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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to early learning; providing a directive to the Division of Law Revision and Information to change the term "family day care home" to "family child care home," and the term "family day care" to "family child care"; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; redefining the term "substantial compliance"; requiring the Department of Children and Families to adopt rules for compliance by certain programs regulated, but not licensed, by the department; amending s. 402.3025, F.S.; revising requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and school readiness programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; prohibiting the transfer of ownership of such facilities to specified individuals; creating s. 402.3085, F.S.; requiring nonpublic schools or providers seeking to operate certain programs to annually obtain a certificate from the department or a local licensing agency; providing for issuance of the certificate upon examination of the applicant's premises and records; prohibiting a provider from participating in the programs without a certificate; authorizing local licensing agencies to apply their



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28 own minimum child care standards under certain
29 circumstances; amending s. 402.311, F.S.; providing
30 for the inspection of programs regulated by the
31 department; amending s. 402.3115, F.S.; providing for
32 abbreviated inspections of specified child care homes;
33 requiring rulemaking; amending s. 402.313, F.S.;
34 revising provisions for licensure, registration, and
35 operation of family child care homes; amending s.
36 402.3131, F.S.; revising requirements for large family
37 child care homes; amending s. 402.316, F.S.; providing
38 exemptions from child care facility licensing
39 standards; requiring a child care facility operating
40 as a provider of certain voluntary prekindergarten
41 education programs or child care programs to comply
42 with minimum standards; providing penalties for
43 failure to disclose or for use of certain information;
44 requiring the department to establish a fee for
45 inspection and compliance activities; amending s.
46 627.70161, F.S.; revising restrictions on residential
47 property insurance coverage to include coverage for
48 large family child care homes; amending s. 1001.213,
49 F.S.; providing additional duties of the Office of
50 Early Learning; amending s. 1002.53, F.S.; revising
51 requirements for application and determination of
52 eligibility to enroll in the Voluntary Prekindergarten
53 (VPK) Education Program; amending s. 1002.55, F.S.;
54 revising requirements for a school-year
55 prekindergarten program delivered by a private
56 prekindergarten provider, including requirements for



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57 providers, instructors, and child care personnel;
58 providing requirements in the case of provider
59 violations; amending s. 1002.59, F.S.; conforming a
60 cross-reference to changes made by the act; amending
61 ss. 1002.61 and 1002.63, F.S.; revising employment
62 requirements and educational credentials of certain
63 instructional personnel; amending s. 1002.71, F.S.;
64 revising information that must be provided to parents;
65 amending s. 1002.75, F.S.; revising provisions
66 included in the standard statewide VPK program
67 provider contract; amending s. 1002.77, F.S.; revising
68 the purpose and meetings of the Florida Early Learning
69 Advisory Council; amending s. 1002.81, F.S.; revising
70 certain program definitions; amending s. 1002.82,
71 F.S.; revising the powers and duties of the Office of
72 Early Learning; revising provisions included in the
73 standard statewide school readiness provider contract;
74 amending s. 1002.84, F.S.; revising the powers and
75 duties of early learning coalitions; conforming
76 provisions to changes made by the act; amending s.
77 1002.87, F.S.; revising student eligibility and
78 enrollment requirements for the school readiness
79 program; amending s. 1002.88, F.S.; revising
80 eligibility requirements for program providers that
81 want to deliver the school readiness program;
82 providing conditions for denial of initial
83 eligibility; providing child care personnel
84 requirements; amending s. 1002.89, F.S.; revising the
85 use of funds for the school readiness program;



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86 amending s. 1002.91, F.S.; prohibiting an early
87 learning coalition from contracting with specified
88 persons; amending s. 1002.94, F.S.; revising
89 establishment of a community child care task force by
90 an early learning coalition; requiring the Office of
91 Early Learning to conduct a pilot project to study the
92 impact of assessing the early literacy skills of
93 certain VPK program participants; requiring the office
94 to report its findings to the Governor and Legislature
95 by specified dates; providing an effective date.
96

97 Be It Enacted by the Legislature of the State of Florida:
98

99 Section 1. The Division of Law Revision and Information is
100 directed to prepare a reviser's bill for the 2016 Regular
101 Session of the Legislature to change the term "family day care
102 home" to "family child care home" and the term "family day care"
103 to "family child care" wherever the terms appear in the Florida
104 Statutes.

105 Section 2. Section 125.0109, Florida Statutes, is amended
106 to read:

107 125.0109 Family child day care homes and large family child
108 care homes; local zoning regulation.—The operation of a
109 residence as a family child day care home or large family child
110 care home, as defined in s. 402.302, licensed or registered
111 pursuant to s. 402.313 or s. 402.3131, as applicable,
112 constitutes, as defined by law, registered or licensed with the
113 Department of Children and Families shall constitute a valid
114 residential use for purposes of any local zoning regulations,



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115 and ~~no~~ such regulation may not shall require the owner or
116 operator of such family child day care home or large family
117 child care home to obtain any special exemption or use permit or
118 waiver, or to pay any special fee in excess of \$50, to operate
119 in an area zoned for residential use.

120 Section 3. Section 166.0445, Florida Statutes, is amended
121 to read:

122 166.0445 Family child day care homes and large family child
123 care homes; local zoning regulation.—The operation of a
124 residence as a family child day care home or large family child
125 care home, as defined in s. 402.302, licensed or registered
126 pursuant to s. 402.313 or s. 402.3131, as applicable,
127 constitutes, as defined by law, registered or licensed with the
128 Department of Children and Families shall constitute a valid
129 residential use for purposes of any local zoning regulations,
130 and ~~no~~ such regulations may not regulation shall require the
131 owner or operator of such family child day care home or large
132 family child care home to obtain any special exemption or use
133 permit or waiver, or to pay any special fee in excess of \$50, to
134 operate in an area zoned for residential use.

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

137 402.302 Definitions.—As used in this chapter, the term:

138 (17) "Substantial compliance" means, for purposes of
139 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,
140 ~~that level of adherence to adopted standards~~ which is sufficient
141 to safeguard the health, safety, and well-being of all children
142 under care. The standards must address the requirements of s.
143 402.305 and must be limited to supervision, transportation,



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144 access, health-related requirements, food and nutrition,
145 personnel screening, records, and enforcement of these
146 standards. The standards must not limit or exclude the
147 curriculum provided by a faith-based provider or nonpublic
148 school. The department, in consultation with the Office of Early
149 Learning, must adopt rules to define and enforce substantial
150 compliance with minimum standards for child care facilities for
151 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88
152 which are regulated, but not licensed, by the department
153 ~~Substantial compliance is greater than minimal adherence but not~~
154 ~~to the level of absolute adherence. Where a violation or~~
155 ~~variation is identified as the type which impacts, or can be~~
156 ~~reasonably expected within 90 days to impact, the health,~~
157 ~~safety, or well-being of a child, there is no substantial~~
158 ~~compliance.~~

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

161 402.3025 Public and nonpublic schools.—For the purposes of
162 ss. 402.301-402.319, the following shall apply:

163 (2) NONPUBLIC SCHOOLS.—

164 (d)1. Nonpublic schools delivering programs under s.
165 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~
166 ~~at least 3 years of age, but under 5 years of age,~~ which are not
167 licensed under ss. 402.301-402.319 shall substantially comply
168 with the minimum child care standards adopted ~~promulgated~~
169 pursuant to ss. 402.305-402.3057.

170 2. The department or local licensing agency shall enforce
171 compliance with such standards, where possible, to eliminate or
172 minimize duplicative inspections or visits by staff enforcing



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173 the minimum child care standards and staff enforcing other
174 standards under the jurisdiction of the department.

175 3. The department or local licensing agency may inspect
176 programs operating under this paragraph and pursue
177 administrative or judicial action under ss. 402.310-402.312
178 against nonpublic schools operating under this paragraph
179 ~~commence and maintain all proper and necessary actions and~~
180 ~~proceedings for any or all of the following purposes:~~

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

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

184 c. ~~To use corrective action plans, whenever possible, to~~
185 ~~attain compliance prior to the use of more restrictive~~
186 ~~enforcement measures.~~

187 d. ~~To make application for injunction to the proper circuit~~
188 ~~court, and the judge of that court shall have jurisdiction upon~~
189 ~~hearing and for cause shown to grant a temporary or permanent~~
190 ~~injunction, or both, restraining any person from violating or~~
191 ~~continuing to violate any of the provisions of ss. 402.301-~~
192 ~~402.319. Any violation of this section or of the standards~~
193 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~
194 ~~child in the school's programs for children who are at least 3~~
195 ~~years of age, but are under 5 years of age, or repeated~~
196 ~~violations of this section or the standards under ss. 402.305-~~
197 ~~402.3057, shall be grounds to seek an injunction to close a~~
198 ~~program in a school.~~

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



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

205 a. Fail, by false statement, misrepresentation,
206 impersonation, or other fraudulent means, to disclose in any
207 required written documentation for exclusion from licensure
208 pursuant to this section a material fact used in making a
209 determination as to such exclusion; or

210 b. Use information from the criminal records obtained under
211 s. 402.305 or s. 402.3055 for any purpose other than screening
212 that person for employment as specified in those sections or
213 release such information to any other person for any purpose
214 other than screening for employment as specified in those
215 sections.

216 5. It is a felony of the third degree, punishable as
217 provided in s. 775.082, s. 775.083, or s. 775.084, for any
218 person willfully, knowingly, or intentionally to use information
219 from the juvenile records of any person obtained under s.
220 402.305 or s. 402.3055 for any purpose other than screening for
221 employment as specified in those sections or to release
222 information from such records to any other person for any
223 purpose other than screening for employment as specified in
224 those sections.

225 6. The inclusion of nonpublic schools within options
226 available under ss. 1002.55, 1002.61, and 1002.88 does not
227 expand the regulatory authority of the state, its officers, any
228 local licensing agency, or any early learning coalition to
229 impose any additional regulation of nonpublic schools beyond
230 those reasonably necessary to enforce requirements expressly



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231 specified in this paragraph.

232 ~~(c) The department and the nonpublic school accrediting~~
233 ~~agencies are encouraged to develop agreements to facilitate the~~
234 ~~enforcement of the minimum child care standards as they relate~~
235 ~~to the schools which the agencies accredit.~~

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

239 402.305 Licensing standards; child care facilities.—

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

242 (a) Good moral character based upon screening, according to
243 the level 2 screening requirements of. ~~This screening shall be~~
244 ~~conducted as provided in chapter 435, using the level 2~~
245 ~~standards for screening set forth in that chapter.~~ In addition
246 to the offenses specified in s. 435.04, all child care personnel
247 required to undergo background screening pursuant to this
248 section may not have an arrest awaiting final disposition for,
249 may not have been found guilty of, regardless of adjudication,
250 or entered a plea of nolo contendere or guilty to, and may not
251 have been adjudicated delinquent and have a record that has been
252 sealed or expunged for an offense specified in s. 39.205. Before
253 employing child care personnel subject to this section, the
254 employer must conduct employment history checks of each of the
255 personnel's previous employers and document the findings. If
256 unable to contact a previous employer, the employer must
257 document efforts to contact the previous employer.

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

259 1. Such minimum standards for training shall ensure that



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260 all child care personnel take an approved 40-clock-hour
261 introductory course in child care, which course covers at least
262 the following topic areas:

263 a. State and local rules and regulations which govern child
264 care.

265 b. Health, safety, and nutrition.

266 c. Identifying and reporting child abuse and neglect.

267 d. Child development, including typical and atypical
268 language, cognitive, motor, social, and self-help skills
269 development.

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

273 f. Specialized areas, including computer technology for
274 professional and classroom use and numeracy, early literacy, and
275 language development of children from birth to 5 years of age,
276 as determined by the department, for owner-operators and child
277 care personnel of a child care facility.

278 g. Developmental disabilities, including autism spectrum
279 disorder and Down syndrome, and early identification, use of
280 available state and local resources, classroom integration, and
281 positive behavioral supports for children with developmental
282 disabilities.

283
284 Within 90 days after employment, child care personnel shall
285 begin training to meet the training requirements pursuant to
286 this paragraph. Child care personnel shall successfully complete
287 such training within 1 year after the date on which the training
288 began, as evidenced by passage of a competency examination.



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289 Successful completion of the 40-clock-hour introductory course
290 shall articulate into community college credit in early
291 childhood education, pursuant to ss. 1007.24 and 1007.25.

292 Exemption from all or a portion of the required training shall
293 be granted to child care personnel based upon educational
294 credentials or passage of competency examinations. Child care
295 personnel possessing a 2-year degree or higher that includes 6
296 college credit hours in early childhood development or child
297 growth and development, or a child development associate
298 credential or an equivalent state-approved child development
299 associate credential, or a child development associate waiver
300 certificate shall be automatically exempted from the training
301 requirements in sub-subparagraphs b., d., and e.

302 2. The introductory course in child care shall stress, to
303 the extent possible, an interdisciplinary approach to the study
304 of children.

305 3. The introductory course shall cover recognition and
306 prevention of shaken baby syndrome; prevention of sudden infant
307 death syndrome; recognition and care of infants and toddlers
308 with developmental disabilities, including autism spectrum
309 disorder and Down syndrome; and early childhood brain
310 development within the topic areas identified in this paragraph.

311 4. On an annual basis in order to further their child care
312 skills and, if appropriate, administrative skills, child care
313 personnel who have fulfilled the requirements for the child care
314 training shall be required to take an additional 1 continuing
315 education unit of approved inservice training, or 10 clock hours
316 of equivalent training, as determined by the department.

317 5. Child care personnel shall be required to complete 0.5



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318 continuing education unit of approved training or 5 clock hours
319 of equivalent training, as determined by the department, in
320 numeracy, early literacy, and language development of children
321 from birth to 5 years of age one time. The year that this
322 training is completed, it shall fulfill the 0.5 continuing
323 education unit or 5 clock hours of the annual training required
324 in subparagraph 4.

325 6. Procedures for ensuring the training of qualified child
326 care professionals to provide training of child care personnel,
327 including onsite training, shall be included in the minimum
328 standards. It is recommended that the state community child care
329 coordination agencies (central agencies) be contracted by the
330 department to coordinate such training when possible. Other
331 district educational resources, such as community colleges and
332 career programs, can be designated in such areas where central
333 agencies may not exist or are determined not to have the
334 capability to meet the coordination requirements set forth by
335 the department.

336 7. Training requirements do ~~shall~~ not apply to certain
337 occasional or part-time support staff, including, but not
338 limited to, swimming instructors, piano teachers, dance
339 instructors, and gymnastics instructors.

340 8. The department shall evaluate or contract for an
341 evaluation for the general purpose of determining the status of
342 and means to improve staff training requirements and testing
343 procedures. The evaluation shall be conducted every 2 years. The
344 evaluation must ~~shall~~ include, but not be limited to,
345 determining the availability, quality, scope, and sources of
346 current staff training; determining the need for specialty



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347 training; and determining ways to increase inservice training
348 and ways to increase the accessibility, quality, and cost-
349 effectiveness of current and proposed staff training. The
350 evaluation methodology must ~~shall~~ include a reliable and valid
351 survey of child care personnel.

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

356 (9) ADMISSIONS AND RECORDKEEPING.—

357 (b) ~~During the months of August and September of each year,~~
358 Each child care facility shall provide parents of children
359 enrolling ~~enrolled~~ in the facility detailed information
360 regarding the causes, symptoms, and transmission of the
361 influenza virus in an effort to educate those parents regarding
362 the importance of immunizing their children against influenza as
363 recommended by the Advisory Committee on Immunization Practices
364 of the Centers for Disease Control and Prevention.

365 (10) TRANSPORTATION SAFETY.—Minimum standards must ~~shall~~
366 include requirements for child restraints or seat belts in
367 vehicles used by child care facilities, and large family child
368 care homes, and licensed family child care homes to transport
369 children, requirements for annual inspections of the vehicles,
370 limitations on the number of children in the vehicles, and
371 accountability for children being transported.

372 (18) TRANSFER OF OWNERSHIP.—

373 (a) One week before ~~prior to~~ the transfer of ownership of a
374 child care facility, ~~or~~ family child day care home, or large
375 family child care home, the transferor shall notify the parent



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376 or caretaker of each child of the impending transfer.

377 (b) The owner of a child care facility, family child care
378 home, or large family child care home may not transfer ownership
379 to a relative of the operator if the operator has had his or her
380 license suspended or revoked by the department pursuant to s.
381 402.310, has received notice from the department that reasonable
382 cause exists to suspend or revoke his or her license, or has
383 been placed on the United States Department of Agriculture
384 National Disqualified List. For purposes of this paragraph, the
385 term "relative" means father, mother, son, daughter,
386 grandfather, grandmother, brother, sister, uncle, aunt, cousin,
387 nephew, niece, husband, wife, father-in-law, mother-in-law, son-
388 in-law, daughter-in-law, brother-in-law, sister-in-law,
389 stepfather, stepmother, stepson, stepdaughter, stepbrother,
390 stepsister, half brother, or half sister.

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

394 Section 7. Section 402.3085, Florida Statutes, is created
395 to read:

396 402.3085 Certificate of substantial compliance with minimum
397 child care standards.—Each nonpublic school or provider seeking
398 to operate a program pursuant to s. 402.3025(2)(d) or s.
399 402.316(4), respectively, shall annually obtain a certificate
400 from the department or local licensing agency in the manner and
401 on the forms prescribed by the department or local licensing
402 agency. An annual certificate or a renewal of an annual
403 certificate shall be issued upon an examination of the
404 applicant's premises and records to determine that the applicant



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405 is in substantial compliance with the minimum child care
406 standards. A provider may not participate in these programs
407 without this certification. Local licensing agencies may apply
408 their own minimum child care standards if the department
409 determines that such standards meet or exceed department
410 standards as provided in s. 402.307.

411 Section 8. Section 402.311, Florida Statutes, is amended to
412 read:

413 402.311 Inspection.—A licensed child care facility or
414 program regulated by the department shall accord to the
415 department or the local licensing agency, whichever is
416 applicable, the privilege of inspection, including access to
417 facilities and personnel and to those records required in s.
418 402.305, at reasonable times during regular business hours, to
419 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
420 The right of entry and inspection shall also extend to any
421 premises which the department or local licensing agency has
422 reason to believe are being operated or maintained as a child
423 care facility or program ~~without a license~~, but no such entry or
424 inspection of any premises shall be made without the permission
425 of the person in charge thereof unless a warrant is first
426 obtained from the circuit court authorizing same. Any
427 application for a license, application for authorization to
428 operate a child care program which must maintain substantial
429 compliance with child care standards adopted under this chapter,
430 ~~or renewal of such license or authorization, made pursuant to~~
431 ~~this act~~ or the advertisement to the public for the provision of
432 child care as defined in s. 402.302 constitutes ~~shall constitute~~
433 permission for any entry to or inspection of the subject



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434 premises ~~for which the license is sought in order~~ to facilitate
435 verification of the information submitted on or in connection
436 with the application. In the event a ~~licensed~~ facility or
437 program refuses permission for entry or inspection to the
438 department or local licensing agency, a warrant shall be
439 obtained from the circuit court authorizing same before ~~prior to~~
440 such entry or inspection. The department or local licensing
441 agency may institute disciplinary proceedings pursuant to s.
442 402.310~~7~~, for such refusal.

443 Section 9. Section 402.3115, Florida Statutes, is amended
444 to read:

445 402.3115 ~~Elimination of duplicative and unnecessary~~
446 ~~inspections;~~ Abbreviated inspections. ~~The Department of Children~~
447 ~~and Families and local governmental agencies that license child~~
448 ~~care facilities shall develop and implement a plan to eliminate~~
449 ~~duplicative and unnecessary inspections of child care~~
450 ~~facilities. In addition,~~ The department and the local licensing
451 ~~governmental~~ agencies shall conduct ~~develop and implement an~~
452 abbreviated inspections of inspection plan for child care
453 facilities licensed under s. 402.305, family child care homes
454 licensed under s. 402.313, and large family child care homes
455 licensed under s. 402.3131 that have had no Class I ~~±~~ or Class
456 II violations ~~2 deficiencies~~, as defined by rule, for at least 2
457 consecutive years. The abbreviated inspection must include those
458 elements identified by the department and the local licensing
459 ~~governmental~~ agencies as being key indicators of whether the
460 child care facility continues to provide quality care and
461 programming. The department shall adopt rules establishing
462 criteria and procedures for abbreviated inspections and



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463 inspection schedules that provide for both announced and
464 unannounced inspections.

465 Section 10. Section 402.313, Florida Statutes, is amended
466 to read:

467 402.313 Family child day care homes.-

468 (1) A family child day care home must ~~homes shall~~ be
469 licensed under this section ~~act~~ if it is ~~they are~~ presently
470 being licensed under an existing county licensing ordinance, ~~or~~
471 ~~if~~ the board of county commissioners passes a resolution that
472 requires licensure of family child day care homes, or the family
473 child care home is operating a program under s. 1002.55, s.
474 1002.61, or s. 1002.88 ~~be licensed~~. Each licensed or registered
475 family child care home must conspicuously display its license or
476 registration in the common area of the home.

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

- 480 1. The name and address of the home.
481 2. The name of the operator.
482 3. The number of children served.
483 4. Proof of a written plan to identify a ~~provide at least~~
484 ~~one other~~ competent adult who has met the screening and training
485 requirements of the department to serve as a designated ~~to be~~
486 ~~available to~~ substitute for the operator ~~in an emergency~~. This
487 plan must ~~shall~~ include the name, address, and telephone number
488 of the designated substitute who will serve in the absence of
489 the operator.

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

491 ~~6. Proof of successful completion of the 30-hour training~~



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492 ~~course, as evidenced by passage of a competency examination,~~
493 ~~which shall include:~~

494 ~~a. State and local rules and regulations that govern child~~
495 ~~care.~~

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

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

498 ~~d. Child development, including typical and atypical~~
499 ~~language development; and cognitive, motor, social, and self-~~
500 ~~help skills development.~~

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

504 ~~f. Specialized areas, including early literacy and language~~
505 ~~development of children from birth to 5 years of age, as~~
506 ~~determined by the department, for owner-operators of family day~~
507 ~~care homes.~~

508 ~~5.7. Proof that immunization records are kept current.~~

509 ~~8. Proof of completion of the required continuing education~~
510 ~~units or clock hours.~~

511
512 Upon receipt of registration information submitted by a family
513 child care home pursuant to this paragraph, the department shall
514 verify that the home is in compliance with the background
515 screening requirements in subsection (3) and that the operator
516 and the designated substitute are in compliance with the
517 applicable training requirements of subsection (4).

518 (b) A family child ~~day~~ care home may volunteer to be
519 licensed ~~under this act.~~

520 (c) The department may provide technical assistance to



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521 counties and operators of family child day care homes ~~home~~
522 ~~providers~~ to enable counties and operators family day care
523 ~~providers~~ to achieve compliance with family child day care home
524 ~~homes~~ standards.

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

528 (3) Child care personnel in family child day care homes are
529 ~~shall be~~ subject to the applicable screening provisions
530 contained in ss. 402.305(2) and 402.3055. For purposes of
531 screening in family child day care homes, the term "child care
532 personnel" includes the operator, the designated substitute, any
533 member over the age of 12 years of a family child day care home
534 operator's family, or persons over the age of 12 years residing
535 with the operator in the family child day care home. Members of
536 the operator's family, or persons residing with the operator,
537 who are between the ages of 12 years and 18 years may ~~shall~~ not
538 be required to be fingerprinted, but shall be screened for
539 delinquency records.

540 (4) (a) Before licensure and before caring for children,
541 operators of family child day care homes and an individual
542 serving as a designated substitute for the operator who works 40
543 hours or more per month on average must:

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

548 a. State and local rules and regulations that govern child
549 care.



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- 550 b. Health, safety, and nutrition.
- 551 c. Identifying and reporting child abuse and neglect.
- 552 d. Child development, including typical and atypical
553 language development, and cognitive, motor, social, and
554 executive functioning skills development.
- 555 e. Observation of developmental behaviors, including using
556 checklists or other similar observation tools and techniques to
557 determine a child's developmental level.
- 558 f. Specialized areas, including numeracy, early literacy,
559 and language development of children from birth to 5 years of
560 age, as determined by the department, for operators of family
561 child care homes.
- 562 ~~(5) In order to further develop their child care skills~~
563 ~~and, if appropriate, their administrative skills, operators of~~
564 ~~family day care homes shall be required to complete an~~
565 ~~additional 1 continuing education unit of approved training or~~
566 ~~10 clock hours of equivalent training, as determined by the~~
567 ~~department, annually.~~
- 568 ~~2. (6) Operators of family day care homes shall be required~~
569 ~~to complete a 0.5 continuing education unit of approved training~~
570 ~~in numeracy, early literacy, and language development of~~
571 ~~children from birth to 5 years of age one time. For an operator,~~
572 ~~the year that this training is completed, it shall fulfill the~~
573 ~~0.5 continuing education unit or 5 clock hours of the annual~~
574 ~~training required in paragraph (c) subsection (5).~~
- 575 3. Complete training in first aid and infant and child
576 cardiopulmonary resuscitation as evidenced by current
577 documentation of course completion.
- 578 (b) Before licensure and before caring for children, family



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579 child care home designated substitutes who work less than 40
580 hours per month on average must complete the department's 6-
581 clock-hour Family Child Care Home Rules and Regulations
582 training, as evidenced by successful completion of a competency
583 examination and first aid and infant and child cardiopulmonary
584 resuscitation training required under subparagraph (a)3. A
585 designated substitute who has successfully completed the 3-
586 clock-hour Fundamentals of Child Care training established by
587 rules of the department or the 30-clock-hour training under
588 subparagraph (a)1. is not required to complete the 6-clock-hour
589 Family Child Care Home Rules and Regulations training.

590 (c) Operators of family child care homes must annually
591 complete an additional 1 continuing education unit of approved
592 training regarding child care and administrative skills or 10
593 clock hours of equivalent training, as determined by the
594 department.

595 (5)(7) Operators of family ~~child day~~ care homes ~~must shall~~
596 ~~be required~~ annually ~~to~~ complete a health and safety home
597 inspection self-evaluation checklist developed by the department
598 in conjunction with the statewide resource and referral program.
599 The completed checklist shall be signed by the operator of the
600 family ~~child day~~ care home and provided to parents as
601 certification that basic health and safety standards are being
602 met.

603 (6)(8) Operators of family ~~child day~~ care ~~homes home~~
604 ~~operators~~ may avail themselves of supportive services offered by
605 the department.

606 (7)(9) The department shall prepare a brochure on family
607 child ~~day~~ care for distribution by the department and by local



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608 licensing agencies, if appropriate, to family child ~~day~~ care
609 homes for distribution to parents using ~~utilizing~~ such child
610 care, and to all interested persons, including physicians and
611 other health professionals; mental health professionals; school
612 teachers or other school personnel; social workers or other
613 professional child care, foster care, residential, or
614 institutional workers; and law enforcement officers. The
615 brochure shall, at a minimum, contain the following information:

616 (a) A brief description of the requirements for family
617 child ~~day~~ care registration, training, and background
618 ~~fingerprinting and~~ screening.

619 (b) A listing of those counties that require licensure of
620 family child ~~day~~ care homes. Such counties shall provide an
621 addendum to the brochure that provides a brief description of
622 the licensure requirements or may provide a brochure in lieu of
623 the one described in this subsection, provided it contains all
624 the required information on licensure and the required
625 information in the subsequent paragraphs.

626 (c) A statement indicating that information about the
627 family child ~~day~~ care home's compliance with applicable state or
628 local requirements can be obtained from ~~by telephoning~~ the
629 department ~~office or the office of~~ the local licensing agency,
630 including the, if appropriate, at a telephone number or numbers
631 and website address for the department or local licensing
632 agency, as applicable ~~which shall be affixed to the brochure.~~

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



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

642 ~~(8)(10)~~ On an annual basis, the department shall evaluate
643 the registration and licensure system for family child day care
644 homes. Such evaluation shall, at a minimum, address the
645 following:

646 (a) The number of family child day care homes registered
647 and licensed and the dates of such registration and licensure.

648 (b) The number of children being served in both registered
649 and licensed family child day care homes and any available slots
650 in such homes.

651 (c) The number of complaints received concerning family
652 child day care, the nature of the complaints, and the resolution
653 of such complaints.

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

657
658 The evaluation, pursuant to this subsection, shall be used
659 ~~utilized~~ by the department in any administrative modifications
660 or adjustments to be made in the registration of family child
661 day care homes or in any legislative requests for modifications
662 to the system of registration or to other requirements for
663 family child day care homes.

664 ~~(11) In order to inform the public of the state requirement~~
665 ~~for registration of family day care homes as well as the other~~



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666 ~~requirements for such homes to legally operate in the state, the~~
667 ~~department shall institute a media campaign to accomplish this~~
668 ~~end. Such a campaign shall include, at a minimum, flyers,~~
669 ~~newspaper advertisements, radio advertisements, and television~~
670 ~~advertisements.~~

671 (9) ~~(12)~~ Notwithstanding any other state or local law or
672 ordinance, any family child day care home licensed pursuant to
673 this chapter or pursuant to a county ordinance shall be charged
674 the utility rates accorded to a residential home. A licensed
675 family child day care home may not be charged commercial utility
676 rates.

677 (10) ~~(13)~~ The department shall, by rule, establish minimum
678 standards for family child day care homes that are required to
679 be licensed by county licensing ordinance or county licensing
680 resolution or that voluntarily choose to be licensed. The
681 standards should include requirements for staffing, training,
682 maintenance of immunization records, minimum health and safety
683 standards, reduced standards for the regulation of child care
684 during evening hours by municipalities and counties, and
685 enforcement of standards. Additionally, the department shall, by
686 rule, adopt procedures for verifying a registered family child
687 care home's compliance with background screening and training
688 requirements.

689 (11) ~~(14)~~ ~~During the months of August and September of each~~
690 ~~year,~~ Each family child day care home shall provide parents of
691 children enrolling ~~enrolled~~ in the home detailed information
692 regarding the causes, symptoms, and transmission of the
693 influenza virus in an effort to educate those parents regarding
694 the importance of immunizing their children against influenza as



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695 recommended by the Advisory Committee on Immunization Practices
696 of the Centers for Disease Control and Prevention.

697 Section 11. Subsections (1), (3), (5), and (9) of section
698 402.3131, Florida Statutes, are amended, and subsection (10) is
699 added to that section, to read:

700 402.3131 Large family child care homes.—

701 (1) A large family child care home must ~~homes shall~~ be
702 licensed under this section and conspicuously display its
703 license in the common area of the home.

704 (3) Operators of large family child care homes must
705 successfully complete an approved 40-clock-hour introductory
706 course in group child care, including numeracy, early literacy,
707 and language development of children from birth to 5 years of
708 age, as evidenced by passage of a competency examination.
709 Successful completion of the 40-clock-hour introductory course
710 shall articulate into community college credit in early
711 childhood education, pursuant to ss. 1007.24 and 1007.25.

712 (5) Operators of large family child care homes shall be
713 required to complete 0.5 continuing education unit of approved
714 training or 5 clock hours of equivalent training, as determined
715 by the department, in numeracy, early literacy, and language
716 development of children from birth to 5 years of age one time.
717 The year that this training is completed, it shall fulfill the
718 0.5 continuing education unit or 5 clock hours of the annual
719 training required in subsection (4).

720 (9) ~~During the months of August and September of each year,~~
721 Each large family child care home shall provide parents of
722 children enrolling ~~enrolled~~ in the home detailed information
723 regarding the causes, symptoms, and transmission of the



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724 influenza virus in an effort to educate those parents regarding
725 the importance of immunizing their children against influenza as
726 recommended by the Advisory Committee on Immunization Practices
727 of the Centers for Disease Control and Prevention.

728 (10) Notwithstanding any other state or local law or
729 ordinance, a large family child care home licensed pursuant to
730 this chapter or pursuant to a county ordinance shall be charged
731 the utility rates accorded to a residential home. Such a home
732 may not be charged commercial utility rates.

733 Section 12. Subsections (4), (5), and (6) are added to
734 section 402.316, Florida Statutes, to read:

735 402.316 Exemptions.—

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

743 (a) The department or local licensing agency may pursue
744 administrative or judicial action under ss. 402.310-402.312 and
745 the rules adopted under those sections against any child care
746 facility operating under this subsection to enforce substantial
747 compliance with child care facility minimum standards or to
748 protect the health, safety, and well-being of any child in the
749 facility's care. A child care facility operating under this
750 subsection is subject to ss. 402.310-402.312 and the rules
751 adopted under those sections to the same extent as a child care
752 facility licensed under ss. 402.301-402.319.



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

756 1. Fail, by false statement, misrepresentation,
757 impersonation, or other fraudulent means, to disclose in any
758 required written documentation for exclusion from licensure
759 pursuant to this section a material fact used in making a
760 determination as to such exclusion; or

761 2. Use information from the criminal records obtained under
762 s. 402.305 or s. 402.3055 for a purpose other than screening the
763 subject of those records for employment as specified in those
764 sections or to release such information to any other person for
765 a purpose other than screening for employment as specified in
766 those sections.

767 (c) It is a felony of the third degree, punishable as
768 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
769 willfully, knowingly, or intentionally to use information from
770 the juvenile records of a person obtained under s. 402.305 or s.
771 402.3055 for a purpose other than screening for employment as
772 specified in those sections or to release information from such
773 records to any other person for a purpose other than screening
774 for employment as specified in those sections.

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

780 (6) The inclusion of a child care facility operating under
781 subsection (1) as a provider of a program described in s.



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782 1002.55, s. 1002.61, or s. 1002.88 does not expand the
783 regulatory authority of the state, its officers, any local
784 licensing agency, or any early learning coalition to impose any
785 additional regulation of child care facilities beyond those
786 reasonably necessary to enforce requirements expressly included
787 in this section.

788 Section 13. Section 627.70161, Florida Statutes, is amended
789 to read:

790 627.70161 Residential property insurance coverage; family
791 child ~~day~~ care homes and large family child care homes
792 insurance.-

793 (1) PURPOSE AND INTENT.-The Legislature recognizes that
794 family child ~~day~~ care homes and large family child care homes
795 fulfill a vital role in providing child care in Florida. It is
796 the intent of the Legislature that residential property
797 insurance coverage should not be canceled, denied, or nonrenewed
798 solely because child ~~on the basis of the family day care~~
799 services are provided at the residence. The Legislature also
800 recognizes that the potential liability of residential property
801 insurers is substantially increased by the rendition of child
802 care services on the premises. The Legislature therefore finds
803 that there is a public need to specify that contractual
804 liabilities associated ~~that arise in connection~~ with the
805 operation of a ~~the~~ family child ~~day~~ care home or large family
806 child care home are excluded from residential property insurance
807 policies unless they are specifically included in such coverage.

808 (2) DEFINITIONS.-As used in this section, the term:

809 (a) "Child care" means the care, protection, and
810 supervision of a child, for a period of up to ~~less than~~ 24 hours



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811 a day on a regular basis, which supplements parental care,
812 enrichment, and health supervision for the child, in accordance
813 with his or her individual needs, and for which a payment, fee,
814 or grant is made for care.

815 (b) "Family child day care home" has the same meaning as
816 provided in s. 402.302 ~~means an occupied residence in which~~
817 ~~child care is regularly provided for children from at least two~~
818 ~~unrelated families and which receives a payment, fee, or grant~~
819 ~~for any of the children receiving care, whether or not operated~~
820 ~~for a profit.~~

821 (c) "Large family child care home" has the same meaning as
822 provided in s. 402.302.

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

829 (a) Specifically covered in a policy; or

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

832 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
833 insurer may not deny, cancel, or refuse to renew a policy for
834 residential property insurance solely on the basis that the
835 policyholder or applicant operates a family child day care home
836 or a large family child care home. In addition to other lawful
837 reasons for refusing to insure, an insurer may deny, cancel, or
838 refuse to renew a policy of a family child day care home or
839 large family child care home provider if one or more of the



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840 following conditions occur:

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

844 (b) The policyholder or applicant fails to maintain a
845 separate commercial liability policy or an endorsement providing
846 liability coverage for ~~the~~ family child day care home or large
847 family child care home operations;

848 (c) The policyholder or applicant fails to comply with the
849 family child day care home licensure and registration
850 requirements specified in s. 402.313 or the large family child
851 care home licensure requirements specified in s. 402.3131; or

852 (d) Discovery of willful or grossly negligent acts or
853 omissions or any violations of state laws or regulations
854 establishing safety standards for family child day care homes
855 and large family child care homes by the named insured or his or
856 her representative which materially increase any of the risks
857 insured.

858 Section 14. Subsections (7), (8), and (9) are added to
859 section 1001.213, Florida Statutes, to read:

860 1001.213 Office of Early Learning.—There is created within
861 the Office of Independent Education and Parental Choice the
862 Office of Early Learning, as required under s. 20.15, which
863 shall be administered by an executive director. The office shall
864 be fully accountable to the Commissioner of Education but shall:

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

867 (8) Hire an inspector general who reports directly to the
868 executive director of the office and to the Chief Inspector



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869 General pursuant to s. 14.32.

870 (9) By July 1, 2017, develop and implement, in consultation
871 with early learning coalitions and providers of the Voluntary
872 Prekindergarten Education Program and the school readiness
873 program, best practices for providing parental notifications in
874 the parent's native language to a parent whose native language
875 is a language other than English.

876 Section 15. Subsection (4) of section 1002.53, Florida
877 Statutes, is amended to read:

878 1002.53 Voluntary Prekindergarten Education Program;
879 eligibility and enrollment.-

880 (4) (a) Each parent enrolling a child in the Voluntary
881 Prekindergarten Education Program must complete and submit an
882 application to the early learning coalition through the single
883 point of entry established under s. 1002.82 or to a private
884 prekindergarten provider if the provider is authorized by the
885 early learning coalition to determine student eligibility for
886 enrollment in the program.

887 (b) The application must be submitted on forms prescribed
888 by the Office of Early Learning and must be accompanied by a
889 certified copy of the child's birth certificate. The forms must
890 include a certification, in substantially the form provided in
891 s. 1002.71(6)(b)2., that the parent chooses the private
892 prekindergarten provider or public school in accordance with
893 this section and directs that payments for the program be made
894 to the provider or school. The Office of Early Learning may
895 authorize alternative methods for submitting proof of the
896 child's age in lieu of a certified copy of the child's birth
897 certificate.



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

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

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

906
907 Pursuant to this paragraph, the early learning coalition may
908 audit applications held by a private prekindergarten provider in
909 the coalition's service area to determine whether children
910 enrolled and reported for funding by the provider have met the
911 eligibility criteria in subsection (2).

912 (d)~~(e)~~ Each early learning coalition shall coordinate with
913 each of the school districts within the coalition's county or
914 multicounty region in the development of procedures for
915 enrolling children in prekindergarten programs delivered by
916 public schools, including procedures for making child
917 eligibility determinations and auditing enrollment records to
918 confirm that enrolled children have met eligibility
919 requirements.

920 Section 16. Section 1002.55, Florida Statutes, is amended
921 to read:

922 1002.55 School-year prekindergarten program delivered by
923 private prekindergarten providers.—

924 (1) Each early learning coalition shall administer the
925 Voluntary Prekindergarten Education Program at the county or
926 regional level for students enrolled under s. 1002.53(3)(a) in a



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927 school-year prekindergarten program delivered by a private
928 prekindergarten provider. Each early learning coalition shall
929 cooperate with the Office of Early Learning and the Child Care
930 Services Program Office of the Department of Children and
931 Families to reduce paperwork and to avoid duplicating
932 interagency activities, health and safety monitoring, and
933 acquiring and composing data pertaining to child care training
934 and credentialing.

935 (2) Each school-year prekindergarten program delivered by a
936 private prekindergarten provider must comprise at least 540
937 instructional hours.

938 (3) To be eligible to deliver the prekindergarten program,
939 a private prekindergarten provider must meet each of the
940 following requirements:

941 ~~(a) The private prekindergarten provider must be a child~~
942 ~~care facility licensed under s. 402.305, family day care home~~
943 ~~licensed under s. 402.313, large family child care home licensed~~
944 ~~under s. 402.3131, nonpublic school exempt from licensure under~~
945 ~~s. 402.3025(2), or faith-based child care provider exempt from~~
946 ~~licensure under s. 402.316.~~

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

948 1. Be accredited by an accrediting association that is a
949 member of the National Council for Private School Accreditation,
950 or the Florida Association of Academic Nonpublic Schools, or be
951 accredited by the Southern Association of Colleges and Schools,
952 or Western Association of Colleges and Schools, or North Central
953 Association of Colleges and Schools, or Middle States
954 Association of Colleges and Schools, or New England Association
955 of Colleges and Schools; and have written accreditation



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956 standards that meet or exceed the state's licensing requirements
957 under s. 402.305, s. 402.313, or s. 402.3131 and require at
958 least one onsite visit to the provider or school before
959 accreditation is granted;

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

962 3. Be licensed under s. 402.305, s. 402.313, or s.
963 402.3131; or

964 4. Be a child development center located on a military
965 installation that is certified by the United States Department
966 of Defense.

967 (b) The private prekindergarten provider must provide basic
968 health and safety on its premises and in its facilities. For a
969 public school, compliance with ss. 1003.22 and 1013.12 satisfies
970 this requirement. For a nonpublic school, compliance with s.
971 402.3025(2)(d) satisfies this requirement. For a child care
972 facility, a licensed family child care home, or a large family
973 child care home, compliance with s. 402.305, s. 402.313, or s.
974 402.3131, respectively, satisfies this requirement. For a
975 facility exempt from licensure, compliance with s. 402.316(4)
976 satisfies this requirement and demonstrate, before delivering
977 the Voluntary Prekindergarten Education Program, as verified by
978 the early learning coalition, that the provider meets each of
979 the requirements of the program under this part, including, but
980 not limited to, the requirements for credentials and background
981 screenings of prekindergarten instructors under paragraphs (c)
982 and (d), minimum and maximum class sizes under paragraph (f),
983 prekindergarten director credentials under paragraph (g), and a
984 developmentally appropriate curriculum under s. 1002.67(2)(b).



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985 (c) The private prekindergarten provider must have, for
986 each prekindergarten class of 11 children or fewer, at least one
987 prekindergarten instructor who meets each of the following
988 requirements:

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

991 a. A child development associate credential issued by the
992 National Credentialing Program of the Council for Professional
993 Recognition; ~~or~~

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

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

998 d. An associate or higher degree in an unrelated field, at
999 least 6 credit hours in early childhood education or child
1000 development, and at least 480 hours of experience in teaching or
1001 providing child care services for children of any age from birth
1002 through 8 years of age;

1003 e. A baccalaureate or higher degree in early childhood
1004 education, prekindergarten or primary education, preschool
1005 education, or family and consumer science;

1006 f. A baccalaureate or higher degree in family and child
1007 science and at least 480 hours of experience in teaching or
1008 providing child care services for children of any age from birth
1009 through 8 years of age;

1010 g. A baccalaureate or higher degree in elementary education
1011 if the prekindergarten instructor has been certified to teach
1012 children of any age from birth through grade 6, regardless of
1013 whether the instructor's educator certificate is current, and if



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1014 the instructor is not ineligible to teach in a public school
1015 because his or her educator certificate is suspended or revoked;
1016 or

1017 h. A credential approved by the department as being
1018 equivalent to or greater than a credential described in sub-
1019 subparagraphs a.-f. The department may adopt criteria and
1020 procedures for approving such equivalent credentials.

1021
1022 ~~The Department of Children and Families may adopt rules under~~
1023 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~
1024 ~~for approving equivalent credentials under sub-subparagraph b.~~

1025 2. The prekindergarten instructor must successfully
1026 complete an emergent literacy training course and a student
1027 performance standards training course approved by the office as
1028 meeting or exceeding the minimum standards adopted under s.
1029 1002.59. The requirement for completion of the standards
1030 training course shall take effect July 1, 2016 2014, and the
1031 course shall be available online.

1032 (d) Each prekindergarten instructor employed by the private
1033 prekindergarten provider must be of good moral character, must
1034 undergo background screening pursuant to s. 402.305(2)(a) be
1035 ~~screened using the level 2 screening standards in s. 435.04~~
1036 before employment, must be ~~and~~ rescreened at least once every 5
1037 years, must be denied employment or terminated if required under
1038 s. 435.06, and must not be ineligible to teach in a public
1039 school because his or her educator certificate is suspended or
1040 revoked.

1041 (e) A private prekindergarten provider may assign a
1042 substitute instructor to temporarily replace a credentialed



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1043 instructor if the credentialed instructor assigned to a
1044 prekindergarten class is absent, as long as the substitute
1045 instructor meets the requirements of paragraph (d) ~~is of good~~
1046 ~~moral character and has been screened before employment in~~
1047 ~~accordance with level 2 background screening requirements in~~
1048 ~~chapter 435.~~ The Office of Early Learning shall adopt rules to
1049 implement this paragraph which shall include required
1050 qualifications of substitute instructors and the circumstances
1051 and time limits for which a private prekindergarten provider may
1052 assign a substitute instructor.

1053 (f) Each of the private prekindergarten provider's
1054 prekindergarten classes must be composed of at least 4 students
1055 but may not exceed 20 students. In order to protect the health
1056 and safety of students, each private prekindergarten provider
1057 must also provide appropriate adult supervision for students at
1058 all times and, for each prekindergarten class composed of 12 or
1059 more students, must have, in addition to a prekindergarten
1060 instructor who meets the requirements of paragraph (c), at least
1061 one adult prekindergarten instructor who is not required to meet
1062 those requirements but who must meet each requirement of s.
1063 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any
1064 requirement imposed on a provider under ss. 402.301-402.319.

1065 (g) The private prekindergarten provider must have a
1066 prekindergarten director who has a prekindergarten director
1067 credential that is approved by the office as meeting or
1068 exceeding the minimum standards adopted under s. 1002.57.
1069 Successful completion of a child care facility director
1070 credential under s. 402.305(2) (f) before the establishment of
1071 the prekindergarten director credential under s. 1002.57 or July



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1072 1, 2006, whichever occurs later, satisfies the requirement for a
1073 prekindergarten director credential under this paragraph.

1074 (h) The private prekindergarten provider must register with
1075 the early learning coalition on forms prescribed by the Office
1076 of Early Learning.

1077 (i) The private prekindergarten provider must execute the
1078 statewide provider contract prescribed under s. 1002.75, except
1079 that an individual who owns or operates multiple private
1080 prekindergarten providers within a coalition's service area may
1081 execute a single agreement with the coalition on behalf of each
1082 provider.

1083 (j) The private prekindergarten provider must maintain
1084 general liability insurance and provide the coalition with
1085 written evidence of general liability insurance coverage,
1086 including coverage for transportation of children if
1087 prekindergarten students are transported by the provider. A
1088 provider must obtain and retain an insurance policy that
1089 provides a minimum of \$100,000 of coverage per occurrence and a
1090 minimum of \$300,000 general aggregate coverage. The office may
1091 authorize lower limits upon request, as appropriate. A provider
1092 must add the coalition as a named certificateholder ~~and as an~~
1093 ~~additional insured~~. A provider must provide the coalition with a
1094 minimum of 10 calendar days' advance written notice of
1095 cancellation of or changes to coverage. The general liability
1096 insurance required by this paragraph must remain in full force
1097 and effect for the entire period of the provider contract with
1098 the coalition.

1099 (k) The private prekindergarten provider must obtain and
1100 maintain any required workers' compensation insurance under



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1101 chapter 440 and any required reemployment assistance or
1102 unemployment compensation coverage under chapter 443, unless
1103 exempt under state or federal law.

1104 (l) Notwithstanding paragraph (j), for a private
1105 prekindergarten provider that is a state agency or a subdivision
1106 thereof, as defined in s. 768.28(2), the provider must agree to
1107 notify the coalition of any additional liability coverage
1108 maintained by the provider in addition to that otherwise
1109 established under s. 768.28. The provider shall indemnify the
1110 coalition to the extent permitted by s. 768.28.

1111 (m) The private prekindergarten provider shall be denied
1112 initial eligibility to offer the program if the provider has
1113 been cited for a Class I violation in the 12 months before
1114 seeking eligibility. An existing provider that is cited for a
1115 Class I violation may not have its eligibility renewed for 12
1116 months. This paragraph does not apply if the Department of
1117 Children and Families or local licensing agency upon final
1118 disposition of a Class I violation has rescinded its initial
1119 citation in accordance with the criteria for consideration
1120 outlined in s. 1002.75(1)(b).

1121 (n)~~(m)~~ The private prekindergarten provider must deliver
1122 the Voluntary Prekindergarten Education Program in accordance
1123 with this part and have child disciplinary policies that
1124 prohibit children from being subjected to discipline that is
1125 severe, humiliating, frightening, or associated with food, rest,
1126 toileting, spanking, or any other form of physical punishment as
1127 provided in s. 402.305(12).

1128 (o) Beginning January 1, 2016, at least 50 percent of the
1129 instructors employed by a prekindergarten provider at each



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1130 location, who are responsible for supervising children in care,
1131 must be trained in first aid and infant and child
1132 cardiopulmonary resuscitation, as evidenced by current
1133 documentation of course completion. As a condition of
1134 employment, instructors hired on or after January 1, 2016, must
1135 complete this training within 60 days after employment.

1136 (p) Beginning January 1, 2017, the private prekindergarten
1137 provider must employ child care personnel who hold a high school
1138 diploma or its equivalent and are at least 18 years of age,
1139 unless the personnel are not responsible for supervising
1140 children in care or are under direct supervision.

1141 ~~(4) A prekindergarten instructor, in lieu of the minimum~~
1142 ~~credentials and courses required under paragraph (3) (c), may~~
1143 ~~hold one of the following educational credentials:~~

1144 ~~(a) A bachelor's or higher degree in early childhood~~
1145 ~~education, prekindergarten or primary education, preschool~~
1146 ~~education, or family and consumer science;~~

1147 ~~(b) A bachelor's or higher degree in elementary education,~~
1148 ~~if the prekindergarten instructor has been certified to teach~~
1149 ~~children any age from birth through 6th grade, regardless of~~
1150 ~~whether the instructor's educator certificate is current, and if~~
1151 ~~the instructor is not ineligible to teach in a public school~~
1152 ~~because his or her educator certificate is suspended or revoked;~~

1153 ~~(c) An associate's or higher degree in child development;~~

1154 ~~(d) An associate's or higher degree in an unrelated field,~~
1155 ~~at least 6 credit hours in early childhood education or child~~
1156 ~~development, and at least 480 hours of experience in teaching or~~
1157 ~~providing child care services for children any age from birth~~
1158 ~~through 8 years of age; or~~



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1159 ~~(e) An educational credential approved by the department as~~
1160 ~~being equivalent to or greater than an educational credential~~
1161 ~~described in this subsection. The department may adopt criteria~~
1162 ~~and procedures for approving equivalent educational credentials~~
1163 ~~under this paragraph.~~

1164 ~~(5) Notwithstanding paragraph (3) (b), a private~~
1165 ~~prekindergarten provider may not participate in the Voluntary~~
1166 ~~Prekindergarten Education Program if the provider has child~~
1167 ~~disciplinary policies that do not prohibit children from being~~
1168 ~~subjected to discipline that is severe, humiliating,~~
1169 ~~frightening, or associated with food, rest, toileting, spanking,~~
1170 ~~or any other form of physical punishment as provided in s.~~
1171 ~~402.305(12).~~

1172 Section 17. Subsection (1) of section 1002.59, Florida
1173 Statutes, is amended to read:

1174 1002.59 Emergent literacy and performance standards
1175 training courses.-

1176 (1) The office shall adopt minimum standards for one or
1177 more training courses in emergent literacy for prekindergarten
1178 instructors. Each course must comprise 5 clock hours and provide
1179 instruction in strategies and techniques to address the age-
1180 appropriate progress of prekindergarten students in developing
1181 emergent literacy skills, including oral communication,
1182 knowledge of print and letters, phonemic and phonological
1183 awareness, and vocabulary and comprehension development. Each
1184 course must also provide resources containing strategies that
1185 allow students with disabilities and other special needs to
1186 derive maximum benefit from the Voluntary Prekindergarten
1187 Education Program. Successful completion of an emergent literacy



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1188 training course approved under this section satisfies
1189 requirements for approved training in early literacy and
1190 language development under ss. 402.305(2)(d)5., 402.313(4)(a)2.
1191 ~~402.313(6)~~, and 402.3131(5).

1192 Section 18. Subsections (4) through (7) of section 1002.61,
1193 Florida Statutes, are amended to read:

1194 1002.61 Summer prekindergarten program delivered by public
1195 schools and private prekindergarten providers.—

1196 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~
1197 Each public school and private prekindergarten provider that
1198 delivers the summer prekindergarten program must have, for each
1199 prekindergarten class, at least one prekindergarten instructor
1200 who is a certified teacher or holds one of the educational
1201 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~s.~~
1202 ~~1002.55(4)(a) or (b).~~ As used in this subsection, the term
1203 “certified teacher” means a teacher holding a valid Florida
1204 educator certificate under s. 1012.56 who has the qualifications
1205 required by the district school board to instruct students in
1206 the summer prekindergarten program. In selecting instructional
1207 staff for the summer prekindergarten program, each school
1208 district shall give priority to teachers who have experience or
1209 coursework in early childhood education.

1210 (5) Each prekindergarten instructor employed by a ~~public~~
1211 ~~school or~~ private prekindergarten provider delivering the summer
1212 prekindergarten program must be of good moral character, must
1213 undergo background screening pursuant to s. 402.305(2)(a) be
1214 ~~screened using the level 2 screening standards in s. 435.04~~
1215 before employment, must be ~~and~~ rescreened at least once every 5
1216 years, and must be denied employment or terminated if required



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1217 under s. 435.06. Each prekindergarten instructor employed by a
1218 public school delivering the summer prekindergarten program, and
1219 must satisfy the not be ineligible to teach in a public school
1220 because his or her educator certificate is suspended or revoked.
1221 ~~This subsection does not supersede~~ employment requirements for
1222 instructional personnel in public schools as provided in s.
1223 1012.32 which are more stringent than the requirements of this
1224 subsection.

1225 (6) A public school or private prekindergarten provider may
1226 assign a substitute instructor to temporarily replace a
1227 credentialed instructor if the credentialed instructor assigned
1228 to a prekindergarten class is absent, as long as the substitute
1229 instructor meets the requirements of subsection (5) ~~is of good~~
1230 ~~moral character and has been screened before employment in~~
1231 ~~accordance with level 2 background screening requirements in~~
1232 ~~chapter 435. This subsection does not supersede employment~~
1233 ~~requirements for instructional personnel in public schools which~~
1234 ~~are more stringent than the requirements of this subsection.~~ The
1235 Office of Early Learning shall adopt rules to implement this
1236 subsection which must ~~shall~~ include required qualifications of
1237 substitute instructors and the circumstances and time limits for
1238 which a public school or private prekindergarten provider may
1239 assign a substitute instructor.

1240 (7) Notwithstanding ss. 1002.55(3)(e) ~~ss. 1002.55(3)(f)~~ and
1241 1002.63(7), each prekindergarten class in the summer
1242 prekindergarten program, regardless of whether the class is a
1243 public school's or private prekindergarten provider's class,
1244 must be composed of at least 4 students but may not exceed 12
1245 students ~~beginning with the 2009 summer session.~~ In order to



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1246 protect the health and safety of students, each public school or
1247 private prekindergarten provider must also provide appropriate
1248 adult supervision for students at all times. This subsection
1249 does not supersede any requirement imposed on a provider under
1250 ss. 402.301-402.319.

1251 Section 19. Subsections (5) and (6) of section 1002.63,
1252 Florida Statutes, are amended to read:

1253 1002.63 School-year prekindergarten program delivered by
1254 public schools.—

1255 (5) Each prekindergarten instructor employed by a public
1256 school delivering the school-year prekindergarten program must
1257 satisfy the be of good moral character, must be screened using
1258 the level 2 screening standards in s. 435.04 before employment
1259 and rescreened at least once every 5 years, must be denied
1260 employment or terminated if required under s. 435.06, and must
1261 not be ineligible to teach in a public school because his or her
1262 educator certificate is suspended or revoked. This subsection
1263 does not supersede employment requirements for instructional
1264 personnel in public schools as provided in s. 1012.32 which are
1265 more stringent than the requirements of this subsection.

1266 (6) A public school prekindergarten provider may assign a
1267 substitute instructor to temporarily replace a credentialed
1268 instructor if the credentialed instructor assigned to a
1269 prekindergarten class is absent, as long as the substitute
1270 instructor meets the requirements of subsection (5) is of good
1271 moral character and has been screened before employment in
1272 accordance with level 2 background screening requirements in
1273 chapter 435. This subsection does not supersede employment
1274 requirements for instructional personnel in public schools which



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1275 ~~are more stringent than the requirements of this subsection.~~ The
1276 Office of Early Learning shall adopt rules to implement this
1277 subsection which must ~~shall~~ include required qualifications of
1278 substitute instructors and the circumstances and time limits for
1279 which a public school prekindergarten provider may assign a
1280 substitute instructor.

1281 Section 20. Paragraph (a) of subsection (6) of section
1282 1002.71, Florida Statutes, is amended to read:

1283 1002.71 Funding; financial and attendance reporting.—

1284 (6) (a) Each parent enrolling his or her child in the
1285 Voluntary Prekindergarten Education Program must agree to comply
1286 with the attendance policy of the private prekindergarten
1287 provider or district school board, as applicable. Upon
1288 enrollment of the child, the private prekindergarten provider or
1289 public school, as applicable, must provide the child's parent
1290 with program information, including, but not limited to, child
1291 development, expectations for parent engagement, the daily
1292 schedule, and the ~~a copy of the provider's or school district's~~
1293 attendance policy, which must include procedures for contacting
1294 a parent on the second consecutive day a child is absent for
1295 which the reason is unknown ~~as applicable.~~

1296 Section 21. Subsection (1) of section 1002.75, Florida
1297 Statutes, is amended to read:

1298 1002.75 Office of Early Learning; powers and duties.—

1299 (1) The Office of Early Learning shall adopt by rule a
1300 standard statewide provider contract to be used with each
1301 Voluntary Prekindergarten Education Program provider, with
1302 standardized attachments by provider type. The office shall
1303 publish a copy of the standard statewide provider contract on



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1304 its website. The standard statewide contract must ~~shall~~ include,
1305 at a minimum, provisions that:

1306 (a) Govern for provider probation, termination for cause,
1307 and emergency termination for those actions or inactions of a
1308 provider that pose an immediate and serious danger to the
1309 health, safety, or welfare of children. The standard statewide
1310 contract must ~~shall~~ also include appropriate due process
1311 procedures. During the pendency of an appeal of a termination,
1312 the provider may not continue to offer its services.

1313 (b) Require each private prekindergarten provider to notify
1314 the parent of each child in care if it is cited for a Class I
1315 violation as defined by rule of the Department of Children and
1316 Families. Notice shall be initiated only upon final disposition
1317 of a Class I violation. The provider shall notify the department
1318 within 24 hours of its intent to appeal the Class I violation
1319 issued, and final disposition shall occur within 15 calendar
1320 days. In determining the final disposition, the department shall
1321 consider the entire licensing history of the provider, whether
1322 the provider promptly reported the incident upon actual notice,
1323 and whether the employee responsible for the violation was
1324 terminated or the violation was corrected by the provider. If a
1325 provider does not file its intent to appeal the Class I
1326 violation, the provider must provide notice of a Class I
1327 violation electronically or in writing to the parent within 48
1328 hours after receipt of the Class I violation. Such notice shall
1329 describe each violation with specificity in simple language and
1330 include a copy of the citation and the contact information of
1331 the Department of Children and Families or local licensing
1332 agency where the parent may obtain additional information



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1333 regarding the citation. Notice of a Class I violation by the
1334 provider must be provided electronically or in writing to the
1335 parent within 24 hours after receipt of the final disposition of
1336 the Class I violation. A private prekindergarten provider must
1337 conspicuously post each citation for a violation that results in
1338 disciplinary action on the premises in an area visible to
1339 parents pursuant to s. 402.3125(1)(b). Additionally, such a
1340 provider must post each inspection report on the premises in an
1341 area visible to parents, and such report must remain posted
1342 until the next inspection report is available.

1343 (c) Specify that child care personnel employed by the
1344 provider who are responsible for supervising children in care
1345 must be trained in developmentally appropriate practices aligned
1346 to the age and needs of children over which the personnel are
1347 assigned supervision duties. This requirement is met by the
1348 completion of developmentally appropriate practice courses
1349 administered by the Department of Children and Families under s.
1350 402.305(2)(d)1. within 30 days after being assigned such
1351 children if the child care personnel has not previously
1352 completed the training.

1353
1354 Any provision imposed upon a provider that is inconsistent with,
1355 or prohibited by, law is void and unenforceable.

1356 Section 22. Subsections (1), (3), and (5) of section
1357 1002.77, Florida Statutes, are amended to read:

1358 1002.77 Florida Early Learning Advisory Council.—

1359 (1) There is created the Florida Early Learning Advisory
1360 Council within the Office of Early Learning. The purpose of the
1361 advisory council is to provide written input ~~submit~~



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1362 ~~recommendations~~ to the executive director office on early
1363 learning best practices, including ~~recommendations relating to~~
1364 ~~the most~~ effective program administration; ~~of the Voluntary~~
1365 ~~Prekindergarten Education Program under this part and the school~~
1366 ~~readiness program under part VI of this chapter. The advisory~~
1367 ~~council shall periodically analyze and provide recommendations~~
1368 ~~to the office on the~~ effective and efficient use of local,
1369 state, and federal funds; ~~the content of~~ professional
1370 development training programs; and ~~best practices for the~~
1371 ~~development and implementation of~~ coalition plans pursuant to s.
1372 1002.85.

1373 (3) The advisory council shall meet at least quarterly upon
1374 the call of the executive director ~~but may meet as often as~~
1375 ~~necessary to carry out its duties and responsibilities. The~~
1376 executive director is encouraged to ~~advisory council may use~~
1377 communications media technology ~~any method of telecommunications~~
1378 to conduct meetings in accordance with s. 120.54(5)(b),
1379 ~~including establishing a quorum through telecommunications, only~~
1380 ~~if the public is given proper notice of a telecommunications~~
1381 ~~meeting and reasonable access to observe and, when appropriate,~~
1382 ~~participate.~~

1383 (5) The Office of Early Learning shall provide staff and
1384 administrative support for the advisory council as determined by
1385 the executive director.

1386 Section 23. Paragraph (f) of subsection (1) and subsections
1387 (8) and (16) of section 1002.81, Florida Statutes, are amended
1388 to read:

1389 1002.81 Definitions.—Consistent with the requirements of 45
1390 C.F.R. parts 98 and 99 and as used in this part, the term:



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- 1391 (1) "At-risk child" means:
- 1392 (f) A child in the custody of a parent who is considered
- 1393 homeless as verified by a designated lead agency on the homeless
- 1394 assistance continuum of care established under ss. 420.622-
- 1395 420.624 ~~Department of Children and Families certified homeless~~
- 1396 ~~shelter.~~
- 1397 (8) "Family income" means the combined gross income,
- 1398 whether earned or unearned, that is derived from any source by
- 1399 all family or household members who are 18 years of age or older
- 1400 who are currently residing together in the same dwelling unit.
- 1401 The term does not include:
- 1402 (a) Income earned by a currently enrolled high school
- 1403 student who, since attaining the age of 18 years, or a student
- 1404 with a disability who, since attaining the age of 22 years, has
- 1405 not terminated school enrollment or received a high school
- 1406 diploma, high school equivalency diploma, special diploma, or
- 1407 certificate of high school completion.
- 1408 (b) Income earned by a teen parent residing in the same
- 1409 residence as a separate family unit.
- 1410 (c) Selected items from the state's Child Care and
- 1411 Development Fund Plan, such as ~~The term also does not include~~
- 1412 food stamp benefits, documented child support and alimony
- 1413 payments paid out of the home, or federal housing assistance
- 1414 payments issued directly to a landlord or the associated
- 1415 utilities expenses.
- 1416 (16) "Working family" means:
- 1417 (a) A single-parent family in which the parent with whom
- 1418 the child resides is employed or engaged in eligible work or
- 1419 education activities for at least 20 hours per week or is exempt



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1420 from work requirements due to age or disability, as determined
1421 and documented by a physician licensed under chapter 458 or
1422 chapter 459;

1423 (b) A two-parent family in which both parents with whom the
1424 child resides are employed or engaged in eligible work or
1425 education activities for a combined total of at least 40 hours
1426 per week; ~~or~~

1427 (c) A two-parent family in which one of the parents with
1428 whom the child resides is exempt from work requirements due to
1429 age or disability, as determined and documented by a physician
1430 licensed under chapter 458 or chapter 459, and one parent is
1431 employed or engaged in eligible work or education activities at
1432 least 20 hours per week; or

1433 (d) A two-parent family in which both of the parents with
1434 whom the child resides are exempt from work requirements due to
1435 age or disability, as determined and documented by a physician
1436 licensed under chapter 458 or chapter 459.

1437 Section 24. Paragraphs (b), (j), (m), and (p) of subsection
1438 (2) of section 1002.82, Florida Statutes, are amended to read:

1439 1002.82 Office of Early Learning; powers and duties.—

1440 (2) The office shall:

1441 (b) Preserve parental choice by permitting parents to
1442 choose from a variety of child care categories authorized in s.
1443 1002.88 (1) (a), ~~including center-based care, family child care,~~
1444 ~~and informal child care~~ to the extent authorized in the state's
1445 Child Care and Development Fund Plan as approved by the United
1446 States Department of Health and Human Services pursuant to 45
1447 C.F.R. s. 98.18. Care and curriculum by a faith-based provider
1448 may not be limited or excluded in any of these categories.



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1449 (j) Develop and adopt standards and benchmarks that address
1450 the age-appropriate progress of children in the development of
1451 school readiness skills. The standards for children from birth
1452 to 5 years of age in the school readiness program must be
1453 aligned with the performance standards adopted for children in
1454 the Voluntary Prekindergarten Education Program and must address
1455 the following domains:

- 1456 1. Approaches to learning.
- 1457 2. Cognitive development and general knowledge.
- 1458 3. Numeracy, language, and communication.
- 1459 4. Physical development.
- 1460 5. Self-regulation.

1461
1462 By July 1, 2016, the office shall develop and implement an
1463 online training course on the performance standards for school
1464 readiness program provider personnel specified in this
1465 paragraph.

1466 (m) Adopt by rule a standard statewide provider contract to
1467 be used with each school readiness program provider, with
1468 standardized attachments by provider type. The office shall
1469 publish a copy of the standard statewide provider contract on
1470 its website. The standard statewide contract must ~~shall~~ include,
1471 at a minimum, provisions that:

- 1472 1. Govern ~~for~~ provider probation, termination for cause,
1473 and emergency termination for those actions or inactions of a
1474 provider that pose an immediate and serious danger to the
1475 health, safety, or welfare of the children. The standard
1476 statewide provider contract must ~~shall~~ also include appropriate
1477 due process procedures. During the pendency of an appeal of a



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1478 termination, the provider may not continue to offer its
1479 services.

1480 2. Require each provider that is eligible to provide the
1481 program pursuant to s. 1002.88(1)(a) to notify the parent of
1482 each child in care if it is cited for a Class I violation as
1483 defined by rule of the Department of Children and Families.
1484 Notice shall be initiated only upon final disposition of a Class
1485 I violation. The provider shall notify the department within 24
1486 hours of its intent to appeal the Class I violation issued, and
1487 final disposition shall occur within 15 calendar days. In
1488 determining the final disposition, the department shall consider
1489 the entire licensing history of the provider, whether the
1490 provider promptly reported the incident upon actual notice, and
1491 whether the employee responsible for the violation was
1492 terminated or the violation was corrected by the provider. If a
1493 provider does not file its intent to appeal the Class I
1494 violation, the provider must provide notice of a Class I
1495 violation electronically or in writing to the parent within 48
1496 hours after receipt of the Class I violation. Such notice shall
1497 describe each violation with specificity in simple language and
1498 include a copy of the citation and the contact information of
1499 the Department of Children and Families or local licensing
1500 agency where the parent may obtain additional information
1501 regarding the citation. Notice of a Class I violation by the
1502 provider must be provided electronically or in writing to the
1503 parent within 24 hours after receipt of the final disposition of
1504 the Class I violation. A provider must conspicuously post each
1505 citation for a violation that results in disciplinary action on
1506 the premises in an area visible to parents pursuant to s.



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1507 402.3125(1)(b). Additionally, such a provider must post each
1508 inspection report on the premises in an area visible to parents,
1509 and such report must remain posted until the next inspection
1510 report is available.

1511 3. Specify that child care personnel employed by the
1512 provider who are responsible for supervising children in care
1513 must be trained in developmentally appropriate practices aligned
1514 to the age and needs of children over which the personnel are
1515 assigned supervision duties. This requirement is met by
1516 completion of developmentally appropriate practice courses
1517 administered by the Department of Children and Families under s.
1518 402.305(2)(d)1. within 30 days after being assigned such
1519 children if the child care personnel has not previously
1520 completed the training.

1521 4. Require child care personnel who are employed by the
1522 provider to complete an online training course on the
1523 performance standards adopted pursuant to paragraph (j).

1524
1525 Any provision imposed upon a provider that is inconsistent with,
1526 or prohibited by, law is void and unenforceable.

1527 (p) Monitor and evaluate the performance of each early
1528 learning coalition in administering the school readiness program
1529 and the Voluntary Prekindergarten Education Program, ensuring
1530 proper payments for school readiness program and Voluntary
1531 Prekindergarten Education Program services, and implementing the
1532 coalition's school readiness program plan, ~~and administering the~~
1533 ~~Voluntary Prekindergarten Education Program.~~ These monitoring
1534 and performance evaluations must include, at a minimum, onsite
1535 monitoring of each coalition's finances, management, operations,



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1536 and programs.

1537 Section 25. Subsections (8) and (20) of section 1002.84,
1538 Florida Statutes, are amended to read:

1539 1002.84 Early learning coalitions; school readiness powers
1540 and duties.—Each early learning coalition shall:

1541 (8) Establish a parent sliding fee scale that requires a
1542 parent copayment to participate in the school readiness program.
1543 Providers are required to collect the parent's copayment. A
1544 coalition may, on a case-by-case basis, waive the copayment for
1545 an at-risk child or temporarily waive the copayment for a child
1546 whose family's income is at or below the federal poverty level
1547 and family experiences a natural disaster or an event that
1548 limits the parent's ability to pay, such as incarceration,
1549 placement in residential treatment, ~~or becoming homeless~~, or an
1550 emergency situation such as a household fire or burglary, or
1551 while the parent is participating in parenting classes. A parent
1552 may not transfer school readiness program services to another
1553 school readiness program provider until the parent has submitted
1554 documentation from the current school readiness program provider
1555 to the early learning coalition stating that the parent has
1556 satisfactorily fulfilled the copayment obligation.

1557 (20) To increase transparency and accountability, comply
1558 with ~~the requirements of~~ this section before contracting with a
1559 member of the coalition, an employee of the coalition, or a
1560 relative, as defined in s. 112.3143(1) ~~(e)~~, of a coalition member
1561 or of an employee of the coalition. Such contracts may not be
1562 executed without the approval of the office. Such contracts, as
1563 well as documentation demonstrating adherence to this section by
1564 the coalition, must be approved by a two-thirds vote of the



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1565 coalition, a quorum having been established; all conflicts of
1566 interest must be disclosed before the vote; and any member who
1567 may benefit from the contract, or whose relative may benefit
1568 from the contract, must abstain from the vote. A contract under
1569 \$25,000 between an early learning coalition and a member of that
1570 coalition or between a relative, as defined in s.
1571 112.3143(1)~~(e)~~, of a coalition member or of an employee of the
1572 coalition is not required to have the prior approval of the
1573 office but must be approved by a two-thirds vote of the
1574 coalition, a quorum having been established, and must be
1575 reported to the office within 30 days after approval. If a
1576 contract cannot be approved by the office, a review of the
1577 decision to disapprove the contract may be requested by the
1578 early learning coalition or other parties to the disapproved
1579 contract.

1580 Section 26. Paragraphs (c) and (h) of subsection (1) and
1581 subsections (6) through (8) of section 1002.87, Florida
1582 Statutes, are amended to read:

1583 1002.87 School readiness program; eligibility and
1584 enrollment.—

1585 (1) Effective August 1, 2013, or upon reevaluation of
1586 eligibility for children currently served, whichever is later,
1587 each early learning coalition shall give priority for
1588 participation in the school readiness program as follows:

1589 (c) Priority shall be given next to a child from birth to
1590 the beginning of the school year for which the child is eligible
1591 for admission to kindergarten in a public school under s.
1592 1003.21(1)(a)2. who is from a working family that is
1593 economically disadvantaged, and may include such child's



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1594 eligible siblings, beginning with the school year in which the
1595 sibling is eligible for admission to kindergarten in a public
1596 school under s. 1003.21(1)(a)2. until the beginning of the
1597 school year in which the sibling enters ~~is eligible to begin~~ 6th
1598 grade, provided that the first priority for funding an eligible
1599 sibling is local revenues available to the coalition for funding
1600 direct services. However, a child eligible under this paragraph
1601 ceases to be eligible if his or her family income exceeds 200
1602 percent of the federal poverty level.

1603 (h) Priority shall be given next to a child who ~~has special~~
1604 ~~needs,~~ has been determined eligible as an infant or toddler from
1605 birth to 3 years of age with an individualized family support
1606 plan receiving early intervention services or to as a student
1607 with a disability with, ~~has~~ a current individual education plan
1608 with a Florida school district, ~~and is not younger than 3 years~~
1609 ~~of age.~~ A ~~special needs~~ child eligible under this paragraph
1610 remains eligible until the child is eligible for admission to
1611 kindergarten in a public school under s. 1003.21(1)(a)2.

1612 (6) Eligibility for each child must be reevaluated
1613 annually. Upon reevaluation, a child may not continue to receive
1614 school readiness program services if he or she has ceased to be
1615 eligible under this section. If a child no longer meets
1616 eligibility or program requirements, the coalition must
1617 immediately notify the child's parent and the provider that
1618 funding will end 2 weeks after the date on which the child was
1619 determined to be ineligible or when the current child care
1620 authorization expires, whichever occurs first.

1621 (7) If a coalition disenrolls children from the school
1622 readiness program due to lack of funding or a change in



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1623 eligibility priorities, the coalition must disenroll the
1624 children in reverse order of the eligibility priorities listed
1625 in subsection (1) beginning with children from families with the
1626 highest family incomes. A notice of disenrollment must be sent
1627 to the parent and school readiness program provider at least 2
1628 weeks before disenrollment or the expiration of the current
1629 child care authorization, whichever occurs first, to provide
1630 adequate time for the parent to arrange alternative care for the
1631 child. However, an at-risk child receiving services from the
1632 Child Welfare Program Office of the Department of Children and
1633 Families may not be disenrolled from the program without the
1634 written approval of the Child Welfare Program Office ~~of the~~
1635 ~~Department of Children and Families~~ or the community-based lead
1636 agency.

1637 (8) If a child is absent from the program for 2 consecutive
1638 days without parental notification to the program of such
1639 absence, the school readiness program provider shall contact the
1640 parent and determine the cause for the absence and the expected
1641 date of return. If a child is absent from the program for 5
1642 consecutive days without parental notification to the program of
1643 such absence, the school readiness program provider shall report
1644 the absence to the early learning coalition for a determination
1645 of the need for continued care.

1646 Section 27. Paragraphs (a) through (c) and (1) through (q)
1647 of subsection (1) of section 1002.88, Florida Statutes, are
1648 amended, present subsections (2) and (3) are redesignated as
1649 subsections (4) and (5), respectively, present subsection (2) is
1650 amended, and new subsections (2) and (3) are added to that
1651 section, to read:



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1652 1002.88 School readiness program provider standards;
1653 eligibility to deliver the school readiness program.—

1654 (1) To be eligible to deliver the school readiness program,
1655 a school readiness program provider must:

1656 (a) 1. Be a nonpublic school in substantial compliance with
1657 s. 402.3025(2)(d), a child care facility licensed under s.
1658 402.305, a family child day care home licensed or registered
1659 under s. 402.313, a large family child care home licensed under
1660 s. 402.3131, or a child care facility exempt from licensure
1661 operating under s. 402.316(4);

1662 2. Be an entity that is part of Florida's education system
1663 identified in s. 1000.04(1); a public school or nonpublic school
1664 exempt from licensure under s. 402.3025, a faith-based child
1665 care provider exempt from licensure under s. 402.316, a before-
1666 school or after-school program described in s. 402.305(1)(c), or

1667 3. Be an informal child care provider to the extent
1668 authorized in the state's Child Care and Development Fund Plan
1669 as approved by the United States Department of Health and Human
1670 Services pursuant to 45 C.F.R. s. 98.18.

1671 (b) Provide instruction and activities to enhance the age-
1672 appropriate progress of each child in attaining the child
1673 development standards adopted by the office pursuant to s.
1674 1002.82(2)(j). A provider should include activities to foster
1675 brain development in infants and toddlers; provide an
1676 environment that is rich in language and music and filled with
1677 objects of various colors, shapes, textures, and sizes to
1678 stimulate visual, tactile, auditory, and linguistic senses; and
1679 include 30 minutes of reading to children each day. A provider
1680 must provide parents information on child development,



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1681 expectations for parent engagement, the daily schedule, and the
1682 attendance policy.

1683 (c) Provide basic health and safety of its premises and
1684 facilities in accordance with applicable licensing and
1685 inspection requirements ~~and compliance with requirements for~~
1686 ~~age-appropriate immunizations of children enrolled in the school~~
1687 ~~readiness program.~~ For a child care facility, a large family
1688 child care home, or a licensed family child day care home,
1689 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies
1690 this requirement. For a public ~~or nonpublic~~ school, compliance
1691 with ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this
1692 requirement. For a nonpublic school, compliance with s.
1693 402.3025(2)(d) satisfies this requirement. For a facility exempt
1694 from licensure, compliance with s. 402.316(4) satisfies this
1695 requirement. For an informal provider, substantial compliance as
1696 defined in s. 402.302(17) satisfies this requirement. A provider
1697 shall be denied initial eligibility to offer the program if the
1698 provider has been cited for a Class I violation in the 12 months
1699 before seeking eligibility. An existing provider that is cited
1700 for a Class I violation may not have its eligibility renewed for
1701 12 months. A provider that is cited for a Class I violation may
1702 remain eligible to deliver the program if the Department of
1703 Children and Families or local licensing agency upon final
1704 disposition of a Class I violation has rescinded its initial
1705 citation in accordance with the criteria for consideration
1706 outlined in s. 1002.82(2)(m)2 ~~A faith-based child care provider,~~
1707 ~~an informal child care provider, or a nonpublic school, exempt~~
1708 ~~from licensure under s. 402.316 or s. 402.3025, shall annually~~
1709 ~~complete the health and safety checklist adopted by the office,~~



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1710 ~~post the checklist prominently on its premises in plain sight~~
1711 ~~for visitors and parents, and submit it annually to its local~~
1712 ~~early learning coalition.~~

1713 ~~(l) For a provider that is not an informal provider,~~
1714 Maintain general liability insurance and provide the coalition
1715 with written evidence of general liability insurance coverage,
1716 including coverage for transportation of children if school
1717 readiness program children are transported by the provider. A
1718 private provider must obtain and retain an insurance policy that
1719 provides a minimum of \$100,000 of coverage per occurrence and a
1720 minimum of \$300,000 general aggregate coverage. The office may
1721 authorize lower limits upon request, as appropriate. A provider
1722 must add the coalition as a named certificateholder ~~and as an~~
1723 ~~additional insured.~~ A private provider must provide the
1724 coalition with a minimum of 10 calendar days' advance written
1725 notice of cancellation of or changes to coverage. The general
1726 liability insurance required by this paragraph must remain in
1727 full force and effect for the entire period of the provider
1728 contract with the coalition.

1729 ~~(m) For a provider that is an informal provider, comply~~
1730 ~~with the provisions of paragraph (l) or maintain homeowner's~~
1731 ~~liability insurance and, if applicable, a business rider. If an~~
1732 ~~informal provider chooses to maintain a homeowner's policy, the~~
1733 ~~provider must obtain and retain a homeowner's insurance policy~~
1734 ~~that provides a minimum of \$100,000 of coverage per occurrence~~
1735 ~~and a minimum of \$300,000 general aggregate coverage. The office~~
1736 ~~may authorize lower limits upon request, as appropriate. An~~
1737 ~~informal provider must add the coalition as a named~~
1738 ~~certificateholder and as an additional insured. An informal~~



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1739 ~~provider must provide the coalition with a minimum of 10~~
1740 ~~calendar days' advance written notice of cancellation of or~~
1741 ~~changes to coverage. The general liability insurance required by~~
1742 ~~this paragraph must remain in full force and effect for the~~
1743 ~~entire period of the provider's contract with the coalition.~~

1744 (m) ~~(n)~~ Obtain and maintain any required workers'
1745 compensation insurance under chapter 440 and any required
1746 reemployment assistance or unemployment compensation coverage
1747 under chapter 443, unless exempt under state or federal law.

1748 (n) ~~(o)~~ Notwithstanding paragraph (l), for a provider that
1749 is a state agency or a subdivision thereof, as defined in s.
1750 768.28(2), agree to notify the coalition of any additional
1751 liability coverage maintained by the provider in addition to
1752 that otherwise established under s. 768.28. The provider shall
1753 indemnify the coalition to the extent permitted by s. 768.28.

1754 (o) ~~(p)~~ Execute the standard statewide provider contract
1755 adopted by the office.

1756 (p) ~~(q)~~ Operate on a full-time and part-time basis and
1757 provide extended-day and extended-year services to the maximum
1758 extent possible without compromising the quality of the program
1759 to meet the needs of parents who work.

1760 (2) Beginning January 1, 2016, at least 50 percent of the
1761 child care personnel employed by a school readiness provider at
1762 each location, who are responsible for supervising children in
1763 care, must be trained in first aid and infant and child
1764 cardiopulmonary resuscitation, as evidenced by current
1765 documentation of course completion. As a condition of
1766 employment, personnel hired on or after January 1, 2016, must
1767 complete this training within 60 days after employment.



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1768 (3) Beginning January 1, 2017, child care personnel
1769 employed by a school readiness program provider must hold a high
1770 school diploma or its equivalent and be at least 18 years of
1771 age, unless the personnel are not responsible for supervising
1772 children in care or are under direct supervision.

1773 (4)~~(2)~~ If a school readiness program provider fails or
1774 refuses to comply with this part or any contractual obligation
1775 of the statewide provider contract under s. 1002.82(2)(m), the
1776 coalition may revoke the provider's eligibility to deliver the
1777 school readiness program or receive state or federal funds under
1778 this chapter for ~~a period of~~ 5 years.

1779 Section 28. Paragraph (b) of subsection (6) and subsection
1780 (7) of Section 1002.89, Florida Statutes, are amended to read:
1781 1002.89 School readiness program; funding.-

1782 (6) Costs shall be kept to the minimum necessary for the
1783 efficient and effective administration of the school readiness
1784 program with the highest priority of expenditure being direct
1785 services for eligible children. However, no more than 5 percent
1786 of the funds described in subsection (5) may be used for
1787 administrative costs and no more than 22 percent of the funds
1788 described in subsection (5) may be used in any fiscal year for
1789 any combination of administrative costs, quality activities, and
1790 nondirect services as follows:

1791 (b) Activities to improve the quality of child care as
1792 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
1793 the following:

1794 1. Developing, establishing, expanding, operating, and
1795 coordinating resource and referral programs specifically related
1796 to the provision of comprehensive consumer education to parents



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1797 and the public to promote informed child care choices specified
1798 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
1799 ~~readiness program and parental choice.~~

1800 2. Awarding grants and providing financial support to
1801 school readiness program providers and their staffs to assist
1802 them in meeting applicable state requirements for child care
1803 performance standards, implementing developmentally appropriate
1804 curricula and related classroom resources that support
1805 curricula, providing literacy supports, obtaining a license or
1806 accreditation, and providing professional development, including
1807 scholarships and other incentives. Any grants awarded pursuant
1808 to this subparagraph shall comply with ~~the requirements of ss.~~
1809 215.971 and 287.058.

1810 3. Providing training, ~~and~~ technical assistance, and
1811 financial support for school readiness program providers, staff,
1812 and parents on standards, child screenings, child assessments,
1813 developmentally appropriate curricula, character development,
1814 teacher-child interactions, age-appropriate discipline
1815 practices, health and safety, nutrition, first aid,
1816 cardiopulmonary resuscitation, the recognition of communicable
1817 diseases, and child abuse detection and prevention.

1818 4. Providing from among the funds provided for the
1819 activities described in subparagraphs 1.-3., adequate funding
1820 for infants and toddlers as necessary to meet federal
1821 requirements related to expenditures for quality activities for
1822 infant and toddler care.

1823 5. Improving the monitoring of compliance with, and
1824 enforcement of, applicable state and local requirements as
1825 described in and limited by 45 C.F.R. s. 98.40.



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1826 6. Responding to Warm-Line requests by providers and
1827 parents ~~related to school readiness program children~~, including
1828 providing developmental and health screenings to school
1829 readiness program children.

1830 (7) Funds appropriated for the school readiness program may
1831 not be expended for the purchase or improvement of land; for the
1832 purchase, construction, or permanent improvement of any building
1833 or facility; or for the purchase of buses. However, funds may be
1834 expended for minor remodeling necessary for the administration
1835 of the program and upgrading of child care facilities to ensure
1836 that providers meet state and local child care standards,
1837 including applicable health and safety requirements.

1838 Section 29. Subsection (7) of section 1002.91, Florida
1839 Statutes, is amended to read:

1840 1002.91 Investigations of fraud or overpayment; penalties.—

1841 (7) The early learning coalition may not contract with a
1842 school readiness program provider, ~~or~~ a Voluntary
1843 Prekindergarten Education Program provider, or an individual who
1844 is on the United States Department of Agriculture National
1845 Disqualified List. In addition, the coalition may not contract
1846 with any provider that shares an officer or director with a
1847 provider that is on the United States Department of Agriculture
1848 National Disqualified List.

1849 Section 30. Paragraph (d) of subsection (3) of section
1850 1002.94, Florida Statutes, is amended to read:

1851 1002.94 Child Care Executive Partnership Program.—

1852 (3)

1853 (d) Each early learning coalition shall establish a
1854 community child care task force ~~for each child care purchasing~~



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1855 ~~pool~~. The task force must be composed of employers, parents,
1856 private child care providers, and one representative from the
1857 local children's services council, if one exists in the area ~~of~~
1858 ~~the purchasing pool~~. The early learning coalition is expected to
1859 recruit the task force members from existing child care
1860 councils, commissions, or task forces already operating in the
1861 area ~~of a purchasing pool~~. A majority of the task force shall
1862 consist of employers.

1863 Section 31. The Office of Early Learning shall conduct a 2-
1864 year pilot project to study the impact of assessing the early
1865 literacy skills of Voluntary Prekindergarten Education Program
1866 participants who are English Language Learners, in both English
1867 and Spanish. The assessments must include, at a minimum, the
1868 first administration of the Florida Assessments for Instruction
1869 in Reading in kindergarten and an appropriate alternative
1870 assessment in Spanish. The study must include a review of the
1871 kindergarten screening results for 2009-2010 and 2010-2011
1872 program participants and their subsequent Florida Comprehensive
1873 Assessment Test scores. The office shall report its findings to
1874 the Governor, the President of the Senate, and the Speaker of
1875 the House of Representatives by July 1, 2016, and July 1, 2017.

1876 Section 32. This act shall take effect July 1, 2015.