

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 7006

INTRODUCER: Community Affairs Committee; Education Pre-K - 12 Committee; and Senator Legg

SUBJECT: Early Learning

DATE: April 20, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Scott	Klebacha		<b>ED Submitted as Committee Bill</b>
1.	Stearns	Yeatman	CA	<b>Fav/CS</b>
2.	Brown	Pigott	AHS	<b>Recommend: Fav/CS</b>
3.	Brown	Kynoch	AP	<b>Pre-meeting</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 7006 increases the health and safety standards and personnel requirements for Voluntary Prekindergarten Programs Education (VPK) programs and School Readiness programs. The bill:

- Requires licensure or, if the provider is a license-exempt faith-based provider or nonpublic school, a certificate of substantial compliance with specified child care licensing standards and submission to inspections by the Department of Children and Families (DCF);
- Requires providers of child care and VPK instructional services to notify parents of disciplinary action and conspicuously post Class I violation citations and inspection reports that result in disciplinary action, on the premises;
- Denies initial eligibility for programs to certain providers that had a Class I violation within the preceding 12 months prior to seeking eligibility and, if cited for a Class I violation, prevents an existing provider from renewing its eligibility for 12 months;
- Requires certain personnel to be at least 18 years of age and hold a high school diploma by January 1, 2017;
- Provides requirements for certain employees to be trained in first aid and cardiopulmonary resuscitation;
- Requires personnel to be trained in developmentally appropriate practices aligned to the age and needs of children served by the personnel;
- Requires the Office of Early Learning (OEL) to develop online training regarding School Readiness performance standards and requires provider personnel to complete the training;

- Requires OEL to conduct a pilot project assessing the early literacy skills of VPK participants who are English language learners;
- Provides that failure to report child abuse is a disqualifying offense for child care employment;
- Prohibits an operator of a program, who has been disciplined for serious licensing violations, from transferring ownership of a program to relatives;
- Authorizes Early Learning Coalitions (ELCs) to allow private providers to accept applications and determine child eligibility for the VPK program;
- Expands the DCF's authority to conduct abbreviated inspections to include family day care homes and large family child care homes;
- Requires the Division of Law Revision and Information to change the terms "family day care" to "family child care" and "family day care home" to "family child care home"; and
- Allows a district school board or charter school governing board to permit certain four-year-old children to attend public kindergarten.

The bill appropriates to the DCF the sums of \$1,034,965 in recurring funds and \$11,319 in nonrecurring funds from the General Revenue Fund, \$70,800 in recurring funds from the Operations and Maintenance Trust Fund, and 18 full-time equivalent positions. The bill also has an indeterminate but potentially significant negative fiscal impact on the Department of Education.

The bill provides an effective date of July 1, 2015.

## II. Present Situation:

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

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

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

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

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

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

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

for a child with disabilities who is eligible for such a program.<sup>4</sup> A parent enrolling a child in VPK must complete and submit an application to the early learning coalition (ELC),<sup>5</sup> not the individual program provider, which oversees the program.<sup>6</sup>

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

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

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

In addition, a private prekindergarten provider must:

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

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

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

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

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

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

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

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

<sup>11</sup> Section 1005(3)(b)2., F.S.; *see* s. 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Family Services, *Gold Seal Accreditation Process for Child Care Providers*, <http://myflfamilies.com/service-programs/child-care/goldseal-acredprocess> (last visited Jan. 15, 2015). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF's standards are based upon those of the National Association for the Education

- Be licensed and demonstrate that the ELC has verified that the provider meets the VPK program's statutory requirements.<sup>12</sup>

### School Readiness Program

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

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

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

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

### III. Effect of Proposed Changes:

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

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of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

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

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

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

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

<sup>16</sup> Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Early Learning Coalition Directory* (Jan. 7, 2015), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>.

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

## **Requirements of the Office of Early Learning**

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

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

Effect of the Bill: The bill adds additional requirements to the duties of the OEL. The additional duties are to: hire a general counsel who reports directly to the executive director of the office; hire an inspector general who reports directly to the executive director of the office and to the Chief Inspector General; and by July 1, 2017, develop and implement best practices for providing parental notification in the parent's native language to a parent whose native language is not English. The bill also requires the OEL to conduct a two-year pilot project studying the impact of assessing the early literacy skills of VPK participants who are English language learners, in both English and Spanish, and report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, and July 1, 2017.

### ***The Standardized Voluntary Prekindergarten Contract***

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

Effect of the Bill: The bill, in addition to current-law requirements, requires the standard statewide contract to:

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

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

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

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

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

### ***Background Screening***

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

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

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

The bill also adds the requirement that before employing child care personnel, an employer must conduct employment history checks and document the findings.

### ***Instructor Credentials***

Present Situation: A private VPK instructor must hold a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential deemed equivalent by the DCF.<sup>22</sup> Currently, s. 1002.55, F.S., does not explicitly delineate requirements for VPK instructors relating to first aid and infant and child cardiopulmonary resuscitation, nor does the statute address a minimum age or high school diploma requirement for employment.

Effect of the Bill: The bill retains the current-law options that satisfy the minimum credential requirement and provides new credentials that would also satisfy the requirement. The additional credentials added to the list include associate and baccalaureate degrees in child-oriented focus areas and associate and baccalaureate degrees in unrelated areas with additional hours of experience in teaching or child care services.

The bill requires at least 50 percent of a private VPK provider's instructors at each location and at least 50 percent of child care personnel at each School Readiness provider location to be trained in first aid and child cardiopulmonary resuscitation, demonstrated by documentation of course completion, unless the instructor or personnel are not responsible for supervising children

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

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

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

in care, by January 1, 2016. Additionally, instructors and personnel hired on or after January 1, 2016, must complete the training within 60 days of employment.

The bill also adds that, as of January 1, 2017, private VPK providers must employ child care personnel who have a high school diploma or its equivalent and are at least 18 years old, unless the personnel are not responsible for supervising children in care or are under direct supervision.

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

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

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

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

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

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

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

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

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

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

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

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

## **Health and Safety**

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

Present Situation: Licensing requirements, except for the requirements regarding screening of child care personnel, do not currently apply to a faith-based facility or educational programs accredited by (or by a member of) an organization that publishes and requires compliance with its standards for health, safety, and sanitation.<sup>26</sup> Nonpublic schools which are not licensed under ss. 402.301-402.319, F.S., are required to substantially comply with the minimum child care standards adopted pursuant to ss. 402.305-402.3057, F.S.<sup>27</sup>

Effect of the Bill: The bill requires child care facilities that are exempt from licensure requirements pursuant to s. 402.316, F.S., and which operate or apply to operate as a VPK or School Readiness provider, to substantially comply with the adopted minimum standards for child care facilities pursuant to ss. 402.305-402.3057, F.S., and obtain a certificate of substantial compliance from the DCF. Nonpublic schools which are not licensed are also required to obtain a certificate of substantial compliance. Such facilities must allow the DCF or the local licensing agency to monitor and enforce compliance. The bill adds that the DCF must establish a fee for inspection and compliance activities in an amount sufficient to cover costs, but the amount may not exceed the fee established for child care licensure under s. 402.315, F.S. The bill also provides penalties for the misrepresentation and misuse of certain information. The effect of this provision is that all providers will either be licensed or must be substantially compliant with existing licensing standards.

Present Situation: A licensed child care facility must allow the DCF to inspect facilities and personnel at reasonable times during regular business hours to ensure statutory compliance. An application for a license or the advertisement to the public for the provision of child care allows the DCF to enter or inspect a facility seeking licensure or renewal of licensure.<sup>28</sup>

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

Effect of the Bill: The bill provides that the DCF's authority to inspect a licensed child care facility is expanded to include inspection of a "program regulated by" the DCF. This includes a child care facility which is exempted from licensure under s. 402.316, F.S., and which is a VPK or School Readiness provider or which seeks to become a VPK or School Readiness provider. Additionally, the bill provides that an application for authorization to operate a child care program that must substantially comply with child care standards under ch. 402, F.S., or renewal

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

<sup>27</sup> Section 402.3025(2)(d)1., F.S.

<sup>28</sup> Section 402.311, F.S.



of such a license or authorization, also constitutes permission for the DCF to enter and inspect the premises.

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

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

Present Situation: A private VPK provider must meet one of the following: be accredited by a particular accrediting body,<sup>29</sup> hold a Gold Seal Quality Care designation, or be licensed under particular statutes.<sup>30</sup> School Readiness facilities are also required to provide basic health and safety of its premises.<sup>31</sup>

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

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

- For a public school, compliance with s. 1003.22, F.S., (school-entry health examinations and immunizations) and s. 1013.12, F.S., (casualty, safety, sanitation, fire safety standards and inspection of property), is sufficient;
- For a nonpublic school, compliance with s. 402.3025(2)(d), F.S., (substantial compliance with statutory licensing standards) is sufficient;
- For a child care facility, a licensed family day care home, or a large family child care home, compliance with s. 402.305, F.S., (licensing standards), s. 402.313, F.S., (licensing of family day care homes requirements), or s. 402.3131, F.S., (licensing of large family child care homes requirements), is sufficient; and
- For a facility exempt from licensure, compliance with s. 402.316(4), F.S., (which is created by this bill) is sufficient.

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

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<sup>29</sup> Section 1002.55(3)(b)1., F.S. A private VPK provider must be accredited by: “an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state’s licensing requirements under ss. 402.305, 402.313, or 402.3131, F.S., and require at least one onsite visit to the provider or school before accreditation is granted.” *Id.*

<sup>30</sup> Section 1002.55, F.S.

<sup>31</sup> Section 1002.88(1)(c), F.S.

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

Present Situation: A licensed or registered family day care home is not required to display its license or registration.<sup>32</sup>

Effect of the Bill: The bill requires each licensed or registered family day care home to conspicuously display its license or registration in the common area of the home.

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

### ***Rulemaking Authority***

Present Situation: Rulemaking authority is not provided to the DCF with regard to defining and enforcing substantial compliance with minimum standards for child care facilities for programs operating under s. 1002.55, F.S., (private school-year VPK programs), s. 1002.61, F.S., (public school and private VPK summer programs), and s. 1002.88, F.S., (School Readiness programs).<sup>33</sup>

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

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

Present Situation: Denial of initial eligibility based upon a Class I violation within 12 months of seeking eligibility to deliver a VPK program and preventing renewal of such eligibility for a Class I violation, are not currently in law.

Effect of the Bill: The bill denies initial eligibility to a private provider seeking eligibility to deliver the VPK program if the provider has been cited for a Class I violation in the 12 months prior to seeking such eligibility. The bill also prevents an existing provider from renewing its eligibility for 12 months if cited for a Class I violation. This provision inhibits the growth of a provider's program if the provider has received a citation for the most severe grouping of violations within the past year.

## **Participant-Related Provisions**

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

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

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<sup>32</sup> See s. 402.313, F.S.

<sup>33</sup> See s. 402.305, F.S.

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

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

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

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

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

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

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

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

### **Provider-Related Provisions**

#### ***Reviser’s Bill for the 2016 Regular Session***

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

**Effect of the Bill:** The bill directs the Division of Law Revision and Information to prepare a reviser’s bill for the 2016 regular session that will change the term “family day care” to “family child care,” and the term “family day care home” to “family child care home” throughout the Florida Statutes.

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

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

Present Situation: The operation of a residence as a family day care home is a valid residential use for local zoning regulation purposes.<sup>36</sup> Large family child care homes are not included in this provision.

Effect of the Bill: The bill provides that the operation of a residence as a family day care home *or as a large family child care home* is a valid residential use for local zoning regulation purposes.

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

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

Effect of the Bill: The bill adds large family child care homes to this provision, which currently only includes family day care homes.

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

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

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

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

Present Situation: Each parent enrolling a child in VPK must comply with the attendance policy of the private VPK provider or public school board. Each provider must supply a child's parent with a copy of the attendance policy.<sup>39</sup> For a School Readiness program, if a child is absent for five consecutive days without notification from the parent of such an absence, the provider is required to report the absence to the ELC.<sup>40</sup>

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

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

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

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

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

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

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

### ***School Readiness Program Eligibility Requirements***

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

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

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

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

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

## **Kindergarten-Related Provisions**

### ***Eligibility to Attend Kindergarten***

Present Situation: Children who have attained the age of five years on or before September 1 of the school year are eligible for admission to public kindergarten during that school year under rules adopted by the district school board.

Effect of the Bill: The bill allows a district school board or charter school governing board to permit certain four-year-old children to attend public kindergarten. The board must adopt a policy that requires the child to pass:

- The kindergarten readiness assessment pursuant to s. 1002.69, F.S.; and
- A social assessment developed or selected by the school district or charter school.

## **Appropriation**

The bill provides an appropriation in the recurring amount of \$1,034,965 and \$11,319 of nonrecurring funds, from the General Revenue Fund and \$70,800 of recurring funds from the Operations and Maintenance Trust Fund to the Department of Children and Families and authorizes 18 full-time equivalent positions, for the purpose of implementing the bill.

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

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

**Effective Date**

The bill provides an effective date of July 1, 2015.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Section 12 of CS/SB 7006 requires the Department of Children and Families (DCF) to establish a fee for inspection and compliance activities.

**B. Private Sector Impact:**

Some of the bill's provisions may have an indeterminate negative fiscal impact on the private sector. Those provisions relate to the following: certification requirements, training requirements, notification requirements, and a fee for inspection and compliance.

**C. Government Sector Impact:****Department of Children and Families (DCF)**

According to the DCF, the bill would require the department to monitor over 768 additional child care facilities to ensure substantial compliance with health and safety standards. For Fiscal Year 2015-2016, the DCF's Office of Child Care Regulation and Background Screening and the Office of the General Counsel would require \$1,252,441 and 18 full-time equivalent positions to perform these functions, according to the DCF.

The DCF expects to receive approximately \$52,093 in additional revenue for the Operations and Maintenance Trust Fund in Fiscal Year 2015-2016 under the bill, due to fees collected from approximately 244 currently exempt child care facilities and 336 non-public schools that would need to be inspected under the bill, in addition to licensure fees collected from 188 currently registered child care facilities that would need to become licensed under the bill.

The bill provides a recurring appropriation of \$1,034,965 and a nonrecurring appropriation of \$11,319 from the General Revenue Fund and a recurring appropriation of \$70,800 from the Operations and Maintenance Trust Fund, and 18 full-time equivalent positions, to the DCF for the purpose of implementing the regulatory provisions of the bill. These appropriations are \$135,357 less than the DCF's estimate of the spending authority needed for Fiscal Year 2015-2016.

#### **Department of Education**

The bill's provision allowing district school boards or charter school governing boards to permit certain four-year-old children to attend public kindergarten has an indeterminate but potentially significant negative fiscal impact on the Department of Education, depending on the number of school boards that choose to make that option available and the number of parents choosing to exercise that option for eligible four-year-olds.

#### **VI. Technical Deficiencies:**

Under current law, s. 402.316(1), F.S., provides that certain child care facilities are exempt from the licensure and regulatory provisions of s. 402.301-402.319, F.S., except for requirements regarding screening of child care personnel. However, the bill creates s. 402.316(4), F.S., to require that such an exempt facility that also operates as a VPK or School Readiness provider must substantially comply with minimum standards for child care facilities adopted pursuant to ss. 402.305-402.3057, F.S., while leaving in force the provision under s. 402.316(1), F.S., that such facilities are exempt from those same standards, except for the standards regarding screening of child care personnel.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.0109, 166.0445, 402.302, 402.3025, 402.305, 402.311, 402.3115, 402.313, 402.3131, 402.316, 627.70161, 1001.213, 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.71, 1002.75, 1002.77, 1002.81, 1002.82, 1002.84, 1002.87, 1002.88, 1002.89, 1002.91, 1002.94, and 1003.21.

This bill creates section 402.3085 of the Florida Statutes.

#### **IX. Additional Information:**

##### **A. Committee Substitute – Statement of Changes:**

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

##### **CS by Community Affairs on February 17, 2015:**

Amends s. 1003.21(1)(a)2., F.S., to allow a district school board or charter school governing board to permit certain four-year-old children to attend public kindergarten. The board must adopt a policy that requires the child to pass:

- The kindergarten readiness assessment pursuant to s. 1002.69, F.S.; and

- A social assessment developed or selected by the school district or charter school.

B. Amendments:

None.

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

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