

By the Committees on Community Affairs; and Education Pre-K -
12; and Senator Legg

578-01654-15

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1 A bill to be entitled
2 An act relating to early learning; providing a
3 directive to the Division of Law Revision and
4 Information to change the term "family day care home"
5 to "family child care home," and the term "family day
6 care" to "family child care"; amending ss. 125.0109
7 and 166.0445, F.S.; including large family child care
8 homes in local zoning regulation requirements;
9 amending s. 402.302, F.S.; redefining the term
10 "substantial compliance"; requiring the Department of
11 Children and Families to adopt rules for compliance by
12 certain programs regulated, but not licensed, by the
13 department; amending s. 402.3025, F.S.; revising
14 requirements for nonpublic schools delivering certain
15 voluntary prekindergarten education programs and
16 school readiness programs; amending s. 402.305, F.S.;
17 revising certain minimum standards for child care
18 facilities; prohibiting the transfer of ownership of
19 such facilities to specified individuals; creating s.
20 402.3085, F.S.; requiring nonpublic schools or
21 providers seeking to operate certain programs to
22 annually obtain a certificate from the department or a
23 local licensing agency; providing for issuance of the
24 certificate upon examination of the applicant's
25 premises and records; prohibiting a provider from
26 participating in the programs without a certificate;
27 authorizing local licensing agencies to apply their
28 own minimum child care standards under certain
29 circumstances; amending s. 402.311, F.S.; providing

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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
57 providers, instructors, and child care personnel;
58 providing requirements in the case of provider

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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;
86 amending s. 1002.91, F.S.; prohibiting an early
87 learning coalition from contracting with specified

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88 persons; amending s. 1002.94, F.S.; revising
89 establishment of a community child care task force by
90 an early learning coalition; amending s. 1003.21,
91 F.S.; authorizing a district school board or charter
92 school governing board to adopt a policy to allow a
93 child to be admitted to a public kindergarten if the
94 child meets certain requirements; requiring the Office
95 of Early Learning to conduct a pilot project to study
96 the impact of assessing the early literacy skills of
97 certain VPK program participants; requiring the office
98 to report its findings to the Governor and Legislature
99 by specified dates; providing an appropriation;
100 providing an effective date.

101
102 Be It Enacted by the Legislature of the State of Florida:

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

110 Section 2. Section 125.0109, Florida Statutes, is amended
111 to read:

112 125.0109 Family child day care homes and large family child
113 care homes; local zoning regulation.—The operation of a
114 residence as a family child day care home or large family child
115 care home, as defined in s. 402.302, licensed or registered
116 pursuant to s. 402.313 or s. 402.3131, as applicable,

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117 ~~constitutes, as defined by law, registered or licensed with the~~
118 ~~Department of Children and Families shall constitute~~ a valid
119 residential use for purposes of any local zoning regulations,
120 and ~~no~~ such regulation may not ~~shall~~ require the owner or
121 operator of such family child day care home or large family
122 child care home to obtain any special exemption or use permit or
123 waiver, or to pay any special fee in excess of \$50, to operate
124 in an area zoned for residential use.

125 Section 3. Section 166.0445, Florida Statutes, is amended
126 to read:

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

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

142 402.302 Definitions.—As used in this chapter, the term:

143 (17) "Substantial compliance" means, for purposes of
144 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,
145 ~~that level of adherence to adopted standards~~ which is sufficient

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146 to safeguard the health, safety, and well-being of all children
147 under care. The standards must address the requirements of s.
148 402.305 and must be limited to supervision, transportation,
149 access, health-related requirements, food and nutrition,
150 personnel screening, records, and enforcement of these
151 standards. The standards must not limit or exclude the
152 curriculum provided by a faith-based provider or nonpublic
153 school. The department, in consultation with the Office of Early
154 Learning, must adopt rules to define and enforce substantial
155 compliance with minimum standards for child care facilities for
156 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88
157 which are regulated, but not licensed, by the department
158 ~~Substantial compliance is greater than minimal adherence but not~~
159 ~~to the level of absolute adherence. Where a violation or~~
160 ~~variation is identified as the type which impacts, or can be~~
161 ~~reasonably expected within 90 days to impact, the health,~~
162 ~~safety, or well-being of a child, there is no substantial~~
163 ~~compliance.~~

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

166 402.3025 Public and nonpublic schools.—For the purposes of
167 ss. 402.301-402.319, the following shall apply:

168 (2) NONPUBLIC SCHOOLS.—

169 (d)1. Nonpublic schools delivering programs under s.
170 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~
171 ~~at least 3 years of age, but under 5 years of age, which are not~~
172 ~~licensed under ss. 402.301-402.319 shall substantially comply~~
173 ~~with the minimum child care standards~~ adopted ~~promulgated~~
174 pursuant to ss. 402.305-402.3057.

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175 2. The department or local licensing agency shall enforce
176 compliance with such standards, where possible, to eliminate or
177 minimize duplicative inspections or visits by staff enforcing
178 the minimum child care standards and staff enforcing other
179 standards under the jurisdiction of the department.

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

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

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

189 c. ~~To use corrective action plans, whenever possible, to~~
190 ~~attain compliance prior to the use of more restrictive~~
191 ~~enforcement measures.~~

192 d. ~~To make application for injunction to the proper circuit~~
193 ~~court, and the judge of that court shall have jurisdiction upon~~
194 ~~hearing and for cause shown to grant a temporary or permanent~~
195 ~~injunction, or both, restraining any person from violating or~~
196 ~~continuing to violate any of the provisions of ss. 402.301-~~
197 ~~402.319. Any violation of this section or of the standards~~
198 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~
199 ~~child in the school's programs for children who are at least 3~~
200 ~~years of age, but are under 5 years of age, or repeated~~
201 ~~violations of this section or the standards under ss. 402.305-~~
202 ~~402.3057, shall be grounds to seek an injunction to close a~~
203 ~~program in a school.~~

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

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

210 a. Fail, by false statement, misrepresentation,
211 impersonation, or other fraudulent means, to disclose in any
212 required written documentation for exclusion from licensure
213 pursuant to this section a material fact used in making a
214 determination as to such exclusion; or

215 b. Use information from the criminal records obtained under
216 s. 402.305 or s. 402.3055 for any purpose other than screening
217 that person for employment as specified in those sections or
218 release such information to any other person for any purpose
219 other than screening for employment as specified in those
220 sections.

221 5. It is a felony of the third degree, punishable as
222 provided in s. 775.082, s. 775.083, or s. 775.084, for any
223 person willfully, knowingly, or intentionally to use information
224 from the juvenile records of any person obtained under s.
225 402.305 or s. 402.3055 for any purpose other than screening for
226 employment as specified in those sections or to release
227 information from such records to any other person for any
228 purpose other than screening for employment as specified in
229 those sections.

230 6. The inclusion of nonpublic schools within options
231 available under ss. 1002.55, 1002.61, and 1002.88 does not
232 expand the regulatory authority of the state, its officers, any

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233 local licensing agency, or any early learning coalition to
234 impose any additional regulation of nonpublic schools beyond
235 those reasonably necessary to enforce requirements expressly
236 specified in this paragraph.

237 ~~(e) The department and the nonpublic school accrediting~~
238 ~~agencies are encouraged to develop agreements to facilitate the~~
239 ~~enforcement of the minimum child care standards as they relate~~
240 ~~to the schools which the agencies accredit.~~

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

244 402.305 Licensing standards; child care facilities.—

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

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

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262 document efforts to contact the previous employer.

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

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

268 a. State and local rules and regulations which govern child
269 care.

270 b. Health, safety, and nutrition.

271 c. Identifying and reporting child abuse and neglect.

272 d. Child development, including typical and atypical
273 language, cognitive, motor, social, and self-help skills
274 development.

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

278 f. Specialized areas, including computer technology for
279 professional and classroom use and numeracy, early literacy, and
280 language development of children from birth to 5 years of age,
281 as determined by the department, for owner-operators and child
282 care personnel of a child care facility.

283 g. Developmental disabilities, including autism spectrum
284 disorder and Down syndrome, and early identification, use of
285 available state and local resources, classroom integration, and
286 positive behavioral supports for children with developmental
287 disabilities.

288

289 Within 90 days after employment, child care personnel shall
290 begin training to meet the training requirements pursuant to

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291 this paragraph. Child care personnel shall successfully complete
292 such training within 1 year after the date on which the training
293 began, as evidenced by passage of a competency examination.
294 Successful completion of the 40-clock-hour introductory course
295 shall articulate into community college credit in early
296 childhood education, pursuant to ss. 1007.24 and 1007.25.
297 Exemption from all or a portion of the required training shall
298 be granted to child care personnel based upon educational
299 credentials or passage of competency examinations. Child care
300 personnel possessing a 2-year degree or higher that includes 6
301 college credit hours in early childhood development or child
302 growth and development, or a child development associate
303 credential or an equivalent state-approved child development
304 associate credential, or a child development associate waiver
305 certificate shall be automatically exempted from the training
306 requirements in sub-subparagraphs b., d., and e.

307 2. The introductory course in child care shall stress, to
308 the extent possible, an interdisciplinary approach to the study
309 of children.

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

316 4. On an annual basis in order to further their child care
317 skills and, if appropriate, administrative skills, child care
318 personnel who have fulfilled the requirements for the child care
319 training shall be required to take an additional 1 continuing

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320 education unit of approved inservice training, or 10 clock hours
321 of equivalent training, as determined by the department.

322 5. Child care personnel shall be required to complete 0.5
323 continuing education unit of approved training or 5 clock hours
324 of equivalent training, as determined by the department, in
325 numeracy, early literacy, and language development of children
326 from birth to 5 years of age one time. The year that this
327 training is completed, it shall fulfill the 0.5 continuing
328 education unit or 5 clock hours of the annual training required
329 in subparagraph 4.

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

341 7. Training requirements do ~~shall~~ not apply to certain
342 occasional or part-time support staff, including, but not
343 limited to, swimming instructors, piano teachers, dance
344 instructors, and gymnastics instructors.

345 8. The department shall evaluate or contract for an
346 evaluation for the general purpose of determining the status of
347 and means to improve staff training requirements and testing
348 procedures. The evaluation shall be conducted every 2 years. The

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349 evaluation must ~~shall~~ include, but not be limited to,
350 determining the availability, quality, scope, and sources of
351 current staff training; determining the need for specialty
352 training; and determining ways to increase inservice training
353 and ways to increase the accessibility, quality, and cost-
354 effectiveness of current and proposed staff training. The
355 evaluation methodology must ~~shall~~ include a reliable and valid
356 survey of child care personnel.

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

361 (9) ADMISSIONS AND RECORDKEEPING.—

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

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

377 (18) TRANSFER OF OWNERSHIP.—

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378 (a) One week before ~~prior to~~ the transfer of ownership of a
379 child care facility, ~~or~~ family child day care home, or large
380 family child care home, the transferor shall notify the parent
381 or caretaker of each child of the impending transfer.

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

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

399 Section 7. Section 402.3085, Florida Statutes, is created
400 to read:

401 402.3085 Certificate of substantial compliance with minimum
402 child care standards.—Each nonpublic school or provider seeking
403 to operate a program pursuant to s. 402.3025(2)(d) or s.
404 402.316(4), respectively, shall annually obtain a certificate
405 from the department or local licensing agency in the manner and
406 on the forms prescribed by the department or local licensing

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407 agency. An annual certificate or a renewal of an annual
408 certificate shall be issued upon an examination of the
409 applicant's premises and records to determine that the applicant
410 is in substantial compliance with the minimum child care
411 standards. A provider may not participate in these programs
412 without this certification. Local licensing agencies may apply
413 their own minimum child care standards if the department
414 determines that such standards meet or exceed department
415 standards as provided in s. 402.307.

416 Section 8. Section 402.311, Florida Statutes, is amended to
417 read:

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

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436 ~~this act~~ or the advertisement to the public for the provision of
437 child care as defined in s. 402.302 constitutes ~~shall constitute~~
438 permission for any entry to or inspection of the subject
439 premises ~~for which the license is sought in order~~ to facilitate
440 verification of the information submitted on or in connection
441 with the application. In the event a ~~licensed~~ facility or
442 program refuses permission for entry or inspection to the
443 department or local licensing agency, a warrant shall be
444 obtained from the circuit court authorizing same before ~~prior to~~
445 such entry or inspection. The department or local licensing
446 agency may institute disciplinary proceedings pursuant to s.
447 402.310~~7~~ for such refusal.

448 Section 9. Section 402.3115, Florida Statutes, is amended
449 to read:

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

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465 child care facility continues to provide quality care and
466 programming. The department shall adopt rules establishing
467 criteria and procedures for abbreviated inspections and
468 inspection schedules that provide for both announced and
469 unannounced inspections.

470 Section 10. Section 402.313, Florida Statutes, is amended
471 to read:

472 402.313 Family child day care homes.—

473 (1) A family child day care home must ~~homes shall~~ be
474 licensed under this section ~~act~~ if it is ~~they are~~ presently
475 being licensed under an existing county licensing ordinance, ~~or~~
476 ~~if~~ the board of county commissioners passes a resolution that
477 requires licensure of family child day care homes, or the family
478 child care home is operating a program under s. 1002.55, s.
479 1002.61, or s. 1002.88 ~~be licensed~~. Each licensed or registered
480 family child care home must conspicuously display its license or
481 registration in the common area of the home.

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

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

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494 the operator.

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

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

499 ~~a. State and local rules and regulations that govern child~~
500 ~~care.~~

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

502 ~~e. Identifying and reporting child abuse and neglect.~~

503 ~~d. Child development, including typical and atypical~~
504 ~~language development; and cognitive, motor, social, and self-~~
505 ~~help skills development.~~

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

509 ~~f. Specialized areas, including early literacy and language~~
510 ~~development of children from birth to 5 years of age, as~~
511 ~~determined by the department, for owner operators of family day~~
512 ~~care homes.~~

513 ~~5.7.~~ Proof that immunization records are kept current.

514 ~~8. Proof of completion of the required continuing education~~
515 ~~units or clock hours.~~

516

517 Upon receipt of registration information submitted by a family
518 child care home pursuant to this paragraph, the department shall
519 verify that the home is in compliance with the background
520 screening requirements in subsection (3) and that the operator
521 and the designated substitute are in compliance with the
522 applicable training requirements of subsection (4).

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

525 (c) The department may provide technical assistance to
526 counties and operators of family child ~~day~~ care homes ~~home~~
527 ~~providers~~ to enable counties and operators ~~family day care~~
528 ~~providers~~ to achieve compliance with family child ~~day~~ care home
529 ~~homes~~ standards.

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

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

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

549 1. Successfully complete an approved 30-clock-hour
550 introductory course in child care, as evidenced by passage of a
551 competency examination, ~~before caring for children.~~ The course

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552 must include:

553 a. State and local rules and regulations that govern child
554 care.

555 b. Health, safety, and nutrition.

556 c. Identifying and reporting child abuse and neglect.

557 d. Child development, including typical and atypical
558 language development, and cognitive, motor, social, and
559 executive functioning skills development.

560 e. Observation of developmental behaviors, including using
561 checklists or other similar observation tools and techniques to
562 determine a child's developmental level.

563 f. Specialized areas, including numeracy, early literacy,
564 and language development of children from birth to 5 years of
565 age, as determined by the department, for operators of family
566 child care homes.

567 ~~(5) In order to further develop their child care skills~~
568 ~~and, if appropriate, their administrative skills, operators of~~
569 ~~family day care homes shall be required to complete an~~
570 ~~additional 1 continuing education unit of approved training or~~
571 ~~10 clock hours of equivalent training, as determined by the~~
572 ~~department, annually.~~

573 ~~2.(6) Operators of family day care homes shall be required~~
574 ~~to~~ Complete a 0.5 continuing education unit of approved training
575 in numeracy, early literacy, and language development of
576 children from birth to 5 years of age one time. For an operator,
577 the year that this training is completed, it shall fulfill the
578 0.5 continuing education unit or 5 clock hours of the annual
579 training required in paragraph (c) subsection (5).

580 3. Complete training in first aid and infant and child

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581 cardiopulmonary resuscitation as evidenced by current
582 documentation of course completion.

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

595 (c) Operators of family child care homes must annually
596 complete an additional 1 continuing education unit of approved
597 training regarding child care and administrative skills or 10
598 clock hours of equivalent training, as determined by the
599 department.

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

608 (6)(8) Operators of family child day care homes ~~home~~
609 ~~operators~~ may avail themselves of supportive services offered by

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610 the department.

611 ~~(7)(9)~~ The department shall prepare a brochure on family
612 child day care for distribution by the department and by local
613 licensing agencies, if appropriate, to family child day care
614 homes for distribution to parents using ~~utilizing~~ such child
615 care, and to all interested persons, including physicians and
616 other health professionals; mental health professionals; school
617 teachers or other school personnel; social workers or other
618 professional child care, foster care, residential, or
619 institutional workers; and law enforcement officers. The
620 brochure shall, at a minimum, contain the following information:

621 (a) A brief description of the requirements for family
622 child day care registration, training, and background
623 ~~fingerprinting and screening~~.

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

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

638 (d) The statewide toll-free telephone number of the central

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639 abuse hotline, together with a notice that reports of suspected
640 and actual child physical abuse, sexual abuse, and neglect are
641 received and referred for investigation by the hotline.

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

647 ~~(8)(10)~~ On an annual basis, the department shall evaluate
648 the registration and licensure system for family child day care
649 homes. Such evaluation shall, at a minimum, address the
650 following:

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

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

656 (c) The number of complaints received concerning family
657 child day care, the nature of the complaints, and the resolution
658 of such complaints.

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

662

663 The evaluation, pursuant to this subsection, shall be used
664 ~~utilized~~ by the department in any administrative modifications
665 or adjustments to be made in the registration of family child
666 ~~day~~ care homes or in any legislative requests for modifications
667 to the system of registration or to other requirements for

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668 family child ~~day~~ care homes.

669 ~~(11) In order to inform the public of the state requirement~~
670 ~~for registration of family day care homes as well as the other~~
671 ~~requirements for such homes to legally operate in the state, the~~
672 ~~department shall institute a media campaign to accomplish this~~
673 ~~end. Such a campaign shall include, at a minimum, flyers,~~
674 ~~newspaper advertisements, radio advertisements, and television~~
675 ~~advertisements.~~

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

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

694 ~~(11)(14)~~ During the months of August and September of each
695 ~~year,~~ Each family child ~~day~~ care home shall provide parents of
696 children enrolling ~~enrolled~~ in the home detailed information

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697 regarding the causes, symptoms, and transmission of the
698 influenza virus in an effort to educate those parents regarding
699 the importance of immunizing their children against influenza as
700 recommended by the Advisory Committee on Immunization Practices
701 of the Centers for Disease Control and Prevention.

702 Section 11. Subsections (1), (3), (5), and (9) of section
703 402.3131, Florida Statutes, are amended, and subsection (10) is
704 added to that section, to read:

705 402.3131 Large family child care homes.—

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

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

717 (5) Operators of large family child care homes shall be
718 required to complete 0.5 continuing education unit of approved
719 training or 5 clock hours of equivalent training, as determined
720 by the department, in numeracy, early literacy, and language
721 development of children from birth to 5 years of age one time.
722 The year that this training is completed, it shall fulfill the
723 0.5 continuing education unit or 5 clock hours of the annual
724 training required in subsection (4).

725 (9) ~~During the months of August and September of each year,~~

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726 Each large family child care home shall provide parents of
727 children enrolling ~~enrolled~~ in the home detailed information
728 regarding the causes, symptoms, and transmission of the
729 influenza virus in an effort to educate those parents regarding
730 the importance of immunizing their children against influenza as
731 recommended by the Advisory Committee on Immunization Practices
732 of the Centers for Disease Control and Prevention.

733 (10) Notwithstanding any other state or local law or
734 ordinance, a large family child care home licensed pursuant to
735 this chapter or pursuant to a county ordinance shall be charged
736 the utility rates accorded to a residential home. Such a home
737 may not be charged commercial utility rates.

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

740 402.316 Exemptions.—

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

748 (a) The department or local licensing agency may pursue
749 administrative or judicial action under ss. 402.310-402.312 and
750 the rules adopted under those sections against any child care
751 facility operating under this subsection to enforce substantial
752 compliance with child care facility minimum standards or to
753 protect the health, safety, and well-being of any child in the
754 facility's care. A child care facility operating under this

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755 subsection is subject to ss. 402.310-402.312 and the rules
756 adopted under those sections to the same extent as a child care
757 facility licensed under ss. 402.301-402.319.

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

761 1. Fail, by false statement, misrepresentation,
762 impersonation, or other fraudulent means, to disclose in any
763 required written documentation for exclusion from licensure
764 pursuant to this section a material fact used in making a
765 determination as to such exclusion; or

766 2. Use information from the criminal records obtained under
767 s. 402.305 or s. 402.3055 for a purpose other than screening the
768 subject of those records for employment as specified in those
769 sections or to release such information to any other person for
770 a purpose other than screening for employment as specified in
771 those sections.

772 (c) It is a felony of the third degree, punishable as
773 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
774 willfully, knowingly, or intentionally to use information from
775 the juvenile records of a person obtained under s. 402.305 or s.
776 402.3055 for a purpose other than screening for employment as
777 specified in those sections or to release information from such
778 records to any other person for a purpose other than screening
779 for employment as specified in those sections.

780 (5) The department shall establish a fee for inspection and
781 compliance activities performed pursuant to this section in an
782 amount sufficient to cover costs. However, the amount of such
783 fee for the inspection of a program may not exceed the fee

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784 imposed for child care licensure pursuant to s. 402.315.

785 (6) The inclusion of a child care facility operating under
786 subsection (1) as a provider of a program described in s.
787 1002.55, s. 1002.61, or s. 1002.88 does not expand the
788 regulatory authority of the state, its officers, any local
789 licensing agency, or any early learning coalition to impose any
790 additional regulation of child care facilities beyond those
791 reasonably necessary to enforce requirements expressly included
792 in this section.

793 Section 13. Section 627.70161, Florida Statutes, is amended
794 to read:

795 627.70161 Residential property insurance coverage; family
796 child ~~day~~ care homes and large family child care homes
797 insurance.—

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

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

814 (a) "Child care" means the care, protection, and
815 supervision of a child, for a period of up to ~~less than~~ 24 hours
816 a day on a regular basis, which supplements parental care,
817 enrichment, and health supervision for the child, in accordance
818 with his or her individual needs, and for which a payment, fee,
819 or grant is made for care.

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

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

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

834 (a) Specifically covered in a policy; or

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

837 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
838 insurer may not deny, cancel, or refuse to renew a policy for
839 residential property insurance solely on the basis that the
840 policyholder or applicant operates a family child day care home
841 or a large family child care home. In addition to other lawful

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842 reasons for refusing to insure, an insurer may deny, cancel, or
843 refuse to renew a policy of a family child day care home or
844 large family child care home provider if one or more of the
845 following conditions occur:

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

849 (b) The policyholder or applicant fails to maintain a
850 separate commercial liability policy or an endorsement providing
851 liability coverage for ~~the~~ family child day care home or large
852 family child care home operations;

853 (c) The policyholder or applicant fails to comply with the
854 family child day care home licensure and registration
855 requirements specified in s. 402.313 or the large family child
856 care home licensure requirements specified in s. 402.3131; or

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

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

865 1001.213 Office of Early Learning.—There is created within
866 the Office of Independent Education and Parental Choice the
867 Office of Early Learning, as required under s. 20.15, which
868 shall be administered by an executive director. The office shall
869 be fully accountable to the Commissioner of Education but shall:

870 (7) Hire a general counsel who reports directly to the

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871 executive director of the office.

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

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

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

883 1002.53 Voluntary Prekindergarten Education Program;
884 eligibility and enrollment.-

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

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

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900 authorize alternative methods for submitting proof of the
901 child's age in lieu of a certified copy of the child's birth
902 certificate.

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

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

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

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

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

925 Section 16. Section 1002.55, Florida Statutes, is amended
926 to read:

927 1002.55 School-year prekindergarten program delivered by
928 private prekindergarten providers.—

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929 (1) Each early learning coalition shall administer the
930 Voluntary Prekindergarten Education Program at the county or
931 regional level for students enrolled under s. 1002.53(3)(a) in a
932 school-year prekindergarten program delivered by a private
933 prekindergarten provider. Each early learning coalition shall
934 cooperate with the Office of Early Learning and the Child Care
935 Services Program Office of the Department of Children and
936 Families to reduce paperwork and to avoid duplicating
937 interagency activities, health and safety monitoring, and
938 acquiring and composing data pertaining to child care training
939 and credentialing.

940 (2) Each school-year prekindergarten program delivered by a
941 private prekindergarten provider must comprise at least 540
942 instructional hours.

943 (3) To be eligible to deliver the prekindergarten program,
944 a private prekindergarten provider must meet each of the
945 following requirements:

946 ~~(a) The private prekindergarten provider must be a child~~
947 ~~care facility licensed under s. 402.305, family day care home~~
948 ~~licensed under s. 402.313, large family child care home licensed~~
949 ~~under s. 402.3131, nonpublic school exempt from licensure under~~
950 ~~s. 402.3025(2), or faith-based child care provider exempt from~~
951 ~~licensure under s. 402.316.~~

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

953 1. Be accredited by an accrediting association that is a
954 member of the National Council for Private School Accreditation,
955 or the Florida Association of Academic Nonpublic Schools, or be
956 accredited by the Southern Association of Colleges and Schools,
957 or Western Association of Colleges and Schools, or North Central

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958 Association of Colleges and Schools, or Middle States
959 Association of Colleges and Schools, or New England Association
960 of Colleges and Schools; and have written accreditation
961 standards that meet or exceed the state's licensing requirements
962 under s. 402.305, s. 402.313, or s. 402.3131 and require at
963 least one onsite visit to the provider or school before
964 accreditation is granted;

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

967 3. Be licensed under s. 402.305, s. 402.313, or s.
968 402.3131; or

969 4. Be a child development center located on a military
970 installation that is certified by the United States Department
971 of Defense.

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

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987 and ~~(d)~~, minimum and maximum class sizes under paragraph ~~(f)~~,
988 ~~prekindergarten director credentials under paragraph (g), and a~~
989 ~~developmentally appropriate curriculum under s. 1002.67(2)(b).~~

990 (c) The private prekindergarten provider must have, for
991 each prekindergarten class of 11 children or fewer, at least one
992 prekindergarten instructor who meets each of the following
993 requirements:

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

996 a. A child development associate credential issued by the
997 National Credentialing Program of the Council for Professional
998 Recognition; ~~or~~

999 b. A credential approved by the Department of Children and
1000 Families, pursuant to s. 402.305(3)(c), as being equivalent to
1001 or greater than the credential described in sub-subparagraph a.;

1002 c. An associate or higher degree in child development;

1003 d. An associate or higher degree in an unrelated field, at
1004 least 6 credit hours in early childhood education or child
1005 development, and at least 480 hours of experience in teaching or
1006 providing child care services for children of any age from birth
1007 through 8 years of age;

1008 e. A baccalaureate or higher degree in early childhood
1009 education, prekindergarten or primary education, preschool
1010 education, or family and consumer science;

1011 f. A baccalaureate or higher degree in family and child
1012 science and at least 480 hours of experience in teaching or
1013 providing child care services for children of any age from birth
1014 through 8 years of age;

1015 g. A baccalaureate or higher degree in elementary education

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1016 if the prekindergarten instructor has been certified to teach
1017 children of any age from birth through grade 6, regardless of
1018 whether the instructor's educator certificate is current, and if
1019 the instructor is not ineligible to teach in a public school
1020 because his or her educator certificate is suspended or revoked;
1021 or

1022 h. A credential approved by the department as being
1023 equivalent to or greater than a credential described in sub-
1024 subparagraphs a.-f. The department may adopt criteria and
1025 procedures for approving such equivalent credentials.

1026
1027 ~~The Department of Children and Families may adopt rules under~~
1028 ~~ss. 120.536(1) and 120.54 which provide criteria and procedures~~
1029 ~~for approving equivalent credentials under sub-subparagraph b.~~

1030 2. The prekindergarten instructor must successfully
1031 complete an emergent literacy training course and a student
1032 performance standards training course approved by the office as
1033 meeting or exceeding the minimum standards adopted under s.
1034 1002.59. The requirement for completion of the standards
1035 training course shall take effect July 1, 2016 ~~2014~~, and the
1036 course shall be available online.

1037 (d) Each prekindergarten instructor employed by the private
1038 prekindergarten provider must be of good moral character, must
1039 undergo background screening pursuant to s. 402.305(2) (a) be
1040 ~~screened using the level 2 screening standards in s. 435.04~~
1041 before employment, must be ~~and~~ rescreened at least once every 5
1042 years, must be denied employment or terminated if required under
1043 s. 435.06, and must not be ineligible to teach in a public
1044 school because his or her educator certificate is suspended or

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1045 revoked.

1046 (e) A private prekindergarten provider may assign a
1047 substitute instructor to temporarily replace a credentialed
1048 instructor if the credentialed instructor assigned to a
1049 prekindergarten class is absent, as long as the substitute
1050 instructor meets the requirements of paragraph (d) ~~is of good~~
1051 ~~moral character and has been screened before employment in~~
1052 ~~accordance with level 2 background screening requirements in~~
1053 ~~chapter 435~~. The Office of Early Learning shall adopt rules to
1054 implement this paragraph which shall include required
1055 qualifications of substitute instructors and the circumstances
1056 and time limits for which a private prekindergarten provider may
1057 assign a substitute instructor.

1058 (f) Each of the private prekindergarten provider's
1059 prekindergarten classes must be composed of at least 4 students
1060 but may not exceed 20 students. In order to protect the health
1061 and safety of students, each private prekindergarten provider
1062 must also provide appropriate adult supervision for students at
1063 all times and, for each prekindergarten class composed of 12 or
1064 more students, must have, in addition to a prekindergarten
1065 instructor who meets the requirements of paragraph (c), at least
1066 one adult prekindergarten instructor who is not required to meet
1067 those requirements but who must meet each requirement of s.
1068 402.305(2) ~~paragraph (d)~~. This paragraph does not supersede any
1069 requirement imposed on a provider under ss. 402.301-402.319.

1070 (g) The private prekindergarten provider must have a
1071 prekindergarten director who has a prekindergarten director
1072 credential that is approved by the office as meeting or
1073 exceeding the minimum standards adopted under s. 1002.57.

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1074 Successful completion of a child care facility director
1075 credential under s. 402.305(2) (f) before the establishment of
1076 the prekindergarten director credential under s. 1002.57 or July
1077 1, 2006, whichever occurs later, satisfies the requirement for a
1078 prekindergarten director credential under this paragraph.

1079 (h) The private prekindergarten provider must register with
1080 the early learning coalition on forms prescribed by the Office
1081 of Early Learning.

1082 (i) The private prekindergarten provider must execute the
1083 statewide provider contract prescribed under s. 1002.75, except
1084 that an individual who owns or operates multiple private
1085 prekindergarten providers within a coalition's service area may
1086 execute a single agreement with the coalition on behalf of each
1087 provider.

1088 (j) The private prekindergarten provider must maintain
1089 general liability insurance and provide the coalition with
1090 written evidence of general liability insurance coverage,
1091 including coverage for transportation of children if
1092 prekindergarten students are transported by the provider. A
1093 provider must obtain and retain an insurance policy that
1094 provides a minimum of \$100,000 of coverage per occurrence and a
1095 minimum of \$300,000 general aggregate coverage. The office may
1096 authorize lower limits upon request, as appropriate. A provider
1097 must add the coalition as a named certificateholder ~~and as an~~
1098 ~~additional insured~~. A provider must provide the coalition with a
1099 minimum of 10 calendar days' advance written notice of
1100 cancellation of or changes to coverage. The general liability
1101 insurance required by this paragraph must remain in full force
1102 and effect for the entire period of the provider contract with

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1103 the coalition.

1104 (k) The private prekindergarten provider must obtain and
1105 maintain any required workers' compensation insurance under
1106 chapter 440 and any required reemployment assistance or
1107 unemployment compensation coverage under chapter 443, unless
1108 exempt under state or federal law.

1109 (l) Notwithstanding paragraph (j), for a private
1110 prekindergarten provider that is a state agency or a subdivision
1111 thereof, as defined in s. 768.28(2), the provider must agree to
1112 notify the coalition of any additional liability coverage
1113 maintained by the provider in addition to that otherwise
1114 established under s. 768.28. The provider shall indemnify the
1115 coalition to the extent permitted by s. 768.28.

1116 (m) The private prekindergarten provider shall be denied
1117 initial eligibility to offer the program if the provider has
1118 been cited for a Class I violation in the 12 months before
1119 seeking eligibility. An existing provider that is cited for a
1120 Class I violation may not have its eligibility renewed for 12
1121 months. This paragraph does not apply if the Department of
1122 Children and Families or local licensing agency upon final
1123 disposition of a Class I violation has rescinded its initial
1124 citation in accordance with the criteria for consideration
1125 outlined in s. 1002.75(1)(b).

1126 (n) ~~(m)~~ The private prekindergarten provider must deliver
1127 the Voluntary Prekindergarten Education Program in accordance
1128 with this part and have child disciplinary policies that
1129 prohibit children from being subjected to discipline that is
1130 severe, humiliating, frightening, or associated with food, rest,
1131 toileting, spanking, or any other form of physical punishment as

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1132 provided in s. 402.305(12).

1133 (o) Beginning January 1, 2016, at least 50 percent of the
1134 instructors employed by a prekindergarten provider at each
1135 location, who are responsible for supervising children in care,
1136 must be trained in first aid and infant and child
1137 cardiopulmonary resuscitation, as evidenced by current
1138 documentation of course completion. As a condition of
1139 employment, instructors hired on or after January 1, 2016, must
1140 complete this training within 60 days after employment.

1141 (p) Beginning January 1, 2017, the private prekindergarten
1142 provider must employ child care personnel who hold a high school
1143 diploma or its equivalent and are at least 18 years of age,
1144 unless the personnel are not responsible for supervising
1145 children in care or are under direct supervision.

1146 ~~(4) A prekindergarten instructor, in lieu of the minimum~~
1147 ~~credentials and courses required under paragraph (3)(c), may~~
1148 ~~hold one of the following educational credentials:~~

1149 ~~(a) A bachelor's or higher degree in early childhood~~
1150 ~~education, prekindergarten or primary education, preschool~~
1151 ~~education, or family and consumer science;~~

1152 ~~(b) A bachelor's or higher degree in elementary education,~~
1153 ~~if the prekindergarten instructor has been certified to teach~~
1154 ~~children any age from birth through 6th grade, regardless of~~
1155 ~~whether the instructor's educator certificate is current, and if~~
1156 ~~the instructor is not ineligible to teach in a public school~~
1157 ~~because his or her educator certificate is suspended or revoked;~~

1158 ~~(c) An associate's or higher degree in child development;~~

1159 ~~(d) An associate's or higher degree in an unrelated field,~~
1160 ~~at least 6 credit hours in early childhood education or child~~

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1161 ~~development, and at least 480 hours of experience in teaching or~~
1162 ~~providing child care services for children any age from birth~~
1163 ~~through 8 years of age; or~~

1164 ~~(c) An educational credential approved by the department as~~
1165 ~~being equivalent to or greater than an educational credential~~
1166 ~~described in this subsection. The department may adopt criteria~~
1167 ~~and procedures for approving equivalent educational credentials~~
1168 ~~under this paragraph.~~

1169 ~~(5) Notwithstanding paragraph (3)(b), a private~~
1170 ~~prekindergarten provider may not participate in the Voluntary~~
1171 ~~Prekindergarten Education Program if the provider has child~~
1172 ~~disciplinary policies that do not prohibit children from being~~
1173 ~~subjected to discipline that is severe, humiliating,~~
1174 ~~frightening, or associated with food, rest, toileting, spanking,~~
1175 ~~or any other form of physical punishment as provided in s.~~
1176 ~~402.305(12).~~

1177 Section 17. Subsection (1) of section 1002.59, Florida
1178 Statutes, is amended to read:

1179 1002.59 Emergent literacy and performance standards
1180 training courses.-

1181 (1) The office shall adopt minimum standards for one or
1182 more training courses in emergent literacy for prekindergarten
1183 instructors. Each course must comprise 5 clock hours and provide
1184 instruction in strategies and techniques to address the age-
1185 appropriate progress of prekindergarten students in developing
1186 emergent literacy skills, including oral communication,
1187 knowledge of print and letters, phonemic and phonological
1188 awareness, and vocabulary and comprehension development. Each
1189 course must also provide resources containing strategies that

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1190 allow students with disabilities and other special needs to
 1191 derive maximum benefit from the Voluntary Prekindergarten
 1192 Education Program. Successful completion of an emergent literacy
 1193 training course approved under this section satisfies
 1194 requirements for approved training in early literacy and
 1195 language development under ss. 402.305(2)(d)5., 402.313(4)(a)2.
 1196 ~~402.313(6)~~, and 402.3131(5).

1197 Section 18. Subsections (4) through (7) of section 1002.61,
 1198 Florida Statutes, are amended to read:

1199 1002.61 Summer prekindergarten program delivered by public
 1200 schools and private prekindergarten providers.—

1201 (4) ~~Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),~~
 1202 Each public school and private prekindergarten provider that
 1203 delivers the summer prekindergarten program must have, for each
 1204 prekindergarten class, at least one prekindergarten instructor
 1205 who is a certified teacher or holds one of the educational
 1206 credentials specified in s. 1002.55(3)(c)1.e.-h. ~~s.~~
 1207 ~~1002.55(4)(a) or (b).~~ As used in this subsection, the term
 1208 "certified teacher" means a teacher holding a valid Florida
 1209 educator certificate under s. 1012.56 who has the qualifications
 1210 required by the district school board to instruct students in
 1211 the summer prekindergarten program. In selecting instructional
 1212 staff for the summer prekindergarten program, each school
 1213 district shall give priority to teachers who have experience or
 1214 coursework in early childhood education.

1215 (5) Each prekindergarten instructor employed by a ~~public~~
 1216 ~~school or~~ private prekindergarten provider delivering the summer
 1217 prekindergarten program must be of good moral character, must
 1218 undergo background screening pursuant to s. 402.305(2)(a) ~~be~~

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1219 ~~screened using the level 2 screening standards in s. 435.04~~
1220 ~~before employment, must be and~~ rescreened at least once every 5
1221 ~~years, and must be denied employment or terminated if required~~
1222 ~~under s. 435.06. Each prekindergarten instructor employed by a~~
1223 ~~public school delivering the summer prekindergarten program, and~~
1224 ~~must satisfy the ~~not be ineligible to teach in a public school~~~~
1225 ~~because his or her educator certificate is suspended or revoked.~~
1226 ~~This subsection does not supersede~~ employment requirements for
1227 instructional personnel in public schools as provided in s.
1228 1012.32 ~~which are more stringent than the requirements of this~~
1229 ~~subsection.~~

1230 (6) A public school or private prekindergarten provider may
1231 assign a substitute instructor to temporarily replace a
1232 credentialed instructor if the credentialed instructor assigned
1233 to a prekindergarten class is absent, as long as the substitute
1234 instructor meets the requirements of subsection (5) ~~is of good~~
1235 ~~moral character and has been screened before employment in~~
1236 ~~accordance with level 2 background screening requirements in~~
1237 ~~chapter 435. This subsection does not supersede employment~~
1238 ~~requirements for instructional personnel in public schools which~~
1239 ~~are more stringent than the requirements of this subsection.~~ The
1240 Office of Early Learning shall adopt rules to implement this
1241 subsection which must ~~shall~~ include required qualifications of
1242 substitute instructors and the circumstances and time limits for
1243 which a public school or private prekindergarten provider may
1244 assign a substitute instructor.

1245 (7) Notwithstanding ss. 1002.55(3)(e) ~~ss. 1002.55(3)(f)~~ and
1246 1002.63(7), each prekindergarten class in the summer
1247 prekindergarten program, regardless of whether the class is a

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1248 public school's or private prekindergarten provider's class,
1249 must be composed of at least 4 students but may not exceed 12
1250 students ~~beginning with the 2009 summer session~~. In order to
1251 protect the health and safety of students, each public school or
1252 private prekindergarten provider must also provide appropriate
1253 adult supervision for students at all times. This subsection
1254 does not supersede any requirement imposed on a provider under
1255 ss. 402.301-402.319.

1256 Section 19. Subsections (5) and (6) of section 1002.63,
1257 Florida Statutes, are amended to read:

1258 1002.63 School-year prekindergarten program delivered by
1259 public schools.—

1260 (5) Each prekindergarten instructor employed by a public
1261 school delivering the school-year prekindergarten program must
1262 satisfy the ~~be of good moral character, must be screened using~~
1263 ~~the level 2 screening standards in s. 435.04 before employment~~
1264 ~~and rescreened at least once every 5 years, must be denied~~
1265 ~~employment or terminated if required under s. 435.06, and must~~
1266 ~~not be ineligible to teach in a public school because his or her~~
1267 ~~educator certificate is suspended or revoked. This subsection~~
1268 ~~does not supersede~~ employment requirements for instructional
1269 personnel in public schools as provided in s. 1012.32 ~~which are~~
1270 ~~more stringent than the requirements of this subsection.~~

1271 (6) A public school prekindergarten provider may assign a
1272 substitute instructor to temporarily replace a credentialed
1273 instructor if the credentialed instructor assigned to a
1274 prekindergarten class is absent, as long as the substitute
1275 instructor meets the requirements of subsection (5) ~~is of good~~
1276 ~~moral character and has been screened before employment in~~

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1277 ~~accordance with level 2 background screening requirements in~~
1278 ~~chapter 435. This subsection does not supersede employment~~
1279 ~~requirements for instructional personnel in public schools which~~
1280 ~~are more stringent than the requirements of this subsection.~~ The
1281 Office of Early Learning shall adopt rules to implement this
1282 subsection which must ~~shall~~ include required qualifications of
1283 substitute instructors and the circumstances and time limits for
1284 which a public school prekindergarten provider may assign a
1285 substitute instructor.

1286 Section 20. Paragraph (a) of subsection (6) of section
1287 1002.71, Florida Statutes, is amended to read:

1288 1002.71 Funding; financial and attendance reporting.—

1289 (6) (a) Each parent enrolling his or her child in the
1290 Voluntary Prekindergarten Education Program must agree to comply
1291 with the attendance policy of the private prekindergarten
1292 provider or district school board, as applicable. Upon
1293 enrollment of the child, the private prekindergarten provider or
1294 public school, as applicable, must provide the child's parent
1295 with program information, including, but not limited to, child
1296 development, expectations for parent engagement, the daily
1297 schedule, and the ~~a copy of the provider's or school district's~~
1298 attendance policy, which must include procedures for contacting
1299 a parent on the second consecutive day a child is absent for
1300 which the reason is unknown as applicable.

1301 Section 21. Subsection (1) of section 1002.75, Florida
1302 Statutes, is amended to read:

1303 1002.75 Office of Early Learning; powers and duties.—

1304 (1) The Office of Early Learning shall adopt by rule a
1305 standard statewide provider contract to be used with each

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1306 Voluntary Prekindergarten Education Program provider, with
1307 standardized attachments by provider type. The office shall
1308 publish a copy of the standard statewide provider contract on
1309 its website. The standard statewide contract must ~~shall~~ include,
1310 at a minimum, provisions that:

1311 (a) Govern ~~for~~ provider probation, termination for cause,
1312 and emergency termination for those actions or inactions of a
1313 provider that pose an immediate and serious danger to the
1314 health, safety, or welfare of children. The standard statewide
1315 contract must ~~shall~~ also include appropriate due process
1316 procedures. During the pendency of an appeal of a termination,
1317 the provider may not continue to offer its services.

1318 (b) Require each private prekindergarten provider to notify
1319 the parent of each child in care if it is cited for a Class I
1320 violation as defined by rule of the Department of Children and
1321 Families. Notice shall be initiated only upon final disposition
1322 of a Class I violation. The provider shall notify the department
1323 within 24 hours of its intent to appeal the Class I violation
1324 issued, and final disposition shall occur within 15 calendar
1325 days. In determining the final disposition, the department shall
1326 consider the entire licensing history of the provider, whether
1327 the provider promptly reported the incident upon actual notice,
1328 and whether the employee responsible for the violation was
1329 terminated or the violation was corrected by the provider. If a
1330 provider does not file its intent to appeal the Class I
1331 violation, the provider must provide notice of a Class I
1332 violation electronically or in writing to the parent within 48
1333 hours after receipt of the Class I violation. Such notice shall
1334 describe each violation with specificity in simple language and

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1335 include a copy of the citation and the contact information of
1336 the Department of Children and Families or local licensing
1337 agency where the parent may obtain additional information
1338 regarding the citation. Notice of a Class I violation by the
1339 provider must be provided electronically or in writing to the
1340 parent within 24 hours after receipt of the final disposition of
1341 the Class I violation. A private prekindergarten provider must
1342 conspicuously post each citation for a violation that results in
1343 disciplinary action on the premises in an area visible to
1344 parents pursuant to s. 402.3125(1)(b). Additionally, such a
1345 provider must post each inspection report on the premises in an
1346 area visible to parents, and such report must remain posted
1347 until the next inspection report is available.

1348 (c) Specify that child care personnel employed by the
1349 provider who are responsible for supervising children in care
1350 must be trained in developmentally appropriate practices aligned
1351 to the age and needs of children over which the personnel are
1352 assigned supervision duties. This requirement is met by the
1353 completion of developmentally appropriate practice courses
1354 administered by the Department of Children and Families under s.
1355 402.305(2)(d)1. within 30 days after being assigned such
1356 children if the child care personnel has not previously
1357 completed the training.

1358
1359 Any provision imposed upon a provider that is inconsistent with,
1360 or prohibited by, law is void and unenforceable.

1361 Section 22. Subsections (1), (3), and (5) of section
1362 1002.77, Florida Statutes, are amended to read:

1363 1002.77 Florida Early Learning Advisory Council.—

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1364 (1) There is created the Florida Early Learning Advisory
1365 Council within the Office of Early Learning. The purpose of the
1366 advisory council is to provide written input submit
1367 ~~recommendations~~ to the executive director ~~office~~ on early
1368 learning best practices, including ~~recommendations relating to~~
1369 ~~the most~~ effective program administration; ~~of the Voluntary~~
1370 ~~Prekindergarten Education Program under this part and the school~~
1371 ~~readiness program under part VI of this chapter. The advisory~~
1372 ~~council shall periodically analyze and provide recommendations~~
1373 ~~to the office on the~~ effective and efficient use of local,
1374 state, and federal funds; ~~the content of professional~~
1375 development training programs; and ~~best practices for the~~
1376 ~~development and implementation of coalition plans pursuant to s.~~
1377 1002.85.

1378 (3) The advisory council shall meet at least quarterly upon
1379 the call of the executive director ~~but may meet as often as~~
1380 ~~necessary to carry out its duties and responsibilities. The~~
1381 executive director is encouraged to ~~advisory council may use~~
1382 communications media technology ~~any method of telecommunications~~
1383 to conduct meetings in accordance with s. 120.54(5)(b),
1384 ~~including establishing a quorum through telecommunications, only~~
1385 ~~if the public is given proper notice of a telecommunications~~
1386 ~~meeting and reasonable access to observe and, when appropriate,~~
1387 ~~participate.~~

1388 (5) The Office of Early Learning shall provide staff and
1389 administrative support for the advisory council as determined by
1390 the executive director.

1391 Section 23. Paragraph (f) of subsection (1) and subsections
1392 (8) and (16) of section 1002.81, Florida Statutes, are amended

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1393 to read:

1394 1002.81 Definitions.—Consistent with the requirements of 45
1395 C.F.R. parts 98 and 99 and as used in this part, the term:

1396 (1) "At-risk child" means:

1397 (f) A child in the custody of a parent who is considered
1398 homeless as verified by a designated lead agency on the homeless
1399 assistance continuum of care established under ss. 420.622-
1400 420.624 Department of Children and Families certified homeless
1401 shelter.

1402 (8) "Family income" means the combined gross income,
1403 whether earned or unearned, that is derived from any source by
1404 all family or household members who are 18 years of age or older
1405 who are currently residing together in the same dwelling unit.
1406 The term does not include:

1407 (a) Income earned by a currently enrolled high school
1408 student who, since attaining the age of 18 years, or a student
1409 with a disability who, since attaining the age of 22 years, has
1410 not terminated school enrollment or received a high school
1411 diploma, high school equivalency diploma, special diploma, or
1412 certificate of high school completion.

1413 (b) Income earned by a teen parent residing in the same
1414 residence as a separate family unit.

1415 (c) Selected items from the state's Child Care and
1416 Development Fund Plan, such as ~~The term also does not include~~
1417 food stamp benefits, documented child support and alimony
1418 payments paid out of the home, or federal housing assistance
1419 payments issued directly to a landlord or the associated
1420 utilities expenses.

1421 (16) "Working family" means:

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1422 (a) A single-parent family in which the parent with whom
1423 the child resides is employed or engaged in eligible work or
1424 education activities for at least 20 hours per week or is exempt
1425 from work requirements due to age or disability, as determined
1426 and documented by a physician licensed under chapter 458 or
1427 chapter 459;

1428 (b) A two-parent family in which both parents with whom the
1429 child resides are employed or engaged in eligible work or
1430 education activities for a combined total of at least 40 hours
1431 per week; ~~or~~

1432 (c) A two-parent family in which one of the parents with
1433 whom the child resides is exempt from work requirements due to
1434 age or disability, as determined and documented by a physician
1435 licensed under chapter 458 or chapter 459, and one parent is
1436 employed or engaged in eligible work or education activities at
1437 least 20 hours per week; or

1438 (d) A two-parent family in which both of the parents with
1439 whom the child resides are exempt from work requirements due to
1440 age or disability, as determined and documented by a physician
1441 licensed under chapter 458 or chapter 459.

1442 Section 24. Paragraphs (b), (j), (m), and (p) of subsection
1443 (2) of section 1002.82, Florida Statutes, are amended to read:

1444 1002.82 Office of Early Learning; powers and duties.—

1445 (2) The office shall:

1446 (b) Preserve parental choice by permitting parents to
1447 choose from a variety of child care categories authorized in s.
1448 1002.88(1)(a), including center-based care, family child care,
1449 and informal child care to the extent authorized in the state's
1450 Child Care and Development Fund Plan as approved by the United

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1451 States Department of Health and Human Services pursuant to 45
1452 C.F.R. s. 98.18. Care and curriculum by a faith-based provider
1453 may not be limited or excluded in any of these categories.

1454 (j) Develop and adopt standards and benchmarks that address
1455 the age-appropriate progress of children in the development of
1456 school readiness skills. The standards for children from birth
1457 to 5 years of age in the school readiness program must be
1458 aligned with the performance standards adopted for children in
1459 the Voluntary Prekindergarten Education Program and must address
1460 the following domains:

- 1461 1. Approaches to learning.
- 1462 2. Cognitive development and general knowledge.
- 1463 3. Numeracy, language, and communication.
- 1464 4. Physical development.
- 1465 5. Self-regulation.

1466
1467 By July 1, 2016, the office shall develop and implement an
1468 online training course on the performance standards for school
1469 readiness program provider personnel specified in this
1470 paragraph.

1471 (m) Adopt by rule a standard statewide provider contract to
1472 be used with each school readiness program provider, with
1473 standardized attachments by provider type. The office shall
1474 publish a copy of the standard statewide provider contract on
1475 its website. The standard statewide contract must ~~shall~~ include,
1476 at a minimum, provisions that:

- 1477 1. Govern ~~for~~ provider probation, termination for cause,
1478 and emergency termination for those actions or inactions of a
1479 provider that pose an immediate and serious danger to the

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1480 health, safety, or welfare of the children. The standard
1481 statewide provider contract must ~~shall~~ also include appropriate
1482 due process procedures. During the pendency of an appeal of a
1483 termination, the provider may not continue to offer its
1484 services.

1485 2. Require each provider that is eligible to provide the
1486 program pursuant to s. 1002.88(1)(a) to notify the parent of
1487 each child in care if it is cited for a Class I violation as
1488 defined by rule of the Department of Children and Families.
1489 Notice shall be initiated only upon final disposition of a Class
1490 I violation. The provider shall notify the department within 24
1491 hours of its intent to appeal the Class I violation issued, and
1492 final disposition shall occur within 15 calendar days. In
1493 determining the final disposition, the department shall consider
1494 the entire licensing history of the provider, whether the
1495 provider promptly reported the incident upon actual notice, and
1496 whether the employee responsible for the violation was
1497 terminated or the violation was corrected by the provider. If a
1498 provider does not file its intent to appeal the Class I
1499 violation, the provider must provide notice of a Class I
1500 violation electronically or in writing to the parent within 48
1501 hours after receipt of the Class I violation. Such notice shall
1502 describe each violation with specificity in simple language and
1503 include a copy of the citation and the contact information of
1504 the Department of Children and Families or local licensing
1505 agency where the parent may obtain additional information
1506 regarding the citation. Notice of a Class I violation by the
1507 provider must be provided electronically or in writing to the
1508 parent within 24 hours after receipt of the final disposition of

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1509 the Class I violation. A provider must conspicuously post each
1510 citation for a violation that results in disciplinary action on
1511 the premises in an area visible to parents pursuant to s.
1512 402.3125(1)(b). Additionally, such a provider must post each
1513 inspection report on the premises in an area visible to parents,
1514 and such report must remain posted until the next inspection
1515 report is available.

1516 3. Specify that child care personnel employed by the
1517 provider who are responsible for supervising children in care
1518 must be trained in developmentally appropriate practices aligned
1519 to the age and needs of children over which the personnel are
1520 assigned supervision duties. This requirement is met by
1521 completion of developmentally appropriate practice courses
1522 administered by the Department of Children and Families under s.
1523 402.305(2)(d)1. within 30 days after being assigned such
1524 children if the child care personnel has not previously
1525 completed the training.

1526 4. Require child care personnel who are employed by the
1527 provider to complete an online training course on the
1528 performance standards adopted pursuant to paragraph (j).

1529
1530 Any provision imposed upon a provider that is inconsistent with,
1531 or prohibited by, law is void and unenforceable.

1532 (p) Monitor and evaluate the performance of each early
1533 learning coalition in administering the school readiness program
1534 and the Voluntary Prekindergarten Education Program, ensuring
1535 proper payments for school readiness program and Voluntary
1536 Prekindergarten Education Program services, and implementing the
1537 coalition's school readiness program plan, ~~and administering the~~

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1538 ~~Voluntary Prekindergarten Education Program.~~ These monitoring
1539 and performance evaluations must include, at a minimum, onsite
1540 monitoring of each coalition's finances, management, operations,
1541 and programs.

1542 Section 25. Subsections (8) and (20) of section 1002.84,
1543 Florida Statutes, are amended to read:

1544 1002.84 Early learning coalitions; school readiness powers
1545 and duties.—Each early learning coalition shall:

1546 (8) Establish a parent sliding fee scale that requires a
1547 parent copayment to participate in the school readiness program.
1548 Providers are required to collect the parent's copayment. A
1549 coalition may, on a case-by-case basis, waive the copayment for
1550 an at-risk child or temporarily waive the copayment for a child
1551 whose family's income is at or below the federal poverty level
1552 and family experiences a natural disaster or an event that
1553 limits the parent's ability to pay, such as incarceration,
1554 placement in residential treatment, ~~or becoming homeless,~~ or an
1555 emergency situation such as a household fire or burglary, or
1556 while the parent is participating in parenting classes. A parent
1557 may not transfer school readiness program services to another
1558 school readiness program provider until the parent has submitted
1559 documentation from the current school readiness program provider
1560 to the early learning coalition stating that the parent has
1561 satisfactorily fulfilled the copayment obligation.

1562 (20) To increase transparency and accountability, comply
1563 with ~~the requirements of~~ this section before contracting with a
1564 member of the coalition, an employee of the coalition, or a
1565 relative, as defined in s. 112.3143(1) ~~(e)~~, of a coalition member
1566 or of an employee of the coalition. Such contracts may not be

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1567 executed without the approval of the office. Such contracts, as
1568 well as documentation demonstrating adherence to this section by
1569 the coalition, must be approved by a two-thirds vote of the
1570 coalition, a quorum having been established; all conflicts of
1571 interest must be disclosed before the vote; and any member who
1572 may benefit from the contract, or whose relative may benefit
1573 from the contract, must abstain from the vote. A contract under
1574 \$25,000 between an early learning coalition and a member of that
1575 coalition or between a relative, as defined in s.
1576 112.3143(1)~~(e)~~, of a coalition member or of an employee of the
1577 coalition is not required to have the prior approval of the
1578 office but must be approved by a two-thirds vote of the
1579 coalition, a quorum having been established, and must be
1580 reported to the office within 30 days after approval. If a
1581 contract cannot be approved by the office, a review of the
1582 decision to disapprove the contract may be requested by the
1583 early learning coalition or other parties to the disapproved
1584 contract.

1585 Section 26. Paragraphs (c) and (h) of subsection (1) and
1586 subsections (6) through (8) of section 1002.87, Florida
1587 Statutes, are amended to read:

1588 1002.87 School readiness program; eligibility and
1589 enrollment.—

1590 (1) Effective August 1, 2013, or upon reevaluation of
1591 eligibility for children currently served, whichever is later,
1592 each early learning coalition shall give priority for
1593 participation in the school readiness program as follows:

1594 (c) Priority shall be given next to a child from birth to
1595 the beginning of the school year for which the child is eligible

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1596 for admission to kindergarten in a public school under s.
1597 1003.21(1)(a)2. who is from a working family that is
1598 economically disadvantaged, and may include such child's
1599 eligible siblings, beginning with the school year in which the
1600 sibling is eligible for admission to kindergarten in a public
1601 school under s. 1003.21(1)(a)2. until the beginning of the
1602 school year in which the sibling enters ~~is eligible to begin~~ 6th
1603 grade, provided that the first priority for funding an eligible
1604 sibling is local revenues available to the coalition for funding
1605 direct services. However, a child eligible under this paragraph
1606 ceases to be eligible if his or her family income exceeds 200
1607 percent of the federal poverty level.

1608 (h) Priority shall be given next to a child who ~~has special~~
1609 ~~needs,~~ has been determined eligible as an infant or toddler from
1610 birth to 3 years of age with an individualized family support
1611 plan receiving early intervention services or to ~~as~~ a student
1612 with a disability with, ~~has~~ a current individual education plan
1613 with a Florida school district, ~~and is not younger than 3 years~~
1614 ~~of age.~~ A ~~special needs~~ child eligible under this paragraph
1615 remains eligible until the child is eligible for admission to
1616 kindergarten in a public school under s. 1003.21(1)(a)2.

1617 (6) Eligibility for each child must be reevaluated
1618 annually. Upon reevaluation, a child may not continue to receive
1619 school readiness program services if he or she has ceased to be
1620 eligible under this section. If a child no longer meets
1621 eligibility or program requirements, the coalition must
1622 immediately notify the child's parent and the provider that
1623 funding will end 2 weeks after the date on which the child was
1624 determined to be ineligible or when the current child care

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1625 authorization expires, whichever occurs first.

1626 (7) If a coalition disenrolls children from the school
1627 readiness program due to lack of funding or a change in
1628 eligibility priorities, the coalition must disenroll the
1629 children in reverse order of the eligibility priorities listed
1630 in subsection (1) beginning with children from families with the
1631 highest family incomes. A notice of disenrollment must be sent
1632 to the parent and school readiness program provider at least 2
1633 weeks before disenrollment or the expiration of the current
1634 child care authorization, whichever occurs first, to provide
1635 adequate time for the parent to arrange alternative care for the
1636 child. However, an at-risk child receiving services from the
1637 Child Welfare Program Office of the Department of Children and
1638 Families may not be disenrolled from the program without the
1639 written approval of the Child Welfare Program Office ~~of the~~
1640 ~~Department of Children and Families~~ or the community-based lead
1641 agency.

1642 (8) If a child is absent from the program for 2 consecutive
1643 days without parental notification to the program of such
1644 absence, the school readiness program provider shall contact the
1645 parent and determine the cause for the absence and the expected
1646 date of return. If a child is absent from the program for 5
1647 consecutive days without parental notification to the program of
1648 such absence, the school readiness program provider shall report
1649 the absence to the early learning coalition for a determination
1650 of the need for continued care.

1651 Section 27. Paragraphs (a) through (c) and (l) through (q)
1652 of subsection (1) of section 1002.88, Florida Statutes, are
1653 amended, present subsections (2) and (3) are redesignated as

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1654 subsections (4) and (5), respectively, present subsection (2) is
1655 amended, and new subsections (2) and (3) are added to that
1656 section, to read:

1657 1002.88 School readiness program provider standards;
1658 eligibility to deliver the school readiness program.—

1659 (1) To be eligible to deliver the school readiness program,
1660 a school readiness program provider must:

1661 (a) 1. Be a nonpublic school in substantial compliance with
1662 s. 402.3025(2)(d), a child care facility licensed under s.
1663 402.305, a family child ~~day~~ care home licensed ~~or registered~~
1664 under s. 402.313, a large family child care home licensed under
1665 s. 402.3131, or a child care facility exempt from licensure
1666 operating under s. 402.316(4);

1667 2. Be an entity that is part of Florida's education system
1668 identified in s. 1000.04(1); ~~a public school or nonpublic school~~
1669 ~~exempt from licensure under s. 402.3025, a faith-based child~~
1670 ~~care provider exempt from licensure under s. 402.316, a before-~~
1671 ~~school or after-school program described in s. 402.305(1)(c), or~~

1672 3. Be an informal child care provider to the extent
1673 authorized in the state's Child Care and Development Fund Plan
1674 as approved by the United States Department of Health and Human
1675 Services pursuant to 45 C.F.R. s. 98.18.

1676 (b) Provide instruction and activities to enhance the age-
1677 appropriate progress of each child in attaining the child
1678 development standards adopted by the office pursuant to s.
1679 1002.82(2)(j). A provider should include activities to foster
1680 brain development in infants and toddlers; provide an
1681 environment that is rich in language and music and filled with
1682 objects of various colors, shapes, textures, and sizes to

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1683 stimulate visual, tactile, auditory, and linguistic senses; and
1684 include 30 minutes of reading to children each day. A provider
1685 must provide parents information on child development,
1686 expectations for parent engagement, the daily schedule, and the
1687 attendance policy.

1688 (c) Provide basic health and safety of its premises and
1689 facilities in accordance with applicable licensing and
1690 inspection requirements and ~~compliance with requirements for~~
1691 ~~age-appropriate immunizations of children enrolled in the school~~
1692 ~~readiness program.~~ For a child care facility, a large family
1693 child care home, or a licensed family child day care home,
1694 compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies
1695 this requirement. For a public ~~or nonpublic~~ school, compliance
1696 with ~~ss. s. 402.3025 or s. 1003.22~~ and 1013.12 satisfies this
1697 requirement. For a nonpublic school, compliance with s.
1698 402.3025(2)(d) satisfies this requirement. For a facility exempt
1699 from licensure, compliance with s. 402.316(4) satisfies this
1700 requirement. For an informal provider, substantial compliance as
1701 defined in s. 402.302(17) satisfies this requirement. A provider
1702 shall be denied initial eligibility to offer the program if the
1703 provider has been cited for a Class I violation in the 12 months
1704 before seeking eligibility. An existing provider that is cited
1705 for a Class I violation may not have its eligibility renewed for
1706 12 months. A provider that is cited for a Class I violation may
1707 remain eligible to deliver the program if the Department of
1708 Children and Families or local licensing agency upon final
1709 disposition of a Class I violation has rescinded its initial
1710 citation in accordance with the criteria for consideration
1711 outlined in s. 1002.82(2)(m)2 ~~A faith-based child care provider,~~

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1712 ~~an informal child care provider, or a nonpublic school, exempt~~
1713 ~~from licensure under s. 402.316 or s. 402.3025, shall annually~~
1714 ~~complete the health and safety checklist adopted by the office,~~
1715 ~~post the checklist prominently on its premises in plain sight~~
1716 ~~for visitors and parents, and submit it annually to its local~~
1717 ~~early learning coalition.~~

1718 (l) ~~For a provider that is not an informal provider,~~
1719 Maintain general liability insurance and provide the coalition
1720 with written evidence of general liability insurance coverage,
1721 including coverage for transportation of children if school
1722 readiness program children are transported by the provider. A
1723 private provider must obtain and retain an insurance policy that
1724 provides a minimum of \$100,000 of coverage per occurrence and a
1725 minimum of \$300,000 general aggregate coverage. The office may
1726 authorize lower limits upon request, as appropriate. A provider
1727 must add the coalition as a named certificateholder ~~and as an~~
1728 ~~additional insured.~~ A private provider must provide the
1729 coalition with a minimum of 10 calendar days' advance written
1730 notice of cancellation of or changes to coverage. The general
1731 liability insurance required by this paragraph must remain in
1732 full force and effect for the entire period of the provider
1733 contract with the coalition.

1734 ~~(m) For a provider that is an informal provider, comply~~
1735 ~~with the provisions of paragraph (l) or maintain homeowner's~~
1736 ~~liability insurance and, if applicable, a business rider. If an~~
1737 ~~informal provider chooses to maintain a homeowner's policy, the~~
1738 ~~provider must obtain and retain a homeowner's insurance policy~~
1739 ~~that provides a minimum of \$100,000 of coverage per occurrence~~
1740 ~~and a minimum of \$300,000 general aggregate coverage. The office~~

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1741 ~~may authorize lower limits upon request, as appropriate. An~~
1742 ~~informal provider must add the coalition as a named~~
1743 ~~certificateholder and as an additional insured. An informal~~
1744 ~~provider must provide the coalition with a minimum of 10~~
1745 ~~calendar days' advance written notice of cancellation of or~~
1746 ~~changes to coverage. The general liability insurance required by~~
1747 ~~this paragraph must remain in full force and effect for the~~
1748 ~~entire period of the provider's contract with the coalition.~~

1749 ~~(m)~~ (n) Obtain and maintain any required workers'
1750 compensation insurance under chapter 440 and any required
1751 reemployment assistance or unemployment compensation coverage
1752 under chapter 443, unless exempt under state or federal law.

1753 ~~(n)~~ (o) Notwithstanding paragraph (l), for a provider that
1754 is a state agency or a subdivision thereof, as defined in s.
1755 768.28(2), agree to notify the coalition of any additional
1756 liability coverage maintained by the provider in addition to
1757 that otherwise established under s. 768.28. The provider shall
1758 indemnify the coalition to the extent permitted by s. 768.28.

1759 ~~(o)~~ (p) Execute the standard statewide provider contract
1760 adopted by the office.

1761 ~~(p)~~ (q) Operate on a full-time and part-time basis and
1762 provide extended-day and extended-year services to the maximum
1763 extent possible without compromising the quality of the program
1764 to meet the needs of parents who work.

1765 (2) Beginning January 1, 2016, at least 50 percent of the
1766 child care personnel employed by a school readiness provider at
1767 each location, who are responsible for supervising children in
1768 care, must be trained in first aid and infant and child
1769 cardiopulmonary resuscitation, as evidenced by current

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1770 documentation of course completion. As a condition of
1771 employment, personnel hired on or after January 1, 2016, must
1772 complete this training within 60 days after employment.

1773 (3) Beginning January 1, 2017, child care personnel
1774 employed by a school readiness program provider must hold a high
1775 school diploma or its equivalent and be at least 18 years of
1776 age, unless the personnel are not responsible for supervising
1777 children in care or are under direct supervision.

1778 (4)~~(2)~~ If a school readiness program provider fails or
1779 refuses to comply with this part or any contractual obligation
1780 of the statewide provider contract under s. 1002.82(2)(m), the
1781 coalition may revoke the provider's eligibility to deliver the
1782 school readiness program or receive state or federal funds under
1783 this chapter for ~~a period of~~ 5 years.

1784 Section 28. Paragraph (b) of subsection (6) and subsection
1785 (7) of Section 1002.89, Florida Statutes, are amended to read:
1786 1002.89 School readiness program; funding.-

1787 (6) Costs shall be kept to the minimum necessary for the
1788 efficient and effective administration of the school readiness
1789 program with the highest priority of expenditure being direct
1790 services for eligible children. However, no more than 5 percent
1791 of the funds described in subsection (5) may be used for
1792 administrative costs and no more than 22 percent of the funds
1793 described in subsection (5) may be used in any fiscal year for
1794 any combination of administrative costs, quality activities, and
1795 nondirect services as follows:

1796 (b) Activities to improve the quality of child care as
1797 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
1798 the following:

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1799 1. Developing, establishing, expanding, operating, and
1800 coordinating resource and referral programs specifically related
1801 to the provision of comprehensive consumer education to parents
1802 and the public to promote informed child care choices specified
1803 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
1804 ~~readiness program and parental choice.~~

1805 2. Awarding grants and providing financial support to
1806 school readiness program providers and their staffs to assist
1807 them in meeting applicable state requirements for child care
1808 performance standards, implementing developmentally appropriate
1809 curricula and related classroom resources that support
1810 curricula, providing literacy supports, obtaining a license or
1811 accreditation, and providing professional development, including
1812 scholarships and other incentives. Any grants awarded pursuant
1813 to this subparagraph shall comply with ~~the requirements of ss.~~
1814 215.971 and 287.058.

1815 3. Providing training, ~~and~~ technical assistance, and
1816 financial support for school readiness program providers, staff,
1817 and parents on standards, child screenings, child assessments,
1818 developmentally appropriate curricula, character development,
1819 teacher-child interactions, age-appropriate discipline
1820 practices, health and safety, nutrition, first aid,
1821 cardiopulmonary resuscitation, the recognition of communicable
1822 diseases, and child abuse detection and prevention.

1823 4. Providing from among the funds provided for the
1824 activities described in subparagraphs 1.-3., adequate funding
1825 for infants and toddlers as necessary to meet federal
1826 requirements related to expenditures for quality activities for
1827 infant and toddler care.

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1828 5. Improving the monitoring of compliance with, and
1829 enforcement of, applicable state and local requirements as
1830 described in and limited by 45 C.F.R. s. 98.40.

1831 6. Responding to Warm-Line requests by providers and
1832 parents ~~related to school readiness program children~~, including
1833 providing developmental and health screenings to school
1834 readiness program children.

1835 (7) Funds appropriated for the school readiness program may
1836 not be expended for the purchase or improvement of land; for the
1837 purchase, construction, or permanent improvement of any building
1838 or facility; or for the purchase of buses. However, funds may be
1839 expended for minor remodeling necessary for the administration
1840 of the program and upgrading of child care facilities to ensure
1841 that providers meet state and local child care standards,
1842 including applicable health and safety requirements.

1843 Section 29. Subsection (7) of section 1002.91, Florida
1844 Statutes, is amended to read:

1845 1002.91 Investigations of fraud or overpayment; penalties.—

1846 (7) The early learning coalition may not contract with a
1847 school readiness program provider, ~~or~~ a Voluntary
1848 Prekindergarten Education Program provider, or an individual who
1849 is on the United States Department of Agriculture National
1850 Disqualified List. In addition, the coalition may not contract
1851 with any provider that shares an officer or director with a
1852 provider that is on the United States Department of Agriculture
1853 National Disqualified List.

1854 Section 30. Paragraph (d) of subsection (3) of section
1855 1002.94, Florida Statutes, is amended to read:

1856 1002.94 Child Care Executive Partnership Program.—

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1857 (3)

1858 (d) Each early learning coalition shall establish a
1859 community child care task force ~~for each child care purchasing~~
1860 ~~pool~~. The task force must be composed of employers, parents,
1861 private child care providers, and one representative from the
1862 local children's services council, if one exists in the area ~~of~~
1863 ~~the purchasing pool~~. The early learning coalition is expected to
1864 recruit the task force members from existing child care
1865 councils, commissions, or task forces already operating in the
1866 area ~~of a purchasing pool~~. A majority of the task force shall
1867 consist of employers.

1868 Section 31. Paragraph (a) of subsection (1) of section
1869 1003.21, Florida Statutes, is amended to read:

1870 1003.21 School attendance.—

1871 (1) (a) 1. All children who have attained the age of 6 years
1872 or who will have attained the age of 6 years by February 1 of
1873 any school year or who are older than 6 years of age but who
1874 have not attained the age of 16 years, except as otherwise
1875 provided, are required to attend school regularly during the
1876 entire school term.

1877 2. a. Children who will have attained the age of 5 years on
1878 or before September 1 of the school year are eligible for
1879 admission to public kindergartens during that school year under
1880 rules adopted by the district school board.

1881 b. A district school board or charter school governing
1882 board may adopt a policy that allows a child who has attained
1883 the age of 4 years on or before September 1 of the school year
1884 to be eligible for admission to public kindergarten during that
1885 school year. The policy must include, but is not limited to, a

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1886 requirement that the child complete and pass the following
1887 assessments:

1888 (I) The kindergarten readiness assessment pursuant to s.
1889 1002.69. The child must meet the minimum readiness rate adopted
1890 pursuant to s. 1002.69(6); and

1891 (II) A social assessment developed or selected by the
1892 school district or charter school. The child must meet the
1893 minimum readiness score identified in the district school
1894 board's or charter school governing board's policy.

1895 Section 32. The Office of Early Learning shall conduct a 2-
1896 year pilot project to study the impact of assessing the early
1897 literacy skills of Voluntary Prekindergarten Education Program
1898 participants who are English Language Learners, in both English
1899 and Spanish. The assessments must include, at a minimum, the
1900 first administration of the Florida Assessments for Instruction
1901 in Reading in kindergarten and an appropriate alternative
1902 assessment in Spanish. The study must include a review of the
1903 kindergarten screening results for 2009-2010 and 2010-2011
1904 program participants and their subsequent Florida Comprehensive
1905 Assessment Test scores. The office shall report its findings to
1906 the Governor, the President of the Senate, and the Speaker of
1907 the House of Representatives by July 1, 2016, and July 1, 2017.

1908 Section 33. For the 2015-2016 fiscal year, the sums of
1909 \$1,034,965 in recurring funds and \$11,319 in nonrecurring funds
1910 from the General Revenue Fund, and \$70,800 in recurring funds
1911 from the Operations and Maintenance Trust Fund are appropriated
1912 to the Department of Children and Families, and 18 full-time
1913 equivalent positions with associated salary rate of 608,446 are
1914 authorized, for the purpose of implementing the regulatory

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1915 provisions of this act.

1916 Section 34. This act shall take effect July 1, 2015.