

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SPB 7114

INTRODUCER: For consideration by the Education Committee

SUBJECT: Education

DATE: March 24, 2014

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

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Letarte</u>	<u>Klebacha</u>	_____	<b><u>Pre-meeting</u></b>

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**I. Summary:**

SPB 7114 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) programs and School Readiness programs.

Specifically, the bill:

- Requires licensure or, if the provider is a licensed-exempt faith-based provider or nonpublic school, substantial compliance with specified child care licensing standards and submission to inspections by the Department of Children and Families (DCF);
- Requires providers of child care and VPK instructional services to conspicuously post Class I violation citations that result in disciplinary action on the premises;
- Denies initial eligibility for programs to certain providers that had a Class I violation 12 months before seeking eligibility;
- Requires certain personnel to be at least 18 years of age and hold a high school diploma by January 1, 2016;
- Provides requirements for certain employees to be trained in first aid and cardiopulmonary resuscitation;
- Requires personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel;
- Requires the Office of Early Learning to develop online training regarding School Readiness performance standards and provider personnel to complete the training;
- Provides failure to report child abuse as a disqualifying offense for child care employment;
- Prohibits an operator of a program, who has been disciplined for serious licensing violations, from transferring ownership of a program to relatives.

The bill also:

- Authorizes Early Learning Coalitions (ELCs) to allow private providers to accept applications and determine child eligibility for the VPK program;
- Expands DCF's authority to conduct abbreviated inspections to include family day care homes and large family child care homes.

The bill requires the Division of Law Revision and Information to change the names of the “School Readiness” program to the “Child Care and Development” program, and the term “family day care home” to “family child care home.”

The bill takes effect on July 1, 2014.

## II. Present Situation:

### **The Office of Early Learning**

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

### ***Voluntary Prekindergarten Education Program***

The VPK program is available to each child residing in the state who is four years old on or before September 1 of the school year, and the program remains available to the child until the child is eligible for admission to public school kindergarten or is admitted to kindergarten, whichever occurs sooner.<sup>3</sup> Parents may choose either a school-year or summer program offered by a public school or private prekindergarten provider, or a specialized instructional services program for a child with disabilities who is eligible for such a program.<sup>4</sup> A parent enrolling a child in the VPK program must complete and submit an application to the early learning coalition (ELC),<sup>5</sup> not the individual program provider, which oversees the program.<sup>6</sup>

The VPK program may be offered by either a private prekindergarten provider or a public school. Local oversight of individual VPK program providers is split with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.<sup>7</sup> Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must register with the ELC.<sup>8</sup>

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<sup>1</sup> Section 1001.213, F.S.

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

<sup>3</sup> Section 1002.53, F.S.

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

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

<sup>6</sup> Section 1002.53(4), F.S.

<sup>7</sup> See ss. 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

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

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

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

In addition, a private prekindergarten provider must:

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

### ***School Readiness Program***

The School Readiness program provides subsidized child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.<sup>13</sup> The School Readiness program is a state-federal partnership between the Office of Early Learning and the Office of Child Care of the United States Department of Health and Human Services.<sup>14</sup> The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy

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

<sup>10</sup> Section 1002.55(3)(b)1., F.S.

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

<sup>12</sup> Section 1002.55(3)(b)3., F.S.

<sup>13</sup> Section 1002.87, F.S.; *see* 1002.81(1), F.S. (defining what it means to be an "at-risk child").

<sup>14</sup> 42 U.S.C ss. 618, 9858-9858q; 45 C.F.R. ss. 98, 99; Part VI, ch. 1002, F.S.; U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at [http://www.acf.hhs.gov/sites/default/files/assets/FS\\_OCC\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf).

Families (TANF) block grant, and general revenue and other state funds.<sup>15</sup> The program is administered by ELCs.<sup>16</sup>

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

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

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

### III. Effect of Proposed Changes:

SPB 7114 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) programs and School Readiness programs.

#### Requirements of the Office of Early Learning

##### *Powers and Duties of the Office of Early Learning*

Present Situation: The Office of Early Learning is required to: independently exercise powers, duties, and functions prescribed by law; adopt rules for the establishment and operation of VPK and School Readiness programs; administer the VPK and School Readiness programs, and the operational requirements of the child care resource and referral network, at the state level; and minimize administrative staff to those needed to administer the duties of the office.<sup>18</sup>

Effect of the Bill: SPB 7114 adds additional requirements to the duties of the Office of Early Learning. The additional duties are to: hire a general counsel who reports directly to the executive director of the office; hire an inspector general who reports directly to the executive director of the office and to the Chief Inspector General; and by July 1, 2016, develop and implement best practices for providing parental notification in parent's native language to a parent whose native language is not English.

<sup>15</sup> Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.; see also U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at [http://www.acf.hhs.gov/sites/default/files/assets/FS\\_OCC\\_0.pdf](http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf).

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

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

<sup>18</sup> Section 1001.213, F.S.

### *The Standardized Voluntary Prekindergarten Contract*

Present Situation: Through adopted rules, the Office of Early Learning is required to have a standard, statewide provider contract for VPK programs that includes provisions on: provider probation, termination for cause and emergency termination; due process procedures; and provide that during the pendency of an appeal, a provider may not continue to offer services.<sup>19</sup>

Effect of the Bill: SPB 7114, in addition to the requirements that currently exist, requires the standard statewide contract to provide provisions that:

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

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

### **Provider, Instructor, and Child Care Personnel Qualifications**

#### *Background Screening*

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

Effect of the Bill: SPB 7114 adds that in addition to list of offenses in section 435.04, Florida Statutes pertaining to level 2 screening, child care personnel undergoing background screening must not have an arrest awaiting final disposition for, may not have been found guilty of, or entered a plea of nolo contendere or guilty to, and may not have been adjudicated delinquent and have a record that has been sealed or expunged for an offense specified in section 39.205, Florida Statutes, which relate to penalties associated with the absence of reporting of child abuse, abandonment, or neglect.

The bill applies the background screening requirement and language of section 402.305(2)(a), Florida Statutes, as amended by the bill and described above, to apply to each VPK instructor employed by a private VPK provider delivering the summer VPK program. As noted above, the bill amends the statute to add more prohibited offenses that are not included in current law and

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<sup>19</sup> Section 1002.75, F.S. (regarding VPK programs); section 1002.82(2)(m), F.S. (regarding School Readiness Programs).

<sup>20</sup> Section 402.305(2), F.S.

current law does not address those offenses because the statute specifically refers to section 435.04, Florida Statutes, without referencing section 39.205, Florida Statutes.<sup>21</sup>

### ***Instructor Credentials***

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

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

Effect of the Bill: SPB 7114 retains the current options that satisfy the minimum credential requirement and provides new credentials, which would also satisfy the requirement. The additional credentials added to the list include, among other options, associate and baccalaureate degrees in child-oriented focus areas and associate and baccalaureate degrees in unrelated areas with additional hours of experience in teaching or child care services. This provision expands the type of credential that is acceptable.

The bill requires at least 50 percent of a private VPK provider's instructors and all child care personnel at School Readiness Program to be trained in first aid and child cardiopulmonary resuscitation through documentation of course completion, unless the instructor or personnel is not responsible for supervising children in care, by January 1, 2015. Additionally, instructors hired on or after January 1, 2015 must complete the training within 60 days of employment and child care personnel must complete the requirement within 30 days of employment.

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

### ***Transfer of Ownership***

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

Effect of the Bill: SPB 7114 prohibits the transfer of child care facility *or a large family child care home* to a relative of the operator if the license of the operator has been suspended or revoked by DCF, the operator received notice from DCF that reasonable cause existed to suspend or revoke the operator's license, or the operator has been placed on the United States

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<sup>21</sup> See section 1002.61(5), F.S.

<sup>22</sup> Section 1002.55(3)(c), F.S.

<sup>23</sup> Section 402.305(18), F.S.

Department of Agriculture National Disqualified List. The new provision provides a definition of “relative,” which includes immediate family members, grandparents, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, step-parents, step-siblings, and half-siblings.

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

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

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

Effect of the Bill: SPB 7114 adds that *substitute* operators must also meet the 30-clock-hour requirement that is currently in law for operators. Additionally, the bill states specific topics that must be included in the course, which are:

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

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

**Health and Safety**

***Inspection and Substantial Compliance with Licensing Standards***

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

Effect of the Bill: SPB 7114 requires child care facilities that are exempt from licensure requirements pursuant to section 402.316, Florida Statutes, to substantially comply with the adopted minimum standards for child care facilities pursuant to sections 402.305-402.3057,

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<sup>24</sup> Section 402.313(4), F.S.

<sup>25</sup> Section 402.3131(3), F.S.

<sup>26</sup> Section 402.316(1), F.S.

Florida Statutes, and such facilities must allow DCF or the local licensing agency access to monitor and enforce compliance. The bill adds that DCF must establish a fee for inspection and compliance activities and the amount may not exceed the fee established for child care licensure under section 402.315, Florida Statutes. The bill also provides penalties for the misrepresentation and misuse of certain information. The effect of this provision and the bill is that all programs will either be licensed or must be substantially compliant with existing licensing standards.

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

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

Effect of the Bill: SPB 7114 extends DCF's ability to inspect the facilities and personnel of licensed child care facilities to include programs regulated by the department. Additionally, the bill amends the law to add that an application for authorization to operate a child care program that must substantially comply with child care standards under chapter 402 of the Florida Statutes, or renewal of such a license or authorization, also constitutes permission for DCF to enter and inspect the premises.

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

### ***Eligibility of a Private Provider to Deliver the Voluntary Prekindergarten Program***

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

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<sup>27</sup> Section 402.311, F.S.

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

<sup>29</sup> Section 1002.55, F.S.

<sup>30</sup> Section 1002.88(1)(c), F.S.



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

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

- For a public school, compliance with sections 1003.22 (school-entry health examinations and immunizations) and 1013.12 (casualty, safety, sanitation, firesafety standards and inspection of property), Florida Statutes, is sufficient;
- For a nonpublic school, compliance with section 402.3025(2)(d), Florida Statutes, (requiring substantial compliance with statutory licensing standards);
- For a child care facility, a licensed family day care home, or a large family child care home, compliance with sections 402.305 (licensing standards), 402.313 (licensing of family day care homes requirements), or 402.3131 (licensing of large family child care homes requirements), Florida Statutes, satisfy this requirement.
- For a facility exempt from licensure, compliance with section 402.316(4), Florida Statutes, (which is created by this bill) satisfies this requirement. The language creating 402.316(4), Florida Statutes, requires substantial compliance with statutory licensing standards and requirements of sections 402.305-402.3057, Florida Statutes.

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

### ***Display of License or Registration by Family Day Care Homes***

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

Effect of the Bill: SPB 7114 specifically requires each licensed or registered family day care home to conspicuously display its license or registration in an area viewable by all parents during hours of operation.

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

### ***Rulemaking Authority***

Present Situation: Rulemaking authority is not provided to DCF with regard to defining and enforcing substantial compliance with minimum standards for child care facilities for programs operating under sections 1002.55, Florida Statutes (private school-year VPK programs), 1002.61,

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<sup>31</sup> See section 402.313, F.S.

Florida Statutes (public school and private VPK summer programs), and 1002.88, Florida Statutes (School Readiness programs).<sup>32</sup>

Effect of the Bill: SPB 7114 provides DCF with rulemaking authority to define and enforce the substantial compliance with minimum standards for child care facilities operating programs under the aforementioned statutes.

### ***Eligibility to Deliver the Voluntary Prekindergarten Program***

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

Effect of the Bill: SPB 7114 denies initial eligibility to a private provider seeking eligibility to deliver the VPK program if the provider has been cited for a Class I violation in the 12 months before seeking such eligibility. In effect, the provision inhibits the growth of a provider's program if the provider has received a citation for the most severe grouping of violations within the past year.

### **Participant-Related Provisions**

#### ***Rilya Wilson Act***

Present Situation: Children age three to school entry, who are in the care of the state or under court-ordered protective services, must be enrolled in a licensed early education or child care program and attend the program five days per week.<sup>33</sup>

Effect of the Bill: SPB 7114 requires such children to be enrolled in a licensed early education or child care program and attend the program five days per week starting from birth (as opposed to age three in current law) to school entry.

#### ***Voluntary Prekindergarten Eligibility and Enrollment***

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

Effect of the Bill: SPB 7114 adds language to allow application submission to a private VPK provider if the provider is authorized by the ELC to determine student eligibility for enrollment in the VPK program, which is a new authorization of authority to private VPK programs. The bill also provides the actions a provider must take upon receipt of an application, requires retention of the original application and certified birth certificate of the child for five years, and provides that the ELC may audit applications in its service area to determine whether children enrolled and reported for funding by the provider have met the eligibility criteria. This provision

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<sup>32</sup> See section 402.305, F.S.

<sup>33</sup> Section 39.604(2), (3), F.S.

<sup>34</sup> Section 1002.53(4)(a), F.S.

provides a check on the newly authorized ability of some private VPK providers to accept applications, and determine eligibility and enrollment directly.

### ***School Readiness Eligibility***

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

Effect of the Bill: SPB 7114 amends the definition of an “at-risk child” to provide that a designated lead agency on the homeless assistance continuum of care established under sections 420.622-420.624, Florida Statutes, must determine whether a child is in the custody of a parent who is considered homeless – as opposed to current law which requires DCF to make the determination.

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

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

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

### **Provider-Related Provisions**

#### ***Reviser’s Bill for the 2015 Regular Session***

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

Effect of the Bill: SPB 7114 directs the Division of Law Revision and Information to prepare a reviser’s bill for the 2015 regular session that will change the term “school readiness program” to “child care and development program,” the term “school readiness” to “child care and development,” and the term “family day care home” to “family child care home” throughout the Florida Statutes.

### ***Zoning, Utility Rates, and Residential Property Insurance Coverage***

Present Situation: Only the operation of a residence as a family day care home as being a valid residential use for local zoning regulation purposes is specifically stated in law.<sup>36</sup>

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<sup>35</sup> Section 1002.81, F.S.

<sup>36</sup> Sections 125.0109, 166.0445, F.S.

Effect of the Bill: SPB 7114 adds large family child care homes to the existing law so that the operation of a residence as a family day care home *or as a large family child care home* is a valid residential use for local zoning regulation purposes.

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

Present Situation: Family day care homes must not have residential property insurance canceled, denied, or nonrenewed solely because child care services are provided on the premises.<sup>37</sup>

Effect of the Bill: SPB 7114 adds large family child care homes to this provision, which currently only includes family day care homes, and prevents residential property insurance from being canceled, denied, or nonrenewed solely because child care services are provided on the premises.

### ***Applicability of Requirements to Nonpublic Schools***

Present Situation: Requirements under section 402.3025, Florida Statutes, apply to nonpublic programs for children at least three years of age, but under five years of age, that are not licensed under sections 402.301-402.319, Florida Statutes.<sup>38</sup>

Effect of the Bill: SPB 7114 removes the specific age range in current law of three to five years of age and states that the provision is applicable to nonpublic schools delivering school-year and summer VPK programs, and school readiness programs.

### ***Voluntary Prekindergarten and School Readiness Funding and Attendance Reporting***

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

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

Effect of the Bill: SPB 7114, in addition to the requirements that a parent comply with the VPK provider's attendance policy and that the provider give the policy to each child's parent, adds that each private VPK provider, public school, and School Readiness program provider must supply each child's parent with information regarding child development, parent engagement expectations, a daily schedule, and, procedures for contacting a parent if a child has been absent for two consecutive days without a known reason.

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<sup>37</sup> Section 627.70161, F.S.

<sup>38</sup> Section 402.3025(2)(c), F.S.

<sup>39</sup> Section 1002.71(6)(a), F.S.

<sup>40</sup> Section 1002.87(8), F.S.

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

***School Readiness Program Eligibility Requirements***

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

Effect of the Bill: SPB 7114 adds additional language stating that if a child is no longer eligible for the program, the ELC must immediately notify the child's parent and the provider that funding will end two weeks after the date on which the child's ineligibility was determined or when the current School Readiness authorization expires, whichever is sooner.

***School Readiness Investigations of Fraud or Overpayment***

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

Effect of the Bill: SPB 7114 adds that an ELC may not contract with an individual on the United States Department of Agriculture National Disqualified List either.

The bill takes effect on July 1, 2014.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

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<sup>41</sup> Section 1002.87(6), F.S.

<sup>42</sup> Section 1002.91(7), F.S.

**B. Private Sector Impact:**

According to the Department of Children and Families (DCF), there are more than 800 provider settings that are currently not licensed by DCF and would have to pay the inspection fee associated with becoming substantially compliant or licensed, depending on the program, in addition to any fines assessed.<sup>43</sup> DCF provides that the fee for substantial compliance would be minimal because it cannot exceed the fee for licensure.<sup>44</sup>

**C. Government Sector Impact:**

DCF states that the bill would require the Department to monitor over 800 additional provider settings for substantial compliance with health and safety standards.<sup>45</sup> DCF provides that the collection of an inspection fee would not be enough to cover the cost of the additional work and would go directly to the Operations and Maintenance Trust Fund where licensing fees and fines are deposited and then reinvested in the program.<sup>46</sup> Revenue from the inspection fees is estimate to be \$54,340.<sup>47</sup>

The total need required for fiscal year 2014-2015 for the Office of Child Care Regulation and Background Screening and the Office of the General Counsel would be \$1,301,694 and \$1,233,780 as a recurring need to sustain the increased workload in the future.<sup>48</sup>

DCF states that the increased workload would require hiring 14 licensing counselors and two licensing supervisors statewide, which would require \$696,593 for staffing.<sup>49</sup> DCF also predicts a need of two more staff attorneys to accommodate an increase in legal issues and estimates needed \$193,943 to cover salaries and benefits.<sup>50</sup>

DCF also provides that, for the travel package, recurring expense package, and non-recurring expense package, the department would require \$333,704 for licensing counselors, \$39,734 for licensing supervisors, and \$31,528 for staff attorneys.<sup>51</sup>

Additionally, the department notes that Human Resource services will require \$4,816 for licensing counselors, \$688 for licensing supervisors, and \$688 for staff attorneys.<sup>52</sup>

No agency analysis was available from the Florida Department of Education regarding the fiscal impact on the Office of Early Learning at the time of this analysis.

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

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.