~~8. Proof of completion of the required continuing education~~  
 470 ~~units or clock hours.~~

471

472 Upon receipt of registration information submitted by a family  
 473 day care home pursuant to this paragraph, the department shall  
 474 verify that the home is in compliance with the background  
 475 screening requirements in subsection (3) and that the operator  
 476 and the designated substitute are in compliance with applicable  
 477 training requirements of subsection (4).

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

480 (c) The department may provide technical assistance to  
 481 counties and operators of family day care homes ~~home providers~~  
 482 to enable counties and operators ~~family day care providers~~ to  
 483 achieve compliance with family day care home ~~homes~~ standards.

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

487 (3) Child care personnel in family day care homes are ~~shall~~  
 488 ~~be~~ subject to the applicable screening provisions contained in  
 489 ss. 402.305(2) and 402.3055. For purposes of screening in family  
 490 day care homes, the term "child care personnel" includes the  
 491 operator, the designated substitute, any member over the age of  
 492 12 years of a family day care home operator's family, or persons  
 493 over the age of 12 years residing with the operator in the

576-04541A-14

20141702c1

494 family day care home. Members of the operator's family, or  
495 persons residing with the operator, who are between the ages of  
496 12 years and 18 years may ~~shall~~ not be required to be  
497 fingerprinted, but shall be screened for delinquency records.

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

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

506 a. State and local rules and regulations that govern child  
507 care.

508 b. Health, safety, and nutrition.

509 c. Identifying and reporting child abuse and neglect.

510 d. Child development, including typical and atypical  
511 language development, and cognitive, motor, social, and  
512 executive functioning skills development.

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

516 f. Specialized areas, including numeracy, early literacy,  
517 and language development of children from birth to 5 years of  
518 age, as determined by the department, for operators of family  
519 child care homes.

520 ~~(5) In order to further develop their child care skills~~  
521 ~~and, if appropriate, their administrative skills, operators of~~  
522 ~~family day care homes shall be required to complete an~~

576-04541A-14

20141702c1

523 ~~additional 1 continuing education unit of approved training or~~  
524 ~~10 clock hours of equivalent training, as determined by the~~  
525 ~~department, annually.~~

526 ~~2.(6) Operators of family day care homes shall be required~~  
527 ~~to~~ Complete a 0.5 continuing education unit of approved training  
528 in numeracy, early literacy, and language development of  
529 children from birth to 5 years of age one time. For an operator,  
530 the year that this training is completed, it shall fulfill the  
531 0.5 continuing education unit or 5 clock hours of the annual  
532 training required in paragraph (c) subsection (5).

533 3. Complete training in first aid and infant and child  
534 cardiopulmonary resuscitation as evidenced by current  
535 documentation of course completion.

536 (b) Before licensure and before caring for children, family  
537 day care home substitutes who work fewer than 40 hours per month  
538 on average must complete the department's 6-clock-hour Family  
539 Child Care Home Rules and Regulations training, as evidenced by  
540 successful completion of a competency examination and first aid  
541 and infant and child cardiopulmonary resuscitation training  
542 under subparagraph (a)3. A substitute who has successfully  
543 completed the 3-clock-hour Fundamentals of Child Care training  
544 established by rules of the department or the 30-clock-hour  
545 training under subparagraph (a)1. is not required to complete  
546 the 6-clock-hour Family Child Care Home Rules and Regulations  
547 training.

548 (c) Operators of family day care homes must annually  
549 complete an additional 1 continuing education unit of approved  
550 training regarding child care and administrative skills or 10  
551 clock hours of equivalent training, as determined by the

576-04541A-14

20141702c1

552 department.

553 (5)~~(7)~~ Operators of family day care homes must ~~shall be~~  
554 ~~required~~ annually ~~to~~ complete a health and safety home  
555 inspection self-evaluation checklist developed by the department  
556 in conjunction with the statewide resource and referral program.  
557 The completed checklist shall be signed by the operator of the  
558 family day care home and provided to parents as certification  
559 that basic health and safety standards are being met.

560 (6)~~(8)~~ Operators of family day care homes ~~home operators~~  
561 may avail themselves of supportive services offered by the  
562 department.

563 (7)~~(9)~~ The department shall prepare a brochure on family  
564 day care for distribution by the department and by local  
565 licensing agencies, if appropriate, to family day care homes for  
566 distribution to parents using ~~utilizing~~ such child care, and to  
567 all interested persons, including physicians and other health  
568 professionals; mental health professionals; school teachers or  
569 other school personnel; social workers or other professional  
570 child care, foster care, residential, or institutional workers;  
571 and law enforcement officers. The brochure shall, at a minimum,  
572 contain the following information:

573 (a) A brief description of the requirements for family day  
574 care registration, training, and background ~~fingerprinting and~~  
575 screening.

576 (b) A listing of those counties that require licensure of  
577 family day care homes. Such counties shall provide an addendum  
578 to the brochure that provides a brief description of the  
579 licensure requirements or may provide a brochure in lieu of the  
580 one described in this subsection, provided it contains all the

576-04541A-14

20141702c1

581 required information on licensure and the required information  
582 in the subsequent paragraphs.

583 (c) A statement indicating that information about the  
584 family day care home's compliance with applicable state or local  
585 requirements can be obtained from by telephoning the department  
586 ~~office or the office of~~ the local licensing agency, including  
587 the, if appropriate, at a telephone number or numbers and  
588 website address for the department or local licensing agency, as  
589 applicable which shall be affixed to the brochure.

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

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

599 ~~(8)-(10)~~ (8) On an annual basis, the department shall evaluate  
600 the registration and licensure system for family day care homes.  
601 Such evaluation shall, at a minimum, address the following:

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

604 (b) The number of children being served in both registered  
605 and licensed family day care homes and any available slots in  
606 such homes.

607 (c) The number of complaints received concerning family day  
608 care, the nature of the complaints, and the resolution of such  
609 complaints.

576-04541A-14

20141702c1

610 (d) The training activities used ~~utilized~~ by child care  
611 personnel in family day care homes for meeting the state or  
612 local training requirements.

613  
614 The evaluation, pursuant to this paragraph, shall be used  
615 ~~utilized~~ by the department in any administrative modifications  
616 or adjustments to be made in the registration of family day care  
617 homes or in any legislative requests for modifications to the  
618 system of registration or to other requirements for family day  
619 care homes.

620 ~~(11) In order to inform the public of the state requirement~~  
621 ~~for registration of family day care homes as well as the other~~  
622 ~~requirements for such homes to legally operate in the state, the~~  
623 ~~department shall institute a media campaign to accomplish this~~  
624 ~~end. Such a campaign shall include, at a minimum, flyers,~~  
625 ~~newspaper advertisements, radio advertisements, and television~~  
626 ~~advertisements.~~

627 (9) ~~(12)~~ Notwithstanding any other state or local law or  
628 ordinance, any family day care home licensed pursuant to this  
629 chapter or pursuant to a county ordinance shall be charged the  
630 utility rates accorded to a residential home. A licensed family  
631 day care home may not be charged commercial utility rates.

632 (10) ~~(13)~~ The department shall, by rule, establish minimum  
633 standards for family day care homes that are required to be  
634 licensed by county licensing ordinance or county licensing  
635 resolution or that voluntarily choose to be licensed. The  
636 standards should include requirements for staffing, training,  
637 maintenance of immunization records, minimum health and safety  
638 standards, reduced standards for the regulation of child care

576-04541A-14

20141702c1

639 during evening hours by municipalities and counties, and  
640 enforcement of standards. Additionally, the department shall, by  
641 rule, adopt procedures for verifying a registered family day  
642 care home's compliance with background screening and training  
643 requirements.

644 ~~(11)(14) During the months of August and September of each~~  
645 ~~year,~~ Each family day care home shall provide parents of  
646 children enrolling ~~enrolled~~ in the home detailed information  
647 regarding the causes, symptoms, and transmission of the  
648 influenza virus in an effort to educate those parents regarding  
649 the importance of immunizing their children against influenza as  
650 recommended by the Advisory Committee on Immunization Practices  
651 of the Centers for Disease Control and Prevention.

652 Section 10. Subsections (3), (5), and (9) of section  
653 402.3131, Florida Statutes, are amended, and subsection (10) is  
654 added to that section, to read:

655 402.3131 Large family child care homes.—

656 (3) Operators of large family child care homes must  
657 successfully complete an approved 40-clock-hour introductory  
658 course in group child care, including numeracy, early literacy,  
659 and language development of children from birth to 5 years of  
660 age, as evidenced by passage of a competency examination.  
661 Successful completion of the 40-clock-hour introductory course  
662 shall articulate into community college credit in early  
663 childhood education, pursuant to ss. 1007.24 and 1007.25.

664 (5) Operators of large family child care homes shall be  
665 required to complete 0.5 continuing education unit of approved  
666 training or 5 clock hours of equivalent training, as determined  
667 by the department, in numeracy, early literacy, and language

576-04541A-14

20141702c1

668 development of children from birth to 5 years of age one time.  
669 The year that this training is completed, it shall fulfill the  
670 0.5 continuing education unit or 5 clock hours of the annual  
671 training required in subsection (4).

672 ~~(9) During the months of August and September of each year,~~  
673 Each large family child care home shall provide parents of  
674 children enrolling ~~enrolled~~ in the home detailed information  
675 regarding the causes, symptoms, and transmission of the  
676 influenza virus in an effort to educate those parents regarding  
677 the importance of immunizing their children against influenza as  
678 recommended by the Advisory Committee on Immunization Practices  
679 of the Centers for Disease Control and Prevention.

680 (10) Notwithstanding any other state or local law or  
681 ordinance, any large family child care home licensed under this  
682 chapter or under a county ordinance shall be charged the utility  
683 rates accorded to a residential home. Such a home may not be  
684 charged commercial utility rates.

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

687 402.316 Exemptions.—

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

695 (a) The department or local licensing agency may pursue  
696 administrative or judicial action under ss. 402.310-402.312 and



576-04541A-14

20141702c1

697 the rules adopted under those sections against any child care  
698 facility operating under this subsection to enforce substantial  
699 compliance with child care facility minimum standards or to  
700 protect the health, safety, and well-being of any children in  
701 the facility's care. A child care facility operating under this  
702 subsection is subject to ss. 402.310-402.312 and the rules  
703 adopted under those sections to the same extent as a child care  
704 facility licensed under ss. 402.301-402.319.

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

708 1. Fail, by false statement, misrepresentation,  
709 impersonation, or other fraudulent means, to disclose in any  
710 required written documentation for exclusion from licensure  
711 pursuant to this section a material fact used in making a  
712 determination as to such exclusion; or

713 2. Use information from the criminal records obtained under  
714 s. 402.305 or s. 402.3055 for a purpose other than screening  
715 that person for employment as specified in those sections or to  
716 release such information to any other person for a purpose other  
717 than screening for employment as specified in those sections.

718 (c) It is a felony of the third degree, punishable as  
719 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
720 willfully, knowingly, or intentionally to use information from  
721 the juvenile records of a person obtained under s. 402.305 or s.  
722 402.3055 for a purpose other than screening for employment as  
723 specified in those sections or to release information from such  
724 records to any other person for a purpose other than screening  
725 for employment as specified in those sections.

576-04541A-14

20141702c1

726       (5) The department shall establish a fee for inspection and  
727 compliance activities performed pursuant to this section in an  
728 amount sufficient to cover costs. However, the amount of such  
729 fee for the inspection of a program may not exceed the fee  
730 imposed for child care licensure pursuant to s. 402.315.

731       (6) The inclusion of a child care facility operating under  
732 subsection (1) as a provider of a program described in s.  
733 1002.55, s. 1002.61, or s. 1002.88 does not expand the  
734 regulatory authority of the state, its officers, any local  
735 licensing agency, or any early learning coalition to impose any  
736 additional regulation of child care facilities beyond those  
737 reasonably necessary to enforce requirements expressly set forth  
738 in this section.

739       Section 12. Section 627.70161, Florida Statutes, is amended  
740 to read:

741       627.70161 Residential property insurance coverage; family  
742 day care homes and large family child care homes insurance.—

743       (1) PURPOSE AND INTENT.—The Legislature recognizes that  
744 family day care homes and large family child care homes fulfill  
745 a vital role in providing child care in Florida. It is the  
746 intent of the Legislature that residential property insurance  
747 coverage should not be canceled, denied, or nonrenewed solely  
748 because child ~~on the basis of the family day care services are~~  
749 provided at the residence. The Legislature also recognizes that  
750 the potential liability of residential property insurers is  
751 substantially increased by the rendition of child care services  
752 on the premises. The Legislature therefore finds that there is a  
753 public need to specify that contractual liabilities associated  
754 ~~that arise in connection~~ with the operation of a ~~the~~ family day

576-04541A-14

20141702c1

755 care home or large family child care home are excluded from  
756 residential property insurance policies unless they are  
757 specifically included in such coverage.

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

759 (a) "Child care" means the care, protection, and  
760 supervision of a child, for a period up to ~~of less than~~ 24 hours  
761 a day on a regular basis, which supplements parental care,  
762 enrichment, and health supervision for the child, in accordance  
763 with his or her individual needs, and for which a payment, fee,  
764 or grant is made for care.

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

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

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

779 (a) Specifically covered in a policy; or

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

782 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An  
783 insurer may not deny, cancel, or refuse to renew a policy for

576-04541A-14

20141702c1

784 residential property insurance solely on the basis that the  
785 policyholder or applicant operates a family day care home or  
786 large family child care home. In addition to other lawful  
787 reasons for refusing to insure, an insurer may deny, cancel, or  
788 refuse to renew a policy of a family day care home or large  
789 family child care home provider if one or more of the following  
790 conditions occur:

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

794 (b) The policyholder or applicant fails to maintain a  
795 separate commercial liability policy or an endorsement providing  
796 liability coverage for ~~the~~ family day care home or large family  
797 child care home operations;

798 (c) The policyholder or applicant fails to comply with the  
799 family day care home licensure and registration requirements  
800 specified in s. 402.313 or the large family child care home  
801 licensure requirements specified in s. 402.3131; or

802 (d) Discovery of willful or grossly negligent acts or  
803 omissions or any violations of state laws or regulations  
804 establishing safety standards for family day care homes and  
805 large family child care homes by the named insured or his or her  
806 representative which materially increase any of the risks  
807 insured.

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

810 1001.213 Office of Early Learning.—There is created within  
811 the Office of Independent Education and Parental Choice the  
812 Office of Early Learning, as required under s. 20.15, which

576-04541A-14

20141702c1

813 shall be administered by an executive director. The office shall  
814 be fully accountable to the Commissioner of Education but shall:

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

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

820 (9) By July 1, 2016, develop and implement, in consultation  
821 with early learning coalitions and providers of the Voluntary  
822 Prekindergarten Education Program and the school readiness  
823 program, best practices for providing parental notifications in  
824 the parent's native language to a parent whose native language  
825 is a language other than English.

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

828 1002.53 Voluntary Prekindergarten Education Program;  
829 eligibility and enrollment.-

830 (4) (a) Each parent enrolling a child in the Voluntary  
831 Prekindergarten Education Program must complete and submit an  
832 application to the early learning coalition through the single  
833 point of entry established under s. 1002.82 or to a private  
834 prekindergarten provider if the provider is authorized by the  
835 early learning coalition to determine student eligibility for  
836 enrollment in the program.

837 (b) The application must be submitted on forms prescribed  
838 by the Office of Early Learning and must be accompanied by a  
839 certified copy of the child's birth certificate. The forms must  
840 include a certification, in substantially the form provided in  
841 s. 1002.71(6)(b)2., that the parent chooses the private

576-04541A-14

20141702c1

842 prekindergarten provider or public school in accordance with  
843 this section and directs that payments for the program be made  
844 to the provider or school. The Office of Early Learning may  
845 authorize alternative methods for submitting proof of the  
846 child's age in lieu of a certified copy of the child's birth  
847 certificate.

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

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

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

856

857 Pursuant to this paragraph, the early learning coalition may  
858 audit applications held by a private prekindergarten provider in  
859 the coalition's service area to determine whether children  
860 enrolled and reported for funding by the provider have met the  
861 eligibility criteria in subsection (2).

862 (d)~~(e)~~ Each early learning coalition shall coordinate with  
863 each of the school districts within the coalition's county or  
864 multicounty region in the development of procedures for  
865 enrolling children in prekindergarten programs delivered by  
866 public schools, including procedures for making child  
867 eligibility determinations and auditing enrollment records to  
868 confirm that enrolled children have met eligibility  
869 requirements.

870 Section 15. Section 1002.55, Florida Statutes, is amended

576-04541A-14

20141702c1

871 to read:

872 1002.55 School-year prekindergarten program delivered by  
873 private prekindergarten providers.—

874 (1) Each early learning coalition shall administer the  
875 Voluntary Prekindergarten Education Program at the county or  
876 regional level for students enrolled under s. 1002.53(3)(a) in a  
877 school-year prekindergarten program delivered by a private  
878 prekindergarten provider. Each early learning coalition shall  
879 cooperate with the Office of Early Learning and the Child Care  
880 Services Program Office of the Department of Children and  
881 Families to reduce paperwork and to avoid duplicating  
882 interagency activities, health and safety monitoring, and  
883 acquiring and composing data pertaining to child care training  
884 and credentialing.

885 (2) Each school-year prekindergarten program delivered by a  
886 private prekindergarten provider must comprise at least 540  
887 instructional hours.

888 (3) To be eligible to deliver the prekindergarten program,  
889 a private prekindergarten provider must meet each of the  
890 following requirements:

891 ~~(a) The private prekindergarten provider must be a child~~  
892 ~~care facility licensed under s. 402.305, family day care home~~  
893 ~~licensed under s. 402.313, large family child care home licensed~~  
894 ~~under s. 402.3131, nonpublic school exempt from licensure under~~  
895 ~~s. 402.3025(2), or faith-based child care provider exempt from~~  
896 ~~licensure under s. 402.316.~~

897 (a)(b) The private prekindergarten provider must:

898 1. Be accredited by an accrediting association that is a  
899 member of the National Council for Private School Accreditation,

576-04541A-14

20141702c1

900 or the Florida Association of Academic Nonpublic Schools, or be  
 901 accredited by the Southern Association of Colleges and Schools,  
 902 or Western Association of Colleges and Schools, or North Central  
 903 Association of Colleges and Schools, or Middle States  
 904 Association of Colleges and Schools, or New England Association  
 905 of Colleges and Schools; and have written accreditation  
 906 standards that meet or exceed the state's licensing requirements  
 907 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 908 least one onsite visit to the provider or school before  
 909 accreditation is granted;

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

912 3. Be licensed under s. 402.305, s. 402.313, or s.  
 913 402.3131; or

914 4. Be a child development center located on a military  
 915 installation that is certified by the United States Department  
 916 of Defense.

917 (b) The private prekindergarten provider must provide basic  
 918 health and safety on its premises and in its facilities. For a  
 919 public school, compliance with ss. 1003.22 and 1013.12 satisfies  
 920 this requirement. For a nonpublic school, compliance with s.  
 921 402.3025(2)(d) satisfies this requirement. For a child care  
 922 facility, a licensed family day care home, or a large family  
 923 child care home, compliance with s. 402.305, s. 402.313, or s.  
 924 402.3131, respectively, satisfies this requirement. For a  
 925 facility exempt from licensure, compliance with s. 402.316(4)  
 926 satisfies this requirement and demonstrate, before delivering  
 927 ~~the Voluntary Prekindergarten Education Program, as verified by~~  
 928 ~~the early learning coalition, that the provider meets each of~~



576-04541A-14

20141702c1

929 ~~the requirements of the program under this part, including, but~~  
930 ~~not limited to, the requirements for credentials and background~~  
931 ~~screenings of prekindergarten instructors under paragraphs (c)~~  
932 ~~and (d), minimum and maximum class sizes under paragraph (f),~~  
933 ~~prekindergarten director credentials under paragraph (g), and a~~  
934 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

935 (c) The private prekindergarten provider must have, for  
936 each prekindergarten class of 11 children or fewer, at least one  
937 prekindergarten instructor who meets each of the following  
938 requirements:

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

941 a. A child development associate credential issued by the  
942 National Credentialing Program of the Council for Professional  
943 Recognition; ~~or~~

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

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

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

953 e. A baccalaureate or higher degree in early childhood  
954 education, prekindergarten or primary education, preschool  
955 education, or family and consumer science;

956 f. A baccalaureate or higher degree in family and child  
957 science and at least 480 hours of experience in teaching or

576-04541A-14

20141702c1

958 providing child care services for children any age from birth  
959 through 8 years of age;

960 g. A baccalaureate or higher degree in elementary education  
961 if the prekindergarten instructor has been certified to teach  
962 children of any age from birth through grade 6, regardless of  
963 whether the instructor's educator certificate is current, and if  
964 the instructor is not ineligible to teach in a public school  
965 because his or her educator certificate is suspended or revoked;  
966 or

967 h. A credential approved by the department as being  
968 equivalent to or greater than a credential described in sub-  
969 subparagraphs a.-f. The department may adopt criteria and  
970 procedures for approving such equivalent credentials.

971  
972 ~~The Department of Children and Families may adopt rules under~~  
973 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~  
974 ~~for approving equivalent credentials under sub-subparagraph b.~~

975 2. The prekindergarten instructor must successfully  
976 complete an emergent literacy training course and a student  
977 performance standards training course approved by the office as  
978 meeting or exceeding the minimum standards adopted under s.  
979 1002.59. The requirement for completion of the standards  
980 training course shall take effect July 1, 2015 ~~2014~~, and the  
981 course shall be available online.

982 (d) Each prekindergarten instructor employed by the private  
983 prekindergarten provider must be of good moral character, must  
984 undergo background screening pursuant to s. 402.305(2)(a) be  
985 ~~screened using the level 2 screening standards in s. 435.04~~  
986 before employment, must be and rescreened at least once every 5

576-04541A-14

20141702c1

987 years, must be denied employment or terminated if required under  
988 s. 435.06, and must not be ineligible to teach in a public  
989 school because his or her educator certificate is suspended or  
990 revoked.

991 (e) A private prekindergarten provider may assign a  
992 substitute instructor to temporarily replace a credentialed  
993 instructor if the credentialed instructor assigned to a  
994 prekindergarten class is absent, as long as the substitute  
995 instructor meets the requirements of paragraph (d) ~~is of good~~  
996 ~~moral character and has been screened before employment in~~  
997 ~~accordance with level 2 background screening requirements in~~  
998 ~~chapter 435~~. The Office of Early Learning shall adopt rules to  
999 implement this paragraph which shall include required  
1000 qualifications of substitute instructors and the circumstances  
1001 and time limits for which a private prekindergarten provider may  
1002 assign a substitute instructor.

1003 (f) Each of the private prekindergarten provider's  
1004 prekindergarten classes must be composed of at least 4 students  
1005 but may not exceed 20 students. In order to protect the health  
1006 and safety of students, each private prekindergarten provider  
1007 must also provide appropriate adult supervision for students at  
1008 all times and, for each prekindergarten class composed of 12 or  
1009 more students, must have, in addition to a prekindergarten  
1010 instructor who meets the requirements of paragraph (c), at least  
1011 one adult prekindergarten instructor who is not required to meet  
1012 those requirements but who must meet each requirement of s.  
1013 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any  
1014 requirement imposed on a provider under ss. 402.301-402.319.

1015 (g) The private prekindergarten provider must have a

576-04541A-14

20141702c1

1016 prekindergarten director who has a prekindergarten director  
1017 credential that is approved by the office as meeting or  
1018 exceeding the minimum standards adopted under s. 1002.57.  
1019 Successful completion of a child care facility director  
1020 credential under s. 402.305(2)(f) before the establishment of  
1021 the prekindergarten director credential under s. 1002.57 or July  
1022 1, 2006, whichever occurs later, satisfies the requirement for a  
1023 prekindergarten director credential under this paragraph.

1024 (h) The private prekindergarten provider must register with  
1025 the early learning coalition on forms prescribed by the Office  
1026 of Early Learning.

1027 (i) The private prekindergarten provider must execute the  
1028 statewide provider contract prescribed under s. 1002.75, except  
1029 that an individual who owns or operates multiple private  
1030 prekindergarten providers within a coalition's service area may  
1031 execute a single agreement with the coalition on behalf of each  
1032 provider.

1033 (j) The private prekindergarten provider must maintain  
1034 general liability insurance and provide the coalition with  
1035 written evidence of general liability insurance coverage,  
1036 including coverage for transportation of children if  
1037 prekindergarten students are transported by the provider. A  
1038 provider must obtain and retain an insurance policy that  
1039 provides a minimum of \$100,000 of coverage per occurrence and a  
1040 minimum of \$300,000 general aggregate coverage. The office may  
1041 authorize lower limits upon request, as appropriate. A provider  
1042 must add the coalition as a named certificateholder ~~and as an~~  
1043 ~~additional insured~~. A provider must provide the coalition with a  
1044 minimum of 10 calendar days' advance written notice of

576-04541A-14

20141702c1

1045 cancellation of or changes to coverage. The general liability  
1046 insurance required by this paragraph must remain in full force  
1047 and effect for the entire period of the provider contract with  
1048 the coalition.

1049 (k) The private prekindergarten provider must obtain and  
1050 maintain any required workers' compensation insurance under  
1051 chapter 440 and any required reemployment assistance or  
1052 unemployment compensation coverage under chapter 443, unless  
1053 exempt under state or federal law.

1054 (l) Notwithstanding paragraph (j), for a private  
1055 prekindergarten provider that is a state agency or a subdivision  
1056 thereof, as defined in s. 768.28(2), the provider must agree to  
1057 notify the coalition of any additional liability coverage  
1058 maintained by the provider in addition to that otherwise  
1059 established under s. 768.28. The provider shall indemnify the  
1060 coalition to the extent permitted by s. 768.28.

1061 (m) The private prekindergarten provider shall be denied  
1062 initial eligibility to offer the program if the provider has  
1063 been cited for a Class I violation in the 12 months before  
1064 seeking eligibility and the Office of Early Learning determines  
1065 that denial of initial eligibility is appropriate after a review  
1066 of the violation and the provider's licensure history. The  
1067 Office of Early Learning shall establish a procedure of due  
1068 process which ensures each provider the opportunity to appeal  
1069 such a denial of initial eligibility to offer the program. The  
1070 decision of the Office of Early Learning is not subject to the  
1071 provisions of the Administrative Procedure Act, chapter 120.

1072 (n) ~~(m)~~ The private prekindergarten provider must deliver  
1073 the Voluntary Prekindergarten Education Program in accordance

576-04541A-14

20141702c1

1074 with this part and have child disciplinary policies that  
1075 prohibit children from being subjected to discipline that is  
1076 severe, humiliating, frightening, or associated with food, rest,  
1077 toileting, spanking, or any other form of physical punishment as  
1078 provided in s. 402.305(12).

1079 (o) Beginning January 1, 2015, at least 50 percent of the  
1080 instructors employed by a prekindergarten provider at each  
1081 location, who are responsible for supervising children in care,  
1082 must be trained in first aid and infant and child  
1083 cardiopulmonary resuscitation, as evidenced by current  
1084 documentation of course completion. As a condition of  
1085 employment, instructors hired on or after January 1, 2015, must  
1086 complete this training within 60 days after employment.

1087 (p) Beginning January 1, 2016, the private prekindergarten  
1088 provider must employ child care personnel who hold a high school  
1089 diploma or its equivalent and are at least 18 years of age,  
1090 unless the personnel are not responsible for supervising  
1091 children in care or are under direct supervision and are not  
1092 counted for the purposes of computing the personnel-to-child  
1093 ratio.

1094 ~~(4) A prekindergarten instructor, in lieu of the minimum~~  
1095 ~~credentials and courses required under paragraph (3)(c), may~~  
1096 ~~hold one of the following educational credentials:~~

1097 ~~(a) A bachelor's or higher degree in early childhood~~  
1098 ~~education, prekindergarten or primary education, preschool~~  
1099 ~~education, or family and consumer science;~~

1100 ~~(b) A bachelor's or higher degree in elementary education,~~  
1101 ~~if the prekindergarten instructor has been certified to teach~~  
1102 ~~children any age from birth through 6th grade, regardless of~~

576-04541A-14

20141702c1

1103 ~~whether the instructor's educator certificate is current, and if~~  
1104 ~~the instructor is not ineligible to teach in a public school~~  
1105 ~~because his or her educator certificate is suspended or revoked;~~

1106 ~~(c) An associate's or higher degree in child development;~~

1107 ~~(d) An associate's or higher degree in an unrelated field,~~

1108 ~~at least 6 credit hours in early childhood education or child~~  
1109 ~~development, and at least 480 hours of experience in teaching or~~  
1110 ~~providing child care services for children any age from birth~~  
1111 ~~through 8 years of age; or~~

1112 ~~(e) An educational credential approved by the department as~~  
1113 ~~being equivalent to or greater than an educational credential~~  
1114 ~~described in this subsection. The department may adopt criteria~~  
1115 ~~and procedures for approving equivalent educational credentials~~  
1116 ~~under this paragraph.~~

1117 ~~(5) Notwithstanding paragraph (3)(b), a private~~  
1118 ~~prekindergarten provider may not participate in the Voluntary~~  
1119 ~~Prekindergarten Education Program if the provider has child~~  
1120 ~~disciplinary policies that do not prohibit children from being~~  
1121 ~~subjected to discipline that is severe, humiliating,~~  
1122 ~~frightening, or associated with food, rest, toileting, spanking,~~  
1123 ~~or any other form of physical punishment as provided in s.~~  
1124 ~~402.305(12).~~

1125 Section 16. Subsection (1) of section 1002.59, Florida  
1126 Statutes, is amended to read:

1127 1002.59 Emergent literacy and performance standards  
1128 training courses.—

1129 (1) The office shall adopt minimum standards for one or  
1130 more training courses in emergent literacy for prekindergarten  
1131 instructors. Each course must comprise 5 clock hours and provide

576-04541A-14

20141702c1

1132 instruction in strategies and techniques to address the age-  
1133 appropriate progress of prekindergarten students in developing  
1134 emergent literacy skills, including oral communication,  
1135 knowledge of print and letters, phonemic and phonological  
1136 awareness, and vocabulary and comprehension development. Each  
1137 course must also provide resources containing strategies that  
1138 allow students with disabilities and other special needs to  
1139 derive maximum benefit from the Voluntary Prekindergarten  
1140 Education Program. Successful completion of an emergent literacy  
1141 training course approved under this section satisfies  
1142 requirements for approved training in early literacy and  
1143 language development under ss. 402.305(2)(d)5., 402.313(4)(c)  
1144 ~~402.313(6)~~, and 402.3131(5).

1145 Section 17. Subsections (4) through (7) of section 1002.61,  
1146 Florida Statutes, are amended to read:

1147 1002.61 Summer prekindergarten program delivered by public  
1148 schools and private prekindergarten providers.-

1149 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~  
1150 Each public school and private prekindergarten provider that  
1151 delivers the summer prekindergarten program must have, for each  
1152 prekindergarten class, at least one prekindergarten instructor  
1153 who is a certified teacher or holds one of the educational  
1154 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~1002.55(4)(a)~~  
1155 ~~or (b).~~ As used in this subsection, the term "certified teacher"  
1156 means a teacher holding a valid Florida educator certificate  
1157 under s. 1012.56 who has the qualifications required by the  
1158 district school board to instruct students in the summer  
1159 prekindergarten program. In selecting instructional staff for  
1160 the summer prekindergarten program, each school district shall



576-04541A-14

20141702c1

1161 give priority to teachers who have experience or coursework in  
1162 early childhood education.

1163 (5) Each prekindergarten instructor employed by a ~~public~~  
1164 ~~school or~~ private prekindergarten provider delivering the summer  
1165 prekindergarten program must be of good moral character, must  
1166 undergo background screening pursuant to s. 402.305(2)(a) be  
1167 ~~screened using the level 2 screening standards in s. 435.04~~  
1168 before employment, must be and rescreened at least once every 5  
1169 years, and must be denied employment or terminated if required  
1170 under s. 435.06. Each prekindergarten instructor employed by a  
1171 public school delivering the summer prekindergarten program, and  
1172 must satisfy the ~~not be ineligible to teach in a public school~~  
1173 ~~because his or her educator certificate is suspended or revoked.~~  
1174 ~~This subsection does not supersede~~ employment requirements for  
1175 instructional personnel in public schools as provided in s.  
1176 1012.32 ~~which are more stringent than the requirements of this~~  
1177 ~~subsection.~~

1178 (6) A public school or private prekindergarten provider may  
1179 assign a substitute instructor to temporarily replace a  
1180 credentialed instructor if the credentialed instructor assigned  
1181 to a prekindergarten class is absent, as long as the substitute  
1182 instructor meets the requirements of subsection (5) ~~is of good~~  
1183 ~~moral character and has been screened before employment in~~  
1184 ~~accordance with level 2 background screening requirements in~~  
1185 ~~chapter 435. This subsection does not supersede employment~~  
1186 ~~requirements for instructional personnel in public schools which~~  
1187 ~~are more stringent than the requirements of this subsection.~~ The  
1188 Office of Early Learning shall adopt rules to implement this  
1189 subsection which must ~~shall~~ include required qualifications of

576-04541A-14

20141702c1

1190 substitute instructors and the circumstances and time limits for  
1191 which a public school or private prekindergarten provider may  
1192 assign a substitute instructor.

1193 (7) Notwithstanding ss. 1002.55(3)(e) ~~1002.55(3)(f)~~ and  
1194 1002.63(7), each prekindergarten class in the summer  
1195 prekindergarten program, regardless of whether the class is a  
1196 public school's or private prekindergarten provider's class,  
1197 must be composed of at least 4 students but may not exceed 12  
1198 students ~~beginning with the 2009 summer session~~. In order to  
1199 protect the health and safety of students, each public school or  
1200 private prekindergarten provider must also provide appropriate  
1201 adult supervision for students at all times. This subsection  
1202 does not supersede any requirement imposed on a provider under  
1203 ss. 402.301-402.319.

1204 Section 18. Subsections (5) and (6) of section 1002.63,  
1205 Florida Statutes, are amended to read:

1206 1002.63 School-year prekindergarten program delivered by  
1207 public schools.—

1208 (5) Each prekindergarten instructor employed by a public  
1209 school delivering the school-year prekindergarten program must  
1210 satisfy the ~~be of good moral character, must be screened using~~  
1211 ~~the level 2 screening standards in s. 435.04 before employment~~  
1212 ~~and rescreened at least once every 5 years, must be denied~~  
1213 ~~employment or terminated if required under s. 435.06, and must~~  
1214 ~~not be ineligible to teach in a public school because his or her~~  
1215 ~~educator certificate is suspended or revoked. This subsection~~  
1216 ~~does not supersede~~ employment requirements for instructional  
1217 personnel in public schools as provided in s. 1012.32 ~~which are~~  
1218 ~~more stringent than the requirements of this subsection.~~

576-04541A-14

20141702c1

1219 (6) A public school prekindergarten provider may assign a  
1220 substitute instructor to temporarily replace a credentialed  
1221 instructor if the credentialed instructor assigned to a  
1222 prekindergarten class is absent, as long as the substitute  
1223 instructor meets the requirements of subsection (5) ~~is of good~~  
1224 ~~moral character and has been screened before employment in~~  
1225 ~~accordance with level 2 background screening requirements in~~  
1226 ~~chapter 435. This subsection does not supersede employment~~  
1227 ~~requirements for instructional personnel in public schools which~~  
1228 ~~are more stringent than the requirements of this subsection.~~ The  
1229 Office of Early Learning shall adopt rules to implement this  
1230 subsection which must ~~shall~~ include required qualifications of  
1231 substitute instructors and the circumstances and time limits for  
1232 which a public school prekindergarten provider may assign a  
1233 substitute instructor.

1234 Section 19. Paragraph (a) of subsection (6) of section  
1235 1002.71, Florida Statutes, is amended to read:

1236 1002.71 Funding; financial and attendance reporting.—

1237 (6) (a) Each parent enrolling his or her child in the  
1238 Voluntary Prekindergarten Education Program must agree to comply  
1239 with the attendance policy of the private prekindergarten  
1240 provider or district school board, as applicable. Upon  
1241 enrollment of the child, the private prekindergarten provider or  
1242 public school, as applicable, must provide the child's parent  
1243 with program information, including, but not limited to, child  
1244 development, expectations for parent engagement, the daily  
1245 schedule, and the ~~a copy of the provider's or school district's~~  
1246 attendance policy, which must include procedures for contacting  
1247 a parent on the second consecutive day a child is absent for

576-04541A-14

20141702c1

1248 which the reason is unknown ~~as applicable~~.

1249 Section 20. Subsection (1) of section 1002.75, Florida  
1250 Statutes, is amended to read:

1251 1002.75 Office of Early Learning; powers and duties.—

1252 (1) The Office of Early Learning shall adopt by rule a  
1253 standard statewide provider contract to be used with each  
1254 Voluntary Prekindergarten Education Program provider, with  
1255 standardized attachments by provider type. The office shall  
1256 publish a copy of the standard statewide provider contract on  
1257 its website. The standard statewide contract must ~~shall~~ include,  
1258 at a minimum, provisions that:

1259 (a) Govern ~~for~~ provider probation, termination for cause,  
1260 and emergency termination for those actions or inactions of a  
1261 provider that pose an immediate and serious danger to the  
1262 health, safety, or welfare of children. The standard statewide  
1263 contract shall also include appropriate due process procedures.  
1264 During the pendency of an appeal of a termination, the provider  
1265 may not continue to offer its services.

1266 (b) Require each private prekindergarten provider to  
1267 conspicuously post, in an area visible to parents, on the  
1268 premises, pursuant to s. 402.3125(1)(b), and the provider's  
1269 Internet website, if available, each citation for a Class I  
1270 violation, as defined by rule of the Department of Children and  
1271 Families, which results in disciplinary action. Such posting  
1272 must use simple language to describe each violation with  
1273 specificity and include a copy of the citation and the contact  
1274 information of the Department of Children and Families or the  
1275 local licensing agency from which the parent may obtain  
1276 additional information regarding the citation. Posting of a

576-04541A-14

20141702c1

1277 Class I violation by the provider must occur within 24 hours  
1278 after receipt of the citation. Additionally, such provider shall  
1279 post each inspection report on the premises in an area visible  
1280 to parents, which report must remain posted until the next  
1281 inspection report is available.

1282 (c) Specify that child care personnel employed by the  
1283 provider who are responsible for supervising children in care  
1284 must be trained in developmentally appropriate practices aligned  
1285 to the age and needs of children over which the personnel are  
1286 assigned supervision duties. This requirement is met by the  
1287 completion of developmentally appropriate practice courses  
1288 administered by the Department of Children and Families under s.  
1289 402.305(2)(d)1. within 30 days after being assigned such  
1290 children if the child care personnel has not previously  
1291 completed the training.

1292  
1293 Any provision imposed upon a provider that is inconsistent with,  
1294 or prohibited by, law is void and unenforceable.

1295 Section 21. Subsections (1), (3), and (5) of section  
1296 1002.77, Florida Statutes, are amended to read:

1297 1002.77 Florida Early Learning Advisory Council.-

1298 (1) There is created the Florida Early Learning Advisory  
1299 Council within the Office of Early Learning. The purpose of the  
1300 advisory council is to provide written input ~~submit~~  
1301 ~~recommendations~~ to the executive director ~~office~~ on early  
1302 learning best practices, including ~~recommendations relating to~~  
1303 ~~the most effective~~ program administration; ~~of the Voluntary~~  
1304 ~~Prekindergarten Education Program under this part and the school~~  
1305 ~~readiness program under part VI of this chapter. The advisory~~

576-04541A-14

20141702c1

1306 ~~council shall periodically analyze and provide recommendations~~  
1307 ~~to the office on the~~ effective and efficient use of local,  
1308 state, and federal funds; ~~the content of professional~~  
1309 development training programs; and ~~best practices for the~~  
1310 ~~development and implementation of~~ coalition plans pursuant to s.  
1311 1002.85.

1312 (3) The advisory council shall meet at least quarterly upon  
1313 the call of the executive director ~~but may meet as often as~~  
1314 ~~necessary to carry out its duties and responsibilities.~~ The  
1315 executive director is encouraged to advisory council may use  
1316 communications media technology any method of telecommunications  
1317 to conduct meetings in accordance with s. 120.54(5)(b),  
1318 ~~including establishing a quorum through telecommunications, only~~  
1319 ~~if the public is given proper notice of a telecommunications~~  
1320 ~~meeting and reasonable access to observe and, when appropriate,~~  
1321 ~~participate.~~

1322 (5) The Office of Early Learning shall provide staff and  
1323 administrative support for the advisory council as determined by  
1324 the executive director.

1325 Section 22. Paragraph (f) of subsection (1) and subsections  
1326 (8) and (16) of section 1002.81, Florida Statutes, are amended  
1327 to read:

1328 1002.81 Definitions.—Consistent with the requirements of 45  
1329 C.F.R. parts 98 and 99 and as used in this part, the term:

1330 (1) "At-risk child" means:

1331 (f) A child in the custody of a parent who is considered  
1332 homeless as verified by a designated lead agency on the homeless  
1333 assistance continuum of care established under ss. 420.622-  
1334 420.624 ~~Department of Children and Families certified homeless~~

576-04541A-14

20141702c1

1335 shelter.

1336 (8) "Family income" means the combined gross income,  
1337 whether earned or unearned, that is derived from any source by  
1338 all family or household members who are 18 years of age or older  
1339 who are currently residing together in the same dwelling unit.

1340 The term does not include:

1341 (a) Income earned by a currently enrolled high school  
1342 student who, since attaining the age of 18 years, or a student  
1343 with a disability who, since attaining the age of 22 years, has  
1344 not terminated school enrollment or received a high school  
1345 diploma, high school equivalency diploma, special diploma, or  
1346 certificate of high school completion.

1347 (b) Income earned by a teen parent residing in the same  
1348 residence as a separate family unit.

1349 (c) Selected items from the state's Child Care and  
1350 Development Fund Plan, such as ~~The term also does not include~~  
1351 food stamp benefits, documented child support and alimony  
1352 payments paid out of the home, or federal housing assistance  
1353 payments issued directly to a landlord or the associated  
1354 utilities expenses.

1355 (16) "Working family" means:

1356 (a) A single-parent family in which the parent with whom  
1357 the child resides is employed or engaged in eligible work or  
1358 education activities for at least 20 hours per week or is exempt  
1359 from work requirements due to age or disability, as determined  
1360 and documented by a physician licensed under chapter 458 or  
1361 chapter 459;

1362 (b) A two-parent family in which both parents with whom the  
1363 child resides are employed or engaged in eligible work or

576-04541A-14

20141702c1

1364 education activities for a combined total of at least 40 hours  
1365 per week; ~~or~~

1366 (c) A two-parent family in which one of the parents with  
1367 whom the child resides is exempt from work requirements due to  
1368 age or disability, as determined and documented by a physician  
1369 licensed under chapter 458 or chapter 459, and one parent is  
1370 employed or engaged in eligible work or education activities at  
1371 least 20 hours per week; or

1372 (d) A two-parent family in which both of the parents with  
1373 whom the child resides are exempt from work requirements due to  
1374 age or disability, as determined and documented by a physician  
1375 licensed under chapter 458 or chapter 459.

1376 Section 23. Paragraphs (b), (j), (m), and (p) of subsection  
1377 (2) of section 1002.82, Florida Statutes, are amended to read:

1378 1002.82 Office of Early Learning; powers and duties.-

1379 (2) The office shall:

1380 (b) Preserve parental choice by permitting parents to  
1381 choose from a variety of child care categories authorized in s.  
1382 1002.88(1)(a), including center-based care, family child care,  
1383 and informal child care to the extent authorized in the state's  
1384 Child Care and Development Fund Plan as approved by the United  
1385 States Department of Health and Human Services pursuant to 45  
1386 C.F.R. s. 98.18. Care and curriculum by a faith-based provider  
1387 may not be limited or excluded in any of these categories.

1388 (j) Develop and adopt standards and benchmarks that address  
1389 the age-appropriate progress of children in the development of  
1390 school readiness skills. The standards for children from birth  
1391 to 5 years of age in the school readiness program must be  
1392 aligned with the performance standards adopted for children in



576-04541A-14

20141702c1

1393 the Voluntary Prekindergarten Education Program and must address  
1394 the following domains:

- 1395 1. Approaches to learning.
- 1396 2. Cognitive development and general knowledge.
- 1397 3. Numeracy, language, and communication.
- 1398 4. Physical development.
- 1399 5. Self-regulation.

1400

1401 By July 1, 2015, the Office of Early Learning shall develop and  
1402 implement an online training course on the performance standards  
1403 for school readiness program provider personnel pursuant to this  
1404 paragraph.

1405 (m) Adopt by rule a standard statewide provider contract to  
1406 be used with each school readiness program provider, with  
1407 standardized attachments by provider type. The office shall  
1408 publish a copy of the standard statewide provider contract on  
1409 its website. The standard statewide contract must ~~shall~~ include,  
1410 at a minimum, provisions that:

1411 1. Govern ~~for~~ provider probation, termination for cause,  
1412 and emergency termination for those actions or inactions of a  
1413 provider that pose an immediate and serious danger to the  
1414 health, safety, or welfare of the children. The standard  
1415 statewide provider contract shall also include appropriate due  
1416 process procedures. During the pendency of an appeal of a  
1417 termination, the provider may not continue to offer its  
1418 services.

1419 2. Require each provider that is eligible to provide the  
1420 program pursuant to s. 1002.88(1)(a) to conspicuously post, in  
1421 an area visible to parents, on the premises, pursuant to s.

576-04541A-14

20141702c1

1422 402.3125(1)(b), and the provider's Internet website, if  
1423 available, each citation for a Class I violation, as defined by  
1424 rule of the Department of Children and Families, which results  
1425 in disciplinary action. Such posting must use simple language to  
1426 describe each violation with specificity and include a copy of  
1427 the citation and the contact information of the Department of  
1428 Children and Families or the local licensing agency from which  
1429 the parent may obtain additional information regarding the  
1430 citation. Posting of a Class I violation by the provider must  
1431 occur within 24 hours after receipt of the citation.

1432 Additionally, such provider shall post each inspection report on  
1433 the premises in an area visible to parents, which report must  
1434 remain posted until the next inspection report is available.

1435 3. Specify that child care personnel employed by the  
1436 provider who are responsible for supervising children in care  
1437 must be trained in developmentally appropriate practices aligned  
1438 to the age and needs of children over which the personnel are  
1439 assigned supervision duties. This requirement is met by  
1440 completion of developmentally appropriate practice courses  
1441 administered by the Department of Children and Families under s.  
1442 402.305(2)(d)1. within 30 days after being assigned such  
1443 children if the child care personnel has not previously  
1444 completed the training.

1445 4. Require child care personnel who are employed by the  
1446 provider to complete an online training course on the  
1447 performance standards adopted pursuant to paragraph (j).

1448

1449 Any provision imposed upon a provider that is inconsistent with,  
1450 or prohibited by, law is void and unenforceable.

576-04541A-14

20141702c1

1451 (p) Monitor and evaluate the performance of each early  
1452 learning coalition in administering the school readiness program  
1453 and the Voluntary Prekindergarten Education Program, ensuring  
1454 proper payments for school readiness program and Voluntary  
1455 Prekindergarten Education Program services, and implementing the  
1456 coalition's school readiness program plan, ~~and administering the~~  
1457 ~~Voluntary Prekindergarten Education Program~~. These monitoring  
1458 and performance evaluations must include, at a minimum, onsite  
1459 monitoring of each coalition's finances, management, operations,  
1460 and programs.

1461 Section 24. Subsections (8) and (20) of section 1002.84,  
1462 Florida Statutes, are amended to read:

1463 1002.84 Early learning coalitions; school readiness powers  
1464 and duties.—Each early learning coalition shall:

1465 (8) Establish a parent sliding fee scale that requires a  
1466 parent copayment to participate in the school readiness program.  
1467 Providers are required to collect the parent's copayment. A  
1468 coalition may, on a case-by-case basis, waive the copayment for  
1469 an at-risk child or temporarily waive the copayment for a child  
1470 whose family's income is at or below the federal poverty level  
1471 and ~~family~~ experiences a natural disaster or an event that  
1472 limits the parent's ability to pay, such as incarceration,  
1473 placement in residential treatment, ~~or becoming homeless~~, or an  
1474 emergency situation such as a household fire or burglary, or  
1475 while the parent is participating in parenting classes. A parent  
1476 may not transfer school readiness program services to another  
1477 school readiness program provider until the parent has submitted  
1478 documentation from the current school readiness program provider  
1479 to the early learning coalition stating that the parent has

576-04541A-14

20141702c1

1480 satisfactorily fulfilled the copayment obligation.

1481 (20) To increase transparency and accountability, comply  
1482 with ~~the requirements of~~ this section before contracting with a  
1483 member of the coalition, an employee of the coalition, or a  
1484 relative, as defined in s. 112.3143(1) ~~s. 112.3143(1)(b)~~, of a  
1485 coalition member or of an employee of the coalition. Such  
1486 contracts may not be executed without the approval of the  
1487 office. Such contracts, as well as documentation demonstrating  
1488 adherence to this section by the coalition, must be approved by  
1489 a two-thirds vote of the coalition, a quorum having been  
1490 established; all conflicts of interest must be disclosed before  
1491 the vote; and any member who may benefit from the contract, or  
1492 whose relative may benefit from the contract, must abstain from  
1493 the vote. A contract under \$25,000 between an early learning  
1494 coalition and a member of that coalition or between a relative,  
1495 as defined in s. 112.3143(1) ~~s. 112.3143(1)(b)~~, of a coalition  
1496 member or of an employee of the coalition is not required to  
1497 have the prior approval of the office but must be approved by a  
1498 two-thirds vote of the coalition, a quorum having been  
1499 established, and must be reported to the office within 30 days  
1500 after approval. If a contract cannot be approved by the office,  
1501 a review of the decision to disapprove the contract may be  
1502 requested by the early learning coalition or other parties to  
1503 the disapproved contract.

1504 Section 25. Paragraphs (c) and (h) of subsection (1) and  
1505 subsections (6) through (8) of section 1002.87, Florida  
1506 Statutes, are amended to read:

1507 1002.87 School readiness program; eligibility and  
1508 enrollment.—

576-04541A-14

20141702c1

1509 (1) Effective August 1, 2013, or upon reevaluation of  
1510 eligibility for children currently served, whichever is later,  
1511 each early learning coalition shall give priority for  
1512 participation in the school readiness program as follows:

1513 (c) Priority shall be given next to a child from birth to  
1514 the beginning of the school year for which the child is eligible  
1515 for admission to kindergarten in a public school under s.  
1516 1003.21(1)(a)2. who is from a working family that is  
1517 economically disadvantaged, and may include such child's  
1518 eligible siblings, beginning with the school year in which the  
1519 sibling is eligible for admission to kindergarten in a public  
1520 school under s. 1003.21(1)(a)2. until the beginning of the  
1521 school year in which the sibling enters ~~is eligible to begin~~ 6th  
1522 grade, provided that the first priority for funding an eligible  
1523 sibling is local revenues available to the coalition for funding  
1524 direct services. However, a child eligible under this paragraph  
1525 ceases to be eligible if his or her family income exceeds 200  
1526 percent of the federal poverty level.

1527 (h) Priority shall be given next to a child who ~~has special~~  
1528 ~~needs,~~ has been determined eligible as an infant or toddler from  
1529 birth to 3 years of age with an individualized family support  
1530 plan receiving early intervention services or as a student with  
1531 a disability with, ~~has~~ a current individual education plan with  
1532 a Florida school district, ~~and is not younger than 3 years of~~  
1533 ~~age.~~ A ~~special needs~~ child eligible under this paragraph remains  
1534 eligible until the child is eligible for admission to  
1535 kindergarten in a public school under s. 1003.21(1)(a)2.

1536 (6) Eligibility for each child must be reevaluated  
1537 annually. Upon reevaluation, a child may not continue to receive

576-04541A-14

20141702c1

1538 school readiness program services if he or she has ceased to be  
1539 eligible under this section. If a child no longer meets  
1540 eligibility or program requirements, the coalition must  
1541 immediately notify the child's parent and the provider that  
1542 funding will end 2 weeks after the date on which the child was  
1543 determined to be ineligible or when the current child care  
1544 authorization expires, whichever occurs first.

1545 (7) If a coalition disenrolls children from the school  
1546 readiness program due to lack of funding or a change in  
1547 eligibility priorities, the coalition must disenroll the  
1548 children in reverse order of the eligibility priorities listed  
1549 in subsection (1) beginning with children from families with the  
1550 highest family incomes. A notice of disenrollment must be sent  
1551 to the parent and school readiness program provider at least 2  
1552 weeks before disenrollment or the expiration of the current  
1553 child care authorization, whichever occurs first, to provide  
1554 adequate time for the parent to arrange alternative care for the  
1555 child. However, an at-risk child receiving services from the  
1556 Child Welfare Program Office of the Department of Children and  
1557 Families may not be disenrolled from the program without the  
1558 written approval of the Child Welfare Program Office ~~of the~~  
1559 ~~Department of Children and Families~~ or the community-based lead  
1560 agency.

1561 (8) If a child is absent from the program for 2 consecutive  
1562 days without parental notification to the program of such  
1563 absence, the school readiness program provider shall contact the  
1564 parent and determine the cause for absence and expected date of  
1565 return. If a child is absent from the program for 5 consecutive  
1566 days without parental notification to the program of such

576-04541A-14

20141702c1

1567 absence, the school readiness program provider shall report the  
1568 absence to the early learning coalition for a determination of  
1569 the need for continued care.

1570 Section 26. Paragraphs (a) through (c) and (l) through (q)  
1571 of subsection (1) of section 1002.88, Florida Statutes, are  
1572 amended, present subsections (2) and (3) are renumbered as  
1573 subsections (4) and (5), respectively, present subsection (2) is  
1574 amended, and new subsections (2) and (3) are added to that  
1575 section, to read:

1576 1002.88 School readiness program provider standards;  
1577 eligibility to deliver the school readiness program.-

1578 (1) To be eligible to deliver the school readiness program,  
1579 a school readiness program provider must:

1580 (a) 1. Be a nonpublic school in substantial compliance with  
1581 s. 402.3025(2)(d), a child care facility licensed under s.  
1582 402.305, a family day care home licensed ~~or registered~~ under s.  
1583 402.313, a large family child care home licensed under s.  
1584 402.3131, or a child care facility exempt from licensure  
1585 operating under s. 402.316(4);

1586 2. Be an entity that is part of Florida's education system  
1587 under s. 1000.04(1); a public school or nonpublic school exempt  
1588 from licensure under s. 402.3025, a faith-based child care  
1589 provider exempt from licensure under s. 402.316, a before-school  
1590 or after-school program described in s. 402.305(1)(e), or

1591 3. Be an informal child care provider to the extent  
1592 authorized in the state's Child Care and Development Fund Plan  
1593 as approved by the United States Department of Health and Human  
1594 Services pursuant to 45 C.F.R. s. 98.18.

1595 (b) Provide instruction and activities to enhance the age-

576-04541A-14

20141702c1

1596 appropriate progress of each child in attaining the child  
 1597 development standards adopted by the office pursuant to s.  
 1598 1002.82(2)(j). A provider should include activities to foster  
 1599 brain development in infants and toddlers; provide an  
 1600 environment that is rich in language and music and filled with  
 1601 objects of various colors, shapes, textures, and sizes to  
 1602 stimulate visual, tactile, auditory, and linguistic senses; and  
 1603 include 30 minutes of reading to children each day. A provider  
 1604 must provide parents information on child development,  
 1605 expectations for parent engagement, the daily schedule, and the  
 1606 attendance policy.

1607 (c) Provide basic health and safety of its premises and  
 1608 facilities in accordance with applicable licensing and  
 1609 inspection requirements ~~and compliance with requirements for~~  
 1610 ~~age-appropriate immunizations of children enrolled in the school~~  
 1611 ~~readiness program.~~ For a child care facility, a large family  
 1612 child care home, or a licensed family day care home, compliance  
 1613 with s. 402.305, s. 402.3131, or s. 402.313 satisfies this  
 1614 requirement. For a public ~~or nonpublic~~ school, compliance with  
 1615 ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this  
 1616 requirement. For a nonpublic school, compliance with s.  
 1617 402.3025(2)(d) satisfies this requirement. For a facility exempt  
 1618 from licensure, compliance with s. 402.316(4) satisfies this  
 1619 requirement. For an informal provider, substantial compliance as  
 1620 defined in s. 402.302(17) satisfies this requirement. A provider  
 1621 shall be denied initial eligibility to offer the program if the  
 1622 provider has been cited for a Class I violation in the 12 months  
 1623 before seeking eligibility and the Office of Early Learning  
 1624 determines that denial of initial eligibility is appropriate



576-04541A-14

20141702c1

1625 after a review of the violation and the provider's licensure  
1626 history. The Office of Early Learning shall establish a  
1627 procedure of due process which ensures each provider the  
1628 opportunity to appeal such a denial of initial eligibility to  
1629 offer the program. The decision of the Office of Early Learning  
1630 is not subject to the provisions of the Administrative Procedure  
1631 Act, chapter 120 ~~A faith-based child care provider, an informal~~  
1632 ~~child care provider, or a nonpublic school, exempt from~~  
1633 ~~licensure under s. 402.316 or s. 402.3025, shall annually~~  
1634 ~~complete the health and safety checklist adopted by the office,~~  
1635 ~~post the checklist prominently on its premises in plain sight~~  
1636 ~~for visitors and parents, and submit it annually to its local~~  
1637 ~~early learning coalition.~~

1638 (1) ~~For a provider that is not an informal provider,~~  
1639 Maintain general liability insurance and provide the coalition  
1640 with written evidence of general liability insurance coverage,  
1641 including coverage for transportation of children if school  
1642 readiness program children are transported by the provider. A  
1643 private provider must obtain and retain an insurance policy that  
1644 provides a minimum of \$100,000 of coverage per occurrence and a  
1645 minimum of \$300,000 general aggregate coverage. The office may  
1646 authorize lower limits upon request, as appropriate. A provider  
1647 must add the coalition as a named certificateholder ~~and as an~~  
1648 ~~additional insured.~~ A private provider must provide the  
1649 coalition with a minimum of 10 calendar days' advance written  
1650 notice of cancellation of or changes to coverage. The general  
1651 liability insurance required by this paragraph must remain in  
1652 full force and effect for the entire period of the provider  
1653 contract with the coalition.

576-04541A-14

20141702c1

1654       ~~(m) For a provider that is an informal provider, comply~~  
 1655 ~~with the provisions of paragraph (1) or maintain homeowner's~~  
 1656 ~~liability insurance and, if applicable, a business rider. If an~~  
 1657 ~~informal provider chooses to maintain a homeowner's policy, the~~  
 1658 ~~provider must obtain and retain a homeowner's insurance policy~~  
 1659 ~~that provides a minimum of \$100,000 of coverage per occurrence~~  
 1660 ~~and a minimum of \$300,000 general aggregate coverage. The office~~  
 1661 ~~may authorize lower limits upon request, as appropriate. An~~  
 1662 ~~informal provider must add the coalition as a named~~  
 1663 ~~certificateholder and as an additional insured. An informal~~  
 1664 ~~provider must provide the coalition with a minimum of 10~~  
 1665 ~~calendar days' advance written notice of cancellation of or~~  
 1666 ~~changes to coverage. The general liability insurance required by~~  
 1667 ~~this paragraph must remain in full force and effect for the~~  
 1668 ~~entire period of the provider's contract with the coalition.~~

1669       (m)~~(n)~~ Obtain and maintain any required workers'  
 1670 compensation insurance under chapter 440 and any required  
 1671 reemployment assistance or unemployment compensation coverage  
 1672 under chapter 443, unless exempt under state or federal law.

1673       (n)~~(o)~~ Notwithstanding paragraph (1), for a provider that  
 1674 is a state agency or a subdivision thereof, as defined in s.  
 1675 768.28(2), agree to notify the coalition of any additional  
 1676 liability coverage maintained by the provider in addition to  
 1677 that otherwise established under s. 768.28. The provider shall  
 1678 indemnify the coalition to the extent permitted by s. 768.28.

1679       (o)~~(p)~~ Execute the standard statewide provider contract  
 1680 adopted by the office.

1681       (p)~~(q)~~ Operate on a full-time and part-time basis and  
 1682 provide extended-day and extended-year services to the maximum

576-04541A-14

20141702c1

1683 extent possible without compromising the quality of the program  
1684 to meet the needs of parents who work.

1685 (2) Beginning January 1, 2016, child care personnel  
1686 employed by a school readiness program provider must hold a high  
1687 school diploma or its equivalent and be at least 18 years of  
1688 age, unless the personnel are not responsible for supervising  
1689 children in care or are under direct supervision and are not  
1690 counted for the purposes of computing the personnel-to-child  
1691 ratio.

1692 (3) Beginning January 1, 2015, at least 50 percent of the  
1693 child care personnel employed by a school readiness provider at  
1694 each location, who are responsible for supervising children in  
1695 care, must be trained in first aid and infant and child  
1696 cardiopulmonary resuscitation, as evidenced by current  
1697 documentation of course completion. As a condition of  
1698 employment, personnel hired on or after January 1, 2015, must  
1699 complete this training within 60 days after employment.

1700 (4)~~(2)~~ If a school readiness program provider fails or  
1701 refuses to comply with this part or any contractual obligation  
1702 of the statewide provider contract under s. 1002.82(2)(m), the  
1703 coalition may revoke the provider's eligibility to deliver the  
1704 school readiness program or receive state or federal funds under  
1705 this chapter for ~~a period of~~ 5 years.

1706 Section 27. Paragraph (b) of subsection (6) and subsection  
1707 (7) of Section 1002.89, Florida Statutes, are amended to read:

1708 1002.89 School readiness program; funding.—

1709 (6) Costs shall be kept to the minimum necessary for the  
1710 efficient and effective administration of the school readiness  
1711 program with the highest priority of expenditure being direct

576-04541A-14

20141702c1

1712 services for eligible children. However, no more than 5 percent  
1713 of the funds described in subsection (5) may be used for  
1714 administrative costs and no more than 22 percent of the funds  
1715 described in subsection (5) may be used in any fiscal year for  
1716 any combination of administrative costs, quality activities, and  
1717 nondirect services as follows:

1718 (b) Activities to improve the quality of child care as  
1719 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to  
1720 the following:

1721 1. Developing, establishing, expanding, operating, and  
1722 coordinating resource and referral programs specifically related  
1723 to the provision of comprehensive consumer education to parents  
1724 and the public to promote informed child care choices specified  
1725 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~  
1726 ~~readiness program and parental choice.~~

1727 2. Awarding grants and providing financial support to  
1728 school readiness program providers and their staff to assist  
1729 them in meeting applicable state requirements for child care  
1730 performance standards, implementing developmentally appropriate  
1731 curricula and related classroom resources that support  
1732 curricula, providing literacy supports, obtaining a license or  
1733 accreditation, and providing professional development, including  
1734 scholarships and other incentives. Any grants awarded pursuant  
1735 to this subparagraph shall comply with ~~the requirements of~~ ss.  
1736 215.971 and 287.058.

1737 3. Providing training, ~~and~~ technical assistance, and  
1738 financial support for school readiness program providers, staff,  
1739 and parents on standards, child screenings, child assessments,  
1740 developmentally appropriate curricula, character development,

576-04541A-14

20141702c1

1741 teacher-child interactions, age-appropriate discipline  
1742 practices, health and safety, nutrition, first aid,  
1743 cardiopulmonary resuscitation, the recognition of communicable  
1744 diseases, and child abuse detection and prevention.

1745 4. Providing from among the funds provided for the  
1746 activities described in subparagraphs 1.-3., adequate funding  
1747 for infants and toddlers as necessary to meet federal  
1748 requirements related to expenditures for quality activities for  
1749 infant and toddler care.

1750 5. Improving the monitoring of compliance with, and  
1751 enforcement of, applicable state and local requirements as  
1752 described in and limited by 45 C.F.R. s. 98.40.

1753 6. Responding to Warm-Line requests by providers and  
1754 parents ~~related to school readiness program children~~, including  
1755 providing developmental and health screenings to school  
1756 readiness program children.

1757 (7) Funds appropriated for the school readiness program may  
1758 not be expended for the purchase or improvement of land; for the  
1759 purchase, construction, or permanent improvement of any building  
1760 or facility; or for the purchase of buses. However, funds may be  
1761 expended for minor remodeling necessary for the administration  
1762 of the program and upgrading of child care facilities to ensure  
1763 that providers meet state and local child care standards,  
1764 including applicable health and safety requirements.

1765 Section 28. Subsection (7) of section 1002.91, Florida  
1766 Statutes, is amended to read:

1767 1002.91 Investigations of fraud or overpayment; penalties.-

1768 (7) The early learning coalition may not contract with a  
1769 school readiness program provider, or ~~or~~ a Voluntary

576-04541A-14

20141702c1

1770 Prekindergarten Education Program provider, or an individual who  
1771 is on the United States Department of Agriculture National  
1772 Disqualified List. In addition, the coalition may not contract  
1773 with any provider that shares an officer or director with a  
1774 provider that is on the United States Department of Agriculture  
1775 National Disqualified List.

1776 Section 29. Paragraph (d) of subsection (3) of section  
1777 1002.94, Florida Statutes, is amended to read:

1778 1002.94 Child Care Executive Partnership Program.—

1779 (3)

1780 (d) Each early learning coalition shall establish a  
1781 community child care task force ~~for each child care purchasing~~  
1782 ~~pool~~. The task force must be composed of employers, parents,  
1783 private child care providers, and one representative from the  
1784 local children's services council, if one exists in the area ~~of~~  
1785 ~~the purchasing pool~~. The early learning coalition is expected to  
1786 recruit the task force members from existing child care  
1787 councils, commissions, or task forces already operating in the  
1788 area ~~of a purchasing pool~~. A majority of the task force shall  
1789 consist of employers.

1790 Section 30. For the 2014-2015 fiscal year, the sums of  
1791 \$1,219,575 in recurring funds and \$11,319 in nonrecurring funds  
1792 from the Federal Grants Trust Fund and \$70,800 in recurring  
1793 funds from the Operations and Maintenance Trust Fund are  
1794 appropriated to the Department of Children and Families, and 18  
1795 full-time equivalent positions with associated salary rate of  
1796 608,446 are authorized, for the purpose of implementing the  
1797 regulatory provisions of this act.

1798 Section 31. This act shall take effect July 1, 2014.